BOROUGH OF MUNCY
PENNSYLVANIA

ZONING ORDINANCE

ENACTED 2018

Contents

Article 1: TITLE, AUTHORITY, AND PURPOSE 1

Section 101 SHORT TITLE 1

Section 102 AUTHORITY 1

Section 103 GENERAL PURPOSES 1

Section 104 COMMUNITY DEVELOPMENT OBJECTIVES 2

Section 105 DISCLAIMER OF MUNICIPAL LIABILITY 2

Section 106 CONFLICT WITH OTHER LAWS 2

ARTICLE 2: DESIGNATION OF ZONING DISTRICTS 3

Section 201 DESIGNATION OF DISTRICTS 3

Section 202 DISTRICT PURPOSE STATEMENTS 3

Section 203 OFFICIAL ZONING MAP 6

Section 204 INTERPRETATION OF ZONING DISTRICT BOUNDARIES 7

Section 205 FLOODPLAIN DISTRICT BOUNDARY CHANGES 7

ARTICLE 3: DISTRICT REGULATIONS 9

Section 300 APPLICATION OF DISTRICT REGULATIONS 9

Section 301 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS 9

Section 302: R1 USES & STRUCTURES 17

Section 302: R1 YARD, LOT & OPEN SPACE REQUIREMENTS 18

Section 303: R2 Uses & Structures 19

Section 304: R3 YARD, LOT & OPEN SPACE REQUIREMENTS (Table) 22

Section 305: R4 USES & STRUCTURES (Table) 23

Section 305: R4 YARD, LOT & OPEN SPACE REQUIREMENTS (Table) 24

Section 307: GENERAL COMMERCIAL DISTRICT USES & STRUCTURES (Table) 27

Section 307: GENERAL COMMERCIAL DISTRICT YARD, LOT & OPEN SPACE REQUIREMENTS (Table) 28

Section 308: INDUSTRIAL DISTRICT USES & STRUCTURES (Table) 29

Section 308: INDUSTRIAL DISTRICT YARD, LOT & OPEN SPACE REQUIREMENTS (Table) 30

Section 309: HISTORIC DISTRICT USES & STRUCTURES (Table) 31

Section 310: FLOOD FRINGE (Table) 32

Section 311: FLOODWAY (Table) 33

Section 312: OPEN SPACE (Table) 34

ARTICLE 4: SUPPLEMENTARY USE REGULATIONS 35
Section 400 PURPOSE AND APPLICABILITY 35
Section 401 USES NOT PROVIDED FOR 35
Section 402 DWELLING UNITS 35
Section 403 CONVERSION APARTMENTS 36
Section 404 SINGLE-FAMILY ATTACHED DWELLING STRUCTURES 37
Section 405 MULTI-FAMILY DWELLING STRUCTURES 40
Section 406 MIXED RESIDENTIAL DEVELOPMENTS 41
Section 407 ROOMING OR BOARDING HOUSES 46
Section 408 BED AND BREAKFAST ESTABLISHMENTS 47
Section 409 GROUP HOMES (See also Section 410) 47
Section 410 SOBRIETY HOUSES 48
Section 411 RETAIL USES OR ESTABLISHMENTS 49
Section 412 AUTOMOTIVE SALES, SERVICE STATIONS, AND/OR REPAIR GARAGES 51
Section 413 PROFESSIONAL OFFICES. 53
Section 414 OUTDOOR RECREATION FACILITIES (See also Section 419) 53
Section 415 AMUSEMENT ENTERPRISES 53
Section 416 ADULT ENTERTAINMENT ESTABLISHMENTS 53
Section 417 MANUFACTURING OPERATIONS 54
Section 418 NO-IMPACT HOME BASED BUSINESSES AND HOME OCCUPATIONS 56
Section 419 SWIMMING POOLS (See also Section 414) 60
Section 420 ACCESSORY BUILDINGS OR STRUCTURES 60
Section 421 ACCESSORY RESIDENTIAL USES 61
Section 422 OPEN OR OUTSIDE STORAGE OR DISPLAY 61
Section 423 BUILDING-MOUNTED COMMUNICATIONS ANTENNAS 62
Section 424 EXTRACTION 63
Section 425 OIL & GAS DEVELOPMENT 63
Section 426 OIL & GAS COMPRESSOR, PRPCESSING, METERING FACILITY 70
Section 427 OIL & GAS WATER REUSE STORAGE FACILITY 71
Section 428 OIL & GAS STAGING FACILITY 71
Section 429 TEMPORARY USES 72
ARTICLE 5: SUPPLEMENTARY LOT REGULATIONS 74
Section 500 PURPOSE 74

Section 501 GENERAL LOT REQUIREMENTS 74
Section 502 YARD REQUIREMENTS 75
Section 503 HEIGHT REGULATIONS 77
Section 504 MISCELLANEOUS PROVISIONS 78
Section 505 BUFFER YARDS 79
Section 506 SCREENING 80
ARTICLE 6: SUPPLEMENTARY FLOODPLAIN MANAGEMENT REGULATIONS 82
Section 600 STATUTORY AUTHORIZATION 82
Section 601 GENERAL PROVISIONS 82
Section 602 ADMINISTRATION 83
Section 603 IDENTIFICATION OF FLOODPLAIN AREAS 88
Section 604 TECHNICAL PROVISIONS 90
Section 605 PROHIBITED ACTIVITIES 100
Section 606 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS 100
Section 607 VARIANCES 101
ARTICLE 7: SUPPLEMENTARY HISTORIC DISTRICT REGULATIONS 104
Section 700 GENERAL PURPOSES 104
Section 701 APPLICABILITY. 104
Section 702 IDENTIFICATION OF HISTORIC RESOURCES 105
Section 703 ALTERATIONS, ADDITIONS. RECONSTRUCTION AND REHABILITATION 106
Section 704 DEMOLITION OF BUILDINGS IN HISTORIC DISTRICT 108
Section 705 NEW CONSTRUCTION 108
Section 706 ADMINISTRATION 109
Section 707 MODIFICATIONS TO AREA AND BULK REGULATIONS 111
ARTICLE 8: SIGN REGULATIONS 112
Section 800 PURPOSE 112
Section 801 TYPES OF SIGNS 112
Section 802 GENERAL SIGN PROVISIONS 113
Section 803 SIGNS IN RESIDENTIAL DISTRICTS 115
Section 804 SIGNS IN THE COMMERCIAL DISTRICTS 117
Section 805 SIGNS IN THE INDUSTRIAL DISTRICT 119
Section 806 SIGNS IN THE FLOODPLAIN DISTRICTS 119
ARTICLE 9: OFF-STREET PARKING, LOADING & ACCESS DRIVES 121

Section 901 OFF-STREET LOADING REQUIREMENTS....125
Section 902 DRIVEWAYS....126
ARTICLE 10 NONCONFORMITIES....127
Section 1000 NONCONFORMING USES AND STRUCTURES....127
Section 1001 NONCONFORMING LOTS....130
ARTICLE 11 RESPONSIBILITIES OF THE ZONING HEARING BOARD....133
Section 1100 ORGANIZATION AND PROCEDURE....133
Section 1101 POWERS AND DUTIES....134
Section 1102 HEARING PROCEDURES....137
ARTICLE 12: AMENDMENTS TO ZONING ORDINANCE OR MAP....142
Section 1200 AMENDMENTS TO THE ZONING ORDINANCE OR MAP....142
Section 1201 CONDITIONAL USES....143
ARTICLE 13 ADMINISTRATION AND ENFORCEMENT....148
Section 1300 DUTIES OF THE ZONING OFFICER....148
Section 1301 GENERAL PROCEDURE FOR ZONING & BUILDING PERMIT APPLICATIONS ...149
Section 1302 ZONING PERMITS....150
Section 1303 CERTIFICATES OF COMPLIANCE....153
Section 1304 VIOLATIONS AND ENFORCEMENT....154
Section 1305 FEES....156
ARTICLE 14: DEFINITIONS....157
Section 1400 INTERPRETATIONS....157
Section 1401 DEFINITIONS....157
ARTICLE 15: MISCELLANEOUS PROVISIONS AND ENACTMENT....188
Section 1500 INTERPRETATION. PURPOSE AND CONFLICT....188
Section 1501 REPEALER....188
Section 1502 SEVERABILITY AND VALIDITY....188
Section 1503 ENACTED AND EFFECTIVE DATE....190
APPENDIX A: TABLE OF USES....194
APPENDIX B: TABLE OF GENERAL DIMENSIONAL REQUIREMENTS....197
APPENDIX C: VARIANCE PROCEDURE....198
APPENDIX D: SPECIAL EXCEPTION PROCEDURE....199
APPENDIX E: PROCEDURE FOR AMENDING THE ZONING ORDINANCE OR MAP....200
APPENDIX F: CONDITIONAL USE PROCEDURE....201

APPENDIX G: GENERAL PROCEDURE FOR ZONING & BUILDING PERMIT APPLICATIONS.....202

Article 1: TITLE, AUTHORITY, AND PURPOSE

Section 101 SHORT TITLE

This Ordinance shall be known and be cited as the "Muncy Borough Zoning Ordinance of 2018 " and is intended to serve as a comprehensive amendment of the Muncy Borough Zoning Ordinance enacted by the Council of Muncy Borough on May 4, 1976, as subsequently amended.

Section 102 AUTHORITY

The PA Municipalities Planning Code (P.L. 1329, Act 170, as reenacted December 21, 1988, and as subsequently amended) provides that the Council of Muncy Borough may implement comprehensive plans or accomplish any of the purposes of the Planning Code by enacting a zoning ordinance.

The Council of Muncy Borough, Lycoming County, PA, under the authority cited above, does hereby ordain that this Zoning Ordinance was enacted in order to promote and protect the health, safety, morals, and general welfare of the residents of the Borough.

Section 103 GENERAL PURPOSES

The zoning regulations and districts herein set forth were developed in accordance with an overall program for the Borough, with consideration being given to the character of the area, the municipality's various parts, and the suitability of the various parts for particular uses and structures. As such, the regulations were designed to:

A. Promote, protect and facilitate:

1. the public health, safety, morals, and the general welfare;

2. coordinated and practical community development; and proper density of population;

3. emergency management preparedness and operations, airports and national defense facilities;

4. the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic

values in the environment and preservation of forests, wetlands, aquifers and floodplains

B. Prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other dangers;

C. Provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing;

D. Accommodate reasonable overall community growth and provide opportunities for development of a variety of residential dwelling types and nonresidential uses; and

E. Facilitate appropriate development of the Borough, protect the tax base, and encourage economy in public expenditures.

Section 104 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance provides a legal basis and framework for future development in Muncy Borough. Its provisions were guided by the community goals and objectives set forth in the Muncy Creek Multi-Municipal Comprehensive Plan, adopted by Resolution of the Muncy Borough Council in 2017, or as may hereafter be amended. Those goals and objectives represent the Borough's findings with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; and the need for protecting natural resources, and other factors which the Board believes relevant in guiding the future development of the municipality.

Section 105 DISCLAIMER OF MUNICIPAL LIABILITY

This Ordinance is not intended to create nor assume liability on the part of Muncy Borough or any officer or employee thereof for any fire, flood, or other damage that may result from reliance on this Ordinance or from any administrative decisions lawfully made thereunder. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when de-signing or constructing structures approved pursuant to these regulations. Furthermore, issuance of a Zoning Permit shall not constitute a representation, guarantee, or warranty of any kind by the Borough as to the accuracy of information provided by the applicant as part of a Permit application.

Section 106 CONFLICT WITH OTHER LAWS

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes stated herein. Where the provisions of this Ordinance impose greater restriction than those of any other statute, ordinance, or regulation, the provisions of this Ordinance shall prevail, except as may be otherwise provided by such statute, ordinance, or regulation. Where however, the provisions of any other statute, ordinance, or regulation impose greater restriction than those of this Ordinance, the provisions of such statute, ordinance, or regulation shall prevail.

ARTICLE 2: DESIGNATION OF ZONING DISTRICTS

Section 201 DESIGNATION OF DISTRICTS

For the purpose of implementing the objectives of this Ordinance, Muncy Borough is hereby divided into the following zoning districts:

R1	Low Density Residential District
R2	Moderate Density Residential District
R3	High Density Residential District
R4	Mixed Residential District
CBD	Central Business District
C	General Commercial District
I	Industrial District
OS	Open Space
H	Historic Preservation District (Overlying District)
FF	Flood Fringe District (Overlying District)
FW	Floodway District (Overlying District)

Section 202 DISTRICT PURPOSE STATEMENTS

A. R1 Low Density Residential District

The intent of this district is to provide an area in the Borough for low density residential development. The regulations herein are meant to foster a single-family residential environment on relatively large lots, and to prohibit activities of a commercial or industrial nature.

B. R2 Moderate Density Residential District

The intent of this district is to provide an area in the Borough for moderate density residential development. The regulations herein are meant to foster a single- family and two family residential environment, while preserving the character of the areas included in the district and to prohibit activities of a commercial or industrial nature.

C. R3 Higher Density Residential District

The intent of this district is to provide for and encourage a suitable family environment at a higher density than the R1 or R2 Districts. The regulations herein are meant to foster a higher density residential combined with lighter density commercial uses or professional offices which retain the residential appearance of the existing structures or existing neighboring structures for new construction . All activities of an industrial nature are prohibited.

D. R4 Mixed Residential District

The intent of this district is to provide an area within the community where a variety of residential and commercial types, styles, and densities can be planned and located compatible with one another. Such carefully planned developments should assure maximum usage of the Borough's undeveloped land and provide desirable, affordable options for future residential and commercial residents while maintaining the natural and aesthetic values and qualities of the community for future generations. All activities of an industrial nature are prohibited.

E. CBD Central Business District

The intent of this district, which combines commercial businesses with complementary office, medical, civic and historic areas, is to form the core for commercial, financial, professional, governmental and cultural activities. The purpose is to protect and improve the central business district for its primary business functions. Accessory residential dwelling units (apartments over businesses) are permitted on the upper floors. All activities of an industrial nature are prohibited.

F. C General Commercial District

The intent of the commercial district is for personal and business services, general retail and wholesale business. The regulations of this district are intended to encourage development that is consistent with the character of the town, to preserve the carry-capacity of the road and to provide for off-

street parking and loading. The purpose of this district is to provide concentrations of general commercial activities which maintain a positive business environment through encouragement of property maintenance. Activities of an industrial nature are limited to those associated with a retail business located on the premises (per Section 417 N).

G. I Industrial District

The intent of this district is to support the continuity of existing local industry and to encourage new industrial investment in the Borough. Regulations herein are meant to foster environmental conditions compatible with the surrounding residential neighborhood while supporting the ability of industry to contribute to the economic base of the community.

H. OS Open Space

The intent of this district is to discourage development in areas that are subjected to repeat flooding and to create an absorption area for the purpose of mitigating flood impact. This district may include lands within the floodways and sections of the floodplain, as well as lands that are primarily recreation areas in the Borough. This district is characterized by a predominance of vegetation, whether existing or newly-planted, and minimal impervious surface. It is an area where agriculture, forestry and passive recreation are encouraged. Existing structures and uses shall continue in accordance with Article 10 of this Ordinance.

I. H Historic Preservation District (Overlying District)

The intent of this overlying district are to promote the retention of community character through the preservation of local heritage by recognition and protection of historic resources; mitigate the negative effects of proposed changes to historic properties; encourage the continued use of historic properties and facilitate appropriate rehabilitation and adaptive reuse; encourage the preservation of historic settings and landscapes; discourage the demolition of historic resources, and utilize historic preservation as a tool for economic revitalization of the Borough. In

the Historic Preservation zone, development or use of land shall be permitted in accordance with the regulations of the underlying district and the provisions set forth in Article 7 of this Ordinance

J. FF (Flood Fringe District (Overlying District)

The intent of this district is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, permitted uses must be flood proofed against flood damage. (See Article 6.) In these floodplain areas, development and/or the use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood- proofing and related requirements of this and all Borough codes & ordinances.

K. FW Floodway District (Overlying District)

The intent of this district is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, only those uses which will not cause an increase in flood heights, velocities, or frequencies will be permitted in this District. (See Article 6.) In addition, in the Floodway District, no development shall be permitted except where the effects of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities and notification of such has been given to the Federal Insurance Administration and the PA Department of Community and Economic Development.

Section 203 OFFICIAL ZONING MAP

A. The locations and boundaries of the zoning districts are hereby established as shown on the Official Zoning Map, which is made a part of this Ordinance together with all future notations, references and amendments.

B. No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in Article 12 of this Ordinance. The final authority as to the current status of zoning districts shall be the Official Zoning Map. Any changes made to the zoning districts shall be made on the Official Zoning Map promptly after the amendment has been approved by the Borough Council.

Section 204 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

A. Designation of District Boundaries

The district boundary lines, except for the floodplain districts, are intended to generally follow the centerlines of streets, highways, railroad rights-of-way, existing lot lines, municipal boundary lines, or streams or may be designated on the Official Zoning Map by a specific dimension from a road centerline or other boundary as indicated.

B. Determination of District Boundary Locations

Where uncertainty exists with respect to the actual location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its interpretation with respect thereto; provided however, no boundary shall be changed by the Zoning Hearing Board. (The Board may request recommendations from the Borough Planning Commission prior to making such decisions.) If the true location of the boundary cannot be determined by interpretation of the Zoning Hearing Board, a request for corrective action shall be filed with the Borough Council.

C. Severed Lots

Where a district boundary line divides a lot which was in single ownership at the time of adoption of this Ordinance or amendment thereto, the Zoning Hearing Board may permit the extension of the regulations for either zone into the remaining portion of the lot for a distance not to exceed 50 feet beyond the district line, provided that they determine such extension is consistent with the purposes of this Ordinance, including all floodplain management regulations.

Section 205 FLOODPLAIN DISTRICT BOUNDARY CHANGES

The delineation of any boundary of the floodplain district may be revised by the Borough Council in accordance with the amendment procedure outlined in Section 1200 of this Ordinance where natural or man-made changes have occurred and more detailed studies have been conducted by a qualified agency or individual, such as the U.S. Army Corps of Engineers. No change in any floodplain boundary shall be made unless the municipality has sought and obtained approval for

said change from the Federal Emergency Management Agency (FEMA) as per the National Flood Insurance Program regulations and has received a Letter of Map Change (LOMC), or other authorization from FEMA for the proposed boundary.

ARTICLE 3: DISTRICT REGULATIONS

Section 300 APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Article for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as may be hereinafter provided.

A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered to:

   1. Exceed the height or bulk;

   2. Accommodate or house a greater number of persons or families;

   3. Occupy a greater percentage of lot area; or to

   4. Have narrower or smaller rear yards, front yards, side yards or other open space; than is required in this Article or in any other manner be contrary to this Ordinance.

C. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements herein specified for the district in which it is located.

D. The commencement of any of the uses or activities listed in this Article (the District Regulations) shall require the issuance of a Zoning Permit from the Borough Zoning Officer, except as may be exempted by Section 1302 B. of this Ordinance.

Section 301 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS

The specific use regulations and dimensional requirements pertaining to each district are contained on the charts that follow, namely Sections 302-312.

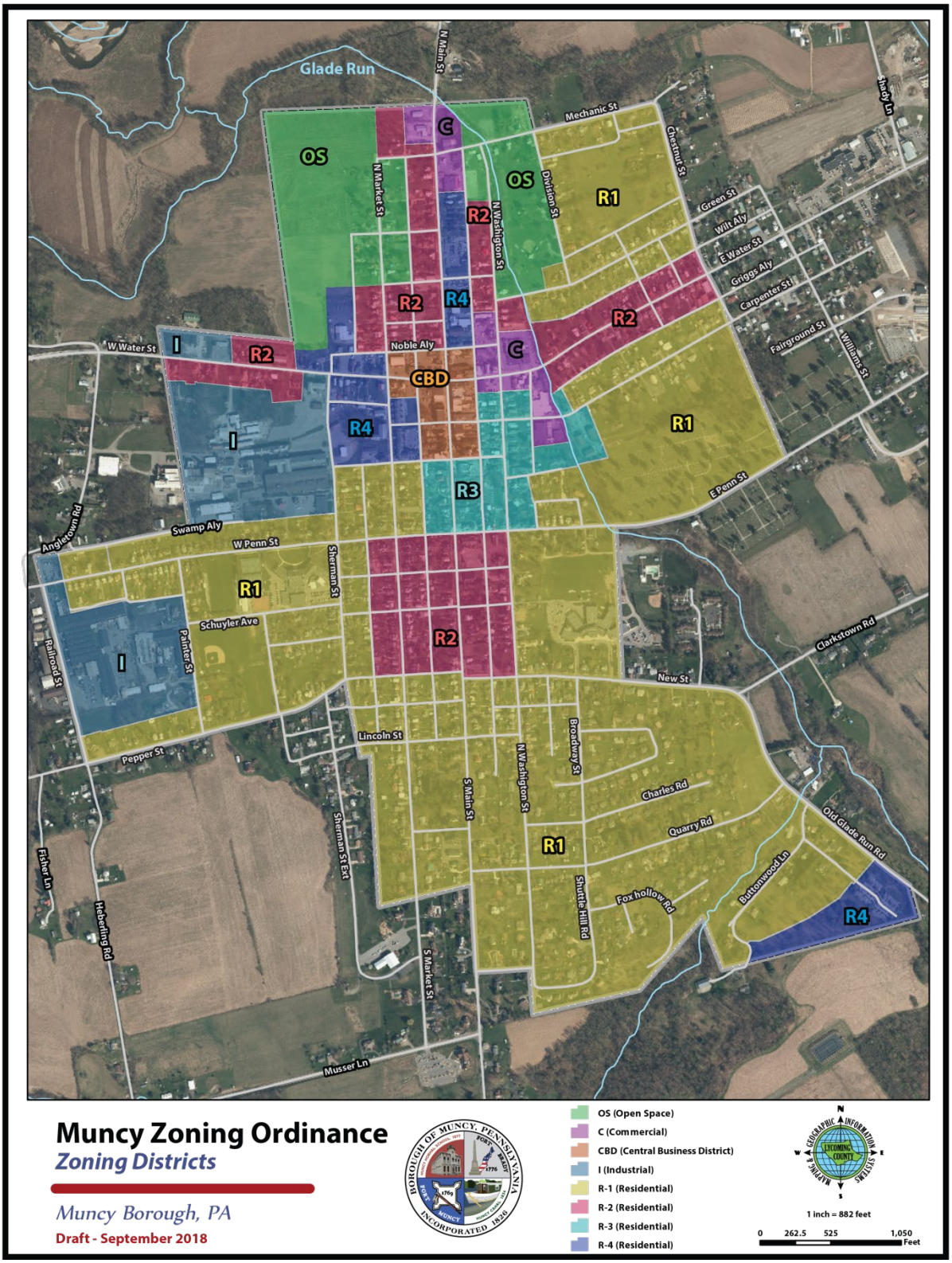
Permissible USES AND STRUCTURES are presented in the first four columns of the chart for each district. Applications for activities listed in the columns titled Permitted Principal and Permitted Accessory Uses and Structures may be approved by the Zoning Officer upon finding that the proposed use meets the Ordinance requirements. Activities listed in the Special Exception Uses and Structures column must be reviewed and approved by the Borough Zoning Hearing Board,

and uses listed in the Conditional Uses and Structures column must be reviewed and approved by the Borough Council. (See Appendix D and Appendix F of this Ordinance for an illustration of the Special Exception and Condition Use procedures, and Sections 1101 D. and 1201, respectively, for specific details of the process.)

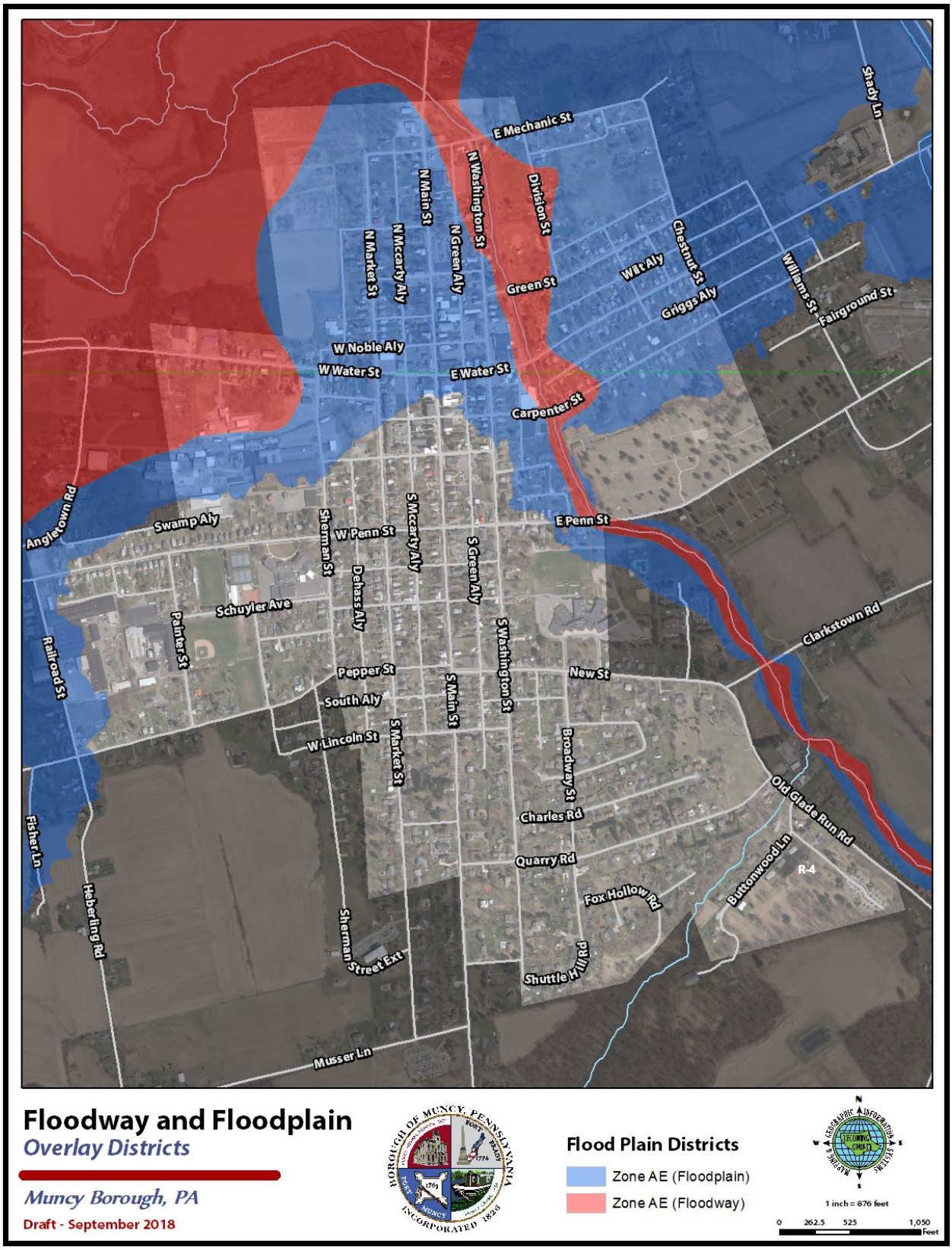
Specific LOT, YARD AND OPEN SPACE REQUIREMENTS are presented in the final three columns of each district chart. Applications for uses which do not meet the dimensional requirements for the district in which they are to be located, may be submitted to the Borough Zoning Hearing Board for variance consideration. (See Appendix C of this Ordinance for an illustration of the variance procedure, and Section 1101 C. for specific details of the process.)

The USE REGULATIONS are also presented by category of use in the TABLE OF USES which can be found in Appendix A of this Ordinance and general dimensional requirements are presented in the TABLE OF GENERAL DIMENSIONAL REQUIREMENTS which can be found in Appendix B

Official Zoning Map



Brady St
Green St
Veterans Memorial Dr
N Market St
N Mccarty Aly
N Main St
N Green Aly
N Washington St
Wilt Aly
E Noble Aly
W Noble Aly
Griggs Aly
W Water St
E Water St
Ritter Aly
Carpenter St
Plum Aly
S Market St
Sherman St
E High St
W High St
Bruner St
S Mccarty Aly
S Main St
Horseshoe Aly
S Green Aly
S Washington St
E Penn St
W Penn St
E Saint James Pl
W Saint James Pl
R-4
Schuyler Ave
Lafayette St
Lloyd Aly
Dehass Aly
Center Ave
Pepper St
New St
Historic Overlay District
Enforcement Area
Muncy Borough, PA
Draft - September 2018
BOROUGH OF MUNCY, PENNSYLVANIA
INCORPORATED 1826
1 inch = 337 feet
0 100 200 400
Feet


E Mechanic St
Shady Ln
N Main St
N Washington St
Division St
N Market St
N Mccarty Aly
N Green Aly
Chestnut St
Will Aly
Green St
Griggs Aly
Williams St
Fairground St
W Noble Aly
W Water St
E Water St
Carpenter St
Angletown Rd
Swamp Aly
Sherman St
W Penn St
S Mccarty Aly
S Green Aly
E Penn St
Dehass Aly
Schuyler Ave
Painter St
Railroad St
S Washington St
Clarkstown Rd
Pepper St
New St
South Aly
S Main St
W Lincoln St
S Market St
Broadway St
Old Glade Run Rd
Charles Rd
Fisher Ln
Quarry Rd
Buttonwood Ln
R-4
Fox Hollow Rd
Heberling Rd
Sherman Street Ext
Shuttle Hill Rd
Musser Ln
Floodway and Floodplain
Overlay Districts
Muncy Borough, PA
Draft - September 2018
Flood Plain Districts
Zone AE (Floodplain)
Zone AE (Floodway)
1 inch = 876 feet
0
262.5
525
1,050
Feet

R1 LOW DENSITY RESIDENTIAL DISTRICT

USES & STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1. Single-family detached dwellings. *(See Section 402)* 2. Public parks or playgrounds.	1. Uses and structures customarily incidental to an approved, principal use. *(See Section 420)* 2. Private garages. 3. No- impact home-based businesses and home occupations. *(See Section 418)* 4. Private swimming pools. *(See Section 419)* 6. Off-street parking & loading areas. *(See Sections 900 & 901)*	1. conversion apartments (up to 2 dwelling units). *(See Section 403)* 2. Professional offices. *(See Section 413)* 3. Bed and breakfast establishments. *(See Section 408)* 4. Group homes	1. Day care centers or group day care home. 2. Churches or places of worship. 3. Government buildings. 4. Public or private schools. 5. Public libraries. 6. Outdoor recreation facilities. *(See Section 414)* 7. Public utility buildings, structures, facilities, and installations

Section 302

R1 ◆ LOW DENSITY RESIDENTIAL DISTRICT

Lot, Yard, and Open Space Requirements

Minimum Lot Requirements
(see section 501)

1. **Minimum Lot Area Per Principal Structure or Use:**
   a. Residential Uses - 10,000 square feet per dwelling unit.

   b. Other Principal Uses - 10,000 square feet.

2. Minimum Lot Width *(measured at the building set-back line)*:
   a. Corner lots - 100 feet.
   b. Interior Lots • 80 feet.

Minimum Yard Requirements
(see sections 502 & 705)

1. **Front Yard:**
   30 feet from edge of cartway of adjoining street or alley -or- average depth of structures on the same block.

2. **Side Yards:**
   a. Corner Lots -
      1. Abutting Street • 30 feet.
      2. Other Side - 10 feet.
   b. Interior lots - 10 feet each side.

3. **Rear Yard:**
   a. Principal Structure:
      35 feet from rear lot line or edge of cartway of adjoining alley.

   b. Accessory Structures:
      1) Abutting an Alley:
         a) Garages or Other Structures 500 square feet or greater in size:
            20 feet from edge of cartway of adjoining alley.
         b) Garages of Other Structures less than 500 square feet in size:
            8 feet from edge of cartway of adjoining alley.

      2) Not Abutting an Alley - All structures - 8 feet from rear lot line.

Maximum Height Requirements
(see sections 503 & 705)

1. **Principal Structures:**
   3 stories, not to exceed 35 feet.

2. **Accessory Structures:** 20 feet

R2 ◆ MODERATE DENSITY RESIDENTIAL DISTRICT

USES & STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1. Single-family detached dwellings. *(See Section 402)*	1. Uses and structures customarily incidental to an approved, principal use. *(See Section 420)*	1. Daycare centers or group daycare homes.	1. Churches or places of worship.
2. Two-family dwellings; i.e. duplexes. *(See Section 402)*	2. Private garages.	2. Bed & breakfast establishments. *(See Section 408)*	2. Public utility buildings, structures, facilities, & installations.
3. Conversion apartments (up to 2 dwelling units). *(See Section 403)*	3. No- impact home-based businesses and home occupations. *(See Section 418)*	3. Professional offices. *(See Section 413)*	3. Public or private schools.
4. Public parks or playgrounds.	4. Private swimming pools. *(See Section 419)*	4. Government buildings.	4. Outdoor recreation facilities. *(See Section 414)*
5. Group homes	5. Off-street parking & loading areas. *(See Sections 900 & 301)*	5. Public libraries.	
		6. Public utility buildings, structures, facilities, & installations.	
		7. Single family attached dwellings *(See Section 408)*	

R2 ◆ MODERATE DENSITY RESIDENTIAL DISTRICT

Lot, Yard, and Open Space Requirements

Minimum Lot Requirements
(see section 501)

1. **Minimum Lot Area Per Principal Structure or Use:**

   a. Residential Uses:
      1) Single-Family Detached Dwellings- 7,500 square feet per dwelling unit.
      2) Two-Family Dwellings or Conversion Apartment: 3,750 square feet per dwell ing unit.

   b. Other Principal Uses - 7,500 square feet.

2. **Minimum Lot Width** *(measured at the building set-back line)*:

   a. Corner lots - 90 feet.

   b. Interior Lots • 75 feet.

Minimum Yard Requirements
(see sections 502 & 705)

1. **Front Yard:**
   30 feet from edge of cartway of adjoining street or alley -or- average depth of structures on the same block..
2.

   Side Yards:
   a. Corner Lots -
      1. Abutting Street • 25 feet.
      2. Abutting Alley - 8 feet.
   b. Interior lots - 8 feet each side.
3.

   Rear Yard:
   a. Principal Structure:
      25 feet from rear lot line or edge of cartway of adjoining alley.

   b. Accessory Structures: 15 feet from edge of alley cartway
      1) Abutting an Alley:
         a) Garages or Other Structures 500 square feet or Greater in Size:
            20 feet from edge of cartway of adjoining alley.
         b) Garages of Other Structures less than 500 square feet in Size:
            8 feet from edge of cartway of adjoining alley.

      2) Not Abutting an Alley - All structures - 8 feet from rear lot line.

Maximum Height Requirements
(see sections 503 & 705)

1. **Principal Structures:**
   3 stories, not to exceed 35 feet.

2. **Accessory Structures:** 20 feet

R3 ◆ HIGH DENSITY RESIDENTIAL DISTRICT

USES & STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)

1. Single-family detached dwellings. *(See Section 402)*
2. Two-family dwellings; i.e. duplexes. *(See Section 402)*
3. Conversion apartments (up to 2 dwelling units). *(See Section 403)*
4. Public parks or playgrounds.
5. Group homes

Permitted Accessory Uses & Structures (Zoning Officer)

1. Uses and structures customarily incidental to an approved, principal use. *(See Section 420)*
2. Private garages.
3. No-impact home-based businesses and home occupations. *(See Section 418)*
4. Private or semi-public swimming pools. *(See Section 419)*
5. Off-street parking & loading areas. *(See Sections 900 & 901)*

Special Exception Uses & Structures (Zoning Hearing Board)

1. Funeral homes, and mortuaries
2. Personal care & nursing homes.
3. Government buildings.
4. Professional offices. *(See 413)*
5. Rooming or boarding houses. *(See 407)*
6. Clubs or fraternal organization facilities.
7. Public libraries, museums or art galleries.
8. Bed & breakfast establishments. *(See Section 408)*
9. Day care centers or group day care homes.
10. Single-family attached dwell ing structures*; i.e. townhouses. (See 404)*
11. Multi-family dwelling structures*; i.e apartment buildings (up to 6 dwelling units). (See 405)*

Conditional Uses & Structures (Borough Council)

1. Medical or dental offices or clinics
2. Churches or places of worship.
3. Public or private schools.
4. Outdoor recreation facilities.
5. Public utility buildings, structures, facilities & installations.

R3 ◆ HIGH DENSITY RESIDENTIAL DISTRICT

Lot, Yard, and Open Space Requirements

Minimum Lot Requirements
(see section 501)

1. **Minimum Lot Area Per Principal Structure or Use:**
   a. Residential Uses:
      1) Single-Family Detached Dwellings: 7,500 square feet per dwelling unit.
      2) Two-Family Dwellings or Conversion Apartment: 3,750 ft^2 per dwelling unit.
      3) Single-Family Attached Dwelling Structures: 2,500 square feet per dwelling unit; not less than 7,500 sq. feet per lot.
      4) Multi•Family Dwelling Structures: 2,000 square feet per dwelling unit; not less than 7,500 square feet per lot.
   b. Other Principal Uses - 7,500 square feet.

2. **Minimum Lot Width**
   (measured at the building set-back line):
   a. Corner lots: 90 feet.
   b. Interior Lots: 75 feet.
   c. Single-Family Attached Dwelling Units: 20 feet.

Minimum Yard Requirements
(see sections 502 & 705)

1. **Front Yard:**
   25 feet from edge of cart-way of adjoining street or alley.

2. **Side Yards:**
   a. Corner Lots -
      1. Abutting Street • 25 ft.
      2. Other Side - 8 feet.
   b. Interior lots - 8 feet each side.

3. **Rear Yard:**
   a. Principal Structure:
   25 feet from rear lot line or edge of cartway of adjoining alley.

   b. Accessory Structures:
      1) Abutting an Alley:
         a) Garages or Other Structures 500 sg.ft. or Greater in Size:
            20 feet from edge of cartway of adjoining alley.
         b) Garages of Other Structures less than 500 sg.ft. in Size:
            8 feet from edge of cartway of adjoining alley.

      2) Not Abutting an Alley - All structures - 8 feet from rear lot line.

Maximum Height Requirements
(see sections 503 & 705)

1. **Principal Structures:**
   a. Single & Two Family Dwellings & Single Family Attached Dwelling Structures - 3 stories, not to exceed 35 feet.
   b. Multi-Family Dwelling Structures - 4 stories, not to exceed 45 ft.
   c. Other Principal Structures - 4 stories, not to exceed 45 ft.

2. **Accessory Structures:** 20 feet

R4 ◆ MIXED RESIDENTIAL DISTRICT

(See Section 406)

USES & STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1. Single-family detached dwellings. *(See Section 402)*	1. Uses and structures customarily incidental to an approved, principal use. *(See Section 420)*	1. Funeral homes, and mortuaries	1. Outdoor recreation facilities. *(See Section 414)*
2. Two-family dwellings; i.e. duplexes. *(See Section 402)*	2. Private garages.	2. Personal services businesses.	2. Multi-family dwellings *(apartment buildings)*
3. Single-family attached dwelling structures; *(townhouses)*. *(See Section 404)*	3. No-impact home-based businesses and home occupations. *(See Section 418)*	3. Professional offices. *(See Section 413)*	3. Churches or places of worship
4. Multi-family dwelling structures; *(apartment buildings - up to 6 dwelling units)*. *(See Section 405)*	4. Private or semi-public swimming pools. *(See Section 419)*	4. Rooming or boarding houses. *(See Section 407)*	4. Public or private schools
5. Mixed residential developments. *(See Section 405)*	5. Off-street parking & loading areas. *(See Sections 900 & 901)*	5. Clubs or fraternal organization facilities.	5. Public utility buildings, structures, facilities, & installations
6. Art galleries or Museums		6. Public libraries	
7. Group homes		7. Day care centers or group day care homes.	
8. Conversion Apartments (up to 2 dwelling units) *(See Section 406)*		8. Studios for art, dance, music, etc.	
		9. Bars and restaurants	
		10. Medical or dental offices and clinics	
		11. Retail business establishments	

R4 MIXED RESIDENTIAL DISTRICT

Lot, Yard, and Open Space Requirements

Minimum Lot Requirements *(see section 501)*

1. **Minimum Lot Area Per Principal Structure or Use:**
   a. Mixed Residential Developments: 1 1/2 contiguous acres.
   b. Residential Densities:
      1) Single-Family Detached Dwellings: 6 dwelling units per acre.
      2) Two-family Dwellings: 10 dwelling units per acre.
      3) Single-Family Attached & Multi-Family Dwelling Structures:
         a) Less than seven dwelling units per structure: 12 dwelling units per acre.
         b) Between eight and 17 dwelling units per acre: 16 dwelling units per acre.
         c) More than 17 dwelling unit per structure: 25 dwelling units per acre.
2. **Minimum Lot Width** *(measured at the building set-back line)*: None
3. **Maximum Tract Coverage:**
   a. Single-Family Detached & Two-Family Dwellings: 25%.
   b. Single-Family Attached & Multi-Family Dwellings: 35%

Minimum Yard Requirements *(see sections 502 & 705)*

1. **Front Yard*:**
   a. 30 feet from edge of right-of-way of adjoining street/ alley or average depth of structures on the same block.
2. **Side Yards*:**
   a. Corner lots
      1. Abutting street - 25 feet
      2. Other side - 8 feet
   b. Interior lots - 8 feet each side
3. **Rear Yards*:** 25 feet from the rear lot line or edge of cartway of adjoining alley
4. **Accessory structures**
   a. Abutting an alley
      1. Garages and other structures 500 ft^2 or greater in size - 20 feet from edge of cartway of adjoining alley
      2. Garages and other structures less than 500 ft^2 in size - 8 feet from edge of cartway of adjoining alley
   a. Not abutting an alley - All structures - 8 feet from the rear lot line

Maximum Height Requirements *(see sections 503 & 705)*

1. **Principal Structures:**
   a. Single & Two Family Dwellings & Single Family Attached Dwelling Structures - 3 stories, not to exceed 35 feet.
   b. Multi-Family Dwelling Structures - 4 stories, not to exceed 45 ft.
   c. Other Principal Structures - 4 stories, not to exceed 45 ft.
2. **Accessory Structures:** 25 feet

*** = for mixed residential developments, a developer-proposed alternative setback can be used if concurrance is granted by the Borough Planning Commission**

CBD ◆ CENTRAL BUSINESS DISTRICT

USES & STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)

1. Retail & personal service businesses. *(See Section 411)*
2. Amusement enterprises. *(See Section 415)*
3. Art galleries and museums.
4. Banks or financial institutions.
5. Clothes cleaning establishments, inc. dry cleaners & laundromats.
6. Clubs or fraternal organization facilities.
7. Funeral homes or mortuaries.
8. Government buildings.
9. Hotels; or rooming or boarding houses. *(See 407)*
10. Medical or dental offices or clinics.
11. Public parks or playgrounds.
12. Printing or binding operations.
13. Professional offices. *(See Section 413)*
14. Restaurants, bars, and/or catering operations.
15. Studios for art, dance, music, or broadcasting.
16. Public libraries

Permitted Accessory Uses & Structures (Zoning Officer)

1. Private garages.
2. Roadside stands.
3. No-impact home-based businesses and home occupations. *(See Section 418.)*
4. Accessory residential dwelling units. *(See Section 421)*
5. Private or semi-public swimming pools. *(See Section 419)*
6. Off-street parking & loading areas. *(See Sections 900 & 901)*
7. Building-mounted communications antennas. *(See Section 423)*
8. Uses and structures customarily incidental to an approved, principal use. *(See Section 420)*
9. Fabricating, processing, repairing, or treating associated with a retail business on the premises. *(See Section 417)*

Special Exception Uses & Structures (Zoning Hearing Board)

1. Public parking garages or lots.
2. Philanthropic or religious organization facilities.
3. Public utility buildings, structures, facilities & installations.

Conditional Uses & Structures (Borough Council)

1. Business or trade schools
2. Public utility buildings, structures, facilities, and installations

CBD ◆ CENTRAL BUSINESS DISTRICT

Lot, Yard, and Open Space Requirements

Minimum Lot Requirements
(see section 501)

1. **Minimum Lot Area Per Principal Structure or Use:**
   a. Mixed Residential Developments: 1 $^{1}/_{2}$ contiguous acres.
   b. Residential Densities:
      1) Single-Family Detached Dwellings: 6 dwelling units per acre.
      2) Two-family Dwellings: 10 dwelling units per acre.
      3) Single-Family Attached & Multi-Family Dwelling Structures:
         a) Less than seven dwelling units per structure: 12 dwelling units per acre.
         b) Between eight and 17 dwelling units per acre: 16 dwelling units per acre.
         c) More than 17 dwelling unit per structure: 25 dwelling units per acre.
2. **Minimum Lot Width** *(measured at the building set-back line)*: None

Maximum Tract Coverage:

a. Single-Family Detached & Two-Family Dwellings: 25%.
b. Single-Family Attached & Multi-Family Dwellings: 35%

Minimum Yard Requirements
(see sections 502 & 705)

1. **Front Yard:** Same depth as the average of the adjoining properties.
2. **Side Yards:** None required, except as follows:
   a. Abutting an R District:15 foot buffer, landscaped & maintained. *(See Section 505.)*
   b. Abutting a Street: Same depth as the front yard equired for the adjoining lot.
3. **Rear Yard:** None required, except as follows:
   a. Abutting an R District:15 foot buffer, landscaped & maintained. *(See Section 505.)*
   b. Abutting an Alley: 10 feet.

Maximum Height Requirements
(see sections 503 & 705)

1. **Principal Structures:** 4 stories, not to exceed 45 feet.
2. **Accessory Structures:** 25 feet

C GENERAL COMMERCIAL DISTRICT

USES & STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)

1. Amusement enterprises. *(See Section 415)*
2. Art galleries and museums.
3. Banks or financial institutions.
4. Schools, post secondary business/ trade, public, private
5. Clubs or fraternal organization facilities.
6. Funeral homes or mortuaries.
7. Government buildings
8. Hotels; or rooming or boarding houses. (*See Section 407)*
9. Medical or dental offices or clinics.
10. Public parks or playgrounds.
11. Printing or binding operations.
12. Professional offices. *(See Section 413)*
13. Restaurants, bars, and/or catering operations.
14. Retail & personal service businesses. *(See Section 411)*
15. Studios for art, dance, music, or broadcasting.
16. Automotive sales, service stations &/or repair garages. *(See Section 412)*
17. Clothes cleaning establishments, inc. dry cleaners & laundromats.
18. Wholesale businesses of distribution centers (up to 5,000 sq.ft.). *(See Section 417.O.)*
19. Libraries
20. Single-family attached dwellings (townhouses) *(see section 404)*

Permitted Accessory Uses & Structures (Zoning Officer)

1. Signs. (See Section 803)
2. Private garages.
3. Home occupations. (See Section 418 B.)
4. Accessory residential dwelling units. (See Section 421)
5. Private or semi-public swimming pools. (See Section 419)
6. Open or outside storage or display. (See 422)
7. Off-street parking & loading areas. (See Sections 900 & 901)
8. Building-mounted communications antennas. (See Section 423)

Special Exception Uses & Structures (Zoning Hearing Board)

1. Public parking garages or lots.
2. Philanthropic or religious organization facilities.
3. Public utility buildings, structures, facilities & installations.

Conditional Uses & Structures (Borough Council)

1. Retail shopping centers. *(See Section 411)*
2. Outdoor recreation facilities. *(See Section 414)*
3. Single-family detached dwellings. *(See Section 402)*
4. Two-family dwellings; *i.e. duplexes. (See Section 402)*
5. Single-family attached dwelling structures; *i.e. townhouse structures. (See Section 404)*
6. Multi-family dwelling structures; *i.e. apartment buildings. (See Section 405)*

C ◆ GENERAL COMMERCIAL DISTRICT

Lot, Yard, and Open Space Requirements

Minimum Lot Requirements *(see section 501)*	Minimum Yard Requirements *(see sections 502 & 705)*	Maximum Height Requirements *(see sections 503 & 705)*
1. **Minimum lot Area Per Principal Structure or Use:** a. Residential Uses: 1) Single•Family Detached Dwellings 7,500 square feet per dwelling unit. 2) Two-Family Dwellings or conversion apartments - 3,750 square feet per dwelling unit. 3) Single-Family Attached Dwelling Structures - 2,500 square feet per dwelling unit; not less than 7,500 square feet per lot. 4) Multi-Family Dwelling Structures - 2,000 square feet per dwelling unit; not less than 7,500 square feet per lot. b. Commercial and Other Principal Uses: 7,500 square feet per use. c. Minimum Lot width *(measured at the building setback line)* - None	1. **Front Yard:** 20 feet from edge of cartway of adjoining street or alley. 2. **Side Yards:** a. Abutting an R District: 40 foot buffer, landscaped & maintained. *(See Section 505.)* b. All Other Lots - 10 feet. 3. **Rear Yard:** a. Abutting an R District - 40 foot buffer, landscaped & maintained. *(See Section 505.)* b. All Other Lots - 30 feet.	1. **Principal Structures:** 4 stories, not to exceed 45 feet. 2. **Accessory Structures:** 25 feet

I ◆ INDUSTRIAL DISTRICT

USES & STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)

1. Kennels.
2. Wholesale businesses.
3. Government buildings.
4. Contractor's shops & yards.
5. Dry cleaners & laundromats.
6. Public parks or playgrounds.
7. Professional offices (see 413)
8. Personal storage warehouses.
9. Public parking garages or lots.
10. Printing & binding operations.
11. Building Materials sales & storage.
12. Lumber yards and/or planing mills.
13. Outdoor recreation facilities (see 414)
14. Veterinary offices, clinics or animal hospitals.
15. Restaurants, bars, and/ or catering operations
16. Retail & personal service businesses (see 411)
17. Studios for art, dance, music, or broadcasting.
18. Public utility buildings, structures, facilities and installations.
19. Schools, Public or private, postsecondary, business, or trade.
20. Automotive sales, service stations and/or repair garages. (See 412)
21. Land cultivation, including plant nurseries and/or landscaping businesses.
22. Enclosed manufacturing, fabricating, compounding, assembling or treating operations. (See 417)

Permitted Accessory Uses & Structures (Zoning Officer)

1. *Off-street parking and loading areas (see 900 & 901)*
2. Private garages.
3. No-impact home-based businesses and home occupations (see 418)
4. Private swimming pools. *(See Section 419)*
5. Open or outside storage or display. *(See Section 422)*
6. Accessory sales or retail outlets associated with an industrial use. *(See Section 417 1.)*
7. Building-mounted communications antennas. *(See Section 423)*
8. Uses and structures customarily incidental to an approved, principal use. *(See Section 420)*

Special Exception Uses & Structures (Zoning Hearing Board)

1. Feed mills & grain elevators.

Conditional Uses & Structures (Borough Council)

1. Research & development labs or facilities. *(See Section 417)*
2. Distribution, warehousing, freight or truck terminals.
3. Unenclosed manufacturing operations.
4. Commercial communication towers.
5. Adult entertainment establishments.
6. Sobriety houses (see 410).
7. Oil & gas compressor station.
8. Oil & gas development.
9. Oil & gas staging facilities.
10. Oil & gas water reuse and storage facility.
11. Automotive repair shops.

I ◆ INDUSTRIAL DISTRICT

Lot, Yard, and Open Space Requirements

Minimum Lot Requirements *(see section 501)*	Minimum Yard Requirements *(see sections 502)*	Maximum Height Requirements *(see sections 503)*
1. **Minimum Lot Area Per Principal Structure or Use:** None required; however, all lots shall be of sufficient size to provide for all proposed buildings & structures, and shall meet all required service, access, parking, loading & open space requirements. 2. **Minimum Lot Width** *(measured at the building set back line)*: None required.	1. **Front Yard:** 20 feet from edge of cartway of adjoining street or alley. 2. **Side Yards:** a. Abutting an R District: 40 foot buffer, landscaped & maintained. *(See Section 505.)* b. All Other Lots - 20 feet. 3. **Rear Yard:** a. Abutting an R District - 40 foot buffer, landscaped & maintained. *(See Section 505.)* b. All Other Lots - 30 feet.	1. **Principal Structures:** 80 feet. 2. **Accessory Structures:** 40 feet

Section 309

H ◆ HISTORIC DISTRICT *(Overlying District)* *

USES & STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
SAME AS UNDERLYING DISTRICT			

*** NOTE:** All uses and development in this District shall be undertaken in compliance with the historic preservation standards and criteria set forth in Article 7 of this Ordinance and any subsequently enacted historic preservation regulations

Section 309

H ◆ HISTORIC DISTRICT *(Overlying District)*

Lot, Yard, and Open Space Requirements

Minimum Lot Requirements *(see section 501)*	Minimum Yard Requirements *(see sections 502)*	Maximum Height Requirements *(see sections 503)*
SAME AS UNDERLYING DISTRICT		

Section 310

FF ◆ FLOOD FRINGE DISTRICT *(Overlying District)* *

USES & STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
SAME AS UNDERLYING DISTRICT			

*** NOTE:** No development shall be permitted in this District which will increase the elevation of the 100 year flood.
(See also Article 6 of this Ordinance for floodproofing requirements.)

Section 310

FF ◆ FLOOD FRINGE DISTRICT *(Overlying District)*

Lot, Yard, and Open Space Requirements

Minimum Lot Requirements *(see section 501)*	Minimum Yard Requirements *(see sections 502)*	Maximum Height Requirements *(see sections 503)*
SAME AS UNDERLYING DISTRICT		

Section 311

FW FLOODWAY DISTRICT *(Overlying District)* *

USES & STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
Same as the underlying district, and in addition: 1. Land cultivation, including plant nurseries and/or landscaping businesses. 2. Public or private park or playgrounds. 3. Temporary uses, such as carnivals or circuses.	Same as the underlying district, and in addition: 1. Accessory residential uses; *i.e yards, gardens, etc.* 2. Accessory parking	Same as the underlying district, and in addition: 1. Public utility buildings, structures, facilities and installations.	Same as the underlying district, and in addition: 1. Water•related uses; *i.e. docks, piers, marinas, etc*

SAME AS UNDERLYING DISTRICT

*** NOTE: All uses, activities, and/or development in this district shall be undertaken in strict compliance with the floodproofing and use requirements set forth in Article 6 of this Ordinance and for any subsequently enacted floodplain management regulations**

Section 311

FW FLOODWAY DISTRICT *(Overlying District)*

Lot, Yard, and Open Space Requirements

Minimum Lot Requirements *(see section 501)*	Minimum Yard Requirements *(see sections 502)*	Maximum Height Requirements *(see sections 503)*
SAME AS UNDERLYING DISTRICT		

Section 311

OS ◆ OPEN SPACE DISTRICT

USES & STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1. Land cultivation, including plant nurseries and/or landscaping businesses. 2. Public or private park or playgrounds. 3. Temporary uses, such as carnivals or circuses.	1. Accessory residential uses; *i.e. yards, gardens, etc.* 2. Accessory parking	1. Public utility buildings, structures, facilities and installations.	1. Water•related uses; *i.e. docks, piers, marinas, etc*

*** NOTE: All uses, activities, and/or development in this district shall be undertaken in strict compliance with the floodproofing and use requirements set forth in Article 6 of this Ordinance and for any subsequently enacted floodplain management regulations**

Section 311

OS ◆ OPEN SPACE DISTRICT

Lot, Yard, and Open Space Requirements*

Minimum Lot Requirements *(see section 501)*	Minimum Yard Requirements *(see sections 502 & 705)*	Maximum Height Requirements *(see sections 503 & 705)*

* Existing *residential* structures will utilize the residential bulk standards listed under the R3 Zoning District guidance (Section 304) above.

* Existing *commercial* structures will utilize the commercial bulk standards listed under the General Commercial Zoning District guidance (Section 307) above.

* Existing *industrial* structures will utilize the industrial bulk standards listed under the Industrial Zoning District guidance (Section 308) above.

ARTICLE 4: SUPPLEMENTARY USE REGULATIONS

Section 400 PURPOSE AND APPLICABILITY

The purpose of this Article is to supplement the District Regulations contained in Article 3 with additional requirements applicable to certain specific uses. Therefore, in addition to those standards outlined in Article 3, the following regulations shall apply to the identified uses.

Section 401 USES NOT PROVIDED FOR

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such 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 1201 of this Ordinance. In addition, the use may only be permitted if:

A. it is similar to and compatible with the other uses permitted in the zone where the subject property is located;

B. it is not permitted in any other zone under the terms of this Ordinance;

C. it is in no way 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 health, safety and welfare of the neighborhood where it is to be located.

Section 402 DWELLING UNITS

All dwelling units, including single-family, two-family, and multi-family units hereafter erected or created shall adhere to the following requirements:

A. General Requirements

1. Building Codes. Every dwelling unit shall conform to the applicable requirements of the PA Uniform Construction Code, PA Act 45 of 1999, or as may hereafter be enacted.

2. Floodplain Development. Every dwelling unit which is to be located in the Flood Fringe or General Floodplain District shall comply with all applicable District Regulations in both Article 3 and the floodplain management provisions in Article 6 of this ordinance.

B. Foundation Requirements

Every dwelling unit shall be placed upon and firmly anchored to a permanent foundation. Such foundation shall consist of no less than masonry construction or footers set well below the frost line, or other technique or methodology meeting the requirements of the PA Uniform Construction Code. In no case shall a dwelling unit be placed or erected upon loose blocks, jacks or other temporary materials.

C. Gross Floor Area Requirements

In the absence of more restrictive codes, every single-family dwelling unit (whether attached or detached) shall contain a minimum of 1,000 square feet of gross floor area. All other dwelling units (including multi-family units, conversion apartments, and accessory residential dwelling units) shall contain a minimum of 800 square feet of gross floor area.

Section 403 CONVERSION APARTMENTS

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate a greater number of dwelling units or households may be permitted only within those zoning districts and as specified in Article 3, District Regulations. Further, such conversions shall meet the requirements outlined below.

A. The lot upon which a conversion apartment is situated shall meet the minimum area requirements established for the district in which it is located.

B. Conversions may only be authorized for structures which were erected prior to the adoption of this Ordinance. Conversions shall be limited to one (1) building or structure per lot.

C. Conversions shall be limited to the number of dwelling units specified in Article 3, the District Regulations.

D. All conversion dwelling units shall meet the gross floor area requirements set forth in Section 402, C. of this Ordinance.

E. No structural alterations designed to increase the ground floor dimensions of the original structure shall be made in order to achieve the conversion, except as may be necessary to assure adequate emergency egress is provided or to improve handicapped accessibility.

F. The yard, off-street parking, and other applicable requirements of this Ordinance shall be met.

Section 404 SINGLE-FAMILY ATTACHED DWELLING STRUCTURES

Single-family attached dwelling structures (i.e. townhouse structures) may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. Every application for such a use shall meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance. (Applications proposing to locate more than one single-family attached dwelling structure on a single tract of ground shall also meet the requirements of Section 404 F. below.)

A. Minimum Tract Area and Maximum Density Requirements

1. The minimum gross area required for each tract containing a single-family attached dwelling structure shall be as specified in the District Regulations, Article 3. Single-family attached dwelling structures in the R-3 and C Zoning Districts shall contain no more than six (6) dwelling units per structure.

2. Where individual dwelling units of a single-family attached dwelling structure and the land on which the structure is located are proposed to be subdivided and conveyed as separate lots, the following dimensional requirements shall be met. In such cases, the applicant shall submit sufficient documentation along with his subdivision plans which demonstrates that satisfactory arrangements have been made regarding the ownership and maintenance of all common ground or open space not proposed for conveyance. (See also Sub-Section E.7 below.)

    a. Minimum Lot Area:

        1) R-3 and C Zones: 2,500 square feet per dwelling unit.

        2) R-4 Zone: 2,500 square feet per dwelling unit.

    b. Minimum Lot Width:

        1) R-3 and C Zones: 20 feet

        2) R-4 Zone: No specified minimum.

    c. Minimum Yard Requirements: See applicable District Regulations.

3. Where individual dwelling units of a single-family attached dwelling structure are proposed to be conveyed independently of any land area, the applicant shall

demonstrate that all requirements of the Uniform Condominium Act will be met. (See also Sub-Section E.7 below.)

4. Where individual dwelling units of a single-family attached dwelling structure are proposed to be subdivided, whether or not such sub-division includes any land area, all dwelling units contained in the structure shall be part of the proposed division.

B. Minimum Tract Width Requirements

The minimum width for each tract containing a single-family attached dwelling structure may vary with each individual application depending upon the number of dwelling units proposed in each structure. In no case however shall the overall width of the tract be less than the minimum established in the District Regulations for the district in which the structure is to be located.

C. Minimum Yard Requirements

The minimum yard requirements for each tract containing a single-family attached dwelling structure shall be as set forth in the District Regulations, Article 3.

D. Gross Floor Area Requirements

Each dwelling unit in the single-family attached dwelling structure shall meet the minimum gross floor area requirements set forth in Section 402, C. of this Ordinance.

E. Design Standards

All single-family attached dwelling structures shall be designed in accordance with the standards set forth in the Borough Subdivision and Land Development Ordinance. In addition, the following requirements shall apply.

1. Traffic Access. Each single-family attached dwelling structure must access onto a public street or onto a private internal street. All new streets or access drives shall be designed and constructed in accordance with the road standards outlined in the Borough Subdivision and Land Development Ordinance.

2. Off-Street Parking Facilities. A minimum of one (1) off-street parking space shall be provided for each dwelling unit contained in the single- family attached dwelling structure. Also, one (1) additional off-street parking space shall be provided for every two (2) dwelling units in the structure for visitor parking.

3. Grading and Landscaping. Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be prepared by the developer and submitted to the Borough which illustrates what steps are to be

taken to avoid soil erosion. Exposed ground surfaces shall be stabilized or otherwise protected with a vegetative cover. And, where adjacent to existing single-family detached dwellings or other incompatible land uses, buffer yards and/or screening as required by Sections 505 and 506 of this Ordinance shall be provided by the developer.

4. Drainage Facilities. All plans for single-family attached dwelling structures shall include topographic information for the site and shall indicate what types of drainage or storm water management facilities will be installed to handle runoff produced by the new structure. The plans shall also indicate where the drainage is to be ultimately channeled.

5. Sewage and Water Facilities. Sewage treatment and water supply for the development shall be provided via public or municipal facilities. The developer shall be responsible for executing all appropriate agreements between himself and the Borough regarding provision of these services.

6. Solid Waste Collection. Storage and Disposal. 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 as part of the plan submission process.

7. Common Open Space Ownership and Maintenance. The developer shall submit a plan to the Borough indicating the arrangements to be made for ultimate ownership of and maintenance responsibilities for any common open space/land area associated with the structure (including access drives and driveways). Such plans shall be submitted to the Borough for review and approval as part of the plan submission process. Where no conveyance of land area is proposed, the developer shall submit a copy of his plan for the maintenance of all common open space areas associated with the structure for the Borough's approval. Copies of all approved arrangements shall be included in each deed or lease for a unit in the structure. (See also Sub-Section 404 F.5 below for open space requirements.)

F. Building Relationships.

Where more than one (1) single-family attached dwelling structure is proposed for a single tract of ground, the following standards shall apply to the relationship of the buildings.

1. Arrangement of Buildings: Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.

2. Emergency Access: Building groups must be arranged so as to be readily accessible by emergency vehicles.

3. Distance Between Buildings.

    a. The front or rear of any building shall be no closer to the front or rear of any other building in the group than 40 feet.

    b. The side of any building shall be no closer to the side, front, or rear of any other building than 25 feet.

4. Distance between Buildings and Driveways.

    a. The front or rear of any building shall be no closer to the front or rear of any other building in the group than 40 feet.

    b. In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.

5. Open Space. Where more than one (1) single-family attached dwelling structure is proposed to be located on a single tract of ground, a minimum of ten (10) percent of the gross area of the development shall be reserved by the developer as common open space for the use of all residents of the complex. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. This area shall also be easily accessible to all units.

    Applicants for such developments shall submit a proposal regarding the ultimate ownership and maintenance responsibilities for any common open space areas to the Borough for review and approval as a part of the plan submission process. Copies of all approved arrangements shall be included in each deed or lease for a unit in such a development.

Section 405 MULTI-FAMILY DWELLING STRUCTURES

Multi-family dwelling structures (i.e. apartment buildings) may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. Every application for such a use shall also meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance. (Applications proposing to locate more than one multi-family dwelling structure on a single tract of ground shall also meet the requirements of Section 404 F. above.)

A. Minimum Tract Area and Maximum Density Requirements. The minimum gross area required for each tract containing a multi-family dwelling structure shall be as specified in

the District Regulations, Article 3. Multi-family dwelling structures located in the R-3 and C Zoning Districts shall contain no more than six (6) dwelling units per structure. There shall be no maximum number of dwelling units per structure when they are located within the R-4 Zoning District.

B. Minimum Tract Width Requirements

The minimum width required for each tract containing a multi-family dwelling structure shall be as specified in the District Regulations, Article 3.

C. Minimum Yard Requirements

The minimum yard requirements for each tract containing a multi-family dwelling structure shall be as specified in the District Regulations, Article 3.

D. Gross Floor Area Requirements

Each dwelling unit located in a multi-family dwelling structure shall meet the gross floor area requirements set forth in Section 402 C. of this Ordinance.

E. Design Standards

The design standards set forth in Section 404 E. of this Ordinance shall also be met for multi-family dwelling structures.

F. Building Relationships. Where more than one (1) multi-family dwelling structure is proposed for a single tract of ground, the standards set forth in Section 404 F. of this Ordinance shall apply.

Section 406 MIXED RESIDENTIAL DEVELOPMENTS

Mixed residential developments may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. Every application for such a use shall also meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance.

A. Intent.

1. The intent of these regulations is to provide an added degree of flexibility in the design and development of land for residential purposes in order to encourage its most appropriate use; to provide for adequate streets, utilities and open spaces; and to preserve the natural and scenic qualities of open areas.

2. The mixed residential concept is intended to permit diversification in both the location and type of residential structures and to improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and convenience in the use and occupancy of such structures and facilities.

3. If located in an R4 District, mixed residential development may include small-scale commercial uses.

B. Permissible Dwelling Types

Mixed residential developments may include single family detached dwellings, two-family dwellings, single-family attached dwelling structures, and multi- family dwelling structures, including multiple story structures, or any combination thereof. Standards governing the density or intensity of land use and the amount and location of open space shall be as set forth in this Section.

C. Plan Submission Requirements

All plans for mixed residential developments shall be submitted to the Borough Planning Commission for land development consideration and approval. The Planning Commission's decision may be appealed to Borough Council, and Council's decision shall be considered final. The Borough Subdivision and Land Development Ordinance shall be the guide for all improvements to be made to the site.

D. Maximum Tract Area and Density Requirements

1. Minimum Tract Area Requirements. A mixed residential development shall include no less than one and one-half (1 1/2) contiguous acres of land.

2. Maximum Residential Densities. The following maximum gross densities shall apply to all residential units within the proposed development.

    a. Single Family Detached Dwellings. Six (6) dwelling units per acre.

    b. Two Family Dwellings: Ten (10) dwelling units per acre.

    c. Single-Family Attached and Multi-Family Dwelling Structures:

        1) Structures containing less than six (6) or fewer dwelling units - 12 dwelling units per acre.
        2) Structures containing between seven (7) and 16 dwelling units - 16 dwelling units per acre.
        3) Structures containing more than 17 dwelling units - 25 dwelling units per acre.

E. Open Space. Coverage. and Yard Requirements

1. Common open space for recreation purposes, either active or passive, shall be an essential and a major element of the plan. A minimum of 25% of the gross tract acreage shall be reserved as open space for the benefit of all residents of the development. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures, and service lanes. Where possible, such open space shall include the preservation of existing natural features and shall be easily accessible to all units in the development. Portions of the area to be used for recreation shall have suitable physical characteristics, including well-drained soils, gentle topography, and suitable shape and size.

2. Single-family detached and two-family dwellings shall not cover more than 25% of the total tract acreage.

3. Single-family attached and multi-family dwelling structures shall not cover more than 35% of the total tract acreage.

4. Setbacks for single-family detached and two-family dwellings shall be consistent with the neighborhood where such units are to be located. Setback requirements for all types of dwellings shall however be recommended by the developer and shall be approved and/or adjusted by the Planning Commission as deemed appropriate.

5. Minimum yard area shall also be recommended by the developer and shall be approved and/or adjusted by the Planning Commission as deemed appropriate.

F. Gross Floor Area Requirements

Each dwelling unit located in a mixed residential development shall meet the gross floor area requirements set forth in Section 402 C. of this Ordinance.

G. Design Standards

The design standards set forth below shall be met by all applications for mixed residential developments.

1. Circulation System Design Standards

    a. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roads, drives, off-street parking and loading areas.

b. Road, walks and open space shall be designed as integral parts of an overall site plan. They shall be properly related to existing and proposed structures and appropriately landscaped.

c. Structures, roads, walks, paths, parking areas, recreation areas, etc. shall be arranged so that pedestrians are not unnecessarily exposed to vehicular traffic.

d. Landscaped, paved and comfortably graded walkways and path-ways shall be provided along the lines of the most intense uses.

e. Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc. shall be of good appearance and easily maintained.

f. Parking areas shall be landscaped and screened from public view to the extent possible.

g. All structures within the development shall have access directly onto a public road or onto a road in the internal road system. All new roads and curbs shall be constructed in accordance with the Borough's requirements at the time of application submission.

2. Off-Street Parking Requirements. A minimum of one (1) off-street parking space shall be provided for each dwelling unit contained in the development. Also, one (1) additional off-street parking space shall be provided for each two (2) dwelling units in the development for visitor parking.

3. Landscape Design Standards.

a. Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.

b. Primary landscape treatment shall consist of shrubs, ground cover, and street shade trees, and shall combine with appropriate walks and road surfaces to provide an attractive development pattern.

c. Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.

d. All roads bordering the project area shall be planted at appropriate intervals with shade trees.

e. Where adjacent land use dictates, proper screening or buffer strips of 25 feet may be required for aesthetic and/or acoustical isolation.

4. Grading and Ground Cover Requirements. Where excavation and-grading are proposed, and/or where existing trees, shrubs and other vegetative cover are to be removed, proper plans shall be presented to the Borough by the developer showing the steps that are to be taken to avoid soil erosion. All exposed ground surfaces shall be stabilized or protected with a vegetative cover, both on a temporary and permanent basis. Prior to commencement of any excavation, all appropriate plans shall be filed and approved by County Conservation District.

5. Drainage System Design Standards.

    a. A drainage control system sufficient to provide positive drainage away from structures shall be designed and constructed by the developer or the development. In addition, sufficient on-site facilities or techniques shall be installed or utilized to avoid increasing run-off onto adjacent properties.

    b. All new structural drainage control systems shall be constructed in accordance with the Borough's requirements at the time of application submission.

6. Sewage and Water Facilities. Sewage treatment and water supply for the development shall be provided via public or municipal facilities. The developer shall be responsible for executing all appropriate agreements between himself and the appropriate authority regarding provision of these services.

7. Solid Waste Collection. Storage and Disposal. Arrangements for the collection, storage and disposal of solid wastes generated by the development shall be made by the developer and submitted to the Borough for approval as part of the plan submission process.

8. Open Space Ownership and Maintenance Responsibilities. Applications for mixed residential developments shall include a proposal indicating the ultimate ownership and maintenance responsibilities for all open space areas. Where such open space is not dedicated to the Borough, or where such dedication is not accepted by the municipality, an Agreement which assigns maintenance responsibilities for the open space shall be submitted by the developer and approved by the Borough, recorded with the final plan, and referenced in the deeds or leases for each parcel or dwelling unit in the development.

H. Building Relationships

The building relationships set forth below shall be met by all applications for mixed residential developments.

1. All structures in their layout and design shall be an integral part of the development and convenient access to and from adjacent areas.

2. Individual structures shall be related to each other in architectural design, mass, material, orientation and connection to provide a visually and physically integrated development.

3. Treatment of the sides and rear of all structures within the development shall be comparable in amenity and appearance to the treatment given to street frontage of the same structures.

4. The design of structures and the parking areas shall take advantage of the topography of the project site and, where appropriate, provide separate levels of access.

5. All structures shall be oriented to ensure adequate light and air exposures to the rooms within.

6. All structures shall be arranged so as to avoid undo exposure to concentrated loading or parking facilities wherever possible, and shall be oriented to preserve visual and audible privacy between adjacent structures.

7. All structures shall be arranged to be accessible to emergency vehicles.

Section 407 ROOMING OR BOARDING HOUSES

Rooming or boarding houses may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. All applications for such uses, whether new construction or a conversion, shall also meet the requirements outlined below.

A. The lot upon which the rooming or boarding house is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. Rooming or boarding facilities shall be accessory to a single-family dwelling unit and such uses may or may not include arrangements for meals. And, for the purposes of this Ordinance, the owner of the single-family dwelling must occupy the unit as its legal resident.

C. Accommodations may be provided for up to four (4) boarders in addition to the family unit, with a maximum of two (2) persons per bedroom. Such accommodations shall be for periods of one (1) week or more in duration.

D. There shall be no provision made for cooking in individual rooms of a rooming or boarding house.

E. Signs advertising the rooming or boarding house shall meet the requirements of Article 8 of this Ordinance.

F. The off-street parking requirements set forth in Article 9, and all other applicable standards of this Ordinance shall be met.

Section 408 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast establishments or other similar residential lodging facilities may be permit-ted only within those zoning districts and as specified in Article 3, the District Regulations. Every application for a bed and breakfast establishment, whether new construction or a conversion, shall meet the requirements outlined below.

A. The lot upon which the bed and breakfast is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. The facility must be privately owned and occupied by the owner thereof.

C. Dining facilities and food services shall be available only to lodgers.

D. Exterior alterations to existing structures shall be limited to those customarily associated with residential uses.

E. Signs advertising the facility shall meet the requirements of Article 8 of this Ordinance.

F. The off-street parking requirements set forth in Article 9 and all other applicable standards of this Ordinance shall be met.

Section 409 GROUP HOMES (See also Section 410)

Group homes shall be permitted only in those zoning districts and as specified in Article 3, the District Regulations. All applications for such activities, whether new construction or a conversion, shall also meet the requirements outlined below.

A. The lot upon which the group home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

B. Residents of a group home shall maintain a single household unit with shared use of rooms and shall share mealtimes and housekeeping responsibilities. There shall however be no more than two (2) persons per bedroom in a group home.

C. Accommodations in a group home shall be provided for no more than six (6) residents, excluding staff, at one time unless the applicant can demonstrate to the satisfaction of the Borough that the facility is of such size that it can adequately accommodate additional occupants. Applications for group homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.

D. Adult supervision shall be provided at the facility on a 24-hour basis in accordance with all applicable licensing requirements.

E. Residents of such facilities shall remain in residence for a period of at least three (3) months, and a change of residents shall not routinely occur, except in the case of death, extended illness, disability or similar circumstances.

F. Applicants for group homes shall indicate the type of care, counseling or treatment to be provided at the site. In each instance, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.

G. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.

H. Any Zoning Permit issued for a group home shall apply only to the facility and applicant named, the premises designated, and for the activities or purposes listed or identified in the application. Said Permit shall be nontransferable.

I. The off-street parking requirements set forth in Article 9, and all other applicable standards of this Ordinance shall be met.

Section 410 SOBRIETY HOUSES

Sobriety houses may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. Every application for a sobriety house, whether new construction or a conversion, shall meet the requirements outlined below.

A. Sobriety houses shall <u>not</u> be located within 500 feet of any school property, church property, any PLCB-Licensed property, public park, another sobriety house, nor any residential district, except where the following conditions can be met.

1. The applicant shall provide the Borough with a petition signed by 51% of the persons owning, residing or doing business within a radius of 1,000 feet of the location of the

proposed use indicating their approval or support for the proposal. The applicant shall make an attempt to contact all property owners, renters, business persons, etc. located within the 1,000 foot radius and shall supply the Borough with a list of all addresses for which no contact was made. The circulated petition shall have subscribed to it an affidavit attesting the fact that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the persons whose names appear thereon.

2. The applicant shall demonstrate to the Borough that the proposed use will not adversely affect the safe and comfortable enjoyment of the properties in the neighborhood and will not be detrimental to the general character of the area.

3. The applicant shall demonstrate to the Borough that the establishment of the proposed use will not be contrary to any program of neighborhood conservation and will not interfere with any program of urban renewal.

B. Signs advertising the facility shall meet the requirements of Article 8 of this Ordinance.

C. The off-street parking requirements set forth in Article 9 and all other applicable standards of this Ordinance shall be met.

Section 411 RETAIL USES OR ESTABLISHMENTS

Retail uses or establishments, including those commercial and business establishments set forth in the District Regulations, may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. In addition, every proposed retail use or establishment must meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance. Additional documentation may be required by the Borough where it is deemed necessary to protect the public health, safety and welfare of Borough residents.

A. Applications for <u>new</u> retail establishments or development shall include documentation and information sufficient to determine that the proposal will meet the following requirements.

1. A site plan, drawn to scale, showing the tract of ground on which the use is proposed and the location of all buildings or structures existing or to be situated on the site shall be submitted for all new retail establishments;

2. The applicant shall demonstrate that the proposed use will have no detrimental effect on the character of the area or neighborhood where it is proposed to be located. All applications for such uses shall include details regarding the use of externally

broadcast music, public address systems, public announcements, paging and similar activities.

3. All retail uses shall be provided with public or municipal sewage disposal facilities and a public water supply.

4. Outdoor lighting associated with the proposed establishment shall be mounted and shielded to eliminate direct or reflective glare on adjacent properties and avoid affecting the vision of passing motorists.

5. Buffer yards and/or screening shall be provided as required in Sections 505 and 506 of this Ordinance, unless required otherwise by the provisions of this Article.

6. All signs used to advertise retail activities shall meet the requirements of Article 8 of this Ordinance;

7. Off-street parking and loading areas shall be provided in accordance with the requirements of Sections 900 and 901 of this Ordinance. Access to all proposed retail uses shall meet the requirements of Section 902.

8. Arrangements for the collection, storage and disposal of solid wastes generated by the commercial use shall be made by the applicant and submitted to the Borough for approval as part of the application for the retail use. Such arrangement shall indicate the type of screening to be used to conceal all such storage facilities.

9. Applications for retail activities shall also include an indication of the establishments proposed hours of operation.

10. No offensive or objectionable noise, vibration, smoke. dust, odor, heat, or glare shall be detected at or beyond the property line of the lot containing the commercial activity.

B. Applicants proposing to change from one conforming commercial use to another in an existing building, where no structural alteration is proposed or necessary to effect the change, need only apply to the Zoning Officer for a Certificate of Compliance. All such applicants shall however provide sufficient information to the Permit Officer indicating that the issues raised in Sub-Section A above will be adequately addressed.

C. No perpetual outside displays or retail sales shall be permitted for approved commercial uses, except where such display is a necessary part of the use, and no merchandise shall be placed on a sidewalk except as part of a periodic or non-daily sidewalk sale.

D. All open or outside storage associated with a commercial use shall meet the requirements set forth in Section 422 of this Ordinance.

E. No outdoor vending machines or containers associated with any retail establishment shall be located within ten (10) feet of the cartway of any street or alley nor protrude more than three (3) feet from the building line of the merchant's premises. Further, no such machines or containers shall interfere with pedestrian traffic, and, where possible, shall be situated to the side or rear of the retail establishment to which they are accessory. A minimum of four (4) feet of continuous unobstructed sidewalk shall be available for pedestrian traffic at all times. (See also Section 420 D. regarding the use of outdoor vending machines at non-commercial locations.)

Section 412 AUTOMOTIVE SALES, SERVICE STATIONS, AND/OR REPAIR GARAGES

Automotive sales, service stations, and/or repair garages may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. All applications for such uses shall meet the criteria established for retail uses in Section 411 of this Ordinance as well as the standards outlined below.

A. Automotive Sales

1. All vehicles offered for sale or lease must be set back a minimum of 15 feet from the edge of the adjoining street cartway.

2. No vehicles shall be parked in the right-of-way of any adjacent street or alley.

3. Accessory uses, such as incidental and minor service and repair, may be permitted where such uses are clearly secondary or incidental to the principal auto sales use. All such accessory uses shall be completely enclosed within a building in order to minimize noise and odor, and there shall be no openings in the walls of any such building where the structure adjoins a residential district.

B. Automotive Service Stations

1. No automotive service station shall be located with 150 feet of any school, playground, nursing home, church, or place of public assembly.

2. Gasoline pumps or other fuel dispensing devices shall be no closer than 25 feet to any street right-of-way line, nor shall fuel oil, propane gas, or other similar substance be stored within 25 feet of a street right-of-way or any property line.

3. The width of any entrance driveway leading from a public street to the service station shall not exceed 35 feet at its intersection with the curb line or the edge of the street cartway. No two (2) driveways leading from a public street to the service station shall

be located within 15 feet of each other at their intersection with the curb or edge of the street cartway.

4. No major repairs or vehicle painting shall be permitted at an auto-motive service station, however, minor or incidental service may be provided. Activities such as car washing, waxing, polishing, or greasing shall be carried out within an enclosed structure, and all repair materials, including new, used, discarded or unusable parts of any vehicle, must also be stored within such enclosure.

5. No outdoor stockpiling of tires nor outdoor storage of trash shall be permitted.

C. Automotive Repair Garages

1. No automotive repair garage shall be located with 150 feet of any school, playground, nursing home, church, or place of public assembly.

2. Major repair, including engine or body work, painting, upholstering, tire retreading or recapping, and battery work may be permitted at an automotive repair garage. All such activity shall however be conducted within an enclosed building where measures can be taken to minimize noise, odor and dust. (Copies of all State- and /or Federal-required permits shall be submitted as part of the zoning permit application.)

3. The applicant shall include an indication of the methods being proposed for storage and disposal of any solvents, paints, or other potentially hazardous materials or substances to be used on the premises as part of his application for an automotive repair garage.

4. Only vehicles to be repaired in the garage or to be picked up by the vehicle's owner may be stored on the premises. Junked or abandoned vehicles shall not be stored on the lot. Vehicles being stored on-site for more than 48 hours shall be kept within a building or shall be kept within a secure, fenced-in area which is screened from view as set forth in Section 506 of this Ordinance.

5. Where an automotive repair shop is adjacent to a residential use or residential district, a 25 foot buffer yard and screening shall be provided along the entire length of the common property line in accordance with the requirements of Sections 505 and 506 of this Ordinance. No parking, storage or structure shall be permitted within this buffer area.

6. The width of any entrance driveway leading from a public street to the service station shall not exceed 35 feet at its intersection with the curb line or the edge of the street cartway. No two (2) driveways leading from a public street to the service station shall be located within 15 feet of each other at their intersection with the curb or edge of the street cartway.

Section 413 PROFESSIONAL OFFICES.

Professional offices may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. All applications for such uses, whether new construction or a conversion, shall meet the criteria established for retail uses in Section 411 of this Ordinance as well as the standards outlined below.

In the R-1 and R-2 Zones, professional offices may not result from residential conversions nor from new construction.

Section 414 OUTDOOR RECREATION FACILITIES (See also Section 419)

Outdoor recreation facilities may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. Applications for such uses shall meet the standards outlined below, and all other applicable State or local requirements.

A. All such facilities shall be set back at least 25 feet from all property lines, and shall be effectively screened from adjoining properties and residential uses in accordance with the provisions of Section 506 of this Ordinance.

B. Illuminated signs and other outdoor lighting shall be designed and shielded to eliminate direct or reflected glare on adjoining properties and avoid affecting the vision of passing motorists.

Section 415 AMUSEMENT ENTERPRISES

Amusement enterprises may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. In addition, all applications for such uses shall meet the criteria established for retail uses in Section 411 of this Ordinance, as well as the standards outlined below, and all other applicable State or local requirements. (See also Section 416 for regulations governing adult entertainment establishments.)

A. All such uses shall be conducted entirely within an enclosed structure.

B. Applications for such uses shall include an indication of the measures to be taken to prevent noise or other nuisance influences from disturbing nearby properties.

Section 416 ADULT ENTERTAINMENT ESTABLISHMENTS

Adult entertainment establishments or facilities may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. All applications for such uses shall

meet the criteria established for retail uses in Section 411 of this Ordinance, as well as the standards outlined below, and all other applicable State or local requirements.

A. Adult entertainment establishments shall not be located within 1,000 feet of any other adult entertainment establishment.

B. Adult entertainment establishments shall not be located within 1,000 feet of any school, church, or residential district, except where the following conditions can be met.

   1. The applicant shall provide the Borough with a petition signed by 51% of the persons owning, residing or doing business within a radius of 1,000 feet of the location of the proposed use indicating their approval or support for the proposal. The applicant shall make an attempt to contact all property owners, renters, business persons, etc. located within the 1,000 foot radius and shall supply the Borough with a list of all addresses for which no contact was made. The circulated petition shall have subscribed to it an affidavit attesting the fact that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the persons whose names appear thereon.

   2. The applicant shall demonstrate to the Borough that the proposed use will not adversely affect the safe and comfortable enjoyment of the properties in the neighborhood and will not be detrimental to the general character of the area.

   3. The applicant shall demonstrate to the Borough that the establishment of the proposed use will not be contrary to any program of neighborhood conservation and will not interfere with any program of urban renewal.

C. Displays or other promotional materials for adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place.

D. All building openings, entries, exits, or windows for adult entertainment establishments shall be located, covered, or screened in such a manner so as to prevent a view into the interior from any street, sidewalk, public place, or residential property.

E. Business signs shall include no promotional advertisement or pictorial displays.

Section 417 MANUFACTURING OPERATIONS

Manufacturing operations, including those industrial uses and processing activities set forth in the District Regulations, may be permitted only within those zoning districts and as specified in Article 3, the District Regulations. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development

Ordinance. Additional documentation may also be required where it is deemed necessary by the Borough to protect the health, safety and welfare of its residents.

A. Manufacturing operations shall abut on and/or provide direct access to a street or roadway which is capable of accommodating the anticipated levels and types of manufacturing and employee traffic.

B. Every manufacturing operation shall be contained within an enclosed building, except as may be authorized otherwise by Borough Council as a Conditional Use.

C. All industrial uses shall be provided with public or municipal sewer and water facilities in accordance with the standards of the PA Department of Environmental Protection.

D. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed manufacturing operation shall be made by the developer and submitted to the Borough for approval as a part of the plan submission process.

E. Outdoor security lighting provided for the facility shall be installed and shielded to eliminate direct or reflective glare on adjacent properties and avoid affecting the vision of passing motorists.

F. Buffer yards and/or screening shall be provided in accordance with the standards set forth in Sections 505 and 506 of this Ordinance.

G. All signs used to advertise manufacturing or industrial activities shall meet the requirements of Article 8 of this Ordinance;

H. Off-street parking and loading areas shall be provided in accordance with the requirements of Article 9 of this Ordinance.

I. Accessory sales or retail outlets may be permitted to be associated with approved principal uses, but shall be clearly incidental to the industrial use of the subject site and shall occupy no more than 25% of the gross floor area of the operation. Where such retail facilities are to be established, additional off- street parking spaces shall be provided to satisfactorily accommodate the commercial activity.

J. All open or outside storage associated with a manufacturing use shall meet the requirements set forth in Section 422 of this Ordinance.

K. Manufacturing operations shall comply with all applicable local, State or Federal performance standards, codes and regulations (including the standards of the Department of Environmental Protection pertaining to air, water and noise pollution).

L. In all activities involving the use or storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment and devices standard in the industry.

M. No activities shall be permitted which emit radio waves or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

N. The manufacture, fabrication, repair, or treatment of products sold at a retail business located on the premises may be permitted as an accessory use in the Central Business and General Commercial Districts so long as such operations are clearly secondary or incidental to the commercial activity and provided that no use, operation or product shall be noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration, noise, or other similar causes.

O. Wholesale businesses or distributing centers may be permitted to be located within a General Commercial District provided that they do not involve: 1) more than 5,000 square feet of storage to be wholesaled or distributed; 2) the use of any delivery vehicle rated at more than a two (2) ton weight capacity; and 3) the use of any delivery vehicle which would need to block traffic for the purposes of loading or unloading.

Section 418 NO-IMPACT HOME BASED BUSINESSES AND HOME OCCUPATIONS

No-impact home-based businesses are limited to residential properties and may be located in any zoning district in the Borough. An approved zoning permit is required for a no-impact home based business. When the property owner and the business owner are two different individuals, each must complete and sign the permit application. Subject to review by the Zoning Officer, a permit may be issued provided that the following requirements are met:

A. <u>No-Impact Home-Based Businesses</u>

1. The business activity must be administered and conducted as an accessory use clearly secondary to the residential use of the dwelling.

2. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

3. The business activity shall be conducted entirely within the owner's property, and may occupy no more than 25% of the habitable floor space of the residence.

4. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

5. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

6. The business shall employ no employees other than family members residing in the residence.

7. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio, television, internet or wireless reception which is detectable in the neighborhood.

8. The business activity shall not generate any solid waste or sewage discharge in volume or type which is not normally associated with a residential use.

9. The business shall not involve any customer, client or patient traffic, whether vehicular or pedestrian nor any pick-up, delivery or removal functions to or from the premises in excess of those normally associated with the residential use.

10. The business shall not involve any illegal activity.

11. The property in which a no-impact home based business is located can be subject to periodic inspections by the Zoning Officer. An approved permit can be revoked if it is determined that there is noncompliance with either the zoning ordinance or any permit condition or both.

B. <u>Home Occupations</u>

1. Home occupations are limited to the following activities:

    a. Sculpting; pottery and woodworking; arts and crafts workshops; electronic repair shops; furniture making and repair; gun smiting and repair; and general repair services.

    b. Training and/or tutoring of no more than six persons in small classes.

    c. Custom dressmaking, millinery or tailoring.

d. Photographic studios, graphic design studios or artist workshops.

e. Professional offices with no or very limited client traffic.

f. Beauty salons, hairdressers, barbershops or personal services businesses with no or very limited client traffic.

g. Child care for six (6) or fewer children.

h. Catering and custom baking operations.

2. Operators of home occupations, subject to additional regulations set by local, county or state regulatory agencies, must meet all of the required regulations for that occupation prior to issuance of a zoning permit.

3. Home occupations are limited to either residential dwellings or accessory structures and may be located in any zoning district in the Borough. An approved permit is required for a home occupation. When the property owner and the business owner are two different individuals, each must complete and sign the permit application. A permit may be issued by the zoning officer provided that the following requirements are met:

    a. The business activity must be administered and conducted as an accessory use clearly secondary to the residential use of the dwelling.

    b. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

    c. The business activity shall not in any way alter the residential character of the neighborhood nor in any way adversely affect the safe and comfortable enjoyment of the neighborhood in which the use is located.

    d. The business activity shall be conducted entirely within the owner's dwelling or accessory structure and may occupy no more than 25% of the gross floor area of the dwelling or up to 600 square feet of the accessory structure.

    e. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

f. There shall be no outside storage of materials associated with the business activity.

g. There shall be no outside appearance of a business use, except as may be permitted in Article 8.

h. The business shall employ no more 1 employee other than family members residing in the dwelling.

i. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio, television, internet or wireless reception which is detectable in the neighborhood.

j. The business activity shall not generate any solid waste or sewage discharge in volume or type which is not normally associated with a residential use.

k. A minimum of two (2) off-street parking spaces, in addition to those that are required for the residence, shall be provided for all home occupations.

l. The business shall not involve any illegal activity.

m. The property in which a home occupation is located can be subject to periodic inspections by the Zoning Officer. An approved permit can be revoked if it is determined that there is noncompliance with either the zoning ordinance or any permit condition or both.

n. Additional conditions may be imposed prior to approval of any permit. These may include but shall not be limited to the following:

    a. Hours of operation and deliveries.

    b. Location of the site of activities that may generate potential adverse impacts on adjacent uses.

    c. Placement of refuse receptacles and the frequency of required refuse collection.

    d. Additional landscaping and/or buffering.

e. Restrictions for the purpose of preserving natural light and solar access, air rights, privacy and views for adjacent properties.

Section 419 SWIMMING POOLS (See also Section 414)

A. Private Swimming Pools

Private swimming or bathing pools (pools used by the owner and guests), may be permitted as accessory uses to any principal residential use, but must comply with the following requirements.

1. Every outdoor private swimming pool containing water more than 24 inches in depth, shall be completely surrounded by a fence or wall not less than four (4) feet in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Further, such gates and doors shall be designed and maintained in accordance with all applicable building and property maintenance codes.

2. A dwelling or accessory structure may be used as part of the required enclosure.

3. The pool shall not be located within any front yard and shall meet all side and rear yard setback requirements established for accessory structures in the district where the use is located.

B. Semi-Public Swimming Pools

Semi-public swimming or bathing pools shall be defined as those facilities available for use by specified groups or organizations, including pools provided in conjunction with motels or similar lodging facilities, or residential or institutional developments. Such pools shall be completely surrounded by a fence or wall not less than four (4) feet in height above the finished grade of the site where the pool is located and shall be subject to all setback requirements of the applicable district as well as all requirements established by the PA Department of Environmental Protection. (See also Section 414 for requirements for public swimming pools.)

Section 420 ACCESSORY BUILDINGS OR STRUCTURES

An accessory building(s) or structure(s) may be maintained in conjunction with a permitted, principal use subject to the following standards.

A. Accessory buildings or structures shall be set back in accordance with the yard requirements established in Article 3, the District Regulations, and the Supplemental Lot Requirements set forth in Section 502 of this Ordinance.

B. No accessory building or structure shall be erected or located in front of the building to which it is accessory, except as may be provided otherwise in the Supplementary Use Regulations (Article 4), the Supplementary Lot Regulations (Article 5), or the Sign Regulations (Article 8).

C. No manufactured housing, mobile home units, buses, van bodies, or truck trailers may be used as accessory buildings or structures, except that storage trailers may be permitted as accessory structures in the Industrial District.

D. No outdoor vending machines or containers shall be permitted as accessory structures in any Residential District. (See also Section 411 E. regarding the use of outdoor vending machines at retail establishments.)

E. The height of accessory buildings or structures shall be as set forth in Article 3, the District Regulations, except as may be permitted otherwise in Section 503 of this Ordinance.

Section 421 ACCESSORY RESIDENTIAL USES

Accessory residential uses, including apartments or dwelling units above or adjoining a commercial use, may be permitted in the Central Business and General Commercial Districts. Every such proposed use shall also meet the requirements outlined below.

A. All such uses must remain secondary to the principal commercial use of the structure. Further, in the Central Business District, there shall be no residential occupancy on the first floor of a commercial building.

B. The minimum gross floor area requirements for new construction or conversions proposed after the effective date of this Ordinance shall be as set forth in Section 402 C. of this Ordinance.

C. The off street parking requirements set forth in Article 9 of this Ordinance shall be met for both the commercial and residential uses.

Section 422 OPEN OR OUTSIDE STORAGE OR DISPLAY

For the purposes of this Ordinance, the open or outside storage or display of goods, materials, or merchandise may only be authorized as accessory to an approved, principal use in the General Commercial or Industrial Districts and shall be subject to the following standards.

A. No such storage shall constitute a nuisance, nor be located within 25 feet of a residential dwelling or residential district.

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

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

D. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except those directly connected to heating devices or appliances located on the same premises.

E. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be attractive to rodents or insects shall be stored outdoors only in properly closed and sealed containers.

F. All such storage areas shall be screened or shielded from view by a fence, wall, or screen plantings which meet the requirements of Section 506 of this Ordinance.

G. No such storage shall be permitted in any designated Floodway District Where permitted within a Flood Fringe or General Floodplain District, all such storage shall be flood proofed to avoid being transferred from the site during times of flooding.

Section 423 BUILDING-MOUNTED COMMUNICATIONS ANTENNAS

Communications antennas may be mounted to any existing building or structure as an accessory use in the Central Business, General Commercial and Industrial Districts subject to the following standards. Residence-mounted satellite dishes and television reception devices, and ham or citizen band radio antennas may be located in any zoning district as an accessory use and shall not be subject to further regulation by this Ordinance.

A. Building-mounted communications antennas shall not be located on any single- family, duplex, or multi-family dwellings, but may be attached to government or municipal buildings, water tanks, agricultural buildings, electrical transmission poles or towers, or other non-residential buildings.

B. Building-mounted antennas shall not exceed 15 feet in height above the building to which they are attached. Omni-directional or whip antennas shall not exceed a height of 20 feet and a diameter of seven (7) inches. Directional or panel antennas shall not exceed five (5) feet in height and three (3) feet in width.

C. Any applicant proposing to mount a communications antenna on an existing building or other structure shall submit evidence to the Borough from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind and other loads associated with the antenna's location.

D. Building-mounted antennas shall be located on those building elevations which do not face public rights-of-way, and shall not project more than three (3) feet from the vertical face of the building to which they are attached.

E. Applicants for building-mounted antennas shall submit evidence to the Borough that all necessary agreements and/or easements have been secured to provide access to the building or structure on which the antenna is located.

F. No provision of this Section is intended to unduly restrict or impair communications activities conducted by any FCC-licensed individual or entity. In the event that it is determined that any provision of this Section would unlawfully restrict the exercise of a license issued by the FCC, the Council of Muncy Borough shall have the power and authority to modify the terms of this Section as they apply to such license holder. Relief under this Section shall however be authorized on a case-by-case basis, and any such application shall be considered as a conditional use.

Section 424 EXTRACTION

A. Definition

This category includes extraction uses such as mining and quarrying of sand, clay, dolomite, shale, gravel, topsoil, or similar materials, including borrow pits (excavations for removing material for filling operations).

Section 425 OIL & GAS DEVELOPMENT

A. Definition

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

B. Purpose

This Section provides practical and reasonable criteria for oil and gas development use. The use includes the site specific equipment, structures and disturbance associated with the use. Information and certain measures are provided to determine that public health, safety and welfare is protected. These regulations apply to all new oil and gas drilling sites proposed to be constructed after the effective date of this Ordinance. Local governments are preempted from regulating the same features of Oil and Gas well operations or accomplishing the same purposes regulated under the PA Oil and Gas Act. Local zoning regulates surface land use.

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

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

C. Procedure

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

A zoning/development permit shall be obtained for oil and gas development following the provisions outlined in sub-sections below.

1. Seismic Testing does not require a zoning permit.

2. A zoning/development permit shall be obtained for each well pad.

3. Within 14 days of receipt of the information described in Section 425, D and the required fee, the Zoning Administrator or his or her designee shall issue a Zoning/Development Permit placard. The applicant shall post this placard at the nearest point of public access to the site.

1. For well pad sites located in districts listed as "CU" on the use tables in Article 3, the Conditional Use hearing process is applicable and will require more than14 days to complete a permit action.

4. When multiple wells are located on the same well pad, a separate permit for each well is not required. However, written notification must be provided to the Zoning Administrator at least 14 days, but no more than 90 days, prior to drilling of each well not already identified in a Zoning/Development Permit.

5. Installation, operation and maintenance of oil and natural gas pipelines, including water lines and reused water pipelines related to oil and gas development (even when initially installed from the surface), subsurface horizontal drilling boreholes and associated subsurface production pipe, casing, cement, are permitted uses by right in all zoning districts. Application for and issuance of a zoning permit for pipeline installation in any zoning district is not required, except where installation of such facilities crosses over and disturbs the surface of a state or municipal public.

6. A Certificate of Occupancy is not required, but may be requested by the applicant. In response, the Zoning Administrator will issue a Certificate of Occupancy once all reclamation activities are completed.

D. Information Specifications

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

1. A narrative describing the proposed drilling use, including:

    a. the approximate number of acres to be disturbed for development;

    b. the proposed number of wells, including the DEP permit number(s) for any or all wells if available at the time of submittal and provided when issued later; and

    c. a description of how damage to public roads adjacent to the tract will be addressed.

2. A map showing the well pad, planned access road, allowable drilling area, and planned permanent improvements.

3. A site address determined by the County 911 addressing program at the time of application for emergency and safety services and information needed to gain access in the event of an emergency

4. A statement that the development will be constructed and operated in compliance with all Federal and State permitting requirements.

5. A copy of any permits issued at the time of submittal, including any DEP permits and any applicable PENNDOT or municipal highway occupancy or driveway permits.

6. A copy of letter notifying the affected municipality(ies) Board of Supervisors, or Borough Council of intent to seek a Zoning/Development Permit.

E. Supplemental Controls

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

1. Vehicular access to any natural gas well, oil well or well pad shall minimize danger to traffic and nuisance to surrounding properties.

    a. Vehicular access to a natural gas well, oil well or well pad solely via a residential street is discouraged.

    b. Vehicular access to a natural gas well, oil well or well pad via a collector street is encouraged.

2. A Zoning/Development Permit shall not be issued for any well to be drilled within any floodway identified in the Flood Insurance Study (FIS) prepared and approved by Federal Emergency Management Agency (FEMA.)

    a. Drilling and placing associated structures and equipment are not permitted in the floodway of the regulated floodplain.

    b. Earth moving activities that do not materially change the contour of the land are permitted for the purpose of pipeline installation.

    c. Drilling, associated structures, equipment, development and disturbance in the remainder of the regulated floodplain are strongly discouraged. Upon reasonable justification submitted by the applicant that the only suitable place on the property controlled by the applicant to access the gas or oil is from a site area located in the flood fringe segment of the Regulated (or 100-Year) Flood Plain, a Zoning/Development Permit may be issued by the Zoning Administrator, provided:

        1) There is compliance with the Section 5160 of this Ordinance

        2) There is compliance with Section 10130 H of this Ordinance

3) Following the submission of a flood evacuation plan.

d. A closed loop system for drill cutting is preferred within the 100 year flood fringe (Zoning Ord. Sect. 5160).

3. Safety.

   a. Oil and Gas drilling activities and associated equipment shall comply with all applicable federal and state safety standards.

   b. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.

   c. During drilling and hydraulic fracturing, all equipment shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons.

   d. During drilling and hydraulic fracturing, a guard station with 24 hour staffing at the entrance to the site is permitted in lieu of fencing.

4. Aircraft Considerations. Aircraft signal lighting is not permitted other than as required by the Federal Aviation Administration (FAA).

5. Height. The height of the drilling rig and facilities on site such as drying tanks, etc. are exempt from the height limits found in this Zoning Ordinance. Permanent structures whether principal or accessory must comply with the height regulation contained in Article 3 of this Ordinance..

6. Setbacks. The well bore (centered on the derrick drilling rig) shall be located a minimum setback distance, dependent upon the use of adjacent property, as follows:

   a. Well bore shall be setback 200 feet from any of the following:

      1) Any roadway designated as eligible for scenic byway status in the document titled “A Scenic Byways Program for Lycoming County,” or any subsequent County scenic byways plan.

      2) Designated Pennsylvania Department of Conservation and Natural Resources (DCNR) trailheads or boating/canoe launch points.

      3) Buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.

      4) Any right-of-way line of the nearest public or private road respectively.

5) From property line of publicly owned land.

b. All other setbacks for structures, buildings, and production equipment shall comply with Lot, Yard, and Open Space Requirements listed in Article 3 of this ordinance.

c. Side and rear setback requirements shall not apply to well pads where common law, contractual rights or statutory provisions authorize the surface use to cross property lines**.**

d. Buffer yards set forth in Section 6400 only apply to Special Exception uses.

e. The setback requirements of this section may be reduced when the applicant submits information acceptable to the Zoning Officer establishing, where applicable, that literal compliance with the setback requirement is shown to be unreasonable, would cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.

7. Fence and Screening Standards.

a. Fences shall not be required on drill sites during initial drilling, completion or re-working operations as long as 24-hour on-site supervision is provided.

b. During drilling and hydraulic fracturing a secured entrance gate on the access road with arrangements for appropriate access to emergency management personnel shall be required and all gates are to be kept locked when the employees, sub-contractors are not on the premises.

c. Applicant must provide the County Communications Center necessary information to access the well pad in case of an emergency**.**

d. Screening. When site pads are being constructed care should be taken to maintain as much natural screening as possible. Existing trees and respective root systems should not be disturbed whenever possible.

8. Signal Interference. The applicant shall make reasonable efforts to avoid and/or mitigate any disruption or loss of radio, telephone, cellular phone, television or similar signals, and shall mitigate any harm caused by the oil and gas use in a timely manner.

a. Signal impairment to the County of Lycoming communications system shall not occur under any circumstances.

9. Agreements with Municipalities. When an Agreement exists between the applicant and the Borough, said agreement shall be submitted to the Zoning Officer prior to the issuance of the Certificate of Occupancy.

10. Revocation of any required federal, state, municipal, or other required approvals applicable to the use shall constitute an automatic revocation of the Zoning/Development Permit.

F. Criteria applied to the Zoning Districts that permit the use by Conditional Use.

In addition to the Conditional Use Procedures found in Section 1201 of this Ordinance, the Borough Council shall require the applicant to provide the following:

1. Steps the applicant will take to mitigate or resolve impacts, whether temporary or permanent, specifically related to the site, all adjacent land, nearby roads, light emission and land use.

2. The chain link fencing to be installed shall be dark green or black coated steel wire. A sample standard follows for guidance:

    a. The fence shall be at least six (6) feet in height.

    b. Support posts shall be set in concrete and imbedded into the ground to a depth sufficient to maintain the stability of the fence. Temporary fence posts shall not be required to be set in concrete.

    c. The chain link fence shall have a minimum thickness of eleven (11) gauges.

    d. Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have minimum thickness of one-fourth by three-fourths inch.

    e. All chain link fences shall be equipped with at least one (1) gate. The gate shall meet the following specifications:

        1). Each gate opening shall be not less than twelve (12) feet wide and be composed of two (2) gates, each of which is not less than six (6) feet wide, or one (1) sliding gate not less than twelve (12) feet wide. If two (2) gates are used, gates shall latch and lock in the center of the span.

2). The gates shall be of black or dark green chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as the chain link fence.

3) The gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when no one is working on the site.

3. Noise standards. Sound disturbance during the drilling gas and oil exploration stage shall be addressed as follows. The applicant shall install sound attenuation, with mitigation devices to address sound levels that would exceed the noise level standards when located near facilities such as schools, and churches, and critical facilities such as medical providers, fire and emergency stations. The applicant shall demonstrate compliance with the noise standards contained in Section 5130 Noise Protection Levels for all permanent phases of the use.

4. Buffer yards set forth in Section 6400 only apply to proposed developments that require a Conditional Use hearing.

Section 426 OIL & GAS COMPRESSOR, PRPCESSING, METERING FACILITY

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

A. Definition

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

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

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

B. Supplemental Controls

1. The compressors are required to be enclosed in a building with doors.

2. The building and roofing color is required to blend with the community character of the site.

3. A written commitment to the Borough from the applicant that the site will be restored within one year following the termination of production.

C. Criteria applied to the Zoning Districts that permit the use by Conditional Use.

1. Conditional Use procedures are stipulated in Section 1201 of this Ordinance

2. Information in Section 425, F as required by Borough Council.

Section 427 OIL & GAS WATER REUSE STORAGE FACILITY

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

A. Definition

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

B. Supplemental Controls

1. The criteria of Zoning Ordinance Section 3250D 1. as heavy industry and sub-section 3250D 2.b. for above ground tanks, and any equipment that will contain frack water.

2. Complete site restoration within one year following the termination of production in accordance with PA DEP regulations.

3. Impoundments that are used solely for fresh water storage do not require a zoning permit.

C. Criteria applied to the Zoning Districts that permit the use by Conditional Use hearing.

1. Conditional Use Procedures stipulated in Section 1201 of this Ordinance

2. Information in Section 425, F as required by Borough Council.

Section 428 OIL & GAS STAGING FACILITY

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

A. Definition

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

B. Criteria applied to the Zoning Districts that permit the use by Conditional Use hearing.

1. Conditional Use procedures as stipulated in Section 1201 of this Ordinance.

2. Information in Section 425, F as required by Borough Council.

Section 429 TEMPORARY USES

A. Garage. Porch or Yard Sales

Owners or occupants of homes throughout the Borough may sell household, personal property belonging to themselves at garage, porch or yard sales or other similar occasional sales held at their residences subject to the following regulations.

1. A Temporary Zoning Permit shall be required for such sales and shall be issued by the Zoning Officer. There will be no charge for this Permit.

2. All such sales shall be limited to two (2) per year per residence.

3. No sale shall exceed two (2) consecutive days in duration.

4. Sales shall be limited to the hours of 6:00a.m. to 6:00p.m. daily.

5. Individuals conducting such events shall comply with all sign regulations contained in Article 8 of this Ordinance.

B. Public Auctions

Public auctions may be conducted periodically throughout the Borough subject to the following regulations.

1. A Temporary Zoning Permit shall be required for such activities and shall be issued by the Zoning Officer. There shall be no charge for this Permit.

2. No auction shall exceed two (2) consecutive days in duration.

3. There shall be no other sales permitted at an auction, except for food that is to be consumed on site.

ARTICLE 5: SUPPLEMENTARY LOT REGULATIONS

Section 500 PURPOSE

The provisions of this Article represent standards and regulations that shall be applied to all uses in addition to those established for the applicable zoning district. These regulations are to be used either in common within all zoning districts or are to be applied to specific situations as may be otherwise stated throughout the Ordinance.

Section 501 GENERAL LOT REQUIREMENTS

A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance, except as may be provided otherwise in this Article or Article 4.

B. No part of a yard or other open space required by this Ordinance in connection with any building or use shall be included as part of a yard or open space similarly required for any other building or use.

C. Every principal building hereinafter erected shall be located on a lot as defined There shall not be more than one principal building and its accessory structures on one lot, except in the case of single-family attached or multi-family dwelling structures, mixed residential developments, **OR** other land development approved pursuant to the requirements of the Borough's Subdivision and Land Development Ordinance.

D. The width of any lot shall be measured at the minimum required front building setback line, except that lots located on cul-de-sacs or curves in the road may have lot widths of less than those required provided that the average of the front and back lot line is equal to or greater than the required lot width. In no case however, shall the front lot line of a residential lot have a width less than 50 feet measured at the front building setback line.

E. No portion of the cartway of any public street or public alley shall be included in calculating a lot's required area.

F. Every lot shall be adjacent to a public street or shall have access to a public street via a private street or right-of-way at least 20 feet in width and approved pursuant to the requirements of the Borough's Subdivision and land development ordinance.

Section 502 YARD REQUIREMENTS

A. Projections

1. Cornices, chimneys, flues, eaves, gutters, steps, piers, or bay windows may project into any required yard, but not more than 12 inches from the principal building to which it is attached. In no case however, shall the projection be closer than five (5) feet to a property line or street or alley right-of-way.

2. An unenclosed porch no more than one (1) story or 15 feet in height may be erected with a depth of nine (9) feet in the front yard or a depth of 12 feet in the rear yard, provided that no portion of the porch shall be closer to the side lot line than the required side yard. In the event that the house is located within the required side yard, the porch may extend into the said yard to match the existing structure, but not farther. In no case however, shall the porch be located closer than five (5) feet to any property line or street or alley right-of-way.

B. Front Yards

In order to preserve the existing built character of the Borough, the front building line of any new structure shall be situated (where feasible) uniformly with the surrounding structures regardless of the required yard setbacks set forth in Article 3 - provided that the following applicable criteria are met:

1. Front yard setbacks shall be measured from the edge of the cartway of the adjoining public street or alley, or as may be otherwise noted.

2. Buildings proposed for construction in the Central Business District and Historic District shall be setback at the same depth as existing or adjoining buildings in order to maintain the character of the Districts. (See also Section 705 for setback requirements in the Historic District.)

3. Where, in any district, more than 50 percent of the frontage of a block has been improved with buildings having front yards of less depth than is required for the district in which they are located, then the required front yard depth for such block may be decreased to a depth not less than that of the majority of the existing buildings.

4. Where, in any district, less than 50 percent of the frontage of a block has been improved with buildings having front yards of less depth than is required for the district in which they are located, but an unimproved lot is situated between two improved lots each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be decreased to the average depth of the two adjacent improved lots.

5. Where an addition is proposed for an existing principal building which extends into the required front yard, the addition may be authorized by the Zoning Officer so long as the addition projects no further into the required front yard than the average depth of the buildings on the adjoining lots.

6. Accessory buildings or structures may not be erected or located in front of the building to which they are accessory, except as may be provided otherwise in the Supplementary Use Regulations (Article 4), in the Fence Regulations of this Article (see Section 504 B.), or the Sign Regulations of Article 8

7. Off-street parking and loading areas shall not be located within a front yard.

C. Side Yards

1. On a corner lot, all yards abutting a street shall have a depth equal to the required front yard for the district in which the lot is located. The remaining two (2) yards shall constitute a side yard and a rear yard.

2. Where a corner lot is situated at the intersection of a street and an alley, the required front yard shall be measured from the street, and the side yard requirement shall be measured from the alley.

3. Side yards shall be measured from the side lot line or from the edge of the cartway of any adjoining alley.

4. Accessory buildings or structures may not be constructed within a required side yard, except as may be provided otherwise in the Supplementary Use Regulations (Article 4), in the Fence Regulations of this Article *(see Section 504 B.)*, the Sign Regulations of Article 8, or as follows:

    a. On a corner lot where there is no feasible way of erecting an accessory building or structure, the structure may project into the required side yard area only as much as the average depth of the other structures that are currently encroaching within the require yard setback on the same block. At intersections, all sight triangles (as detailed in Section 504 D) must remain clear of obstructions.

    b. In situations where an internal lot has a non-conforming width, the side yards may be combined to have a reduced side yard requirement. This relief may be granted by the Zoning Officer and can only be approved to the minimum necessary to achieve a project.

5. Off-street parking and loading areas shall not be located within a required side yard.

D. Rear Yards

1. Rear yards shall be measured from the rear lot line or from the edge of the cartway of any adjoining alley.

2. The depth of the rear yard of any through lot shall be not less than the depth of the front yard required for the district in which the lot is located.

3. Accessory buildings or structures may not be constructed within a required rear yard, except as may be provided otherwise in the Supplementary Use Regulations (Article 4), in the Fence Regulations of this Article (see Section 504 B.), or the Sign Regulations of Article 8.

4. Off-street parking and loading area may be located within a required rear yard, but only as provided in Article 9 of this Ordinance.

Section 503 HEIGHT REGULATIONS

A. Permitted Heights

The permitted height of structures shall be measured from the average finished grade of the lot upon which the structure is located to the highest point of the structure's roof. (See also Section 705 B. for height requirements in the Historic District.)

B. Height Exceptions

1. The following structures or portions thereof may extend above the maximum height limit of the district in which they are located, provided however, they are set back a distance equal to their height. (See also Sub-Part B.2 below.)

    a. Church towers, spires, and steeples;

    b. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building; and

    c. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, utility poles, building-mounted antennas, water tanks, silos, or similar structures.

    d. Structures being elevated in conjunction with floodplain regulations.

2. Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards and criteria of the Federal Aviation Administration, the Federal Communications Commission, and any other governmental agency which may have jurisdiction.

Section 504 MISCELLANEOUS PROVISIONS

A. Two or More Principal Uses in Same Building

When two (2) or more principal uses occupy the same building (not including home occupations as defined in Section 418), parking spaces, open space, etc., shall be provided so that the standards pertaining to each use will be met in full, unless provided otherwise in this Ordinance or as part of a land development approved pursuant to the requirements of the Borough's Subdivision and Land Development Ordinance.

B. Fences and Screening Walls *(See also Section 506 B.)*

1. No fence or screening wall exceeding six (6) feet in height may be erected within the side or rear yard of any Residential District property unless authorized otherwise by the Zoning Hearing Board or other provision of this Ordinance. A fence or screening wall not exceeding an average of four (4) feet in height may be erected across the front of a property adjacent to the sidewalk. Fences or walls up to ten (10) feet in height may however be erected within any required yard for schools, playgrounds, or parks; or in Commercial or Industrial Districts. No barbed wire or above-ground electric fencing shall be used in the Borough, unless part of an approved security plan for an industrial, commercial or institutional facility.

    a. Fence heights shall be measured from finished grade to the top of the fence at its highest point.

2. Fences may be erected, altered and maintained along property lines if the adjoining property owner provides a written agreement of concurrence. If there is no agreement with the adjoining property owner the fence must be placed a minimum of six (6) inches from a property line.

3. Fences that abut alleys shall be set back a minimum of 3 feet from the edge of cartway.

4. In no case shall a fence or wall be erected which could cause danger to traffic on a public or private street or alley by obscuring a driver's view or which does not comply with the clear sight triangle requirements contained in Sub-Section 504 D. below.

5. All fences to be placed in an identified floodplain area shall meet the floodplain management regulations set forth in Article 6 of this Ordinance.

C. Outdoor Lighting

All outdoor flood lighting and spot lighting shall be mounted and shielded to effectively eliminate direct glare on adjacent properties and to avoid creating safety problems for motorists on public streets. No light fixture affixed to the side of a building shall project more than 24 inches from the surface to which it is attached.

D. Clear Sight Triangle Requirements

At all street and/or alley intersections, no obstruction (including a fence or wall) or planting exceeding 42 inches in height above the established grade of the street at the property line shall be permitted to be located within the clear sight triangle of the intersection. A clear sight triangle shall be defined as that area of unobstructed vision at an intersection formed by lines of sight between points at a given distance from the intersection of the street centerlines. These distances shall be as follows.

1. For the intersection of a collector street and a local street, the distance from the intersection of the street centerlines shall be 50 feet.

2. For the intersection of two (2) local streets, the distance from the centerline intersection shall be 30 feet.

3. For the intersection of a street and an alley or the intersection of two (2) alleys, the minimum distance shall be 25 feet.

Section 505 BUFFER YARDS

A. Where a commercial or industrial use (commenced after the effective date of this Ordinance) abuts any Residential District, buffer yards shall be provided in accordance with the yard requirements of the applicable zoning district. (See Article 3, District Regulations.) The buffer yard shall be a part of the commercial or industrial operation and shall be maintained by that property owner.

B. A buffer yard may be part of the required side or rear yard setback.

C. All buffer yards shall be planted and maintained with vegetative material, including but not limited to grass, sod, shrubs, or trees or evergreens. Where required within buffer yards, screening shall be accomplished in accordance with Section 506 below.

D. No building, structure, sign, storage of materials, or off-street parking and/or loading areas shall be permitted within a required buffer yard; however, access drives and utilities may cross, but not traverse, such yards.

Section 506 SCREENING

Where required, screening may be accomplished through the use of any one or a combination of the following methods.

A. Screen Planting

1. Screen planting may be required as set forth in Article 4, the Supplementary Use Regulations, or where determined necessary by the Borough Council or Zoning Hearing Board, as appropriate, to serve as a barrier to visibility, glare, and/or noise between adjacent properties.

2. Plant or vegetative materials, including shrubs or evergreens, used in screen planting shall be of such species as will produce, within three (3) years of planting, a complete visual screen at least six and one-half (6 1/2) feet in height and be of such density as is necessary to achieve the intended purpose. All such plant materials shall be a minimum of four (4) feet in height at the time of installation.

3. Screen planting shall be maintained permanently by the property owner, and any plant material which does not live shall be replaced within six (6) months.

4. Screen planting shall be placed so that at maturity it will be no closer than five (5) feet to any street or property line, except that the appropriate clear sight triangle, as provided in Section 504 D. above, shall be maintained at all intersections. Required screen plantings shall be broken only at points of vehicular or pedestrian access or utility easements.

5. Where a commercial or industrial use abuts a Residential District, all required screen plantings shall extend the entire length of the common boundary.

B. Fences or Walls

1. In lieu of, or in addition to, plantings as described above, the Borough Council or Zoning Hearing Board, as appropriate, may consider the use of a fence or wall as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.

2. Fences or walls used for screening shall meet all requirements set forth in Section 504 B. of this Ordinance.

3. Fences or walls used to provide required screening shall be at least six (6) feet in height and be of such type as is necessary to achieve the intended purpose.

4. Fences or walls used to provide required screening shall meet the clear sight triangle requirements set forth in Section 504 D. of this Ordinance.

5. Any fence or wall used to provide required screening shall be maintained in structurally sound condition by the property owner.

ARTICLE 6: SUPPLEMENTARY FLOODPLAIN MANAGEMENT REGULATIONS

Section 600 STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of the Borough of Muncy does hereby order as follows.

Section 601 GENERAL PROVISIONS

A. Intent. The intent of this Ordinance is to:

1. Promote the general health, welfare, and safety of the community.

2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

3. Minimize danger to public health by protecting water supply and natural drainage.

4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

5. Comply with federal and state floodplain management requirements.

B. Applicability

1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of Muncy unless a Permit has been obtained from the Floodplain Administrator.

2. A Permit shall not be required for minor repairs to existing buildings or structures.

C. Abrogation and Greater Restrictions

This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply

D. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

E. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or 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.

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

Section 602 ADMINISTRATION

A. Designation of the Floodplain Administrator

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

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Borough Manager.

B. Permits Required

A Permit shall be required before any construction or development is undertaken within any area of the Borough of Muncy.

C. Duties and Responsibilities of the Floodplain Administrator

1. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

3. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

4. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

5. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Borough Council for whatever action it considers necessary.

6. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

7. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.

8. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.

9. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the

2009 IBC and the 2009 IRC or latest revisions thereof.

D. Application Procedures and Requirements

1. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Borough of Muncy. Such application shall contain the following:

    a. Name and address of applicant.

    b. Name and address of owner of land on which proposed construction is to occur.

    c. Name and address of contractor.

    d. Site location including address.

    e. Listing of other permits required.

    f. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.

    g. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

    a. 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;

    b. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;

    c. adequate drainage is provided so as to reduce exposure to flood hazards;

    d. structures will be anchored to prevent floatation, collapse, or lateral movement;

    e. building materials are flood-resistant;

f. appropriate practices that minimize flood damage have been used; and

g. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

    a. A completed Permit Application Form.

    b. 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 available;

        3) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

        4) the location of all existing streets, drives, and other access ways; and

        5) 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.

    c. 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 North American Vertical Datum of 1988;

        2) the elevation of the base flood;

        3) supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.

    d. The following data and documentation:

        1) detailed information concerning any proposed flood-proofing

measures and corresponding elevations.

2) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and Floodway Area (See section 603 B, 1) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.

3) documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See Section 603, B, 2) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.

4) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

5) Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

6) detailed information needed to determine compliance with Section 604, C, 6, Storage, and Section 604, D, Development Which May Endanger Human Life, including:

    i. the amount, location and purpose of any materials or substances referred to in Sections 604, C, 6 and 604, D which are intended to be used, produced, stored or otherwise maintained on site.

    ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 604, D during a base flood.

7) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

8) 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.

4. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

E. 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 Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. county planning department, planning commission, municipal engineer, etc.) for review and comment.

Section 603 IDENTIFICATION OF FLOODPLAIN AREAS

A. Identification

The identified floodplain area shall be:

1. Any areas of the Borough of Muncy, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated June 2, 2016, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

   The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Borough of Muncy and declared to be a part of this ordinance.

B. Description and Special Requirements of Identified Floodplain Areas

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

1. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.

   a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed

in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

2. The AE Area/ Flood Fringe District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.

    a. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

3. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available.

    In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

C. Changes in Identification of Area.

The Identified Floodplain Area may be revised or modified by the Borough of Muncy where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 5.01 (B) for situations where FEMA notification is required.

D. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough of Muncy and any party aggrieved by this

decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

E. Jurisdictional Boundary Changes.

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

Section 604 TECHNICAL PROVISIONS

A. General

1. Alteration or Relocation of Watercourse

   a. 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 first been obtained from the Department of Environmental Protection Regional Office.

   b. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

   c. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

2. When a community proposes to permit the following encroachments:

   - any development that causes a rise in the base flood elevations within the floodway; or
   - any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
   - alteration or relocation of a stream (including but not limited to installing culverts and bridges

   the applicant shall (as per 44 CFR Part 65.12):

a. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.

b. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.

c. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

3. 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.

B. Elevation and Floodproofing Requirements

1. Residential Structures

a. In AE, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to base flood elevation plus one and one-half (1 ½) foot of freeboard.

b. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to base flood elevation plus one and one-half (1 ½) foot of freeboard The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

2. Non-residential Structures

a. In AE, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to base flood elevation plus one and one-half (1 ½) foot of freeboard or be designed and constructed so that the space enclosed below the regulatory flood elevation:

1) is flood-proofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

2) has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

b. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely flood-proofed up to, or above, the regulatory flood elevation determined in accordance with Section 603, B, 3 of this ordinance.

c. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be flood-proofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such flood-proofing 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.

d. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

3. Space below the lowest floor

a. Fully enclosed space below the lowest floor (excluding basements) 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 flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

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

1) 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.

2) the bottom of all openings shall be no higher than one (1) foot above grade.

3) openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

5. Accessory structures

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 flood waters.

e. Power lines, wiring, and outlets will be elevated to the regulatory 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, collapse, and lateral 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 minimum criteria:

1) 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.

2) The bottom of all openings shall be no higher than one (1) foot above grade.

3) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

C. Design and Construction Standards

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

1. Fill

a. 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 no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

5) be used to the extent to which it does not adversely affect adjacent properties.

2. Drainage Facilities.

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed

to prevent the discharge of excess runoff onto adjacent properties.

3. Water and Sanitary Sewer Facilities and Systems

    a. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

    b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

    c. No part of any on-site waste disposal 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.

    d. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

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.

5. Streets.

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

6. 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 604, D, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

7. Placement of Buildings and Structures

    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.

8. Anchoring

    a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

    b. 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 flotation.

9. Floors, Walls and Ceilings

    a. 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.

    b. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

    c. 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.

    d. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

10. Paints and Adhesives

    a. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

    b. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

    c. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

11. Electrical Components

    a. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

13. 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.

14. Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.
International Building Code (IBC) 2009 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
International Residential Building Code (IRC) 2009 or the latest edition thereof:
Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

D. Development Which May Endanger Human Life

Within any Identified Floodplain Area, any structure of the kind described in Subsection 1., below, shall be prohibited. If a variance is obtained in accordance with the criteria in Section 607, then the following provisions apply: (604 D, E, & F)

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:

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

b. 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,

c. 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:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

2. Within any Floodway Area, any structure of the kind described in Subsection 1., above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 604, D, 1, above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with Sections 604, A-C.

3. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 5.04 (A) above, shall be built in accordance with Sections 604, A- C including:

   a. Elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and;

   b. designed to prevent pollution from the structure or activity during the course of a base 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, June 1972 as amended March 1992), or with some other equivalent watertight standard.

E. Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

F. Special Requirements for Manufactured Homes

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

2. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:

    a. placed on a permanent foundation;

    b. elevated so that the bottom of the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;

    c. and anchored to resist flotation, collapse, or lateral movement;

    d. and have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.

3. 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 2009 "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 and 34 PA Code Chapter 401-405 shall apply.

4. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where

appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

G. Special Requirements for Recreational Vehicles

Recreational vehicles in Zones A and AE must either:

1. be on the site for fewer than 180 consecutive days, and;

2. be fully licensed and ready for highway use, or;

3. meet the permit requirements for manufactured homes in Section 604, F.

Section 605 PROHIBITED ACTIVITIES

A. General

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:

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:

    a. Hospitals

    b. Nursing homes

    c. Jails or prisons

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

Section 606 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

A. 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 606, B shall apply.

B. Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

1. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.

2. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

3. Any modification, alteration, 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.

4. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.

5. Within any Floodway Area/District (See Section 603,B, 1), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office

6. Within any AE Area/District without Floodway (See Section 603, B 2), 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 the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

Section 607 VARIANCES

A. General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough of Muncy's Zoning Hearing board may, upon request, grant relief from the strict application of the requirements.

B. Variance Procedures and Conditions

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Section 602, J and the following:

1. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.

2. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

3. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Development Which May Endanger Human Life (Section 604, D).

4. No variance shall be granted for Prohibited Activities (Article VI).

5. If granted, a variance shall involve only the least modification necessary to provide relief.

6. In granting any variance, the Zoning Hearing Board shall attach 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.

7. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

    a. The granting of the variance may result in increased premium rates for flood insurance.

    b. Such variances may increase the risks to life and property.

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

    a. That there is good and sufficient cause.

    b. That failure to grant the variance would result in exceptional hardship to the applicant.

    c. That the granting of the variance will

        1) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public

expense,

2) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

9. A complete record of all variance requests and related actions shall be maintained by the Borough of Muncy. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

10. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

ARTICLE 7: SUPPLEMENTARY HISTORIC DISTRICT REGULATIONS

Section 700 GENERAL PURPOSES

The purpose of these provisions is to:

A. promote the retention of community character through preservation of the local heritage by recognition and protection of historic and cultural resources:

B. establish a clear process by which proposed changes affecting historic properties are reviewed;

C. mitigate the negative effects of proposed changes affecting historic properties;

D. encourage the continued use of historic properties and facilitate their appropriate rehabilitation and adaptive reuse;

E. encourage the preservation of historic settings and landscapes;

F. discourage the demolition of historic resources;

G. utilize historic preservation as a tool for economic revitalization, to promote the general welfare, education and culture of the Borough; and

H. implement the following sections of the PA Municipalities Planning Code:

1. Section 603(g)(2) which states that "zoning ordinances shall provide for protection of natural and historic features and resources";

2. Section 604(1) which states that "the provisions of zoning ordinances shall be designed to promote, protect and facilitate any or all of the following... preservation of the natural, scenic and historic values in the environment, ..."; and

3. Section 605(2)(vi) whereby uses and structures at or near places of unique historical, architectural or patriotic interest or value may be regulated.

Section 701 APPLICABILITY.

A. <u>Boundaries of the Historic District Enforcement Area</u>

The Historic District Enforcement Area shall be all those portions of Muncy Borough as noted on the Borough's Official Zoning Map. This "Area" is a portion of the community's National Register of Historic Places zone which was approved on July 3, 1980. As such, the

provisions of this district shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions of the Historic Preservation District and those of any underlying district, the more restrictive provisions shall apply.

B. Covenants and Easements

It is not the intent of these regulations to repeal, abrogate or impair any existing covenants, easements or deed restrictions which may have been in place prior to March 4, 2003, the date of enactment of Ordinance# 472, the Borough's original Historic Preservation District provisions.

C. Historic Commission

The provisions set forth in this Article shall be administered by the Muncy Borough Zoning Officer. The Historic Commission shall review the proposed project and issue recommendation. The Historic Commission review process is set forth in Section 706 C. below.

Section 702 IDENTIFICATION OF HISTORIC RESOURCES

A. Identification

1. Buildings. All buildings located within the identified Historic Preservation District shall be identified as historic resources based on their potential contribution to the overall character and integrity of the district. All such resources shall therefore be subject to the provisions of this Article.

2. Other Historic Resources. Other historic resources, including unimproved lots or land areas, cemeteries and similar features situated within the boundaries of the Historic Preservation District may also provide a significant contribution to the integrity of an historic neighborhood. As such, proposed alterations of these resources shall be subject to the provisions of this Article.

B. Compliance

Change to any building located in an Historic Preservation District, or other designated historic resource, shall occur only when in compliance with the terms of this Article and other applicable regulations.

C. Revisions

The specific regulatory historic area located within the Historic Preservation District and the requirements of Article 7 of this zoning ordinance may be revised by Borough Council from time to time in accordance with the procedure set forth in Article 12 of this Ordinance governing amendments to the Zoning Ordinance. All proposed revisions shall be submitted to the Borough Historic Commission and Borough Planning Commission for review and comment prior to consideration by Borough Council.

Section 703 ALTERATIONS, ADDITIONS. RECONSTRUCTION AND REHABILITATION

A. General Requirements

Zoning Permits for alterations, additions, reconstruction or rehabilitation, visible from a public street, alley, public way or public property to any principal structure or any accessory structure enclosing more than 200 square feet of gross floor area located in the Historic Preservation District shall not be issued by the Zoning Officer prior to review and recommendations by the Borough Historic Commission, except as may be provided otherwise in Section 706 of this Ordinance.

1. The definition of terms used in this Article and not specifically defined in this document shall be the definition contained in the International Building Code or its successor.

2. No Permit shall be required for repairs or maintenance of any building, structure or grounds provided such repairs do not change the use or otherwise violate the provisions of this section.

B. Historic Preservation Guidelines

Any proposed alteration, addition, reconstruction or rehabilitation of any principal structure or any accessory structure enclosing more than 200 sq.ft. of gross floor area located in the Historic Preservation District shall be in substantial compliance with the most recent version of The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings published by the U.S. Department of the Interior, National Park Service. The Historic Commission shall utilize the following standards as guidelines in evaluating requests for modifications to existing buildings in the Historic Preservation District.

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.

4. Changes to properties that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

8. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic features, size, scale and proportion, and massing to protect the integrity of the property and its environment. (See also Section 705 below for additional guidelines.)

10. New additions and adjacent or related new construction shall be under- taken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment will be unimpaired.

C. Application Procedures

Applications for any proposed alteration, addition, reconstruction or rehabilitation shall comply with the provisions of this Section. The completed application shall be submitted to the Borough Zoning Officer and shall include the following information.

1. A written description of the proposed alteration, addition, reconstruction or rehabilitation; **and, where applicable;**

2. A site plan at a scale designated by the Zoning Officer;

3. A schematic architectural drawing(s) for proposed new construction or building additions, showing exterior elevations from all visible sides; and

4. A materials list and arrangements proposed for disposition of existing materials.

Section 704 DEMOLITION OF BUILDINGS IN HISTORIC DISTRICT

For demolition of all properties, see Borough Ordinance No. 536.

Section 705 NEW CONSTRUCTION

A. General Requirements

No Zoning or Building Permit shall be issued for the construction of a new or replacement building or buildings on a vacant parcel located in the Historic Preservation District until such proposed construction has been reviewed by the Borough Historic Commission in accordance with the procedures set forth in Section 706 below.

B. Design Guidelines

New construction in the Historic Preservation District shall be considered appropriate if it is compatible with the scale and basic design elements of adjacent and surrounding buildings. The intent is not to require or encourage new buildings to look like old buildings, but to assure pleasing and harmonious relationships between old and new that will maintain and strengthen the architectural character of the historic district. The following design guidelines shall be considered in the evaluation of the appropriateness of new construction.

1. No new building shall exceed the height of the tallest adjacent building by more than ten (10) percent. Further, new buildings shall be constructed to a height within ten (10) percent of the average height of adjacent buildings.

2. The relationship between the height and width of the front elevation of a new building shall be within ten (10) percent of the average proportions of adjacent buildings.

3. The relationship of height to width of windows and doors of a building shall be within ten (10) percent of the proportions of windows and doors of adjacent buildings.

4. The rhythm of solids to voids in the front facade of a building shall be similar to adjacent buildings.

5. Basement sill lines and header and sill lines of a building shall follow the horizontal lines of adjacent buildings.

6. Setbacks, side yards, sidewalks and projection of porches of new buildings shall be similar to those on adjacent parcels.

7. The shape, style and material of the roof of a new building shall be similar to the roofs of adjacent and surrounding buildings.

8. Building materials shall be compatible with materials commonly used within the historic district.

9. The use of specific architectural elements and details such as porches, dormers, cornices, brackets, balustrades and the like shall be used to strengthen the relationship of new construction to the existing architecture of the district. However, such detailing shall not be considered sufficient if the structure is not related to its surroundings in terms of massing, rhythm and proportions.

10. The use of plant materials that are traditional in the district shall be encouraged. Similarly encouraged shall be the use of paving and fence materials that are traditional in the district.

Section 706 ADMINISTRATION

A. General Procedures

No Zoning Permit shall be issued for the erection, reconstruction, alteration, restoration, demolition, or razing of any building within the Historic Preservation District except in accordance with all applicable requirements of Articles 7 & 8 of this ordinance. This Section outlines the general process for considering and deciding upon proposed applications in the Historic Preservation District.

B. Administrative Review

All provisions set forth in Section 1302 of this Ordinance regarding the issuance of Zoning Permits (including exemptions) shall apply to proposals for the erection, construction,

reconstruction, alteration or restoration of a building, structure or land located in the Historic Preservation District.

C. Historic Commission Review Process

The following process shall be observed by the Historic Commission when reviewing applications for any proposed alteration, addition, reconstruction or rehabilitation of a building or for any new construction in the Historic Preservation District where such is deemed appropriate by the terms of this Article.

1. Completed applications must be received seven (7) days before the next regularly scheduled meeting of the Historic Commission to be placed on the agenda for review at that meeting.

2. At the time the completed application is submitted, the applicant will be notified of the expected date, time and place at which the Historic Commission will review the application. The applicant will be encouraged to attend to explain the application.

3. When reviewing applications for modifications to existing buildings in the Historic Preservation District, the Historic Commission shall use the most current version of The Secretary of the Interior's Standards for Preserving. Rehabilitating. Restoring and Reconstructing Historic Buildings as guidelines. (See Section 703 B. above for a listing of said guidelines.) When reviewing applications for new construction, the Commission shall use the design guidelines set forth in Section 705 B. above. Any proposed work requiring a Zoning Permit shall be in substantial compliance with the applicable guidelines.

4. Within five (5) days of the meeting, the Historic Commission shall submit their written recommendations to the Zoning Officer to:

    a. Approve the Permit;

    b. Deny the Permit; or

    c. Approve the Permit subject to specified changes and/or conditions to bring the proposed activity into compliance.

5. The Historic Commission's recommendations shall be in writing and shall include findings of fact related to the specific proposal and shall set forth the reasons for the recommendation for approval, with or without conditions, or for denial.

6. The Zoning Officer shall review the recommendations of the Historic Commission and shall take action upon the permit application in accordance with the provisions of this

Ordinance and the PA Municipalities Planning Code and within the time limits set forth in this Ordinance.

Section 707 MODIFICATIONS TO AREA AND BULK REGULATIONS

The subdivision of an historic property shall be accomplished in such a manner that the resulting lot(s) are of adequate size and configuration to preserve the integrity of the setting of the resource.

ARTICLE 8: SIGN REGULATIONS

Section 800 PURPOSE

In order that the legitimate demands for signage can be met without the unsightly intrusion of an unlimited number of signs or inappropriate size, dimension and location, any sign erected or altered in Muncy Borough after the effective date of this Ordinance shall conform to the following regulations.

Section 801 TYPES OF SIGNS

For the purposes of this Ordinance, a sign shall be defined as any surface, fabric, device or structure bearing lettered, pictorial, or sculptured matter which is designed for visual communication and used for the purpose of bringing the subject thereof to the attention of others. Signage may include a variety of different types of signs, each with unique functions. The following list describes the types of signs considered under the provisions of this Article.

A. Bulletin Board: A permanent sign or board which identifies a school, church or place of worship, municipal or government building, library or museum, historical society or other similar non-profit public service or charitable organization located on the same premises. Such signs may also contain information regarding events or activities occurring at the facility or similar messages.

B. Business Sign: A sign or board intending to attract motorists or pedestrians to a business, product, service, or activity that is sold, produced or conducted on the same premises upon which the sign is located; i.e. an on-premises sign. For the purposes of this Ordinance, business signs may be either free- standing or wall signs.

C. Free-Standing Sign: A self-supporting sign resting on the ground or supported by means of a pole or standard placed in or on the ground. Such signs may advertise a business, institution, product, or item offered for sale or that is directly related to the premises on which such sign is located; i.e. a business sign.

D. Ground Sign: A type of free-standing sign that is attached or affixed to the ground.

E. Parallel Wall Sign: A type of wall sign that is mounted flush or parallel to the face of its supporting wall, and which does not exceed six (6) inches in depth or thickness.

F. Permanent Sign: A sign intended to be used indefinitely.

G. Pole Sign: A type of free-standing sign that is supported vertically by means of one or more poles or uprights placed in the ground.

H. Product or Service Advertising Sign: A device, structure or object used to advertise a product, service, commodity, or activity available or occurring on the same premises as the sign. Such signs shall include, but not be limited to, placards, boards, or other devices which are mounted, hung or painted on the inside of windows and faced outward, or are placed outside of a business, either on the building itself or on the same lot as the business, which advertise or are intended to advertise the variety, type or pricing of available products or services. Flags, pennants, and banners which advertise specific products or services shall also be considered product or service advertising signs for the purposes of this Ordinance.

I. Projecting Wall Sign: A type of wall sign with its horizontal plane attached at right angles or perpendicular to its supporting wall and which projects more than six (6) inches from such wall.

J. Temporary Sign: A sign intended to be used for a limited time only, not permanent.

K. Wall Sign: A sign which is attached either parallel or perpendicular to the face of its supporting wall. (See Parallel and Projecting Wall Signs.)

Section 802 GENERAL SIGN PROVISIONS

A. Zoning Permit Requirements

1. A Zoning Permit shall be required for the placement, erection, or alteration of any permanent sign, except name plates or personal identification signs, property posting signs, property sale or rental signs, and municipally placed directional or public service signs. (See also Section 802 F. below.)

2. No sign shall be enlarged or relocated except in conformity with the provisions of this Article governing new signs. Further, such enlargement or relocation shall require the issuance of a Zoning Permit. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed an alteration provided that the terms and conditions of the original approval and requirements of this Article are not violated.

B. Construction and Maintenance

1. Signs permitted under this Article shall be adequately maintained to avoid their deterioration, decay or other conditions that might endanger public health, welfare or safety.

2. All signs that advertise a business or commodity that is no longer available must be removed within 15 days of that termination.

C. Sign Area

For the purposes of this Ordinance, sign area shall include the entire face of a single side of a sign, including all trim and border area, but excluding any supporting framework or bracing. A double-faced sign shall be considered a single sign. Where a sign consists of individual letters or symbols attached to a building, the area of the sign shall be the smallest rectangle or other regular geometric shape which encompasses all of the letters and/or symbols.

D. Location

1. No sign shall be erected at the intersection of streets so as to obstruct a motorist's clear vision.

2. No sign shall reduce the sidewalk for pedestrians to less than four (4) feet in width.

3. No sign shall be placed on any municipal post, pole, or sign.

4. No portion of any sign shall be placed or erected closer than three (3) feet to an adjoining property line.

5. No sign shall be erected or placed which would prevent free ingress or egress to any door, window or fire escape, nor shall any sign be situated so as to prevent access from one part of a roof to any other part of that roof. No sign shall be attached to a standpipe, downspout, or fire escape.

6. No rooftop sign or sign extending over the roadway will be permitted in any zoning district.

7. Real estate, public auction, public office election, and yard sale signs may be placed in front of the property between the sidewalk and the street if there is no room between the building and the sidewalk.

E. Lighting

1. All sign illumination shall be non-flashing, non-glaring, and non-animated in nature and shall be shielded to prevent any direct rays being seen from the street or adjoining property.

2. No sign located within the direct line of vision of any traffic control signal shall contain red, green or amber illumination.

3. Illuminated signs shall not cause any excessive glare, electrical or other disturbance which is incompatible with the nature of the adjoining neighborhood where it is located.

4. No internally illuminated or back-lighted signs shall be permitted within any of the Residential Districts.

F. Exceptions

1. Official traffic signs, governmental signs, or municipal service signs may be placed as needed and wherever needed as determined by Borough Council with no restriction on their size, lighting or length of placement.

2. Emergency signs, whether placed by the police, fire department, Borough Maintenance personnel, or PennDOT, may be placed wherever needed with no restriction on their size, lighting or length of placement.

G. Nonconforming Signs

A nonconforming sign may be continued and may be replaced with substantially the same type of sign if such sign is initially nonconforming.

Section 803 SIGNS IN RESIDENTIAL DISTRICTS

Signs may be placed in the R-1, R-2, R-3 and R-4 Residential Zoning Districts in the Borough subject to the following requirements.

A. Permanent Signs

1. A parallel wall sign, not exceeding four (4) square feet in area, used to display and identify the name of the individual, professional organization or institution occupying the premises may be permitted. All such signs must be flush mounted to the main wall of the main building and shall not exceed six (6) inches in depth or thickness.

2. A bulletin board, in the form of a wall sign or a free-standing sign, not exceeding 24 square feet in area, indicating the services of a church or similar institution, including the church or institution name, if desired, may be permitted for each street frontage.

3. No permanent sign permitted in a Residential District shall exceed four (4) feet in length.

4. There shall be no more than one (1) permanent sign permitted per numerical address, excluding Historic House markers, and signs as provided in Sub-Part A.2 above.

5. All permanent signs shall meet the General Sign Provisions set forth in Section 802 of this Ordinance.

B. Temporary Signs

1. A temporary sign, not exceeding six (6) square feet in area, for rental, lease or sale of the property on which the sign is displayed may be permitted. Any such sign shall be removed on the day of closing or commencement of the lease.

2. A temporary sign, not exceeding four (4) square feet in area, notifying the public of a candidate for public office may be permitted. Such signs may be erected no more than 30 days prior to a primary or general election and must be removed within 24 hours after the election.

3. A temporary sign, not exceeding four (4) square feet in area, notifying the public of a yard sale to be held or being held on the premises may be permitted. Such signs may be erected no more than five (5) days prior to the sale and must be removed within 24 hours after the sale. Further, all signs related to the sale may only be placed on the premises where the sale is conducted.

4. A temporary sign, not exceeding four (4) square feet in area, notifying the public of the name and address of a contractor performing work on the premises may be permitted. Such signs may be erected no more the five (5) days prior to commencement of the work and must be removed within 48 hours following completion of the work.

5. A temporary sign, not exceeding six (6) square feet in area, notifying the public of an event to be held or being held on the premises of a church, non-profit agency, library, historical society, school or hospital, or volunteer fire department may be permitted. Such signs may be erected no more than 30 days prior to the event and must be removed within 24 hours after the event. Further, other temporary signs related to the event may be placed in the General Commercial, the Central Business, and Industrial Districts, but only with the permission of the property owner.

6. All temporary signs shall meet the General Sign Provisions set forth in Section 802 of this Ordinance.

7. A temporary sign, not exceeding 16 square feet, notifying the public of the sale, rental or lease of a property may be placed on the property for up to six (6) months.

Section 804 SIGNS IN THE COMMERCIAL DISTRICTS

Signs may be placed in the Central Business District or General Commercial District in the Borough subject to the following requirements.

A. Permanent Signs

1. Those signs permitted in Section 803 A., Permanent Signs in Residential Districts, may also be permitted in any Commercial District at the same size, in the same number, and in the same style.

2. In addition to those signs permitted above, in the Central Business District a business sign, which directs attention to a commercial enterprise, or a commodity, service or entertainment which is conducted, sold, or offered upon the premises where the sign is located may also be permitted subject to the following standards:

    a. Business signs in the CBD may be either parallel or projecting wall signs and may not exceed 60 square feet in area.
    b. Parallel wall signs must be flush mounted to the main wall of the main building and shall not exceed 6 inches in depth or thickness.
    c. Projecting wall signs may not project more than 24 inches from the surface of the wall to which they are attached. Further, no portion of a projecting wall sign proposed to project more than six (6) inches from the wall may be less than eight (8) feet above the basic grade of the site.

3. In addition to the signs permitted in Sub-Part A.1 above, business signs in the General Commercial District may be permitted as follows:

    a. Business signs in the General Commercial District may be either parallel or projecting wall signs **OR** free-standing ground or pole signs. Wall signs and free-standing pole signs shall not exceed 60 square feet in area and free-standing ground signs shall not exceed an area of 30 square feet.

    b. Parallel wall signs must be flush mounted to the main wall of the main building and shall not exceed six (6) inches in depth or thickness.
    c. Projecting wall signs may not project more than 24 inches from the surface of the wall to which they are attached. Further, no portion of a projecting wall sign proposed to project more than six (6) inches from the wall may be less than ten (10) feet above the basic grade of the site.

    d. Free-standing pole signs shall not exceed 20 feet in height above the average grade of the site nor be less than ten (10) feet in height when located in a parking or pedestrian circulation area. Free-standing ground signs shall not

exceed five (5) feet in height above the average grade of the site. All free-standing business signs must be placed within the "buildable area" of the commercial lot.

4. There shall be no more than one (1) permanent sign permitted per numeric address.

5. All permanent signs shall meet the General Sign Provisions set forth in Section 802 of this Ordinance.

B. Temporary Signs

1. A temporary sign, not exceeding six (6) square feet in area, notifying the public of an event to be held or being held on the premises may be permitted. Further, temporary signs related to an event occurring in a Residential District may also be placed on lots in any of the Commercial Districts as provided in Sub-Section 803 B.4 of this Ordinance.

2. A temporary sign, not exceeding six (6) square feet in area, which advertises a business, commodity, service, or entertainment activity taking place on the premises where the sign is located may be permitted.

3. A free-standing temporary sign placed in front of a business in the Central Business District or General Commercial District may be placed within three (3) feet of the curb, but must be removed daily by closing or dusk, whichever comes first.

4. There shall be no more than one (1) temporary sign permitted per numeric address.

5. All temporary signs shall meet the General Sign Provisions set forth in Section 802 of this Ordinance.

6. Where proposed in conjunction with a permissible commercial use or activity in the Central Business District or General Commercial District, product or service advertising signs may be erected subject to the following requirements.

    a. the total amount of permissible product or service advertising signage per commercial establishment shall not exceed 32 square feet for establishments containing less than 10,000 square feet of gross floor area and 64 square feet for establishments containing more than 10,000 square feet of gross floor area.

    b. All such signs shall be non-flashing, non-animated, and non-illuminated, and shall be located on the same lot as the business or product they are advertising.

Section 805 SIGNS IN THE INDUSTRIAL DISTRICT

Signs may be placed in the Industrial District in the Borough subject to the following requirements.

A. Permanent and Temporary Signs

1. All permanent and temporary signs permitted in other zoning districts within the Borough may be permitted in the Industrial District at the same size, in the same number, and in the same style.

2. In addition to signs permitted above, a business sign, which directs attention to an occupant, product, commodity, service or entertainment which is conducted, sold, or offered upon the premises where the sign is located may also be permitted as follows:

    a. Business signs in the Industrial District may be either parallel or projecting wall signs, free-standing ground or pole signs. Wall signs and free-standing pole signs shall not exceed 200 square feet in area and free-standing ground signs shall not exceed an area of 50 square feet.

    b. Parallel wall signs must be flush mounted to the main wall of the main building and shall not exceed six (6) inches in depth or thickness.

    c. Projecting wall signs may not project more than 36 inches from the surface of the wall to which they are attached. Further, no portion of a projecting wall sign proposed to project more than six (6) inches from the wall may be less than eight (8) feet above the basic grade of the site.

    d. Free-standing pole signs shall not exceed 30 feet in height above the average grade of the site nor be less than ten (10) feet in height when located in a parking or pedestrian area. Free-standing ground signs shall not exceed five (5) feet in height above the average grade of the site. All free-standing business signs must be placed within thebuildable area of the industrial lot.

3. There shall be no more than one (1) permanent sign permitted per street frontage.

4. All permanent and temporary signs shall meet the General Sign Provisions set forth in Section 802 of this Ordinance.

Section 806 SIGNS IN THE FLOODPLAIN DISTRICTS

Signs placed in any identified floodplain area shall be subject to the regulations of the underlying district, except that no sign in any identified floodplain area may impede natural flow of water.

ARTICLE 9: OFF-STREET PARKING, LOADING & ACCESS DRIVES

Section 900 OFF-STREET PARKING REQUIREMENTS

In all districts and for every use, there shall be provided, at the time any new building or structure is erected or any existing building is converted to a new use or is increased in capacity, off-street parking spaces in accordance with the requirements of this Section. The facilities required herein shall be available throughout the hours of operation of the particular business or use.

A. Size

All vehicle parking spaces shall contain a minimum of 180 square feet of usable area and shall have a width of not less than nine {9) feet.

B. Location

Off-street parking spaces for residential uses shall be located on the same lot or contiguous lot as the dwelling unit(s) being served, either inside or outside of a building. No off-street parking shall be located within a front yard unless such parking occurs within the lot's driveway. A driveway is defined as a minor vehicular access between a street and an improved parking space or garage.

Off-street parking for nonresidential uses may be located on a lot other than that containing the principal use, but shall be situated within 500 feet of the use being served. Such remote parking shall however remain under the control and care of the owner or operator of the use to which it is accessory, and applications involving such parking areas shall include documentation which authorizes the use of said area for parking in connection with the proposed use and sets forth appropriate maintenance responsibilities for the parking area.

C. Layout and Design

All off-street parking areas shall be designed to provide for the orderly and safe parking of vehicles, shall be clearly marked to facilitate movement and efficiency of use, and shall be maintained in good condition.

D. Grading and Surfacing

All off-street parking spaces and parking lots shall be graded for proper drainage and shall be provided with a durable and dust-free wearing surface.

E. Lighting

All lighting which is used to illuminate off-street parking areas shall be mounted and shielded in such a manner to avoid creating safety problems for motorists on public streets and to avoid causing direct glare on adjacent properties.

F. Setback and Screening Requirements

Off-street parking lots serving non-residential uses which are designed to accommodate five (5) or more vehicles shall be set back a minimum often (10) feet from all property lines, and shall be effectively screened on each side that abuts a Residential District, a residential use, or an institutional premises. All such screening shall meet the requirements of Section 506 of this Ordinance.

G. Accessibility

Access to off-street parking lots serving non-residential uses shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street or alley upon which the parking area abuts be permitted.

H. Limitations for Parking Lots in Residential Districts

Parking lots located in Residential Districts shall be limited to the parking of automobiles and other vehicles with a maximum one (1) ton capacity. Such uses shall not be noxious or offensive due to odor, dust, noise, gas, fumes, glaring lights, or other similar cause.

I. Number of Spaces Required

1. The number of off-street parking spaces required shall be as set forth in TABLE 1below. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and is deemed similar, in the opinion of the Zoning Officer, shall apply. In the case of mixed uses or multiple uses of one building, the total number of required parking spaces shall be the sum of the number of spaces required for each use.

2. Joint parking agreements are encouraged where two or more parties might utilize a common parking lot or parking spaces, with usage specified at agreed alternating times.

3. Applicants proposing development in the Central Business District are encouraged to provide as much off-street parking as possible. The Borough Planning Commission shall review each proposal in this district and shall recommend an appropriate number of spaces to Borough Council, who shall ultimately determine the number of spaces to be provided.

Table 1
OFF STREET PARKING SCHEDULE

Use classification	Minimum Spaces Required
Residential Uses	
Single residential dwelling units:	2 for each dwelling unit
Two-, and multi-family dwellings, conversion or accessory apartments:	1 for each dwelling unit + 1 for every 2 units
Bed & breakfast establishments; rooming or boarding houses:	2 for the dwelling unit + 1 for each guest room.
Group homes:	1 for each resident+ 1 for each employee
Institutional Uses	
Day care centers or group day care homes:	1 for each 5 students/ clients + 1 for each employee
Schools. (public or private):	
Elementary schools:	5 for each classroom + 1 for each employee
Middle or high schools or post-secondary education facilities:	1 for each 3.5 seats of auditorium or gymnasium capacity, whichever is greater, + 1 for each employee.
Business or trade schools:	1 for each 2 students + 1 for each employee
Places of public or private assembly; churches; clubs; philanthropic or religious organization facilities; & similar uses.	
New construction on undeveloped sites:	1 for each 2.5 seats of total facility capacity
Renovation or expansion of existing facilities:	Additional off-street parking as recommended by Borough Planning Comm. & approved by Council.
Public service or non-profit facilities, such as government buildings; museums and libraries:	
New construction on undeveloped sites:	1 for each 200 sq.ft. of gross floor area.
Renovation or expansion of existing facilities:	Additional off-street parking as recommended by Borough Planning Comm. & approved by Council.
Personal care homes:	1 for each 2 beds + 1 for each employee in the maximum work shift.
Sobriety houses:	1 for each 2 residents + 1for each employee.

Table 1 (continued)
OFF STREET PARKING SCHEDULE

Use classification	Minimum Spaces Required
Commercial/ Retail Uses	
Home occupations, including family day care homes & home offices:	2 for the dwelling unit + 2 customer spaces.
Retail stores or personal service businesses, including business, pro fessional, & financial offices, **except as provided below:**	1for each 200 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.
Restaurants and/or bars:	1 for each 100 sq.ft.of gross floor area + 1 for each employee in the maximum work shift.
Medical, dental or veterinary offices or clinics; or animal hospitals:	5 for each doctor + 1 for each employee.
Hotels or motels:	1 for each guest room + 1 for each employee in the maximum work shift.
Amusement enterprises, including theaters:	1for each 4 persons of total facility capacity + 1 for each employee in the maximum work shift.
Funeral homes or mortuaries:	12 for funeral home + 1 for each employee
Industrial Uses	
Industrial activities or manufacturing operations:	1.25 for each employee in the maximum work shift + 5 visitor spaces.
Distribution, warehousing, freight or truck terminals:	Sufficient number to meet all on site parking & circulation needs + 1for each employee in the maximum work shift & 3 vistor spaces.
Wholesale businesses	1 for each employee in the maximum work shift + 5 visitor spaces
Recreational or Open Space Uses	
Parks or playgrounds:	1for each 5 persons of total facility capacity.
Outdoor recreation facilities:	1 for each 3 persons of total facility capacity + 1 for each employee inthe maximum work shift

Section 901 OFF-STREET LOADING REQUIREMENTS

In all districts, in connection with every commercial, industrial or institutional building hereafter erected, exceeding a gross floor area of 2,400 square feet, which requires the receipt or distribution of merchandise or materials, there shall be provided and maintained on the same lot with such building, off-street loading spaces in accordance with the requirements of this Section. Such accommodations shall meet the following requirements.

A. Size and Location

Each off-street loading space shall be of sufficient size to adequately accommodate the use being served and shall be located entirely on the subject lot. Where possible, loading spaces shall be designed so that there will be no need for drivers to back over public walkways, streets, or alleys. At a minimum off-street loading spaces shall be 14 feet in width and 80 feet in length.

B. Grading and Surfacing

Loading spaces shall be graded for proper drainage and shall be provided with a durable and dust-free wearing surface.

C. Lighting

All lighting used to illuminate off-street loading spaces shall be mounted and shielded in such a manner to avoid creating safety problems for motorists on public streets and to avoid causing glare on adjacent properties.

D. Setbacks and Screening Requirements

All loading spaces or docks shall be set back a minimum often (10) feet from all property lines, and shall be effectively screened on each side that abuts a Residential District, a residential use, or an institutional premises. All screening shall meet the requirements of Section 506 of this Ordinance.

E. Number of Spaces Required

The number of off-street loading spaces required shall be as set forth in TABLE 2 below.

Table 2
OFF STREET LOADING SCHEDULE

Gross Floor Area	Minimum Spaces Required
Up to 2,400 Ft^2:	No space required
Over 2,400 Ft^2:	1 for each 20,000 Ft^2, or a fraction thereof, of gross floor ara

Section 902 DRIVEWAYS

A. Every residential dwelling unit constructed within a Residential District of the Borough shall be provided with no less than one (1) driveway ten (10) feet in width to provide adequate ingress and egress.

B. All driveways used for vehicle ingress and egress to commercial or industrial establishments shall be constructed and maintained in such a manner that no dust will be produced by continued use.

C. Driveways used for ingress and egress to commercial or industrial establishments shall not exceed 35 feet in width at their intersection with the curb or street line.

D. No two (2) driveways leading from a public street to the same commercial or industrial establishment shall be within 25 feet of each other at their intersection with the curb or street line.

ARTICLE 10 NONCONFORMITIES

Section 1000 NONCONFORMING USES AND STRUCTURES

Any nonconforming use or structure legally existing at the effective date of this Ordinance or that is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold or maintained even though it does not conform to the regulations of the district in which it is located, except as may be provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued or abandoned. *(See Section 1001 for nonconforming lots.)*

A. General Application of Provisions

Nothing contained herein shall require any change in plans, construction, or designated use of a building or structure which complies with existing laws or for which a Zoning Permit was granted and/or where the construction shall have started before the date of adoption of this Ordinance or applicable amendment thereto.

B. Abandonment

If any nonconforming use, or building or structure occupied by a nonconforming use, is abandoned for a period of twelve (12) months, the future use of such building, structure or land shall be in conformity with the District Regulations of this Ordinance. A nonconforming use shall be judged to be abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of twelve (12) months from the date of cessation or discontinuance.

C. Repairs, Alterations, Restoration and Reconstruction

1. Exterior repairs and other general maintenance adjustments may be made to a nonconforming building or structure or to a building or structure occupied by a nonconforming use. Such adjustments shall however be subject to all applicable Zoning and Building Permit requirements. *(See Section 1302.)*

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 cause may be reconstructed, restored and used as before provided that:

    a. the Zoning Officer approves the application for restoration or reconstruction where 25% or less of the volume or gross floor area of the use, or building or structure occupied by the nonconforming use, is destroyed, and

the Zoning Hearing Board approves the application where more than 25% destruction occurs;

b. said restoration or reconstruction commences within one (1) year of the damage, or within such additional time as may be authorized by the Zoning Officer or Zoning Hearing Board, as applicable, for due cause and is diligently prosecuted to completion;

c. said restoration or reconstruction does not exceed the size, height and area that existed prior to the damage, unless approved by the Zoning Hearing Board;

d. where the nonconformity is located within any identified flood fringe or general floodplain area, the restoration or reconstruction will comply, to the greatest extent possible, with all flood proofing requirements contained in Section 602 of this Ordinance; and

e. where the nonconformity is located within any identified floodway area, such nonconformity may only be restored, reconstructed and used as before provided that:

1) the property owner does not own adjoining vacant or undeveloped land located outside of the floodway where the use could be relocated;

2) the restoration or reconstruction will cause NO rise in elevation of the 100 year flood; and

3) the restoration or reconstruction will be flood proofed in accordance with the requirements contained in Section 602 of this Ordinance.

D. When reviewing applications for restoration or reconstruction, the Zoning Hearing Board shall give due consideration to the welfare of the community in its entirety and may attach such reasonable conditions and safeguards as they deem appropriate to implement the purposes of this Ordinance.

E. Extensions and Enlargements

1. Structural alterations may be made to extend or enlarge a nonconforming building or structure or a building or structure occupied by a nonconforming use, except in an identified floodway area. Such extension or enlargement shall however be subject to all applicable Zoning and/or Building Permit requirements (See Section 1302) and may only be authorized where:

a. Extensions or enlargements of less than two-thousand (2,000) square feet to an existing nonconforming use or structure may be authorized by the Zoning Officer via a Zoning Permit.

b. the Zoning Hearing Board approves the proposed extension or enlargement that are in excess of two-thousand (2,000) square feet;

c. the extension or enlargement does not extend the structure or use beyond the remainder of the lot or parcel as it existed at the effective date of this Ordinance, nor extend the structure or use by an aggregate total of more than 25% of the gross floor area occupied by the use at the time it became nonconforming;

d. the extension or enlargement conforms to the yard and height requirements of the district in which it is located; and

e. the use is not expanded or extended into a more restrictive zoning district.

2. When reviewing applications for extension or enlargement, the Zoning Officer & Zoning Hearing Board shall give due consideration to the welfare of the community in its entirety and may attach such reasonable conditions and safeguards as they deem appropriate to implement the purposes of this Ordinance.

3. A nonconforming use shall not be extended to displace a conforming use, unless authorized by the Zoning Hearing Board.

4. For nonconforming uses whose normal operations involve non-structural expansion, expansion shall be permitted by right up to 25% of the volume or area of the nonconformity which existed at the effective date of this Ordinance. For expansion beyond 25%, approval must be obtained from the Zoning Hearing Board.

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 to be located.

6. A nonconforming sign may be continued and may be replaced with substantially the same type of sign if such sign is initially nonconforming.

F. Change of Use

1. A nonconforming use of a building, structure or land may be changed to a nonconforming use of the same or a more restricted classification, subject to the following conditions:

a. The nonconforming structure is not located within the Open Space Zoning District; and,

b. The Zoning Hearing Board shall approve all proposed changes, except where the proposed change involves a Conditional Use, then Borough Council shall determine whether the proposal is approved; and,

c. The applicant shall show that the proposed change will be no more objectionable in external effect than the existing nonconforming use with respect to:

1) traffic generation and congestion, including truck, passenger car and pedestrian movement;
2) noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, or lighting;
3) open or outside storage, and waste collection and disposal; and,
4) appearance, character, and nature of the neighborhood or area.

d. When reviewing applications for change of use, the Zoning Hearing Board or Council, as applicable, shall give due consideration to the welfare of the community in its entirety and may attach such reasonable conditions and safeguards as they deem appropriate to implement the purposes of this Ordinance.

2. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use.

3. Whenever a nonconforming use has been changed to another nonconforming use in accordance with the provisions of this Ordinance, such use shall not thereafter be changed again, except in conformance with these regulations.

G. Certification

A Certificate of Nonconformance shall be issued by the Zoning Officer for all nonconforming uses or structures, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of the nonconformity at the time of enactment of this Ordinance. Any applicant aggrieved of the process for obtaining said Certificate or of any decision rendered therefrom, may file an appeal with the Borough Zoning Hearing Board.

Section 1001 NONCONFORMING LOTS

Any nonconforming lot legally existing at the time of adoption of this Ordinance or that is created whenever a district is changed by amendment hereafter, may be continued and/or maintained even though it does not conform to the regulations of the district in which it is located. It is not the intent of this Ordinance to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.

A. Lot Changes

If any nonconforming lot becomes conforming through its addition to adjacent land, said lot shall not thereafter be changed back to a nonconforming lot.

B. Repairs, Alterations, Restoration and Reconstruction

1. Exterior repairs, non-structural alterations, and other general maintenance adjustments may be made to a conforming structure on a nonconforming lot. Such adjustments shall however be subject to all applicable Zoning and Building Permit requirements. (See Section 1302.)

2. A conforming use situated on a nonconforming lot which is damaged by fire, flood, or other natural cause may be reconstructed, restored, and used as before provided that:

    a. said restoration or reconstruction does not exceed the size, height, and area that existed prior to the damage, unless approved otherwise by the Zoning Hearing Board; and

    b. if located in any identified floodplain area, the provisions of Sub- Sections 1000 C.2.d. and e. above shall be met.

C. Existing Undeveloped Lots of Record

1. In the case of an undeveloped lot of record which existed at the effective date of this Ordinance which does not meet the minimum area requirements for the district in which it is located, a permissible principal structure may be placed on the parcel provided that:

2. the owner does not own adjoining land which could be combined to form a conforming lot;

3. each side yard is not less than 15 feet in the I District when abutting another lot in the same district; not less than ten (10) feet in the C District when abutting another lot in the same district; not less than eight (8) feet in the R-1 and R-4 Districts; and not less

than five (5) feet in the R-2 & R- 3 and CBD Districts (except that no side yard is required where fire-rated party walls are used);

4. the rear yard is not less than 25 feet in the I, C, R-1, and R-4 Districts; not less than 20 feet in the R-2 and R-3 District; and not less than 10 feet in the CBD District;

5. the front yard conforms to the minimum distance required for the applicable district; and

6. provided that the site and its intended use complies with all other applicable provisions of this Ordinance.

D. Certification

A Certificate of Nonconformance shall be issued by the Zoning Officer for all nonconforming lots, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of the nonconformity at the time of enactment of this Ordinance. Any applicant aggrieved of the process for obtaining said Certificate or of any decision rendered therefrom, may file an appeal with the Borough Zoning Hearing Board.

ARTICLE 11 RESPONSIBILITIES OF THE ZONING HEARING BOARD

Section 1100 ORGANIZATION AND PROCEDURE

A. (Establishment and Grant of Power

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, a Zoning Hearing Board is hereby established in Muncy Borough, Lycoming County. The Board shall perform all the duties and have the powers prescribed by the Pennsylvania Municipalities Planning Code, as amended, and as herein described.

B. Appointment and Membership

The Zoning Hearing Board shall consist of five (5) residents of Muncy Borough to be appointed by Resolution of the Borough Council. The terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Borough, nor shall any member be an employee of the Borough.

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council, but only after the member has received 15 days' advance notice of the Council's intent to take such a vote. A Hearing shall be held in connection with the vote if requested in writing by the member.

C. Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

D. Organization

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Article.

The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth.

The Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a record of its activities to the Borough Council as requested by the Council.

Section 1101 POWERS AND DUTIES

The Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of the PA Municipalities Planning Code, as amended, and shall have the following powers.

A. To Hear and Decide Appeals.

1. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning 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 issuance or refusal to issue a Certificate of Nonconformance for any nonconforming use, structure, or lot.

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 stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or Planned Residential Development contained in Articles V and VII of the PA Municipalities Planning Code.

3. The Zoning Hearing Board shall hear and decide appeals from a determination by the Zoning Officer or municipal engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

4. The Zoning Hearing Board shall hear and decide upon appeal from a determination of the Zoning Officer, any questions 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.

5. The Zoning Hearing Board shall hear and decide appeals from any decision of the Zoning Officer or Borough Historic Commission with reference to the administration of the historic preservation provisions of this Ordinance.

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

1. The Zoning Hearing Board shall hear and decide substantive challenges to the validity of 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 PA Municipalities Planning Code, as amended.

2. The Zoning Hearing Board shall hear and decide challenges to the validity of any 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.

C. 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.

The Board's decision to approve or deny a variance request shall be made only after public notice and hearing. *(See Section 1102.) (See also Section 609 of this Ordinance for additional information regarding variances in Floodplain Districts and Appendix C for an illustration of the variance procedure.)*

No variance in the strict application of any provisions of this Ordinance shall be granted by the Zoning Hearing Board unless all of the following findings are made, where relevant, in a given case:

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;

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.

3. that such unnecessary hardship has not been created by the appellant;

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; and,

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 it may deem necessary to implement the purposes of this Ordinance.

D. To Hear and Decide Requests for Special Exceptions

The Zoning Hearing Board may grant Special Exceptions only for such uses as are provided for in Article 3, the District Regulations, and pursuant to express standards and criteria outlined in Article 4. The Board's decision to approve a Special Exception shall be made only after public notice and public hearing. *(See Section 1102.)* Such approval shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent changes or additions shall be subject to further review and public hearing by the Zoning Hearing Board as a separate Special Exception request. *(See Section 610 of this Ordinance for additional information regarding Special Exceptions in Floodplain Districts and Appendix D for a chart illustrating the Special Exception procedure.)*

Prior to action by the Zoning Hearing Board, the Borough Planning Commission shall be given the opportunity to review the Special Exception application. The Planning Commission shall have 30 days from the date of its receipt of the application from the Board within which to conduct its review and provide the Board with its recommendations. In the event that the Commission fails to complete its review or provide the Board with its recommendations within 30 days, such application shall be deemed to have been endorsed by the Commission. Further, the Commission may have representation at the public hearing held by the Zoning Hearing Board on such application.

In reviewing applications for Special Exceptions, the Zoning Hearing Board shall take into account any comments received from the Borough Planning Commission and shall utilize the following criteria, in addition to the standards set forth in Article 4, and in other applicable sections of this Ordinance.

1. whether the use is generally consistent with the goals, objectives and strategies of the Muncy Creek Multi-Municipal Comprehensive Plan of 2017, or as may hereafter be amended;

2. that the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;

3. that the use will not cause substantial injury to the value of other property in the neighborhood where the use is to be located;

4. that the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located;

5. that adequate landscaping and screening is provided as required herein;

6. that adequate off-street parking and loading is provided and ingress and egress is designed to cause minimum interference with traffic on abutting streets; and,

7. that the use conforms with all applicable regulations governing the district where it is to be located, except as may otherwise be determined for large-scale developments.

8. In approving a Special Exception, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it deems necessary in order to insure that the proposed development is consistent with the purposes of this Ordinance.

Section 1102 HEARING PROCEDURES

A. Parties Appellant before Zoning Hearing 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 Council, OR by any person aggrieved. Requests for a variance or special exception must however be filed with the Board by any landowner or an authorized agent of such landowner.

B. 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, whether 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.

All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after the notice of determination is issued.

C. Applications 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 details of the variance or special exception that is requested, in addition to the following information:

1. the name and address of the applicant or appellant;

2. the name and address of the owner of the parcel to be affected by such proposed change or appeal;

3. the name and address of all adjacent property owners;

4. a brief description and location of the parcel to be affected by such proposed change or appeal;

5. a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof; and,

6. a reasonably accurate description of any existing buildings, structures, or improvements located on the site and the additions or changes intended to be made under this application, indicating the size of such proposed improvements. In addition, the applicant shall provide the Zoning Hearing Board with an accurate plot plan, drawn to scale, of the property to be affected, indicating the location and size of the lot and size and location of all existing buildings, structures, trees, or other physical features thereon and those additional improvements proposed to be erected.

D. Procedure for Zoning Officer

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.

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.

E. Hearings Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, special exception, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Within 60 days of the date of receipt of

an applicant's application for such hearing, the Board shall fix a reasonable time and place for and commence the first hearing thereon, giving notice as follows:

1. Publish Public Notice in accordance with the definition of "Public Notice" in Article 14 of this Ordinance.

2. Give written notice to the applicant, the Zoning Officer, the Borough Secretary and Borough Manager, Secretary of the Borough Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing;

3. Post, in a conspicuous place on the affected tract of land, written notice of the pending hearing at least seven (7) days prior to the hearing; and

4. In the case of an appeal, or a request for a Special Exception or variance, notify all adjoining property owners by first class mail no less than seven (7) days prior to the hearing.

Each subsequent hearing on the application shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.

F. Rules of Conduct

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and shall commence, conduct and complete all hearings in accordance with the requirements of the PA 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.

A quorum of three (3) Board Members shall be required for the Zoning Hearing Board to take action.

G. 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 limitations of the power of the Zoning Hearing Board to act. A mere finding or 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 Article, 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 shall be delivered to the applicant personally or mailed to him not later than the day following its date. All other persons interested in the result, who have filed their name and address with the Board not later than the last day of the hearing, shall be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

H. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board at the time of their action, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning Permit, or fails to comply with the conditions of said decision, within six (6) months from the date of said decision.

I. 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 Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

J. Failure to Hold Required Hearing or Render Decision

Where the Board fails to commence, conduct, or complete the required hearing or fails to render a decision within the prescribed time period (except for challenges filed under

Section 916.1 of the PA Municipalities Planning Code), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. 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. If the Board fails to provide such notice, the applicant may do so.

K. 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 other appropriate agency.

L. 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 PA Municipalities Planning Code, as amended.

ARTICLE 12: AMENDMENTS TO ZONING ORDINANCE OR MAP

Section 1200 AMENDMENTS TO THE ZONING ORDINANCE OR MAP

The municipality 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. *(See Appendix E of this Ordinance for an illustration of the amendment procedure.)* For Curative Amendments see Section 609.1, Procedure for Landowner Curative Amendments, under Article VI of the PA Municipalities Planning Code.

A. Public Hearing and Notice Requirements

The Borough Council shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) successive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days and the second publication should appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Council at points deemed sufficient by the municipality along the affected tract at least seven (7) days prior to the date of the hearing. Further, where a proposed amendment involves a zoning map change, other than a comprehensive municipal rezoning, the Council shall notify all property owners within the area proposed for rezoning (by first class mail) of the date, time and location of the hearing at least 30 days prior to the hearing.

If after said public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected by it, the Council shall hold another public hearing and give notice thereof as set forth above, before proceeding to vote on the amendment.

B. Review by Planning Commissions

Every such proposed amendment or change, whether initiated by the Borough Council or by petition, shall be referred to the Borough Planning Commission 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.

C. Opportunity To Be Heard

At the public hearing, any citizen and all parties in interest shall be given the opportunity to be heard.

D. 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 in a newspaper of general, local circulation. Such notice shall include the time and place of the meeting at which passage is to be considered and shall name the place where copies of the proposed amendment may be examined. The notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage. If the full text is not published, a copy of the amendment shall be supplied to the newspaper at the time of publication of the notice, and an attested copy of the proposed amendment shall be filed in the County Law Library or other county office designated by the County Commissioners.

E. Enactment of Amendments

The adoption of an amendment shall be by simple majority vote of the Borough Council. The vote of Council shall be within 90 days after the last public hearing on the amendment. If 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.

Section 1201 CONDITIONAL USES

The Borough Council may grant Conditional Use approval for only those uses set forth in Article 3 of this Ordinance, the District Regulations, pursuant to the express standards and criteria outlined in Article 4, the Supplementary Use Regulations. In addition, the Council may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Ordinance. *(See Appendix F of this Ordinance for a chart illustrating the Conditional Use procedure.)*

A. Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Borough Secretary or Borough Manager, as applicable. Upon receipt of a Conditional Use application, the Secretary or Manager, as applicable, shall forward a copy of the application to the Borough Planning Commission for their review and recommendation. The Planning Commission shall

conduct its review and make its recommendations within 45 days of receipt of such request.

B. 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:

1. the location of the tract of land;

2. the present use of the tract for which the conditional use is requested;

3. the present use of adjoining tracts;

4. the type of conditional use for which the application is made;

5. a brief description of the type and extent of the proposed activities;

6. an estimate of the total development cost of the conditional use; and,

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.

C. Site Plan

All applications for a Conditional Use shall include a site plan of the proposed development as set forth below. Such site plan shall be drawn to a scale sufficient to clearly show the features of the tract and shall include the following information:

1. a 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;

2. tract boundaries showing bearings and distances;

3. existing significant natural or man-made features of the site;

4. existing and proposed streets, rights-of-way, easements, means of access and setback lines;

5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;

6. existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;

7. a proposed grading and drainage plan;

8. a proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;

9. plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,

10. the 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, upon recommendation of the Borough Planning Commission, may waive the requirement for submittal of certain information that they deem unnecessary for their review of the application. In all cases however, the information submitted shall be adequate for review of the conditional use request.

D. Hearing Requirements

Within 60 days of the date of receipt of an applicant's application for a Conditional Use, Borough Council shall select a date, advertise (pursuant to the definition of Public Notice), and hold the first public hearing on the proposal. Hearings shall be conducted in accordance with the procedures set forth in Section 1102 F. of this Ordinance for Zoning Hearing Board hearings. **The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.**

E. Criteria for Review of Conditional Uses

The Council shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the standards set forth in Article 4, and in all other applicable sections of this Ordinance.

1. whether the use is generally consistent with the goals, objectives and strategies of the Muncy Creek Multi-Municipal Comprehensive Plan of 2017, or as may hereafter be amended.

2. 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;

3. whether the specific site is an appropriate location for the use, structure or condition;

4. whether the use developed will adversely affect the neighborhood;

5. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;

6. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;

7. the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,

8. whether satisfactory provision and arrangement has been made concerning the following:

    a. 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;

    b. off-street parking and loading areas;

    c. waste collection, storage and disposal;

    d. utilities, with reference to location, availability and compatibility;

    e. screening and buffering with reference to type, dimensions and character;

    f. 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,

    g. required yards and open spaces.

F. Decisions

The Borough 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 conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the PA Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons 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.

G. Failure to Hold Required Hearing or Render Decision

Where the Council fails to commence, conduct, or complete the required hearing or fails to render a decision within the prescribed time periods (except for challenges filed under Section 916.1 of the PA Municipalities Planning Code), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or 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, Borough Council shall give public notice On 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 fails to provide such notice, the applicant may do so.

H. Expiration of Decision

Unless otherwise specified by Borough Council at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Zoning and/or Building Permit(s), or fails to comply with the conditions of said authorization, within six (6) months from the date of said authorization.

I. *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. 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 affected tract at least seven (7) days prior to the date of the hearing.

ARTICLE 13 ADMINISTRATION AND ENFORCEMENT

Section 1300 DUTIES OF THE ZONING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Borough Council and hold no elective office in the municipality. Said Officer shall be able to demonstrate to the satisfaction of the Borough Council a working knowledge of municipal zoning, and shall meet such other qualifications as the Council may, from time to time, deem necessary for the effective implementation of this Ordinance. The Zoning Officer may be compensated for his work and shall have the following duties:

A. to receive and process applications for permits, certificates, variances, conditional uses, special exception uses, appeals and other applications required under the terms of this Ordinance;

B. to prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;

C. to issue or deny applications for Zoning Permits in accordance with the procedures set forth in Sections 706 and 1302 of this Ordinance. **In cases Involving properties located within the Historic Preservation District, Zoning Permits (where required) shall be issued only after review by the Borough Historic Commission In accordance with the procedure set forth in Section 706 of this Ordinance. In cases Involving a request for a Conditional Use, a Special Exception, or a variance, Zoning 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 such consideration before the Historic Commission, the Borough Council, or the Zoning Hearing Board, as applicable;

D. to issue or deny requests for Certificates of Compliance in accordance with the procedure set forth in Section 1303 of this Ordinance;

E. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;

F. to issue written enforcement notices as specified in Section 1304 A. of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the Borough as a means of enforcing the zoning regulations;

G. to maintain a log of all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued;

H. to present facts, records, and other information to the Borough Council and/or Planning Commission, upon request of such body, as will assist them in their deliberations of specific applications;

I. to post notice of pending Zoning Hearing Board hearings in accordance with the procedures established in Section 1102 E.3. and to post notice of proposed zoning district boundary changes as per the requirements of Section 1200 A.;

J. to present to the Zoning Hearing Board, in each case before the Board, all relevant facts and arguments to support the Borough's position, interpretation, and procedures in application of the provisions of this Ordinance;

K. to present facts and forward all appropriate information to the Borough's Historic Commission, where applicable, as will assist them in their deliberations of specific applications;

L. to provide record of all administrative approvals for properties in the Historic Preservation District to the Historic Commission on a monthly basis as per the requirements of Section 706;

M. to issue Certificates of Nonconformance as requested *(See also Sections 1000 F. and 1001 D.);*

N. to maintain and update the official Zoning Map as amendments are made by the Borough Council; and

O. to perform such other duties as may be provided or made necessary by the terms of this Ordinance.

Section 1301 GENERAL PROCEDURE FOR ZONING & BUILDING PERMIT APPLICATIONS

All persons desiring to undertake any new construction, structural alteration, or change in the use of a building, structure, or land shall apply to the Zoning Officer for a Zoning Permit by completing the appropriate application form and by submitting the required fee. The Zoning Officer shall then either issue or deny the Zoning Permit or, if applicable, refer the application to the Borough Historic Commission, Borough Council, or the Zoning Hearing Board for their consideration.

After the applicant has received his Zoning Permit, he shall contact the Borough Building Code official and make application for a Building Permit.

Following completion of his project, the applicant shall apply to the Zoning Officer for a Certificate of Compliance. If the Zoning Officer finds that the project has been completed in accordance with the terms of the Zoning Permit, he shall issue a Certificate of Compliance, after which the Building Code official shall inspect the premises and issue or deny an Occupancy Permit allowing the premises to be occupied or used. *(Garages, decks, porches, sheds and similar accessory structures meeting code requirements will be issued Certificates of Approval from the Building Code official rather than Occupancy Permits, which will allow the structure to be used.)*

The specifics of each step of the zoning procedure are presented in Sections 1302 and 1303 below and in chart form in Appendix G of this Ordinance. **Nothing in this Ordinance shall exempt the applicant from obtaining any Permits which may be required by other regulations or codes in effect in Muncy Borough.**

Section 1302 ZONING PERMITS

A. Requirements for Zoning Permits

Zoning Permits shall be required:

1. prior to the placement, erection, construction, addition, or alteration of any building, structure, or land;

2. prior to the use or change in use of a building, structure, or land;

3. prior to the erection or alteration of signs except as specified in Article 8;

4. prior to the change or extension of a nonconforming use;

5. 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, the change from one use to another use in an existing building *(regardless if structural alterations are proposed or necessary to accommodate the change)*, or for a change in the use of land, until a Zoning Permit has been duly issued therefor. **No Zoning Permit shall be issued however until all appropriate reviews** *(including all Historic Commission reviews required in Section 706)* **and other related Permits have first been completed or issued for the proposed use.** *(See also Sub- Section D. below for compliance requirements.)* **Upon issuance of the Zoning Permit, the applicant may apply for a Building Permit.**

B. Exemptions

Zoning Permits shall **not** be required for the following activities *unless they are proposed within a floodplain district:*

1. residential interior alterations when there is no increase in ground floor exterior dimension and no proposed change in use; and

2. general maintenance and repair to existing buildings or structures, including siding, roofing, painting, the addition of storm windows, and similar activities.

C. Application for Zoning Permits

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 parties shall be stated in the application.

The Zoning Officer shall have ten (10) days after receipt of a complete ap-plication to issue or deny requests for a Zoning Permit or forward the application to the Borough Historic Commission for their review. Where the application is submitted to the Historic Commission, the Zoning Officer shall have ten (10) days from receipt of the Commission's comments to issue or deny the Permit. (The Historic Commission shall complete its review in accordance with the procedure established in Section 706 of this Ordinance.) Any denial of a Zoning Permit by the Zoning Officer shall be in writing and shall state the reason(s) for such action.

D. Description of Work and Plan Requirements

All applications for Zoning Permits shall be in duplicate and shall be ac-companied by a sketch or plans, drawn to scale, which show the actual shape and dimensions of the lot, the exact size and location of any buildings 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 may be necessary to determine compliance with this Ordinance and all other pertinent regulations. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Borough.

One (1) copy of the plans shall be returned to the applicant when such plans are approved by the Zoning Officer. All applications and accompanying plans and documents shall become a matter of public record once a Permit has been either issued or denied.

E. Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate documentation and to certify that the proposed use will comply with all requirements of this Ordinance, and all other applicable Federal, State, or local regulations. Such documentation may include copies of sewage permits, PennDOT Highway Occupancy or Borough Driveway Permits, Borough Demolition Permits, Department of Labor and Industry or Public Welfare approvals, or other regulatory agency reviews, where such permits, approvals or reviews are appropriate.

F. Changes

After the issuance of a Zoning Permit, 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 approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for consideration.

G. Display of Permit Placard

In addition to the Zoning Permit, the Zoning Officer shall issue a Permit placard which shall be displayed or posted on the premises during the time that construction is in progress. The Permit placard shall remain posted until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the number of the Zoning Permit, the date of its issuance, and the signature of the Zoning Officer.

H. Time Limitations for Permit

Work on the proposed construction shall be commenced no later than 6 months after the date of issuance of the Zoning Permit and all work covered by the Permit shall be completed within 12 months after the date of the Permit's issuance or the Permit shall expire and become null and void. Additional work on the proposed project shall require the issuance of a new Zoning Permit, except that a time extension of the original Permit may be granted by the Zoning Officer where the applicant submits a written request prior to the expiration of the original Permit. Such request shall set forth sufficient and reasonable cause for the Zoning Officer to grant such extension. No more than two (2), 90-day extensions may be granted. Additional time shall require the issuance of a new Zoning Permit.

For the purposes of this Ordinance, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under pro-posed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

I. 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. He shall make as many inspections as necessary to determine compliance. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises, or development located in any zoning district, upon presentation of proper credentials and with proper notification of the property owner, to enforce the provisions of this Ordinance.

J. Revocation of Permits

The Zoning Officer may revoke a Zoning Permit at any time if: 1) it appears that the application or accompanying plan is in any material respect false or misleading, 2) that work being done upon the premises differs materially from that called for in the application, or 3) it access to a site is being unreasonably denied. In such case, the Zoning Officer shall issue a cease and desist order to the owner, corporation, or person holding the Permit to immediately discontinue the illegal action and surrender the Permit. No case however, shall the person so served abandon the premises in an unsafe condition. The premises shall be secured, to the satisfaction of the Zoning Officer, to avoid potentially hazardous conditions. A report of such revocation shall be submitted to the Borough Building Code Official and to the Borough Council for whatever additional action may be deemed necessary.

K. Temporary Zoning Permits

A Temporary Zoning Permit may be authorized by the Zoning Officer for a non-permanent structure or use where it is deemed beneficial to the public health or general welfare or necessary to promote the proper development of the community, provided that such structure or use shall be completely removed upon expiration of the Permit without cost to the Borough.

Section 1303 CERTIFICATES OF COMPLIANCE

A. Requirements for Certificates of Compliance

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used in whole or in part, or shall be changed in use until a Certificate of Compliance has been issued by the Zoning Officer. Such requirement shall include proposals to change one use to another use in an existing building (regardless if structural alterations are proposed or necessary to accommodate the change).

The issuance of a Certificate of Compliance is not intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor the habitability of any building or structure. The purpose of this Certificate is to certify that all work authorized by the Zoning Permit has been satisfactorily completed and that the building or proposed use thereof complies with the provisions of this Ordinance.

B. Issuance and Effect

The applicant shall notify the Zoning Officer upon completion of the permitted activity and the Zoning Officer shall inspect the construction or change of use within ten (10) days of the notification. The Zoning Officer shall then issue or deny the Certificate within ten (10) days after the last inspection thereof. If the Zoning Officer is satisfied that the work has been completed in accordance with the issued Zoning Permit and it is in compliance with the provisions of this Ordinance, then the Certificate of Compliance shall be issued. If, however, any part of the construction is found in violation, the Certificate shall be denied and the applicant shall be notified in writing of the deficiencies or the reasons for denial of the Certificate. Once granted, the Certificate shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants.

Section 1304 VIOLATIONS AND ENFORCEMENT

Failure to secure a Zoning Permit when required hereunder or failure to secure a Certificate of Compliance, or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

A. Enforcement Notice

Whenever it appears to the Zoning Officer or other Council-appointed individual or entity that there has been a violation of any provision of this Ordinance, the Zoning Officer, on behalf of the Council, shall give written notice of such alleged violation as hereinafter provided. Such enforcement notice shall:

1. be served upon the property owner or sent to him by certified mail (return receipt requested), and be sent to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record;

2. include the name of the owner of record and any other person against whom the Borough intends to take action;

3. include the location of the property in violation;

4. identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision{s) of the Ordinance;

5. contain an outline of remedial action which, if taken, will effect compliance;

6. specify the date before which the steps for compliance must be commenced and the date before which the steps must be completed;

7. notify the recipient of his right to appeal to the Borough Zoning Hearing Board prior to the expiration of the time period provided in the enforcement notice; and,

8. indicate that failure to comply with the notice within the time specified unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted or remedied as provided in this Section.

In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.

B. Causes 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 this Ordinance, the Borough Zoning Officer may institute in the name of the Borough, any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent any action, conduct, business, or use in or about such premises constituting a violation.

Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may also institute an appropriate corrective action or proceeding. Such action must be preceded however by serving a copy of the complaint upon the Borough at least 30 days prior to being instituted. No such action may be maintained until such notice has been given.

C. Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law, shall, upon being found liable therefore in a civil enforcement proceeding commenced by Muncy Borough, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Muncy Borough may enforce the judgment 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 judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to Muncy Borough.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

Section 1305 FEES

Fees for the issuance of Zoning Permits, Certificates of Compliance, Conditional Uses, ordinance amendments, Special Exception Uses, variances, and other zoning actions shall be paid to the Borough upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution of the Borough Council and as may be amended hereafter by sub-sequent Resolution.

Further, any fees paid by a party for the appeal of an enforcement notice to the Borough 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.

ARTICLE 14: DEFINITIONS

Section 1400 INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word 11person" shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word "lotu shall include the words "plot" and "parcel"; the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, designed, rented, leased, or intended to be used or occupied''; and the terms "shall" and "will" are mandatory, the words "may" and "should" are permissive.

Section 1401 DEFINITIONS

ABANDONED: The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure.

ABUT: To physically touch or border another lot, use, or district boundary; to share a common property line.

ACCESS DRIVE: A means, other than a street, which provides vehicular access from a street or public road to a lot; *e.g. a driveway or private right-of-way.*

ACCESSORY BUILDING: See BUILDING, ACCESSORY.

ACCESSORY RESIDENTIAL USE: A residential dwelling unit which is accessory to the principal non-residential use of a lot, ie. an apartment located above or adjoining a commercial establishment. *(See also Section 421.)*

ACCESSORY STRUCTURE: See STRUCTURE, ACCESSORY. ACCESSORY USE: See USE, ACCESSORY.

ADJOINING: The sharing of all or part of a common lot line with another lot.

ADULT BOOK STORE: An establishment, from which minors are generally excluded, having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting nudity or sexual conduct.

ADULT ENTERTAINMENT ESTABLISHMENT: Adult book stores, adult theaters, adult cabarets, adult massage parlors, and similar establishments providing entertainment of a sexual nature. (See Section 416.)

AGENT: Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Borough official for the purpose of obtaining approval thereof.

ALLEY: Public or private service way used primarily for vehicular access to the back or sides of properties otherwise abutting on a street.

ALOWABLE DRILLING AREA: The area within the well pad that is approved for wells to be drilled.

ALTERATION: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another. For the purposes of this Ordinance, an alteration shall not include maintenance and other repair activities.

AMUSEMENT ENTERPRISE: A facility which provides for indoor recreation activities, including but not limited to, bowling alleys, roller skating rinks, motion picture theaters, health clubs, and similar types of enterprises, but excluding adult entertainment establishments as defined herein. *(See Section 415.)*

ANIMAL HOSPITAL: An establishment where animals are given medical or surgical treatment and may be boarded for short-term care incidental to their treatment.

APPLICANT: Any landowner or developer, who has filed an application for development, including his heirs, assigns and successors,.

AREA: The surface included within a set of lines.

Area, Buildable: That portion of a lot bounded by the required front, side and rear yards.

Area, Lot: The area contained within the property lines of individual parcels of land shown on a plan, excluding any area within a street right-of-way, but including the area of any easement.

Area, Site: The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

ART GALLERY: A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised or exhibited to the general public.

ARTISAN: A worker or craftsman in a skilled trade, or an artist skilled in the techniques of an art of craft, especially one that involves making quality items by hand.

AUCTION, PUBLIC: The holding of a commercially operated sale of personal property and/or real estate. *(See Section 424 B.)*

AUTOMOTIVE REPAIR SHOP: 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. *(See Section 412 C.)*

AUTOMOTIVE SALES FACILITY: Any building or land area used for the display and sale of new or used automobiles or other motor vehicles, including warranty repair or associated work. *(See Section 412 A.)*

AUTOMOTIVE SERVICE STATION: A building or place of business 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 may be offered. *(See Section 412 B.)*

BANK: See FINANCIAL INSTITUTION.

BAR: A building or structure, or portion thereof, used primarily for the sale or dispensing of liquor or alcohol by the drink. For the purposes of this Ordinance, a bar may also include those facilities selling bottled goods, either as a principal activity or as an accessory use.

BASE FLOOD: A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100 year flood" or one-percent (1%) annual chance flood).

BASE FLOOD DISCHARGE: The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE): The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT: 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. *(A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes)*; or 2)

For floodplain management purposes, the following shall apply: any area of the building having its floor below ground level on all sides.

BED AND BREAKFAST ESTABLISHMENT: An owner-occupied dwelling, or part thereof, in which individual rooms are offered for transient or temporary lodging purposes by the owner for limited

periods of time. Meals may also be provided for overnight guests as a part of the lodging fee. *(See Section 408.)*

BOARDING HOUSE: See ROOMING OR BOARDING HOUSE.

BOARD OR ZONING HEARING BOARD: The Zoning Hearing Board of Muncy Borough.

BOROUGH BUILDING CODE OFFICIAL: See BUILDING CODE OFFICIAL.

BOROUGH COUNCIL: The governing body of Muncy Borough.

BUFFER YARD: Yard space, either landscaped or planted, provided between high intensity activities and residential uses which serves as a barrier to noise and/or visibility. *(See Section 505.)*

BUILDABLE AREA: See AREA, BUILDABLE.

BUILDING: A structure having walls and a roof which is used for the 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 to be used for human habitation.

> ***Building. Accessory:*** A detached, subordinate building located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.
>
> ***Building, Principal:*** A building in which the principal use of the site is conducted.
>
> ***Building, Attached:*** A building which has one (1) or more walls in common with an adjacent building.
>
> ***Building, Detached:*** A building which has no common walls and is surrounded by open space on the same lot.

BUILDING CODE OFFICIAL: The administrative officer duly appointed by the Borough Council and charged with the duty of enforcing the provisions of PA Uniform Construction Code, PA Act 45 of 1999, or as hereafter amended, in the Borough of Muncy.

BUILDING HEIGHT: The vertical distance measured from the average finished grade of the ground surrounding the building to the highest point of the roof, excluding chimneys, spires, towers, tanks and similar projections which are attached to the building. *(See also Section 503.)*

BUILDING LINE: The inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area. Except as specifically provided by these regulations, no portion of any building or structure may be extended to occupy any portion of a lot outside its building lines.

BUILDING-MOUNTED ANTENNAS: See COMMUNICATIONS ANTENNA.

BUILDING SETBACK LINE: The line parallel to the street line located at a distance which is equal to the required front yard setback for the district in which the lot is located. This line shall be the point at which minimum lot width is measured.

CARTWAY: The surface area of a street or alley available for vehicular traffic or the area between curbs, excluding shoulders, curbs, sidewalks, or drainage swales.

CELLAR: A portion of a building partly underground, having half or more than half of its clear height below grade. A cellar shall not be considered in calculating gross floor area nor shall it be used in determining the permissible number of stories.

CERTIFICATE OF COMPLIANCE: The Certificate required by this Ordinance which indicates that all work authorized by the project's Zoning Permit has been satisfactorily completed, or in a case involving no construction, a proposed new use is in compliance with the terms of this Ordinance.

CERTIFICATE OF NONCONFORMANCE: A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure, or lot as of the effective date of this Ordinance, thereby authorizing its right to continue until it is eliminated or abandoned.

CHANGE OF USE: An alteration of a building or a change of the use existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

CHURCH OR PLACE OF WORSHIP: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious or worship services, and uses customarily accessory and incidental thereto. For the purposes of this Ordinance, additional uses such as schools, child nursery or day care facilities, social halls or similar operations associated with the church or other place of worship shall require separate consideration and approval by Borough officials.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street or driveway intersections defined by lines of sight between points which are a specified distance from the intersection of the street centerlines. *(See Section 504 D.)*

CLINIC, MEDICAL OR DENTAL: An establishment where patients are received for examination and treatment by one or more physicians, dentists, psychologists, or social workers or other health care providers, but where no surgery is performed and no patients are not lodged overnight.

CLINIC, VETERINARY: An establishment where animals are examined and treated, but where no boarding related to such treatment is provided. *(See ANIMAL HOSPITAL.)*

CLUB: A chartered, non-profit organization, the primary purpose of which is the advancement of its members or of the community in education, fraternal, cultural or civic pursuits and activities.

CLUB OR FRATERNAL ORGANIZATION FACILITY: A building or premise catering exclusively to the members of a club or other non-profit organization and their guests for social, recreational, or administrative purposes. Clubs shall include, but need not be limited to, service or fraternal organizations, as well as other social, athletic or similar groups. (See also CLUB.)

COMMERCIAL: A land use or other activity involving the sale of goods or services for financial gain.

COMMUNICATIONS ANTENNA: Any device used for the transmission of reception of radio, television, wireless telephone, pager, commercial mobile radio service or other wireless communications 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 Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas, or amateur radio equipment including, ham or citizen band radio antennas.

COMMUNICATIONS TOWER: A structure, other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support a communications antenna.

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMPLETION OF DRILLING, RE-DRILLING & RE-WORKING: The date the work is complete for the drilling, re-drilling or re-working and the crew is released by completing their work or contract or by their employer.

COMPREHENSIVE PLAN: The 2017 Muncy Creek Multi- Municipal Comprehensive Plan, or most recent adopted revision thereof.

CONDITIONAL USE: A use permitted in certain districts, as provided for in Article 3, which may only be authorized by the Borough Council as set forth in Section 1201 of this Ordinance, after review and recommendation from the Borough Planning Commission.

CONSTRUCTION: See NEW CONSTRUCTION.

CONTRACTOR'S SHOP AND YARD: A building or group of buildings and space used for the storage of construction equipment and/or building materials. Such uses may also include equipment repair facilities and office space associated with the contractor's operation.

CONVENIENCE MARKET: A retail establishment selling a limited range of food products as well as some household or other consumer goods. Such facilities generally offer fewer items and maintain a smaller inventory of merchandise than a supermarket or grocery store. In some cases, gasoline and related automotive supplies are also offered on a self-service basis.

CONVERSION APARTMENT: A dwelling or other building existing at the effective date of this Ordinance which is converted for residential occupancy or to accommodate a greater number of dwelling units. (See Section 403.)

COUNTY: Lycoming County, PA.

DAY CARE CENTER: A facility enrolling more than 12young children where tuition, fees or other forms of compensation for the care of the children may be charged and which is licensed, inspected and approved to operate as a child day care center by the PA Department of Public Welfare. For the purposes of this Ordinance, such facilities may also provide care for adult, elderly or handicapped persons.

DENSITY: The number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

DENTAL CLINIC: See CLINIC, DENTAL.

DERRICK: Any portable framework, tower, mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil and gas, ie. Rig.

DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of the landowner, who makes or causes to be made, a subdivision or 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 mobile homes or manufactured housing; streets, and other paving; utilities; filling, grading and excavation; mining; dredging or drilling operations; storage of equipment or materials; and the subdivision of land.

DISTRIBUTION CENTER: A building or structure containing 5,000 or more square feet of gross floor area and/or more than four (4) loading docks or spaces where merchandise is stored for ultimate distribution to specific wholesale or retail operators or to the general public. *(See also FREIGHT OR TRUCK TERMINAL, WAREHOUSING FACILITY and Section 417 O.)*

DISTRICT: A zoning district as identified on the official Muncy Borough Zoning Map, along with the regulations pertaining thereto.

DRILLING: The digging or boring a new well either vertically or horizontally for the purpose of exploring for, developing or producing oil and gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

DRILLING EQUIPMENT: The derrick or rig, together with all parts of, and appurtenances to such a structure, every piece of apparatus, machinery or equipment used or erected or maintained for use in connection with drilling.

DRILL SITE: The premises used during the drilling or re-working of a well or wells located there and subsequent life of a well or wells or any associated use.

DRIVEWAY: A minor vehicular access way between a street and a garage (or an improved parking space in lieu of garage) within a lot or property.

DRY CLEANING ESTABLISHMENT: An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

DWELLING: A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons. *(See also MOBILE HOME and SEASONAL DWELLING.)*

Dwelling, Single-Family Attached: A single dwelling unit from ground to roof with independent outside access and a portion of one or two walls in common with an adjoining dwelling unit; i.e. a townhouse or garden apartment. For purposes of this Ordinance, a single-family attached dwelling structure shall contain a minimum of three (3) dwelling units and shall be defined as new construction, not including conversions. *(See Section 404.)*

Dwelling, Single-Family Detached: A dwelling structure containing one (1) dwelling unit from ground to roof, having independent outside access and open space on all sides, except for a mobile home as defined below.

Dwelling, Two-Family: An attached or semi-detached dwelling structure containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common basement or cellar; i.e. a duplex. For the purposes of this Ordinance, a two-family dwelling shall be defined as new construction, not including conversions.

Dwelling, Multi-Family: A dwelling structure containing three {3) or more dwelling units with or without independent outside access; i.e. an apartment building. For the purposes of this Ordinance, a multi-family dwelling shall be defined as new construction, not including conversions. *(See Section 405.)*

For the purposes of this Ordinance, a MULTI-FAMILY HOUSING DEVELOPMENT shall be defined as a development consisting of more than one (1) multifamily dwelling structure or more than one (1) single-family attached dwelling structure, or a combination thereof, on a single tract of ground. *(See Sections 404 , and 405 .)*

DWELLING UNIT: One or more rooms in a dwelling structure designed for use by one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles, commercial lodging facilities, personal care or nursing homes shall not be considered as dwelling units for the purposes of this Ordinance.

EASEMENT: A defined right of use or privilege granted for a limited use of land, usually for a public or quasi-public purpose.

ENCLOSED USE: A use which is located entirely within a building or structure.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

EXPLORATION: Temporary geologic or geophysical activities, drilling in context with the oil and gas drilling zoning definition in this ordinance, hydraulic fracturing, including seismic surveys, related to the search for natural gas or other subsurface hydrocarbons.

FAMILY: One (1) or more persons related by blood, marriage, adoption or guardianship occupying a single dwelling unit and living as a single household unit, using common living, cooking, sanitary and sleeping facilities. *(See also GROUP FAMILY HOUSEHOLD.)*

FAMILY DAY CARE HOME: A family residence where care is provided for no more than six (6) children unrelated to the resident household and which is registered by the PA Department of Public Welfare to provide such care. For the purposes of this Ordinance, a family day care home may also provide care for up to six (6) adult or elderly persons and shall be considered to be a home occupation.

FARMERS AND ARTISANS MARKET: The offering for sale of fresh agricultural and local artisan products directly to the consumer at an open-air market designated by the Borough as a community activity.

FENCE: Any structure constructed of wood, metal, wire mesh, masonry blocks, or similar material erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purposes of this Ordinance, a fence shall be considered to be a structure and shall require a Zoning Permit prior to its erection or placement. All fences shall meet the requirements of See also Section 504 B., and fences used as required screening shall also meet the requirements of Section 506 B.

FILL: 1) Any act by which earth, sand, gravel, rock or other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of a stripped surface and shall include the conditions resulting therefrom; 2) The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; or 3) The material used to make a fill which is in turn used to elevate or flood proof a building or structure.

FINANCIAL INSTITUTION: A financial institution shall include, but need not be limited to, a bank, credit union, loan company, or other lending institution, including drive-in windows, automated teller machines and similar night deposit facilities.

FIRE STATION: Any building or structure used primarily for the purpose of housing or storing firefighting apparatus, equipment and gear. Such facilities may also include company meeting rooms, administrative offices, and other public service space. For the purposes of this Ordinance, a fire station shall be considered as a government building.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD FRINGE: That portion of the 100 year floodplain outside of the floodway, excluding those areas shown as approximate 100 year flood zones on the Borough's Flood Maps.

FLOOD, ONE HUNDRED YEAR: A flood that on the average is likely to occur once every 100 years *(i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)*

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA: 1) A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation; or 2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source. (See Section 603.)

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents. *(See Section 602 for flood damage control provisions.)*

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA: The area of a structure covered by floors.

Floor Area. Gross: The sum of the gross horizontal areas of all of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles or basement or cellar floor areas where this area is not used for business or dwelling purposes, but including the area of all covered porches, decks, patios and terraces.

For the purposes of applying the requirements for off-street parking and loading, "floor area" in the case of office, merchandising or service type uses, shall mean the gross floor area used or intended to be used by tenants or for service to the public or customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for display or sales of merchandise. *(See Article 9, TABLE 1 and TABLE 2.)*

Floor Area, Habitable: Any floor area within a dwelling unit which is useable for living purposes, including area for working, sleeping, eating, cooking and recreation, or a combination thereof. Stairways, hallways and floor area used only for storage purposes, such as closet, attic or unimproved basement space shall not be considered habitable floor area, nor shall any space where the floor-to-ceiling height is less than five (5) feet.

FRACTURE STIMULATION/HYDRAULIC FRACTURING (FRACKING): The process of injecting water, sand, customized fracking fluid, steam, or gas into a gas well allow or to improve gas recovery.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FREIGHT OR TRUCK TERMINAL: Any building or premises upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is located or conducted, including the dispensing of motor fuel or other petroleum products, the sale of accessories or equipment for motor vehicles, or the storage of freight or cargo. Such uses may

also include overnight accommodations and restaurants facilities intended primarily to serve the needs of drivers or the motoring public if approved by the proper Borough officials. *(See also DISTRIBUTION CENTER and WAREHOUSING FACILITY.)*

FUNERAL HOME: A building used for the preparation of the deceased for burial and for the display of the deceased as well as for ceremonies connected therewith before or after burial or cremation.

GARAGE: A building or structure used for the parking and storage of vehicles.

GARAGE, PRIVATE: An accessory or an accessory portion of a principal building designed or used for the parking or storage of one (1) or more vehicles owned and used by the occupants of the building to which it is accessory; provided that no business, occupation or service is conducted for profit therein, and not more than one (1) space therein is leased to a non-resident of the premises. For the purposes of this Ordinance, there shall be no outside storage or accumulation of junk associated with any private garage.

GARAGE, PUBLIC: A building or group of buildings used primarily for the parking or storage of motor vehicles available to the public for compensation.

Gas: Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

Gas Well: Any well drilled for the intent of extracting gas or other hydrocarbon from beneath the surface of the earth.

Gas Storage Well: A well located and used in a gas storage reservoir for injection withdrawal purposes or an observation well.

GENERAL FLOODPLAIN: That portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated 100 year floodplain area on the Borough's Flood Maps.

GLARE: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GOVERNMENT BUILDING: A facility housing a municipal or government agency, including State, County or Borough operations. And, for the purposes of this Ordinance, municipal or government buildings shall also include police or fire stations.

GRADE: The degree of rise or descent of a sloping surface.

GRADE, STREET: The elevation of the centerline of an existing or proposed street; the percentage of slope.

GRADE FINISHED: The final elevation of the ground surface after development.

GROUP DAY CARE HOME: A residence where day care is provided for between seven (7) and 12 children unrelated to the resident household, which is licensed and inspected by the PA Department of Public Welfare to provide such care. For the purposes of this Ordinance, such facility may also provide care for adult or elderly persons.

GROUP FAMILY HOUSEHOLD: A group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability. *(See GROUP HOME.)*

GROUP HOME: A residence occupied by six (6) or fewer persons (excluding staff) unrelated by blood, marriage, adoption or guardianship who live together as a group family household, including but not limited to, homes for orphans, foster children, the elderly, battered children and women, mentally or physically handicapped individuals, and specialized treatment facilities providing less than primary health care. Group homes shall not include sobriety houses or facilities for drug or alcohol rehabilitation. *(See also Section 409 and SOBRIETY HOUSE and Section 410.)*

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

A. listed individually 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;

B. certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. 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

D. individually listed on a local inventory of historic places in communities with historic preservation programs that 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.

HOME OCCUPATION: An accessory use or service-oriented occupation operated for gain or profit which is conducted entirely within the operator's residence or in a building accessory thereto. The home occupation must be clearly secondary to the use of the dwelling for residential purposes and shall not change the character thereof. *(See Section 418 B.)*

HORTICULTURE: The growing of fruits, vegetables, flowers, ornamental plants, shrubs or trees for profit.

HOTEL: A commercial facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

IDENTIFIED FLOODPLAIN AREA: This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 4.01 and 4.02 for the specifics on what areas the community has included in the Identified Floodplain Area.

INDUSTRIAL OPERATION: See MANUFACTURING OPERATION.

JUNK: Any used or discarded article or material, including, but not limited to, waste paper, rags, metal, glass, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. For purposes of this Ordinance, the term "junk" shall not include hazardous wastes or materials, residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

JUNKED MOTOR VEHICLE: Any motor vehicle, including, but not limited to, an automobile or truck that is so worn, deteriorated, obsolete, dismantled or disassembled as to make it inoperable or unusable in its current condition, and/or a motor vehicle which has become incapable of being operated for a period of 30 days due to mechanical defects and/or because it is not licensed and/or does not have a current, valid PA inspection sticker.

JUNK YARD: An area of land, with or without buildings, used for the storage, collection and sale of used or discarded materials, including junk as defined above, with or without dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage of two (2) or more junked motor vehicles as defined above, or the major parts thereof, on a property in the Borough for a period of one month or longer, shall be deemed to make the property a junk yard.

KENNEL: An establishment where five (5) or more dogs, cats or domesticated animals more than six months old are housed, bred, boarded, trained or sold. In addition, all requirements of the PA Dog Law, administered by the PA Department of Agriculture, shall be met before establishing a kennel in the Borough.

LAND CULTIVATION: The tilling or cultivation of soil for crop or tree farming.

LAND DEVELOPMENT: Any of the following activities: (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 Jots regardless of the number of occupants or tenure, including a single new multi- family residential building containing three or more dwelling units; 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; or (2) a subdivision of land.

LANDOWNER: The legal or beneficial owner(s) of land, including the holder of an option or contract to purchase (whether or not such option is subject to any condition), a lessee, if he is authorized under the lease to exercise the right of the land owner or other person having a proprietary interest in the land.

LAUNDROMAT: A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LANDSCAPING: Grass and other plantings such as trees, shrubs and/or bushes.

LIBRARY: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

LOADING SPACE: An off-street space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials. *(See Section 901 and TABLE 2.)*

LODGING FACILITY, COMMERCIAL: A building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests for limited periods of time, including hotels, motels, inns, and other similar types of lodging establishments. Dining facilities associated with such uses may also be open or available to the general public if authorized by the appropriate Borough officials. *(See also HOTEL, MOTEL and BED & BREAKFAST ESTABLISHMENT.)*

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:*** See AREA, LOT.
>
> ***Lot, Corner:*** A lot with two adjacent sides abutting on streets or alleys. A Jot abutting on a curved street shall be considered a corner Jot if the tangents to the curve at the points of intersection of the side Jot lines with the street line intersect at an interior angle of less than 135 degrees.

Lot Depth: The mean horizontal distance between the front and rear lot lines of a parcel.

Lot, Double Frontage: A lot which extends from one street along its front lot line to another along its rear lot line, with frontage on both streets.

Lot, Reverse Frontage: A lot extending between and having frontage on both an arterial or collector street and on a local street, with vehicular access restricted to the latter, usually due to topographic constraints or safety considerations.

Lot Width: The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line *(i.e. a corner lot)*, between such lot line and the opposite lot line.

LOT LINES: The property lines bounding the lot.

Lot Line. Front: The line separating the lot from a street or street right-of-way; or, where a Jot has no road frontage, the lot line opposite the rear lot line.

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 OF RECORD: A lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Lycoming County, PA.

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area of a building or structure (including basement or cellar). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access or incidental storage, in an area other than a basement or cellar area is not considered a building's lowest floor, 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.

LUMBER YARD: A business establishment primarily engaged in the sale of lumber and related products to contractors or the general public.

MACHINE SHOP: A workshop, manufacturing facility or other industrial operation where machines are built, repaired or assembled. For the purposes of this Ordinance, such facilities shall include tool and die making, engine rebuilding and similar types of activities.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURING: The act of producing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

MANUFACTURING OPERATION: An industrial fabricating, compounding, assembly or processing activity which may produce noise, smoke, odor, dust, vibration or glare. Such operations may include, but are not limited to, wood product and related manufacturing, metal fabrication, machine shops, product assembly, or sewing operations. *(See Section 417.)*

MARKET VALUE: The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

MEDICAL CLINIC: See CLINIC, MEDICAL

MINI-CASINO: A facility with a Category 4 license containing between 300-750 slot machines and up to 50 game tables.

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beams or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

MIXED RESIDENTIAL DEVELOPMENT: A development which is designed and planned to contain a combination of residential dwelling types in varying densities. Such developments are permitted in the R-4 Residential Zone and shall meet the requirements of Section 406 of this Ordinance.

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include manufactured housing, park trailers, travel trailers, recreational vehicles, and other similar units placed on a site for a period of time exceeding 180 consecutive days.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more manufactured homes, or park trailers, travel trailers, recreational vehicles, and other similar units for a period of time exceeding 180 consecutive days.

MOTEL: A commercial building or structure arranged or used for sheltering, sleeping and/or feeding of overnight guests, where each unit has independent outside access and where provision may be made for limited cooking in individual rooms.

MULTI-FAMILY DWELLING: See DWELLING, MULTI-FAMILY.

MUNICIPALITY: Muncy Borough, Lycoming County, PA.

MUSEUM: A building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art not offensive to the general public, and arranged, intended and designed to be used by members of the general public for viewing with or without an admission charge.

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 June 2, 2016, and includes any subsequent improvements to such structures. Any construction started after November 8, 1983, and before June2, 2016, is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NO-IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use in a residential dwelling located in a Residential District which is clearly secondary to the use of the residence as a dwelling and which meets the no-impact criteria set forth in Section 418 A. of this Ordinance.

NONCONFORMING LOT: A lot which does not conform to the minimum width, depth, area or other dimensional requirements specified for the district in which it is located (Article 3), including those lots which existed prior to the enactment of this Ordinance. (See Article 10 .)

NONCONFORMING STRUCTURE: A structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Ordinance, including those structures which lawfully existed prior to the enactment of this Ordinance. Such nonconforming structures include, but shall not be limited to, nonconforming signs. *(See Article 10 for applicable provisions.)*

NONCONFORMING USE: A use of a building or land which does not comply with the applicable use regulations *(Article 3)* of this Ordinance or amendment, including those uses which lawfully existed prior to the enactment of this Ordinance. *(See Article 10 for applicable provisions.)*

NURSING HOME: A state-licensed institutional establishment which provides fulltime convalescent or chronic nursing and/or medical care. Such facilities shall not provide surgical, obstetrical or other services generally provided by a hospital or medical center.

OBSERVATION WELL: A well used to monitor the integrity and conditions in a gas storage reservoir, the reservoir protective area or strata above or below the gas storage horizon.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream to the damage of life or property.

OFF-STREET PARKING SPACE: See PARKING SPACE, OFF-STREET.

OIL & GAS COMPRESSOR STATION/PROCESSING PLANT: A permanent structure with equipment, tanks and site disturbance used to process and/or compress gas that is used as a midstream operation supporting oil and gas production.

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

OIL & GAS METERMING STATIONS: A permanent structure that is used as midstream operation for the purpose of metering or measuring the flow and/or volume of gas and includes associated equipment, tanks and site disturbance.

OIL & GAS STAGING FACILITY: A facility or location on a permitted site for the storage of equipment and vehicles used to support gas development activities at other permitted sites.

OIL & GAS WATER REUSE STORAGE FACILITY: Tanks of any construction (metal, fiberglass, concrete, etc.) and impoundments used for the storage of water and/or water that has been used and is being reused.

Oil and Gas Well: A hole or holes, bore or bores, that perforate the earth's surface and rock layers and extracts water and brine in the process of obtaining oil, gas or other hydrocarbons from the earth.

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

OPEN SPACE: Space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

> ***Open Space. Public:*** Any land area set aside, dedicated, designated or reserved for public enjoyment.
>
> ***Open Space, Common:*** Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the residents of the development and which may include complementary structures and improvements as are necessary and appropriate, but shall not include streets, off-street parking areas, and areas set aside for public facilities.

OPEN OR OUTSIDE STORAGE OR DISPLAY: See STORAGE OR DISPLAY, OPEN OR OUTSIDE.

OUTDOOR CULTURAL, RELIGIOUS, AMUSEMENT OR SPORTING EVENT: A temporary use, activity, or event of short-term duration, such as a carnival, circus, fair, festival or other similar occurrence.

OUTDOOR FURNACE: A device located outside of an inhabited building and used to burn combustible materials for the purpose of generating heat inside the inhabited building. An outdoor furnace shall be considered an accessory structure for the purpose of any ordinance or regulation applying to or effective in the Borough of Muncy, and all such devices shall meet the requirements set forth in the most current version of the Borough's Outdoor Burning Ordinance.

OUTDOOR RECREATION FACILITY: See RECREATION FACILITY, OUTDOOR.

OUTDOOR VENDING MACHINES: See VENDING MACHINES, OUTDOOR.

PARKING LOT: An off-street, ground level area, improved for parking use, which is graded for proper drainage and provided with a durable and dust-free surface.. *(See also Article 9.)*

PARKING SPACE OFF-STREET: An area on a lot available for the parking of one (1) motor vehicle and having direct, useable access to a street or road. A parking space may include covered garage

space or uncovered lot space located off of the public right-of-way, but in no case be located in the grassed front yard (See also Article 9 and TABLE 1.)

PARK OR PLAYGROUND: A public, semi-public or private park or park-type facility which provides outdoor recreational enjoyment and activity, either for free or on a fee basis. Such facilities may include tot lots and playgrounds, hiking and picnic areas and similar activities, and may also include buildings or accessory structures. Activities may be organized to include day camps or other groups or may be strictly independent. *(See also RECREATION FACILITY, OUTDOOR .)*

PERMITTED USE: A principal use allowed in a zoning district, subject to the applicable district regulations, and approved by the Zoning Officer.

PERSON: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or 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, usually for the elderly, including meals and less than full-time skilled or intermediate nursing care. For the purposes of this Ordinance, personal care homes may also be known as assisted living facilities.

PERSONAL SERVICE BUSINESS: A small-scale retail business providing direct service or care to a patron or client, including, but not limited to, a barber or beauty shop, a tailor or dressmaking shop, upholstery or shoe repair facility, or similar establishment of a related nature. *(See Section 411.)*

PERSONAL STORAGE WAREHOUSE: A warehouse facility where separate storage spaces, of varying sizes, are available for lease or rental to the public, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy of nor commercial sales conducted from such storage areas.

PHILANTHROPIC OR RELIGIOUS ORGANIZATION: Non-profit organizations such as the United Way, the Heart Association, Salvation Army, American Rescue Workers, or other food or clothing distribution operations or religious synod offices.

PLANNING COMMISSION: The Planning Commission of Muncy Borough, Lycoming County, PA.

PLANT NURSERY: Land and/or greenhouses used to raise flowers, shrubs, trees and plants for sale.

POST-FIRM STRUCTURE: is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated MM/DD/YYYY, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE: is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated MM/DD/YYYY, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

PRINCIPALLY ABOVE GROUND: At least 51 percent of the actual cash value of the structure, less land value, is above ground.

PRINCIPAL STRUCTURE: See STRUCTURE, PRINCIPAL. PRINCIPAL USE: See USE, PRINCIPAL.

PRINT SHOP: An establishment in which the principal business consists of, but not limited to, duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

Production Well: Any gas or oil well that has been brought on line to provide the material to market after a successful exploration step.

PROFESSIONAL OFFICE: The office of a member of a licensed and/or regulated profession, provided there is no selling of a commodity on the premises. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is only secondary to the residential use of the building. *(See Section 413.)*

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Borough Council, Borough Planning Commission, or Borough Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING: A forum held pursuant to notice under the Act of July 3, 1986 *(P.L. 388, No. 84)* known as the Sunshine Act.

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

PUBLIC UTILITY FACILITIES: Facilities, buildings and/or structures constructed and maintained by public utility companies, municipal or governmental agencies, or public service corporations, which are necessary for the provision of utility services to the general public. Such facilities shall include, but need not be limited to, electrical substations, water or sewage treatment plants, reservoirs, pump stations, telephone switching stations, or similar facilities. For the purposes of this Ordinance, utility supply facilities shall not include commercial communications antennas or towers.

RECREATIONAL VEHICLE: A recreational vehicle shall be defined as a vehicle which is:

A. built on a single chassis;

B. not more than 400 square feet, measured at the largest horizontal projections;

C. designed to be self-propelled or permanently towable by a light-duty truck;

D. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Such vehicles are permitted to be used only in campground areas or recreational vehicle parks in the Borough or on private independent parcels.

RECREATION FACILITY, OUTDOOR: A public or semi-public outdoor, recreational facility including, but not limited to, a miniature golf course, an ice-skating rink, public swimming pool, tennis or basketball courts, baseball or soccer fields and other similar uses operated for or open to the public, whether for free or for a fee. *(See also PARK OR PLAYGROUND and Section 414.)*

RE-DRILL: Deepening or sidetrack/horizontal drilling extending more than one-hundred fifty (150) feet from the existing well bore.

REGULATORY FLOOD: The flood that has been selected to serve as the basis upon which the Floodplain Management provisions of this Ordinance have been based; the 100 year flood.

REGULATORY FLOOD ELEVATION: The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.

RESTAURANT: A retail establishment where food and drink is prepared and served, primarily within the principal building. In some instances the food is consumed on-site and in other cases, it is taken out. For the purposes of this Ordinance, a restaurant may also include catering operations.

RETAIL BUSINESS:A place of business engaged in selling goods and merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods. *(See Section 411.)*

RETAIL OUTLET, ACCESSORY: the selling of goods, wares or merchandise directly to the ultimate consumer or persons without a resale license. This activity must be clearly subordinate to the primary use of the property or structure.

RE-WORK: Re-entry of existing well within the existing bore hole or by deepening or sidetrack/horizontal operations which do not extend more than one-hundred fifty (150) feet from the existing well bore, or replacement of well liners or casings.

RIGHT-OF-WAY: 1) A specific type of easement being limited to use for passage over another person's land; i.e. an easement for vehicular or public utility passage; or 2) A strip of land acquired by reservation, dedication, prescription or condemnation which is occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary sewer or storm sewer line or other similar use.

ROADSIDE STAND: A temporary booth, stand or shelter located along a roadway (but off of the road right-of-way) from which produce, plant nursery or greenhouse products are offered for sale to the general public, excluding facilities for the sale of fireworks, crafts or similar items.

ROOMING OR BOARDING HOUSE: A single-family, owner-occupied dwelling or part thereof, where lodging is provided for a fee by the owner. Such lodging shall be provided for no more than four (4) persons unrelated to the owner and shall be for periods of time exceeding one (1) week, whether or not arrangements are made for meals.

SAWMILL: A business establishment equipped with machinery for cutting lumber or timber into boards.

SCHOOL: An establishment or facility, or part thereof, which is designed, constructed or used for public or private education or instruction in any branch of knowledge, and not including such facilities shall not include halfway homes or training facilities for delinquents, offenders, and other adjudicated individuals, nor other detention facilities providing residential or "live-in" services.

SCREEN PLANTING: The provision of a barrier to visibility, glare and noise between adjacent properties made of plant materials, such as trees or shrubs which will be of such species that will produce, within three (3) years of planting, a visual screen at least six and one-half (6 1/2) feet in height. Such plantings shall however adhere to the requirements of Section 504 D. and shall be broken at points of vehicular or pedestrian access or utility easements. *(See Section 506.)*

SEISMIC TESTING: Testing conducted on the earth's surface or shallow subsurface for the purpose of evaluating subsurface geological conditions

SETBACK: The horizontal distance between a structure and a street line or property line. (See also BUILDING SETBACK LINE.)

SEWAGE FACILITY: A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other wastes.

Sewage Facility, Off-Lot: Any approved system or part thereof in which sanitary sewage is collected from buildings and piped by means of a sewerage system to a sanitary sewage treatment plant. Such system must be designed in accordance with PA Department of Environmental Protection (DEP) standards and be permitted by the Bureau of Water Quality of the DEP. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.

Sewage Facility, On-Lot: Any approved system or part thereof designed to serve a single dwelling or building in which sewage is collected in a septic tank, holding tank or other similar container located on the same lot and is untreated except for bacterial action occurring within such tank and is disposed of either through a drain field connected to the tank or by hauling to a sewage treatment plant.

Sewage System, Community: A sewage facility, whether publicly or privately owned, for the collection of sewage from two (2) or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site.

Sewage System, Individual: A sewage facility, whether publicly or privately owned, located on a single lot and serving one (1) equivalent dwelling unit and collecting, treating, and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

SHOPPING CENTER: A group of two (2) or more commercial establishments planned, developed and managed as a unit, whether contained within one (1) building or in several buildings on the same tract. Off-street parking for such facilities shall be provided in relation to the types and sizes of stores included.

SIGN: Any object, surface, display, device or structure bearing lettering, pictorial or sculptured matter, designed for visual communication which is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge, or insignia of any government. (See Section 801 for definitions of various types of signs.)

SIGN AREA: The entire face of a single side of a sign, including all trim and border area, but excluding any supporting framework or bracing.

SIGN HEIGHT: The vertical distance measured from the average finished grade of the site beneath the sign to the highest point of the sign or sign structure, whichever is greater.

SINGLE-FAMILY ATTACHED DWELLING: See DWELLING, SINGLE-FAMILY ATTACHED.

SINGLE-FAMILY DETACHED DWELLING: See DWELLING, SINGLE-FAMILY DETACHED.

SOBRIETY HOUSE: A residence where two (2) or more unrelated persons recovering from alcohol or chemical dependency are residing. (See also Section 410.)

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

SPECIAL EXCEPTION USE: A use permitted in a certain zoning district as provided for in Article 3, the District Regulations, which must be approved by the Borough Zoning Hearing Board as set forth in Section 1101 D. of this Ordinance. Special exception approval may not be granted for uses other than those expressly listed in Article 3.

SPECIAL FLOOD HAZARD AREA (SFHA): An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year, shown on the FIRM as Zone A, AO, A1 A30, AE, A99, or, AH.

START OF CONSTRUCTION: Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STORAGE: 1) A place or space for storing goods, articles of personal property, materials, etc.; or 2) The accumulation or storing of items or personal property.

STORAGE OR DISPLAY, OPEN OR OUTSIDE: Storage or display of goods, materials or merchandise, outside of a fully enclosed building or structure as accessory to an approved principal commercial or industrial use in the General Commercial or Industrial Districts. *(See Section 422.)*

STORY:That portion of a building included between the surface of any floor and the surface of the floor or ceiling next above it.

STREET: Any thoroughfare, whether public or private, located in whole or in part within Muncy Borough, excluding alleys which are separately defined herein. The word "road" may be used interchangeably with the word "street" for the purposes of this Ordinance.

STREET LINE: The dividing line between the street right-of-way and the lot, also known as the right-of-way line.

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, communications antennas and towers, signs and fences, 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.

> ***Structure, Accessory:*** A structure detached from a principal structure located on the same lot and customarily incidental and subordinate to the principal building, structure or use.
>
> ***Structure, Principal:*** The main or primary structure on a given lot.

STUDIO: A place where an artist, dancer or musician does his work.

SUBDIVISION: The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts or 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 or lot development; provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not Involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL COMPLIANCE: A proposal for the alteration, addition, reconstruction or rehabilitation of a building located in the Historic Preservation District which complies in all material respects with the spirit of the historic preservation guidelines set forth in this Ordinance.

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

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include 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.

SUPERMARKET: A retail establishment primarily selling food or groceries as well as other household goods or merchandise; i.e. a grocery store.

SWIMMING POOL: A body of water in an artificial container, whether located in or above ground, that contains water over two (2) feet in depth, used or intended to be used for swimming or recreational bathing, including hot tubs and spas, but excluding "kiddie" wading pools. *(See Section 419.)*

SWIMMING POOL, SEMI-PUBLIC: Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motels, hotels, and other similar uses.

Tank: A container, covered or uncovered, used in conjunction with the drilling or production of oil and gas or other hydrocarbons for holding or storing fluids.

TEMPORARY STRUCTURE: A non-permanent building or structure which is located on a lot in the Borough for a specified duration.

TEMPORARY USE: A short-term use or special activity which occurs in the Borough, including but not limited to, yard sales, public auctions or similar events. Although such a use may be held periodically, in order to retain its temporary status, it may not be an on-going operation or use.

TEMPORARY ZONING PERMIT: A permit authorized by the Zoning Officer for a non-permanent building, structure or use which is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Borough. *(See Section 1302 J.)*

TRUCK TERMINAL: See FREIGHT OR TRUCK TERMINAL

TWO-FAMILY DWELLING: See DWELLING, TWO-FAMILY.

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 State 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 or activity for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

Use, Accessory: A use subordinate to the principal use of a building or structure located on the same lot and serving a purpose customarily incidental to the use of the principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.

Use, Principal: The primary purpose for which a lot is occupied or utilized.

VARIANCE: A modification of the provisions of this Ordinance which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. (See Section 1101 C. for additional details and criteria to be utilized when a variance is requested.)

VENDING MACHINES, OUTDOOR: Coin, currency or credit card operated machines located outside of a retail establishment used for the display and sale of beverages, food, snacks, newspapers or similar products. For the purposes of this Ordinance, vending machines shall also include those structures located outside of a retail establishment containing products intended for retail sale, such as ice, propane, kerosene, or other similar merchandise.

VETERINARY CLINIC: See CLINIC, VETERINARY.

VIOLATION: For floodplain management purposes, this term means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WAREHOUSING FACILITY: A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation, and those facilities available to the general public. *(See PERSONAL STORAGE WAREHOUSES.)*

WATER FACILITY: Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

WATER SYSTEM: A water facility providing potable water to individual lots or the public for human consumption.

A. *Water System, Non-Public:* All water systems which are not public water systems.

B. *Water Facility, Off-Lot:* Any approved system in which potable water is supplied to a dwelling or other building from a central source which is not located on the lot with the dwelling or building.

C. *Water Facility, On-Lot:* A well or other approved system designed to provide potable water to a dwelling or other building located on the same Jot as the source.

D. *Water System, Public:* A water system as defined by the Department of Environmental Protection which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days a year.

Well Bore: The surface location of the center of the drill hole.

Well Pad: The area used for development and production of oil and gas including buildings and structures and all activities associated with an oil and gas well after drilling activities are complete.

WHOLESALE BUSINESS: An establishment or place of business primarily engaged in selling merchandise to retailers or to industrial, commercial, institutional or other professional business users, or to other wholesalers.

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

A. *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.

B. *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.

C. *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.

D. *Yard, Required:* 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: The periodic sale of items of personal property belonging to the resident on whose property the sale is being conducted, which may or may not include personal property of others to make a combined sale. (See Section 424 A.)

ZONING HEARING BOARD: The Zoning Hearing Board of Muncy Borough, Lycoming County, PA.

ZONING MAP: The official Zoning Map of Muncy Borough, Lycoming County, PA, together with all notations, references and amendments which may subsequently be adopted. Said map is made a part of this Ordinance as established in Section 202.

ZONING OFFICER: The administrative officer duly appointed by the Borough Council and charged with the duty of enforcing the provisions of this Ordinance.

ZONING PERMIT: The Permit required by this Ordinance which states the purpose for which a building, structure or land is proposed to be used is in conformity with the use regulations, the dimensional requirements, and all other applicable provisions of this Ordinance.

ARTICLE 15: MISCELLANEOUS PROVISIONS AND ENACTMENT

Section 1500 INTERPRETATION. PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Borough. The Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Borough provided that where this Ordinance imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinance, the provisions of this Ordinance shall control.

Section 1501 REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, including the Muncy Borough Zoning Ordinance, enacted on May 4, 1976 and its amendments. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending In any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 1502 SEVERABILITY AND VALIDITY

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the Borough Council, that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

Section 1503 ENACTED AND EFFECTIVE DATE

ENACTED AND ORDAINED Into an Ordinance on the _____ day of _____, 2016
by the Council of Muncy Borough, Lycoming County, PA.

TO BECOME EFFECTIVE on the_____ day of _____, 2016

_____,
President,
Muncy Borough Council

ATTEST: _____,
Manager,
Muncy Borough

APPROVE: _____,
Mayor,
Muncy Borough

APPENDICES

APPENDIX A TABLE OF USES

APPENDIX B TABLE OF GENERAL DIMENSIONAL REQUIREMENTS

APPENDIX C VARIANCE PROCEDURE

APPENDIX D SPECIAL EXCEPTION PROCEDURE

APPENDIX E ORDINANCE AMENDMENT PROCEDURE

APPENDIX F CONDITIONAL USE PROCEDURE

APPENDIX G GENERAL PROCEDURE FOR ZONING & BUILDING PERMIT APPLICATIONS

APPENDIX A: TABLE OF USES

P - Permitted Use; SE - Special Exception Use; C - Conditional Use

NOTE: This Table Is Intended to illustrate various uses provided by zone; H Is not meant to be all inclusive. For a complete listing of uses provided for each zoning district, see Article 3, the District Regulations.

Appendix A - Table of Uses

RESIDENTIAL USES	R1	R2	R3	R4	CBD	C	I	OS
Bed & breakfast establishments	SE	SE	SE	SE	-	-	-	-
Conversion apartments	SE	P	P	P	-	-	-	-
Group homes	SE	SE	SE	SE	-	-	-	-
Mixed residential developments	-	-	-	P	-	-	-	-
Multi-family dwellings (apartment bldgs.)	-	-	SE	P	-	C	-	-
Rooming or boarding houses	-	-	SE	SE	P	P	-	-
Single-family attached dwellings (townhouses)	-	SE	SE	P	-	C	-	-
Single-family detached dwellings	P	P	P	P	SE	C	-	-
Two-family dwellings (duplexes)	-	P	P	P	-	C	-	-

INSTITUTIONAL USES	R1	R2	R3	R4	CBD	C	I	OS
Art galleries or museums	-	SE	SE	-	P	P	SE	-
Business or trade schools	-	-	-	-	C	P	P	-
Churches or places of worship	C	C	C	C	-	-	-	-
Clubs or fraternal organization facilities	-	-	SE	SE	P	P	-	-
Day care center or group day care homes	C	SE	SE	SE	-	-	-	-
Government buildings	C	SE	SE	SE	P	P	-	-
Libraries	C	SE	SE	SE	P	P	-	-
Medical or dental offices or clinics	-	-	C	SE	P	P	-	-
Philanthropic or religious organization facil.	-	-	-	-	SE	SE	-	-
Personal care homes	-	-	SE	-	-	-	-	-
Public utility bldgs, facilities or Installations	SE	SE	SE	SE	SE	SE	P	SE
Schools, public or private	C	C	C	C	-	P	P	-
Sobriety houses	-	-	-	-	-	-	C	-
Veterinary offices, clinics or animal hospitals	-	-	-	-	-	P	P	-

APPENDIX A

TABLE OF USES (continued)

P - Permitted Use; SE - Special Exception Use; C - Conditional Use

COMMERCIAL USES	R1	R2	R3	R4	CBD	C	I	OS
Adult entertainment establishments	-	-	-	-	-	-	SE	-
Amusement enterprises (Inc. theaters)	-	-	-	-	P	P	P	-
Automotive sales & service facilities	-	-	-	-	-	P	P	-
Automotive service stations and/or repair shops	-	-	-	-	-	P	P	-
Banks or financial institutions	-	-	-	-	P	P	P	-
Bars	-	-	-	SE	P	P	P	-
Building materials sales & storage	-	-	-	-	-	-	P	-
Communications Towers	-	-	-	-	-	-	C	-
Dry cleaners or laundromats	-	-	-	-	P	P	P	-
Funeral homes	-	-	SE	SE	P	P	-	-
Hotels or motels	-	-	-	-	P	P	-	-
Kennels	-	-	-	-	-	-	P	-
Lumber yards &/or planing mills	-	-	-	-	-	-	P	-
Mini casino	-	-	-	-	-	C	C	
Personal service businesses	-	-	-	P	P	P	P	-
Personal storage warehouses	-	-	-	-	-	-	P	-
Pet grooming	-	-	-	P	P	P	P	-
Print Shop/ Graphic Arts	-	-	-	P	P	P	P	-
Professional offices	SE	SE	SE	P	P	P	P	-
Public/ private parking garages or lots	-	-	-	-	SE	SE	P	-
Restaurants (with or without catering)	-	-	-	-	P	P	P	-
Retail business establishments	-	-	-	P	P	P	P	-
Shopping centers	-	-	-	-	-	C	-	-
Studios for art, dance, music, etc.	-	-	-	SE	P	P	P	-
INDUSTRIAL USES	**R1**	**R2**	**R3**	**R4**	**CBD**	**C**	**I**	**OS**
Contractor's shops & yards	-	-	-	-	-	-	P	-
Distribution centers	-	-	-	-	-	-	C	-
Feed mills & grain elevators	-	-	-	-	-	-	SE	-
Freight or truck terminals	-	-	-	-	-	-	C	-
Manufacturing operations (Enclosed)	-	-	-	-	-	-	P	-
Manufacturing operations (Unenclosed)	-	-	-	-	-	-	C	-
Oil & gas compressor station	-	-	-	-	-	-	C	-
Oil & gas development	-	-	-	-	-	-	C	-
Oil & gas staging facilities	-	-	-	-	-	-	C	-
Oil & gas water reuse & storage facility	-	-	-	-	-	-	C	-
Research & development labs or facilities	-	-	-	-	-	-	C	-
Warehousing facllltles	-	-	-	-	-	-	C	-
Wholesale businesses	-	-	-	-	-	P	P	-

APPENDIX A

TABLE OF USES (continued)

P - Permitted Use; SE - Special Exception Use; C - Conditional Use

AGRICULTURAL USES	R1	R2	R3	R4	CBD	C	I	OS
Farmers & Artisans Markets	C	C	C	C	C	C	C	C
land cultivation	-	-	-	-	-	-	P	P
Plant nurseries or landscaping sales	-	-	-	-	-	P	P	-
RECREATIONAL USES	**R1**	**R2**	**R3**	**R4**	**CBD**	**C**	**I**	**OS**
Outdoor recreation facilities	C	C	C	C	-	C	C	C
Public parks or playgrounds	P	P	P	P	P	P	P	P
ACCESSORY USES	**R1**	**R2**	**R3**	**R4**	**CBD**	**C**	**I**	**OS**
Accessory fabricating, processing, repairing, or treating	-	-	-	-	P	P	-	-
Accessory residential dwelling units	-	-	-	-	P	P	-	-
Accessory retail outlets	-	-	-	-	-	-	P	-
Building-mounted antennas	-	-	-	-	P	P	P	-
Home occupations	SE	SE	SE	SE	P	P	P	-
No-Impact home-based businesses	P	P	P	P	P	P	P	-
Off-street parking & loading	P	P	P	P	P	P	P	P
Open or outside storage or display	-	-	-	-	-	P	P	-
Private garages	P	P	P	P	P	P	P	-
Roadside stands	-	-	-	-	P	-	-	-
Signs	P	P	P	P	P	P	P	P
Swimming pools	P	P	P	P	P	P	-	-
Temporary uses	P	P	P	P	P	P	P	P

ZONING DISTRICTS

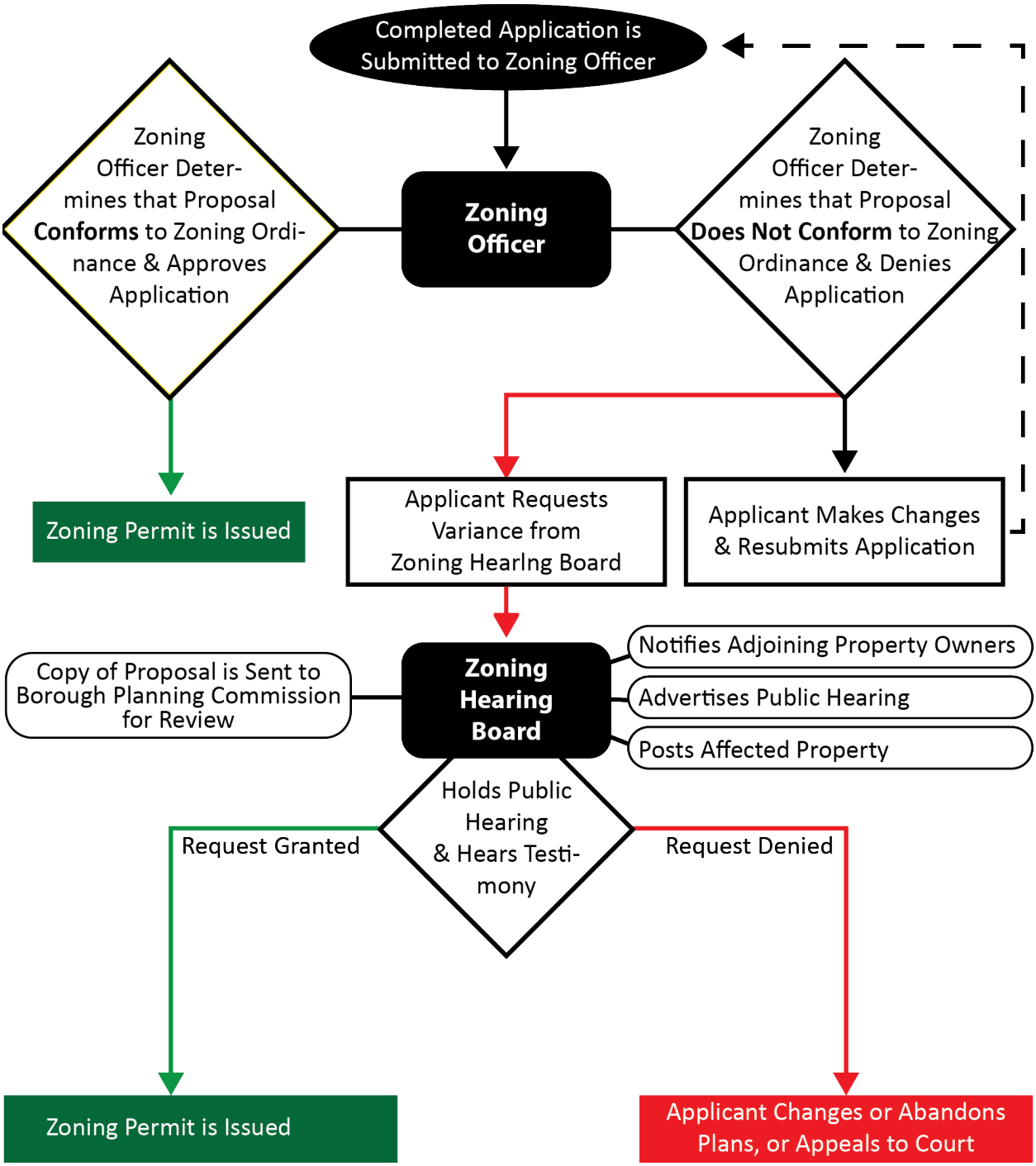
R1-Low Density Residential District	**R2-Moderate Density Residential District**
R3-High Density Residential District	**R4-Mixed Residential District**
CBD-Central Business District	C-General Commercial District
I- Industrial District	**FW-Floodway District**
OS-Open Space District	

APPENDIX B: TABLE OF GENERAL DIMENSIONAL REQUIREMENTS

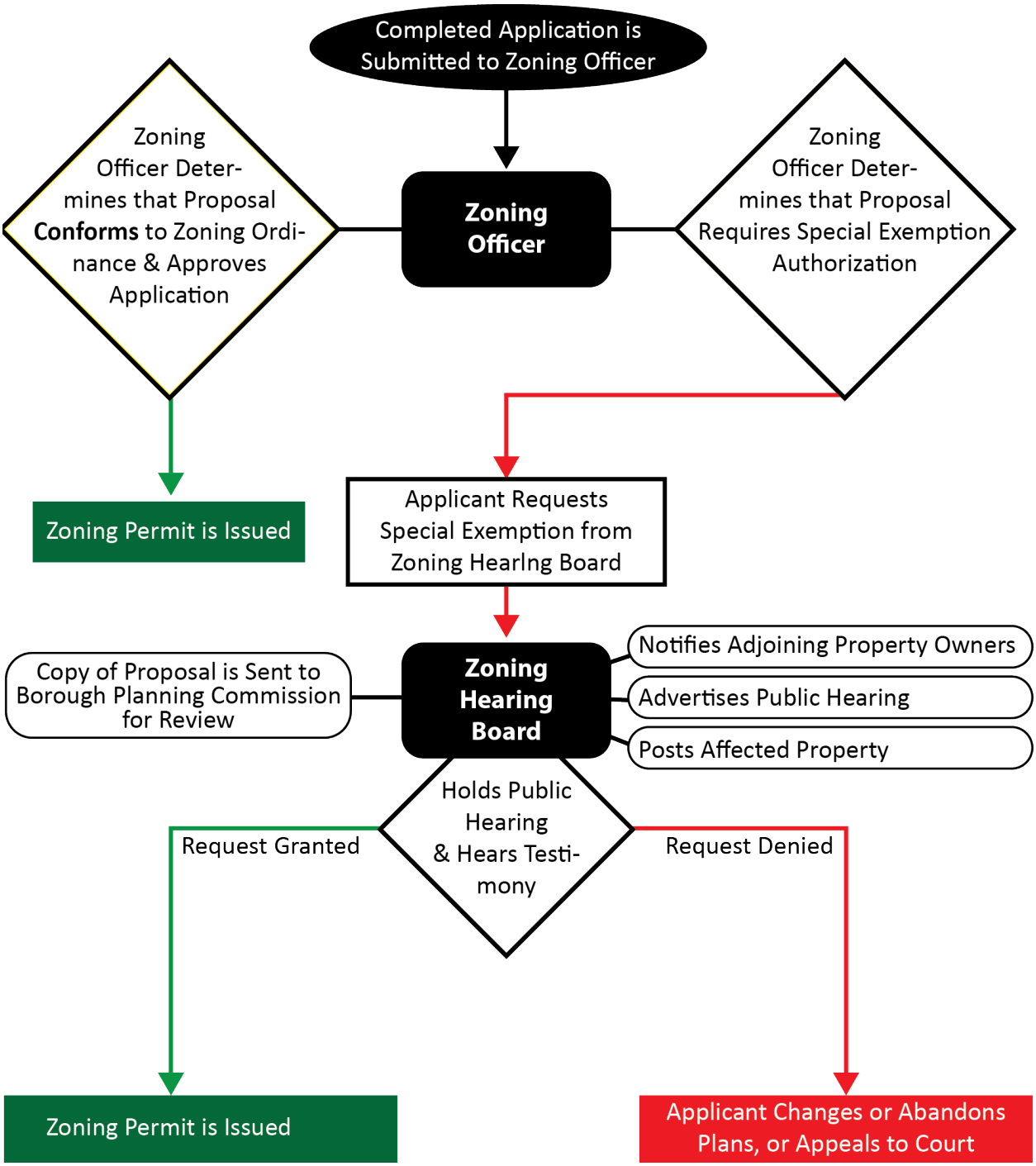
ZONE	Minimum Lot Area	Minimum Lot Width*(1)*	Minimum Yard Setbacks Front*(2)*	Side (each)	Rear*(3)*	Maximum Height*(4)*
R1	10,000 sq. ft. (sf)	80/100 ft *(5)*	30 ft.	10 ft.	35/20 ft. *(6)*	3 stories *(7)* / 20 ft.
R2	7,500 sq. ft. (sf)	75/90 ft *(5)*	25 ft.	8 ft.	25/20 ft. *(6)*	3 stories *(7)* / 25 ft.
R3	7,500 sq. ft. (sf)	75/90 ft *(5)*	26 ft.	8 ft.	25/20 ft. *(6)*	3 stories *(7)* / 25 ft.
R4	1.5 acres (sf)	no minimum	30 ft.	as approved by	borough PC	3 stories *(7)* / 25 ft.
CBD	3,750 sq. ft.	no minimum	avg. depth of adj. properties	none 15 foot buffer 10 ft.	none abutting R District 30 ft.	4 stories *(8)* / 25 ft.
C	7,500 sq. ft.	no minimum	20 ft.	40 foot buffer	abutting R District	4 stories *(8)* / 25 ft.
I	no minimum	no minimum	20 ft.	20 ft. 40 foot buffer	30 ft. abutting R District	80 ft./ 40 ft.

(1) Measured at minimum building setback Line.
(2) Measured from edge of adjoining street or alley cartway.
(3) Measured from rear lot line or edge of alley cartway, as applicable
(4) Principal structures/Accessory structures
(5) Interior lot/Corner lot
(6) Principal structures/Accessory structures 500 sq. ft. or greater in size, abutting an alley.
(7) Not to exceed 35 feet.
(8) See also Buffer Yard Requirements in Section 505 of this Ordinance.
(sf) Single-Family Residential

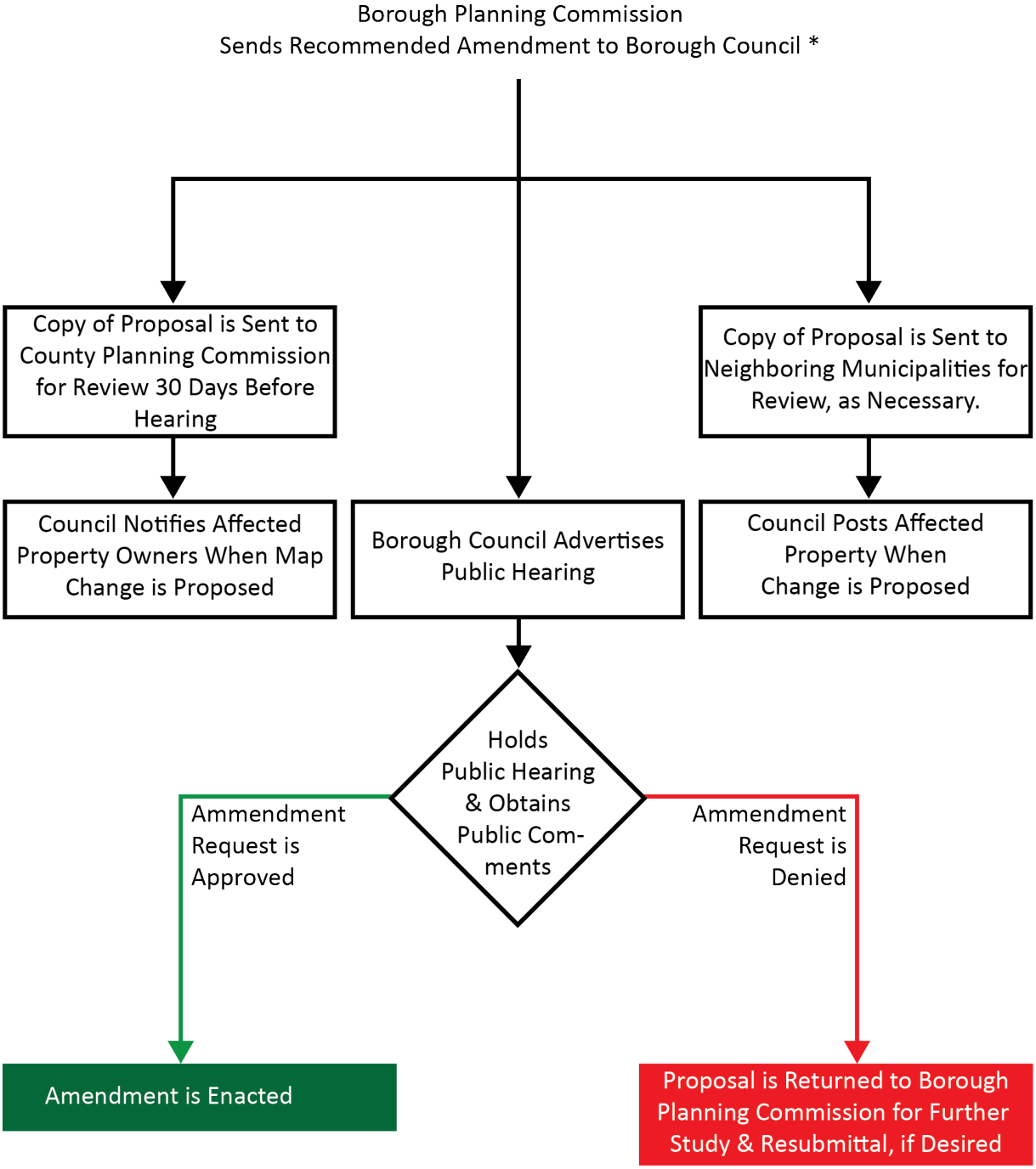
APPENDIX C: VARIANCE PROCEDURE



APPENDIX D: SPECIAL EXCEPTION PROCEDURE

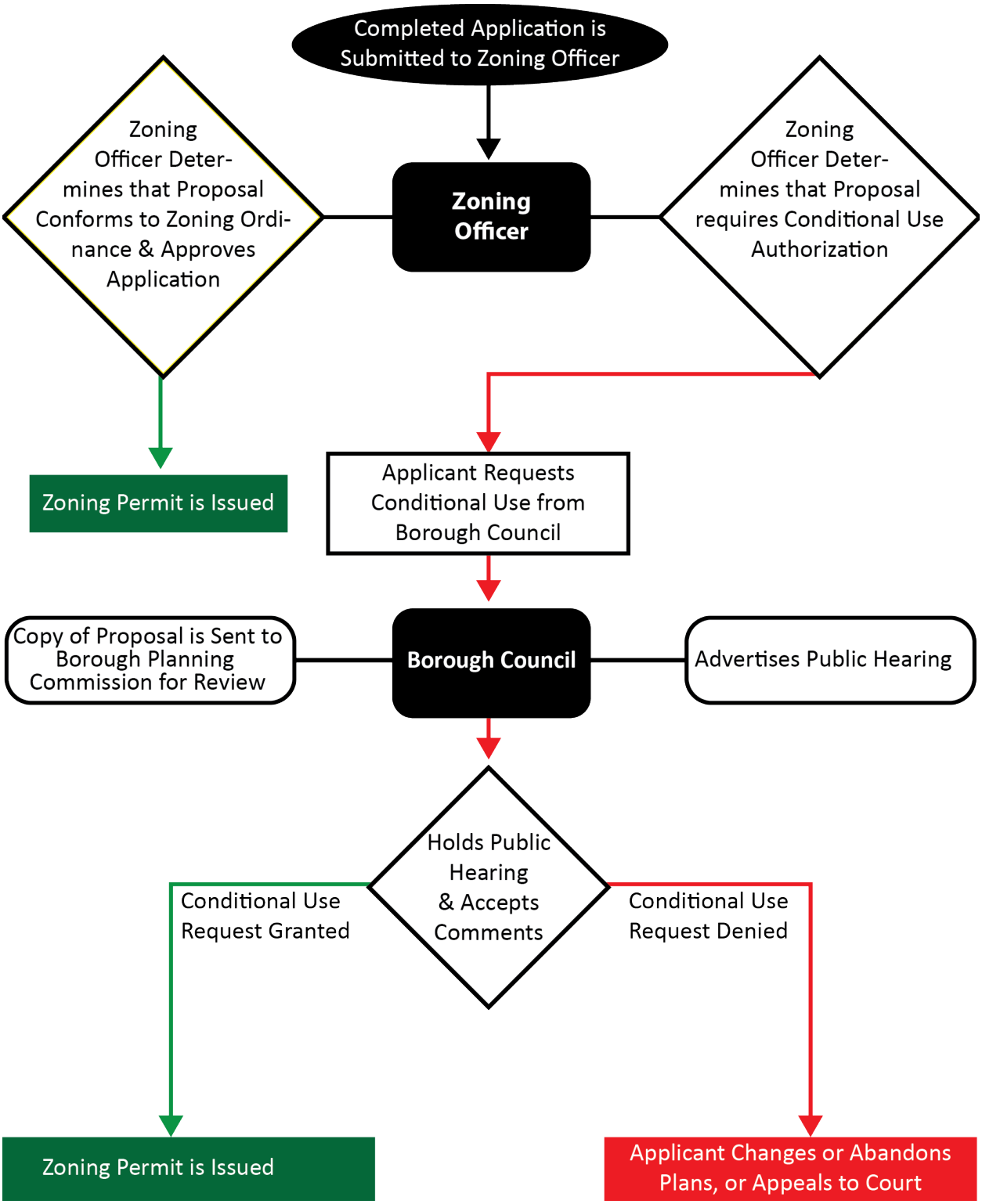


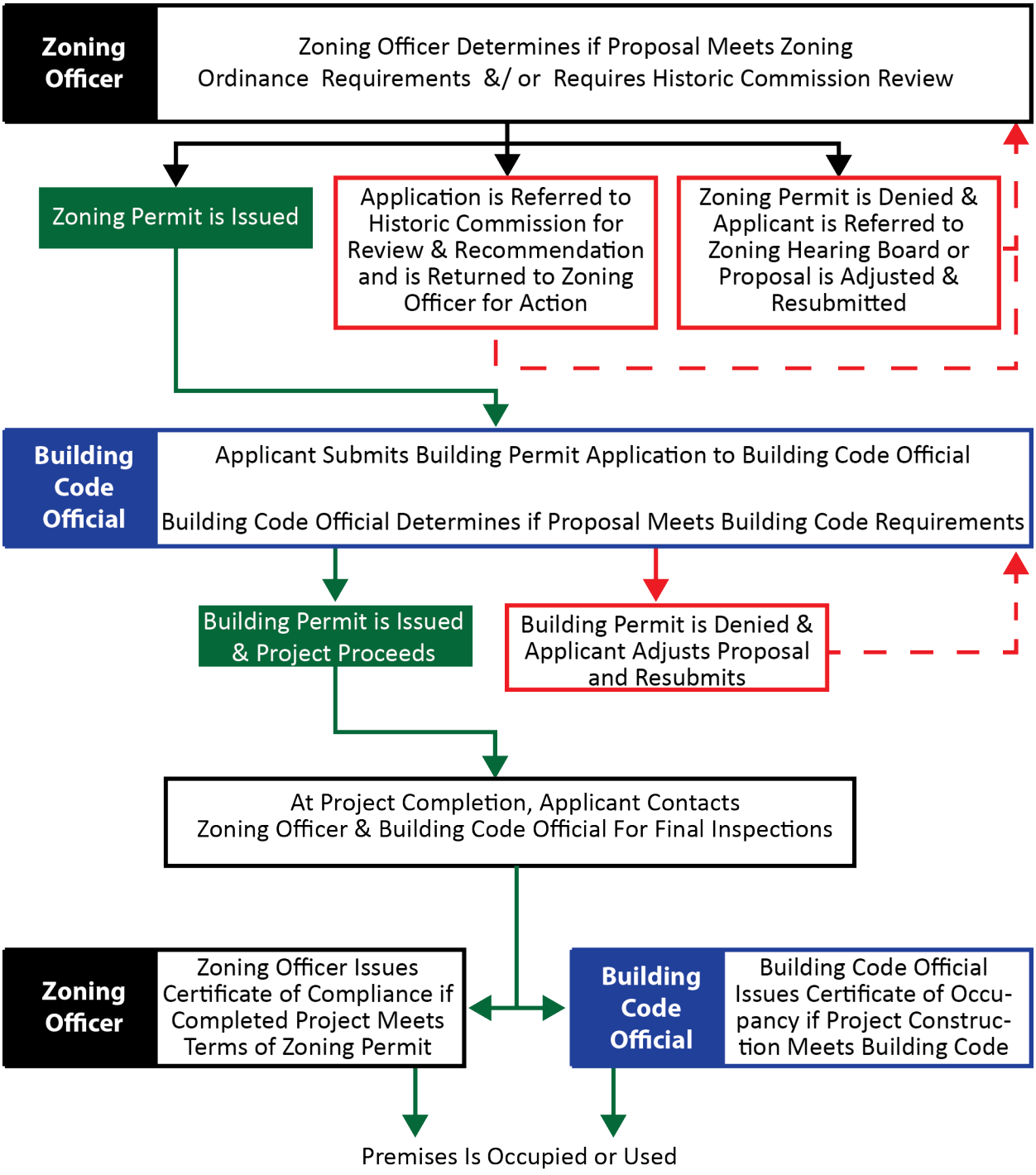
APPENDIX E: PROCEDURE FOR AMENDING THE ZONING ORDINANCE OR MAP



* If the amendment is prepared by a party other than the Borough Planning Commission, then the Borough Council must send the proposal to the Planning Commission for their review and recommendations at least 30 days prior to the public hearing.

APPENDIX F: CONDITIONAL USE PROCEDURE



APPENDIX G: GENERAL PROCEDURE FOR ZONING & BUILDING PERMIT APPLICATIONS

Applicant Submits Completed Zoning Permit Application to Zoning Officer
(including all required plans & specifications, & any applicable regulatory approvals)