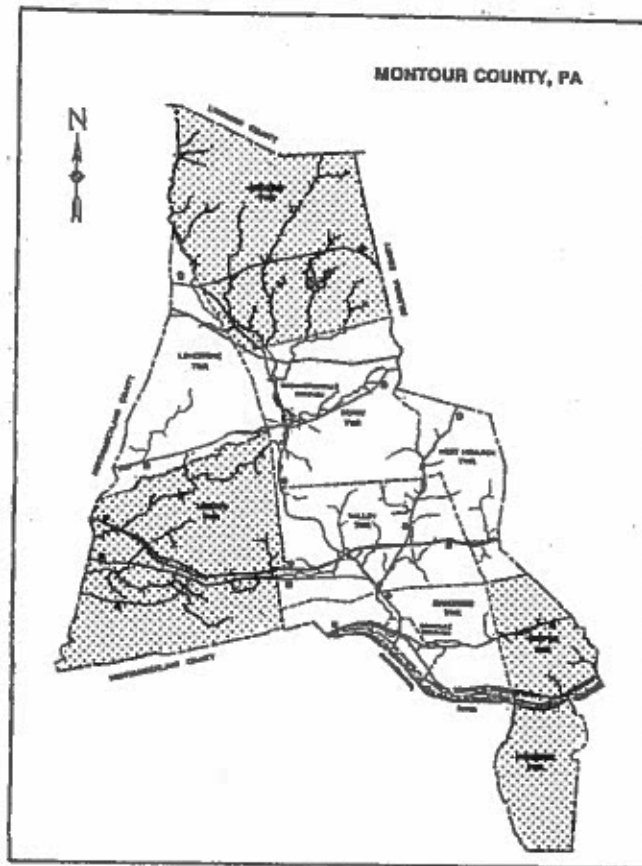


***ZONING  
ORDINANCE  
Montour County, PA***



***2015***

***MONTOUR COUNTY, PA***

**Zoning Ordinance**

***Enacted: December 8, 2015***

***Effective: January 1, 2016***

*Prepared by*

**Montour County Zoning Advisory Committee**

*for the*

**Montour County Planning Commission  
and  
Montour County Commissioners**

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# MONTOUR COUNTY ZONING ORDINANCE

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# ARTICLE 1

## TITLE, AUTHORITY AND PURPOSE

### 100 SHORT TITLE

This Ordinance shall be known and cited as the "Montour County Zoning Ordinance of 2015" and is intended to serve as a comprehensive revision of the Montour County Zoning Ordinance enacted by the County Commissioners in 1972.

### 101 AUTHORITY

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

The Commissioners of Montour County, PA under the authority cited above, do 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 County. This Ordinance shall have jurisdiction in all those municipalities in Montour County where no local zoning regulations have been enacted.

### 102 GENERAL PURPOSES

The zoning regulations and districts herein set forth were developed in accordance with an overall program for the County, with consideration being given to the character of the area; the municipalities' 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: the public health, safety, morals and the general welfare; coordinated and practical community development, and proper density of population; emergency management preparedness and operations, airports and national defense facilities; 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 the preservation of the natural, scenic and historic values in the environment and preservation of forests, woodlands, 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. preserve prime agriculture and farmland considering topography, soil type and classification, and present use;
- D. provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing;
- E. accommodate reasonable overall community growth and provide opportunities for development of a variety of residential dwelling types and nonresidential uses; and
- F. facilitate appropriate development of the County, protect the tax base, and encourage economy in public expenditures.

**103 COMMUNITY DEVELOPMENT OBJECTIVES**

This Zoning Ordinance provides a legal basis and framework for future development in Montour County. Its provisions were guided by the goals, objectives and future growth management strategies set forth in the Montour County Comprehensive Plan, dated April 2009. The following list of goal statements represent the County'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; the need for preserving agricultural land and protecting natural resources, and other factors that the Board of County Commissioners believe relevant in guiding the future growth and development of the municipalities under jurisdiction of this Ordinance.

A. OVERALL PLAN GOAL:

*To attain a balance among residential, economic and agricultural development reflecting the natural capacity and infrastructure of Montour County by guiding growth and development to appropriate areas while preserving agriculture, open space and critical resources in areas appropriate for these uses.*

B. CATEGORY-SPECIFIC GOALS:

1. **Land Use Goal:** To ensure orderly, appropriate and compatible development that produces economic growth and preserves the agricultural areas in the County.
2. **Demographics Goal:** To retain and appropriately expand the population base of the County.
3. **Economic Base Goal:** To retain and appropriately expand the economic

base of the County.

4. **Physical, Natural and Cultural Resources Goal:** To preserve and conserve critical natural and environmental features that define the County.
5. **Public Utilities Goal:** To provide an adequate level of public utility services appropriate for the rural-urban profile of the County.
6. **Community Facilities and Services Goal:** To provide an adequate level of community services appropriate for the rural–urban profile of the County.
7. **Housing Goal:** To assure the availability of an adequate housing supply and choice of housing.
8. **Transportation Goal:** To assure that a safe, efficient and context-sensitive transportation network is maintained and improved.

#### **104 DISCLAIMER OF MUNICIPAL LIABILITY**

This Ordinance is not intended to create nor assume liability on the part of Montour County 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 there under. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when designing or constructing structures approved pursuant to these regulations. Furthermore, issuance of a Zoning Permit shall not constitute a representation, guarantee, or warranty of any kind by the County as to the accuracy of information provided by the applicant as part of a Permit application.

#### **105 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 restrictions 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. (See also Article 14 for additional interpretation, repealer, and severability clauses.)

## ARTICLE 2

### DESIGNATION OF ZONING DISTRICTS

#### 200 ESTABLISHMENT OF DISTRICTS

For the purposes of implementing the objectives of this Ordinance, Montour County is hereby divided into the following zoning districts:

RR	Rural Residential District
SR	Suburban Residential District
VC	Village Center District
C	Commercial District
I	Industrial District
P	Public/Semi-Public District
A	Agriculture District
W	Woodland District
FF & FP	Flood Fringe & General Floodplain District ( <i>Overlying District</i> )
FW	Floodway District ( <i>Overlying District</i> )
WC	Water Conservation District ( <i>Overlying District</i> )

#### 201 PURPOSE OF DISTRICTS

##### A. RR - Rural Residential District

This district is designed to provide space within the County for the orderly expansion of and location of low density, single-family detached residential development in areas where community or municipal sewer and water facilities are not available, nor anticipated for the future. Areas set aside for this zone include sections of the County where this type of development already exists and sites for future development of this nature could be located without creating conflicts with other existing land uses. Lot sizes are based on the need to safeguard the health of the residents and therefore require sufficient space to be provided for the placement of sub-surface sewage disposal systems and on-site water supplies. Residential uses and residential support activities are provided for within this district, but commercial and industrial uses which could conflict with the zone's primary residential purpose are discouraged.

##### B. SR - Suburban Residential District

This district is intended for application to areas of the County where higher density residential uses, including single-family attached and multi-family housing developments and mobile home parks, can be accommodated and a safe, family home environment can be promoted. Areas designated for these

uses should have access to existing community or municipal sewage disposal and/or water supplies or such systems must be provided by the developer. Densities may vary throughout the zone, but are intended to assure sufficient, useable amounts of open space are reserved and that adequate area is provided for off-street parking and access drives. Compatible public and semi-public uses and activities are also permitted in this district.

C. VC – Village Center District

The purpose of this district is to preserve and protect the integrity of the existing villages located within the County, namely the Villages of Exchange, White Hall, and Mooresburg and the Borough of Washingtonville. The regulations developed for this zone are intended to maintain the quiet, rural village atmosphere of these areas, yet accommodate a variety of compatible activities, such as residential and small-scale business or retail uses, professional offices, churches, government buildings, and social or cultural facilities. Intensive commercial and industrial uses are not encouraged, but some moderate intensity residential uses are permitted where community or municipal sewerage and/or water supplies are made available.

D. C - Commercial District

The commercial district is established to accommodate wholesale and retail business activities (businesses which serve the local need for goods as well as those oriented towards the traveling public) and service establishments. Where appropriate such businesses are required to be served by community or municipal sewer and/or water supply systems. The regulations governing this district permit the development of a wide range of shopping, service and other commercial activities, but require adequate off-street parking and loading areas to be provided. Regulations shall ensure sufficient arrangements are made to accommodate the anticipated volumes of traffic entering and exiting each site and assure the safe movement of people and goods to and from the County.

E. I - Industrial District

The primary purpose of this zone is to encourage the continuity and expansion of existing light industrial or enclosed manufacturing operations and to promote new industrial investment of a similar nature in those areas of the County best suited for this type of development. Areas for the Industrial District were chosen in an attempt to maximize existing facilities, transportation corridors, public utilities and services, and minimize the negative effects which might be caused by such operations. Reasonable standards are included to address air pollution, noise, glare, heat and potential fire or safety hazards. Still other requirements are intended to insure that adequate buffer yards and/or screenings are provided between uses in this zone and other adjoining districts.

Additional areas have also been set aside and identified as being part of the Industrial District in order to acknowledge the existence of and provide for future expansion of current quarrying operations in the County.

F. P - Public/Semi-Public District

This District is intended to identify and protect public, semi-public and privately-owned recreation and "natural" areas located in County, including the Montour Preserve and land areas associated with the Washingtonville Power Plant complex and Liberty Valley Country Club. Regulations for this zone provide for a variety of compatible uses and activities, but require that adequate precautions are taken to avoid potential conflicts with adjoining land uses.

G. A - Agriculture District

The intent of this district is to preserve and protect the semi-rural open space and farming characteristics of the County and to promote land cultivation and agricultural production as viable economic activities to the extent possible. The rationale of such designation is to permit those lands best suited for agriculture to be utilized for that purpose, unless such areas are zoned for residential, commercial or industrial uses. All types of agricultural activities, including farm-related businesses, are permitted in this district, as are low density residential uses. This designation is intended to encourage farmers to invest in farm improvements and to discourage land speculation in these areas of the County.

H. W - Woodland District

The purpose of this district is to recognize woodlands and forested areas of the County as significant land uses and encourage their protection against destruction or elimination. This zone includes large tracts of wooded or forested lands, as well as steep slope areas and some wetland or hydric soil areas. The regulations of this district are intended to limit development of steep slopes; preserve natural drainageways; protect water supply and wildlife habitat areas; and encourage uses which will enhance the County's environmental protection objectives.

I. FF & FP - Flood Fringe and General Floodplain 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 floodproofed 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 floodproofing and related requirements of this and all applicable municipal codes and ordinances.

J. 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 that 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 will be 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 Emergency Management Agency and the PA Department of Community and Economic Development.

K. WC - Water Conservation District (Overlying District)

The purpose of the water conservation district is to minimize future impacts on public safety, health and welfare through the conservation of scarce groundwater resources within the area(s) noted on the Official Zoning Map. The intent of the district is to strengthen water resource conservation through the application of lower density development standards and corresponding water resource conservation measures within the identified area(s). Furthermore, the designation is intended to reduce future impacts on existing wells and naturally conserve available quantities of groundwater by establishing standards for minimum well output and groundwater storage prior to issuing building permits.

**202 ZONING MAP**

- A. The locations and boundaries of the Zoning Districts are hereby established as shown on the Official Zoning Map, which 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 Section 1100 of this Ordinance. The final authority as to the 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 County Commissioners and corrected copies of the Official Zoning Map shall be published as soon thereafter as possible.

## **203 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

### **A. Designation of District Boundaries**

The district boundary lines, except for floodplain districts, are intended to generally follow the centerline 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. Interpretation 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 County 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 County Commissioners.

### **C. Extension of District Regulations for Severed Lots**

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

## **204 FLOODPLAIN DISTRICT BOUNDARY CHANGES**

The delineation of the boundary of any floodplain district may be revised by the County Commissioners in accordance with the amendment procedure outlined in Section 1100 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, upon request of the applicable Board of Supervisors. 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 Revision (LOMR) or a Letter of Map Amendment (LOMA) from FEMA for the proposed boundary change.

## ARTICLE 3

### DISTRICT REGULATIONS

#### **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 hereafter 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, side yards, front yards or other open space:

than is required by 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 County Zoning Officer, except as may be exempted in Section 1202 A. of this Ordinance.

#### **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 three 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 County Zoning Hearing Board. (See Appendix D of this Ordinance for an illustration of the Special Exception procedures, and Section 1001 D. 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 County Zoning Hearing Board for variance consideration. (See Appendix C of this Ordinance for an illustration of the variance procedure, and Section 1001 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.

Section 302

RR RURAL RESIDENTIAL DISTRICT

Uses & Structures

Permitted Principal  
Uses & Structures  
(Zoning Officer)

Permitted Accessory  
Uses & Structures  
(Zoning Officer)

Special Exception  
Uses & Structures  
(Zoning Hearing Board)

1. Single-family detached dwellings. (See 402)
2. Mobile homes on individual lots. (See 402)
3. Parks, playgrounds, or recreation areas.
4. Land cultivation. (See 420A)
5. Horticultural activities, inc. plant nurseries, greenhouses and/or orchards.
6. Forestry or forest management activities.

1. Uses & structures customarily incidental to an approved principal use. (See 504B)
2. Essential utility services.
3. Temporary roadside stands. (See 421)
4. Building-mounted antennas (See 427B)
5. No-impact home-based businesses. (See 429A)
6. Family day care homes.
7. Private swimming pools. (See 431)
8. Personal wind energy and/or solar facilities. (See 432)
9. Signs. (See 703)
10. Off-street parking and/or loading areas. 800 and 801)

1. Two-family dwellings or duplexes. (See 402)
2. Conversion apartments (up to 2 dwelling units.) (See 403)
3. Group homes for the disabled. (See 407)
4. Day care center or group day care homes. (See 409)
5. Bed & breakfast establishments. (See 410)
6. Raising of poultry or livestock for personal use. (See 420A)
7. Home occupations. (See 429B)
8. Government or municipal buildings.
9. Churches or places of worship.
10. Cemeteries.
11. Public or private schools.

(Continued on Next Page)

Section 302

RR RURAL RESIDENTIAL DISTRICT

Lot, Yard & Open Space Requirements

Minimum Lot Requirements (See Section 501)	Maximum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p>1. <u>Minimum Lot Area Per Principal Structure or Use:</u></p> <p>a. <u>On-Lot Sewage &amp; On-Lot Water</u> -</p> <ol style="list-style-type: none"> <li>1) Single-family detached dwellings, Group Homes, &amp; other principal uses – 1 acre (43,560 sq.ft.) per dwelling unit (DU) or use.</li> <li>2) Conversion apartments or Two-family dwellings – 30,000 sq.ft. per DU.</li> <li>3) Public/Private schools &amp; Churches – 2 acres.</li> </ol> <p>b. <u>Public or Community Sewer and On-Lot Water</u> –</p> <ol style="list-style-type: none"> <li>1) Single-family detached dwellings, Group homes, &amp; other principal uses – 30,000 sq.ft. per DU or use.</li> <li>2) Conversion apartments or Two-family dwellings – 20,000 sq.ft. per DU</li> <li>3) Public/Private schools &amp; Churches – 1 acre.</li> </ol> <p>c. <u>Public or Community Sewer AND Water</u> –</p> <ol style="list-style-type: none"> <li>1) Single-family detached dwellings, Group homes, &amp; other principal uses – 20,000 sq.ft per DU or use.</li> <li>2) Conversion apartments or Two-family dwellings – 15,000 sq.ft. per DU.</li> <li>3) Public/Private schools – 1 acre.</li> </ol> <p>d. Regardless of the minimum areas set forth above, all lots must meet the requirements of the PA Sewage Facilities Act and all other applicable State and local sewage and water regulations.</p>	<p>1. <u>Front Yard:</u> 55 feet from road centerline or 30 feet from edge of road right-of-way, whichever is greater.</p> <p>2. <u>Side Yards:</u></p> <ol style="list-style-type: none"> <li>a. <u>Principal Structures</u> – 15 feet each side.</li> <li>b. <u>Accessory Structures</u> – 10 feet each side.</li> </ol> <p>3. <u>Rear Yard:</u></p> <ol style="list-style-type: none"> <li>a. <u>Principal Structures</u> – 30 feet.</li> <li>b. <u>Accessory Structures</u> –</li> <li>1) From Property line – 5 feet.</li> <li>2) From edge of Road or Alley RW – 15 ft.</li> </ol>	<p>1. <u>Principal Structures:</u> 35 feet.</p> <p>2. <u>Accessory Structures:</u> 20 feet.</p> <p>3. <u>Agricultural Structures:</u> No maximum.</p>
<p>3. <u>Maximum Building Coverage:</u> 30%.</p>		

Section 303

SR SUBURBAN RESIDENTIAL DISTRICT

Uses & Structures

Permitted Principal  
Uses & Structures  
**(Zoning Officer)**

Permitted Accessory  
Uses & Structures  
**(Zoning Officer)**

Special Exception  
Uses & Structures  
**(Zoning Hearing Board)**

1. Single-family detached dwellings. (See 402)
2. Mobile homes on individual lots. (See 402)
3. Two-family dwellings or duplexes. (See 402)
4. Conversion apartments (up to 2 dwelling units). (See 403)
5. Parks, playgrounds or recreation areas.
6. Land cultivation. (See 420A)

1. Uses & structures customarily incidental to an approved principal use. (See 504B)
2. Essential utility services.
3. Building-mounted antennas. (See 427B)
4. No-impact home-based businesses. (See 429A)
5. Family day care homes.
6. Semi-public or private swimming pools. (See 431)
7. Personal wind energy and/or solar facilities. (See 432)
8. Signs. (See 703)
9. Off-street parking and/or loading areas. (See 800 and 801)

1. Conversion apartments (more than 2 dwelling units). (See 403)
2. Single-family attached dwelling structures, i.e. townhouses. (See 404)
3. Multi-family dwelling structures, i.e. apartment buildings. (See 405)
4. Multi-family housing developments. (See 404 & 405)
5. Mobile home parks. (See 406)
6. Group homes for the disabled. (See 407)
7. Day care centers or group day care homes. (See 409)
8. Bed & breakfast establishments. (See 410)
9. Boarding or rooming homes. (See 411)
10. Government or municipal buildings.
11. Churches or places of worship.
12. Public or private schools.
13. Home occupations. (See 429B)

*(Continued on Next Page)*

Section 303

SR SUBURBAN RESIDENTIAL DISTRICT

Lot, Yard & Open Space Requirements

Minimum Lot Requirements  
(See Section 501)

1. Minimum Lot Area Per Principal Structure or Use:

a. On-Lot Sewage & On-Lot Water -

- 1) Single-family detached dwellings, Group homes, & other principal uses – 30,000 sq.ft. per dwelling unit (DU) or use.
- 2) Conversion apartments or Two-family dwellings – 20,000 sq.ft. per DU
- 3) Public/Private schools & Churches – 2 acres.

b. Public or Community Sewer and On-Lot Water –

- 1) Single-family detached dwellings, Group homes, & other principal uses – 15,000 sq.ft per DU or use.
- 2) Conversion apartments or Two-family dwellings – 10,000 sq.ft. per DU
- 3) Boarding or rooming homes – 15,000 sq.ft. + 1,000 sq.ft. per boarding space.
- 4) Single-family attached dwelling structures – 1 acre + 2,500 sq.ft. per DU.
- 5) Multi-family dwelling structures – 1 acre + 2,000 sq.ft. per DU.
- 6) Public/Private schools & Churches – 1 acre.
- c. Public or Community Sewer AND Public Water –

- 1) Single-family detached dwellings, Group homes & other principal uses – 10,000 sq.ft per DU or use.
- 2) Conversion apartments or Two-family dwellings – 7,500 sq.ft. per DU.
- 3) Boarding or rooming homes – 10,000 sq.ft. + 1,000 sq.ft. per boarding space.
- 4) Single-family attached dwelling structures – 20,000 sq.ft. + 2,500 sq.ft. per DU
- 5) Multi-family dwelling structures – 20,000 sq.ft. + 2,000 sq.ft. per DU
- 6) Multi-family housing developments – 2 acres.
- 7) Public/Private schools & Churches – 1 acre.

Maximum Yard Requirements  
(See Section 502)

1. Front Yard: 55 feet from road centerline or 30 feet from edge of road right-of-way, whichever is greater.

2. Side Yards: \*

- a. Principal Structures - 10 feet each side.
- b. Accessory Structures - 5 feet each side.

3. Rear Yard:

- a. Principal Structures – 20 feet.
- b. Accessory Structures -

- 1) From Property Line – 5 feet.
- 2) From Edge of Road or Alley R/W – 15 feet.

\* NOTE: No minimum side yard requirement where fireproof common walls, meeting PA Uniform Construction Code standards, are used.

Maximum Height Requirements  
(See Section 503)

1. Principal Structures:

- a. Single-family detached dwellings & other principal uses – 35 feet.
- b. Multi-family dwellings – 45 feet.

2. Accessory Structures: 20 feet.

3. Agricultural Structures:  
No maximum.

(Continued on Next Page)



Section 303

**SR SUBURBAN RESIDENTIAL DISTRICT**

**Lot, Yard & Open Space Requirements**  
*(Continued)*

**Minimum Lot Requirements**  
*(See Section 501)*

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

d. Regardless of the minimum areas set forth above, all lots must meet the requirements of the PA Sewage Facilities Act and all other applicable State and local sewage and water regulations.

**2. Minimum Lot Width *(measured from the building setback line):***

- a. On-Lot Sewage and On-Lot Water – 100 feet.
- b. Public or Community sewer and On-Lot Water -

- 1) Single-family detached dwellings & other principal uses – 90 feet.
- 2) Single-family attached dwellings – 24 feet per DU (+ applicable side yard requirements)

c. Public or Community Sewer AND Public Water –

- 1) Single-family detached dwellings & other principal uses – 80 feet.
- 2) Single-family attached dwellings – 20 feet per DU (+ applicable side yard requirements)

**3. Maximum Building Coverage: 30%**

Section 304

**VC VILLAGE CENTER DISTRICT**

**Uses & Structures**

Permitted Principal  
Uses & Structures  
**(Zoning Officer)**

Permitted Accessory  
Uses & Structures  
**(Zoning Officer)**

Special Exception  
Uses & Structures  
**(Zoning Hearing Board)**

1. Single-family detached dwellings. (See 402)
2. Mobile homes on individual lots. (See 402)
3. Two-family dwellings. (See 402)
4. Conversion apartments. (See 403)
5. Government or municipal buildings.
6. Libraries, museums & cultural facilities.
7. Churches or places of worship.
8. Day care centers, group day care homes or nursery schools. (See 409)
9. Parks, playgrounds or recreation areas.
10. Clubs or fraternal organization facilities.
11. Neighborhood retail or personal service businesses. (See 412)
12. Business, professional & financial offices.

1. Uses & structures customarily incidental to an approved principal use. (See 504B)
2. Essential utility services.
3. Temporary roadside stands. (See 421)
4. Building-mounted antennas. (See 427B)
5. No-impact home-based businesses. (See 429A)
6. Family day care homes.
7. Accessory residential uses.
8. Warehousing or storage assessor to an approved principal use.
9. Semi-public or private swimming pools. (See 431)
10. Personal wind energy and/or solar facilities. (See 432)
11. Outside, unenclosed storage. (See 433)

1. Single-family attached dwelling structures, i.e. townhouses. (See 404)
2. Multi-family dwelling structures, i.e. apartment buildings. (See 405)
3. Multi-family housing developments. (See 404 & 405)
4. Group homes for the disabled. (See 407)
5. Personal care or nursing homes. (See 408)
6. Bed & breakfast establishments. (See 410)
7. Boarding or rooming homes. (See 411)
8. Grocery stores or convenience markets. (See 412)
9. Country inns or similar commercial lodging facilities. (See 412)
10. Tavern or brew pubs. (See 412)

*(Continued on Next Page)*

Section 304

VC VILLAGE CENTER DISTRICT

Uses & Structures  
(Continued)

Permitted Principal  
Uses & Structures  
(Zoning Officer)

Permitted Accessory  
Uses & Structures  
(Zoning Officer)

Special Exception  
Uses & Structures  
(Zoning Hearing Board)

- 13. Medical, dental or veterinary offices or clinics.
- 14. General stores, variety, gift and antique shops.
- 15. Funeral homes or mortuaries.
- 16. Land cultivation. (See 420A)
- 17. Horticultural activities, inc. plant nurseries, greenhouses and garden shops.

- 12. Signs. (See 704)
- 13. Off-street parking and/or loading areas. (See 800 and 801)

- 11. Public entertainment facilities, excluding adult entertainment establishments. (See 412)
- 12. Automotive fueling and/or service stations or repair shops. (See 413)
- 13. Limited industrial operations. (See 416K)
- 14. Lumber yards.
- 15. Home occupations. (See 429B)
- 16. Cemeteries.
- 17. Public or private schools.
- 18. Multiple uses (permitted in this Section) of a single lot.

(Continued on Next Page)

**VC VILLAGE CENTER DISTRICT**

**Lot, Yard & Open Space Requirements**

**Minimum Lot Requirements  
(See Section 501)**

**Maximum Yard Requirements  
(See Section 502)**

**Maximum Height Requirements  
(See Section 503)**

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

**a. On-Lot Sewage and On-Lot Water -**

- 1) Single-family detached dwellings, Group homes, & other principal uses – 20,000 sq.ft. per dwelling unit (DU) or use.
- 2) Conversion apartments or Two-family dwellings – 15,000 sq.ft. per DU
- 3) Personal care or Nursing homes; Boarding or rooming homes – 20,000 sq.ft. + 2,000 sq.ft per client bed or boarding space, respectively.
- 4) Public/Private schools & Churches – 1 acre.
- 5) Limited industrial operations – 1 acre.

**b. Public or Community Sewer and On-Lot Water -**

- 1) Single-family detached dwellings, Group homes, & other principal uses – 15,000 sq.ft per DU or use.
- 2) Conversion apartments or Two-family dwellings – 10,000 sq.ft. per DU
- 3) Personal care or Nursing homes; Boarding or rooming homes – 15,000 sq.ft + 2,000 per client bed or boarding space.
- 4) Single-family attached dwelling structures – 15,000 sq.ft. + 2,500 sq.ft. per DU.
- 5) Multi-family dwelling structures – 15,000 sq.ft. + 2,000 sq.ft. per DU.
- 6) Public/Private schools & Churches – 1 acre.
- 7) Limited industrial operations – 1 acre.

**c. Public or Community Sewer AND Public Water -**

- 1) Single-family detached dwellings, Group homes & other principal uses – 7,500 sq.ft per DU or use.
- 2) Conversion apartments or Two-family dwellings – 5,000 sq.ft. per DU.
- 3) Personal care or Nursing homes; Boarding or rooming homes – 7,500 sq.ft. + 2,000 sq.ft. per client bed or boarding space.
- 4) Single-family attached dwelling structures – 7,500 sq.ft. + 2,500 sq.ft. per DU
- 5) Multi-family dwelling structures – 20,000 sq.ft. + 2,000 sq.ft. per DU
- 6) Multi-family housing developments – 2 acres.

**1. Front Yard:**

- a. Structures – 50 feet from road centerline or 25 feet from edge of road R/W, whichever is greater.
- b. Non-residential Parking – 10 feet from edge of road R/W.

**2. Side Yards: \***

- a. Principal Structures – 10 feet from each side.
- b. Accessory Structures – 5 feet each side.
- c. Parking or Loading Areas – 5 feet each side.

**3. Rear Yard:**

- a. Principal Structures – 10 feet.
- b. Accessory Structures – 5 feet.
- c. Parking or Loading Areas – 5 feet from property line; 15 from an alley or edge of adjoining R/W.

**1. Principal Structures:**

- a. Single-family detached dwellings & other principal uses – 35 feet.
- b. Multi-family dwellings – 45 feet.
- c. Non-residential uses - 45 feet.

**2. Accessory Structures: 20 feet.**

**3. Agricultural Structures:  
No maximum.**

Section 304

**VC VILLAGE CENTER DISTRICT**  
**Lot, Yard & Open Space Requirements**  
*(Continued)*

<p>Minimum Lot Requirements (See Section 501)</p>	<p>Maximum Yard Requirements (See Section 502)</p>
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- \* **NOTE:** No minimum side yard requirement where fireproof common walls, meeting PA Uniform Construction Code standards, are used.
1. Minimum Lot Area Per Principal Structure or Use:
    - c. Public or Community Sewer AND Public Water (Continued)
      - 7) Public/Private schools & Churches – 1 acre.
      - 8) Limited industrial operations – 30,000 sq.ft.
    - d. Regardless of the minimum areas set forth above, all lots must meet the requirements of the PA Sewage Facilities Act and all other applicable State and local sewage and water regulations.
  2. Minimum Lot Width (measured at the building setback line):
    - a. On-Lot Sewage and On-Lot Water – 100 feet.
    - b. Public or Community Sewer and On-Lot Water –
      - 1) Single-family detached dwellings & other principal uses – 80 feet.
      - 2) Single-family attached dwellings – 22 feet per DU (+ applicable side yard requirements)
    - c. Public or Community Sewer AND Public Water –
      - 1) Single-family detached dwellings & other principal uses – 75 feet.
      - 2) Single-family attached dwellings – 20 feet per DU (+ applicable side yard requirements)
  3. Maximum Building Coverage: 40%.

Section 305

**C COMMERCIAL DISTRICT**

**Uses & Structures**

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)
1. Retail & personal service business establishments, except as provided otherwise below. (See 412)	1. Uses & structures customarily incidental to an approved principal use. (See 504B)	1. Grocery stores or convenience markets. (See 412)
2. Restaurants. (See 412)	2. Essential utility services.	2. Commercial lodging facilities, i.e. hotels or motels. (See 412)
3. Business, professional & financial offices.	3. Temporary roadside stands. (See 421)	3. Taverns or brew pubs. (See 412)
4. Medical, dental or veterinary offices or clinics.	4. Building-mounted antennas. (See 427B)	4. Public entertainment facilities, including adult entertainment establishments. (See 412 and 415)
5. General stores, variety, gift & antique shops. (See 412)	5. No-impact home-based businesses or home occupations. (See 429)	5. Veterinary hospitals or kennels.
6. Clubs or fraternal organization facilities.	6. Accessory residential uses.	6. Lumber yards.
7. Automotive sales facilities.	7. Warehousing or storage accessory to an approved principal use.	7. Limited industrial operations. (See 416K)
8. Automotive fueling and/or service stations or repair shops. (See 413)	8. Semi-public or private swimming pools. (See 431)	8. Outdoor commercial recreation uses. (See 424)
9. Personal storage warehouses. (See 414)	9. Personal wind energy &/or solar facilities. (See 432)	9. Utility supply facilities. (See 426)
10. Land cultivation. (See 420A)	10. Outside, unenclosed storage. (See 433)	10. Digital message boards or image-changing sign boards. (See 702F)
	11. Accessory storage trailers. (See 434)	11. Multiple uses (permitted in this Section) of a single lot.
	12. Signs. (See 705)	
	13. Off-street parking and/or loading areas. (See 800 and 801)	

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Section 305

C COMMERCIAL DISTRICT

Lot, Yard & Open Space Requirements

Minimum Lot Requirements  
(See Section 501)

1. Minimum Lot Area Per Principal Structure or Use:

No minimum, however all lots must meet the requirements of the PA Sewage Facilities Act and all other applicable State and local sewage and water regulations. In addition, each lot shall be of sufficient size to accommodate all required service, access, parking, loading and open space areas. (See also Article 8.)

2. Minimum Lot Width (measured at the building setback line):

No minimum; however, space between non-abutting structures shall be no less than 15 feet. Fireproof common walls may be permitted where their design meets the standards of the PA Uniform Construction Code. (See also Minimum Yard requirements.)

3. Maximum Building Coverage: 50%.

Maximum Yard Requirements  
(See Section 502)

1. Front Yard:

- a. Structures – 50 feet from road centerline or 25 feet from edge of road RAW, whichever is greater.
- b. Non-residential Parking – 10 feet from edge of road RAW; no parking shall be permitted within this setback area.

2. Side Yards:

- a. Principal Structures – 10 feet each side when abutting another lot in the C District; 15 feet when abutting any other District. \*
- b. Accessory Structures – 5 feet each side. \*\*
- c. Parking or Loading Areas – 5 feet each side. \*\*

3. Rear Yard:

- a. Principal Structures – 20 feet
- b. Accessory Structures – 5 feet. \*\*
- c. Parking or Loading Areas – 5 feet from property line or edge of adjoining RAW. \*\*

\* NOTE: No minimum side yard requirements where fireproof common walls, meeting PA Uniform Construction Code standards, are used.

\*\* NOTE: Where adjoining a Residential District, a minimum of 10 feet shall be provided.

Maximum Height Requirements  
(See Section 503)

1. Principal Structures:

45 feet.

2. Accessory Structures:

- a. Commercial Structures - 45 feet.
- b. Residential Structures - 20 feet.

Section 306

**I INDUSTRIAL DISTRICT**

**Uses & Structures**  
(See Section 416)

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)
<ol style="list-style-type: none"> <li>1. Enclosed manufacturing, industrial, processing, assembly &amp; packaging operations, except as provided otherwise in this Section. (See 416)</li> <li>2. Research and development facilities.</li> <li>3. Warehousing or enclosed storage facilities.</li> <li>4. Machinery repair and service shops.</li> <li>5. Lumber yards.</li> <li>6. Personal storage warehouses. (See 414)</li> <li>7. Contractor's shops and yards. (See 419)</li> <li>8. Land cultivation. (See 420A)</li> <li>9. Horticultural activities, including plant nurseries and/or greenhouses.</li> </ol>	<ol style="list-style-type: none"> <li>1. Uses &amp; structures customarily incidental to an approved principal use. (See 504B)</li> <li>2. Essential utility services.</li> <li>3. Accessory administrative offices.</li> <li>4. Accessory warehousing &amp; storage facilities.</li> <li>5. Accessory retail outlets.</li> <li>6. Building-mounted antennas. (See 427B)</li> <li>7. Personal wind energy and/or solar facilities. (See 432)</li> <li>8. Outside, unenclosed storage. (See 433)</li> <li>9. Accessory storage trailers. (See 434)</li> <li>10. Signs. (See 705)</li> <li>11. Off-street parking and/or loading areas. (See 800 and 801)</li> </ol>	<ol style="list-style-type: none"> <li>1. Multi-tenant industrial facilities or industrial parks. (See 416)</li> <li>2. Unenclosed manufacturing or industrial operations. (See 416)</li> <li>3. Freight terminals or distribution centers.</li> <li>4. Junk yards or auto salvage operations. (See 417)</li> <li>5. Recycling collection &amp; drop-off centers.</li> <li>6. Agri-businesses. (See 412)</li> <li>7. Utility supply facilities. (See 426)</li> <li>8. Digital message boards or image-changing sign boards. (See 702F)</li> </ol>

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Section 306

I INDUSTRIAL DISTRICT

Lot, Yard & Open Space Requirements

Minimum Lot Requirements (See Section 501)	Maximum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
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1. Minimum Lot Area Per Principal Structure or Use:

No minimum, however all lots must meet the requirements of the PA Sewage Facilities Act and all other applicable State and local sewage and water regulations. In addition, each lot shall be of sufficient size to accommodate all required service, access, parking, loading and open space areas. (See also Article 8.)

2. Minimum Lot Width (measured at the building setback line):

No minimum; however, space between non-abutting structures shall be no less than 15 feet. Fireproof common walls may be permitted where their design meets the standards of the PA Uniform Construction Code. (See also Minimum Yard requirements.)

3. Maximum Building Coverage: 60%.

1. Front Yard:

- a. Structures – 50 feet from road centerline or 25 feet from edge of road RW, whichever is greater.
- b. Non-residential Parking – 10 feet from edge of road RW; no parking shall be permitted within this setback area.

2. Side Yards:

- a. Principal Structures – 20 feet each side when abutting another lot in the I District; 30 feet when abutting any other District.
- b. Accessory Structures – 10 feet each side \*
- c. Parking or Loading Areas – 10 feet each side.\*

3. Rear Yard:

- a. Principal Structures – 30 feet
- b. Accessory Structures – 10 feet \*
- c. Parking or Loading Areas – 10 feet from property line or edge of adjoining RAW.\*

1. Principal Structures:

45 feet.

2. Accessory Structures:

- a. Industrial Structures - 50 feet.
- b. Residential Structures - 20 feet.

\* NOTE: Where adjoining a Residential District, a minimum of 20 feet shall be provided.

Section 307

**P PUBLIC/SEMI-PUBLIC DISTRICT**

**Uses & Structures**

Permitted Principal  
Uses & Structures  
**(Zoning Officer)**

Permitted Accessory  
Uses & Structures  
**(Zoning Officer)**

Special Exception  
Uses & Structures  
**(Zoning Hearing Board)**

1. Public or private land conservation areas, including game lands & wildlife or nature preserves.
2. Public or semi-public parks, playgrounds, picnic areas, trails, fishing or swimming areas.
3. Educational or classroom facilities.
4. Land cultivation. (See 420A)
5. Horticultural activities, including plant nurseries, greenhouses and/or orchards.
6. Forestry or forest management activities.

1. Uses & structures customarily incidental to an approved principal use. (See 504B)
2. Essential utility services.
3. Public, semi-public or private swimming pools. (See 431)
4. Personal wind energy and/or solar facilities. (See 432)
5. Signs. (See 706)
6. Off-street parking and/or loading areas. (See 800 and 801)

1. Outdoor commercial recreation uses, including, but not limited to, campgrounds or RV parks, sportsmen's clubs, golf courses, ATV courses, sporting clays or skeet shooting ranges, and similar uses. (See 424 & 425)

*(Continued on Next Page)*

Section 307

**P PUBLIC/SEMI-PUBLIC DISTRICT**

**Lot, Yard & Open Space Requirements**

Minimum Lot Requirements (See Section 501)	Maximum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p>1. <u>Minimum Lot Area Per Principal Structure or Use:</u> Two (2) acres; however, all lots must meet the requirements of the PA Sewage Facilities Act and all other applicable State and local sewage and water regulations.</p> <p>2. <u>Minimum Lot Width (measured at building setback line):</u> 150 feet.</p> <p>3. <u>Maximum Building Coverage:</u> 20%.</p>	<p>1. <u>Front Yard:</u> 50 feet from road centerline or 25 feet from edge of road R/W, whichever is greater.</p> <p>2. <u>Side Yards:</u></p> <p>a. <u>Principal Structures</u> – 25 feet each side. b. <u>Accessory Structures</u> – 15 feet each side.</p> <p>3. <u>Rear Yard:</u></p> <p>a. <u>Principal Structures</u> – 50 feet. b. <u>Accessory Structures</u> – 15 feet.</p>	<p>1. <u>Principal Structures:</u> 35 feet.</p> <p>2. <u>Accessory Structures:</u> 20 feet.</p> <p>3. <u>Agricultural Structures:</u> No maximum.</p>

Section 308

A AGRICULTURE DISTRICT

Uses & Structures

Special Exception Uses & Structures  
(Zoning Hearing Board)

Permitted Accessory Uses & Structures  
(Zoning Officer)

Permitted Principal Uses & Structures  
(Zoning Officer)

- |  |  |   |
|--|--|---|
| <ol style="list-style-type: none"> <li>1. Land cultivation. (See 420A)</li> <li>2. Commercial animal husbandry, excluding concentrated animal operations. (See Special Exceptions &amp; Section 420B)</li> <li>3. Horticultural activities, including plant nurseries, greenhouses, orchards and/or garden shops.</li> <li>4. Public stables or riding academies.</li> <li>5. Grange or community halls.</li> <li>6. Agriculture-related roadside stands. (See 421)</li> <li>7. Forestry or forest management activities.</li> <li>8. Sawmills. (See 422)</li> <li>9. Public or private land conservation areas, including wildlife or nature preserves.</li> <li>10. Single-family detached dwellings. (See 402)</li> <li>11. Mobile homes on individual lots. (See 402)</li> </ol> | <ol style="list-style-type: none"> <li>1. Uses &amp; structures customarily incidental to an approved principal use. (See 504B)</li> <li>2. Essential utility services.</li> <li>3. Roadside stands. (See 421)</li> <li>4. Building-mounted antennas. (See 427B)</li> <li>5. No-impact home-based businesses or home occupations. (See 429)</li> <li>6. Farm-related businesses. (See 430)</li> <li>7. Private stables.</li> <li>8. Private swimming pools. (See 431)</li> <li>9. Personal wind energy and/or solar facilities. (See 432)</li> <li>10. Signs. (See 706)</li> <li>11. Off-street parking and/or loading areas. (See 800 and 801)</li> </ol> | <ol style="list-style-type: none"> <li>1. Agribusinesses. (See 412)</li> <li>2. Veterinary clinics or hospitals, or kennels.</li> <li>3. Personal storage warehouses. (See 414)</li> <li>4. Mineral extraction operations. (See 418)</li> <li>5. Contractor's shops &amp; yards. (See 419)</li> <li>6. Lumber yards.</li> <li>7. Concentrated animal operations. (See 420B)</li> <li>8. Utility supply facilities. (See 426)</li> <li>9. Commercial communications antennas, towers &amp; equipment bldgs.. (See 427)</li> <li>10. Group homes for the disabled. (See 407)</li> <li>11. Bed &amp; breakfast establishments. (See 410)</li> <li>12. Churches or places of worship.</li> <li>13. Cemeteries.</li> <li>14. Public or private schools.</li> </ol> |
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Section 308

**A AGRICULTURE DISTRICT**

**Lot, Yard & Open Space Requirements**

Minimum Lot Requirements  
(See Section 501)

Maximum Yard Requirements  
(See Section 502)

Maximum Height Requirements  
(See Section 503)

- |   |  |   |
|---|--|---|
| <p>1. <u>Minimum Lot Area Per Principal Structure or Use:</u></p> <p>a. <u>Residential Uses</u> (including Group homes and other principal residential uses, but excluding single-family detached dwellings) – 2 acre per dwelling unit or use.*</p> <p>b. <u>Agricultural Uses</u> – 2 acres, except as provided below:</p> <p>1) Commercial animal husbandry – 5 acres.</p> <p>2) Concentrated animal operations – 10 acres.<br/>(for operations initiated after the effective date of these regulations.)</p> <p>c. <u>All Other Principal Uses</u> – 2 acres, except as provided below:</p> <p>1) Mineral extraction operations – 5 acres.</p> <p>d. <u>Regardless of the minimum areas set forth above, all lots must meet the PA Sewage Facilities Act and all other applicable State and local sewage and water regulations.</u></p> | <p>1. <u>Front Yard:</u> 55 feet from road centerline or 30 feet from edge of road RAW, whichever is greater.*</p> <p>2. <u>Side Yards:</u> *</p> <p>a. <u>Principal Structures</u> – 15 feet each side.</p> <p>b. <u>Accessory Structures</u> - 10 feet each side.</p> <p>c. <u>Animal Confinement Buildings</u> – See 420A &amp; 420 B.</p> <p>3. <u>Rear Yard:</u> *</p> <p>a. <u>Principal Structures</u> – 30 feet.</p> <p>b. <u>Accessory Structures</u> – 10 feet.</p> <p>c. <u>Animal Confinement Buildings</u> – See 420A &amp; 420B.</p> | <p>1. <u>Principal Structures:</u> 35 feet.</p> <p>2. <u>Accessory Structures:</u> 20 feet.</p> <p>3. <u>Agricultural Structures:</u> No maximum.</p> |
| <p>2. <u>Minimum Lot Width</u> (measured at the building setback line): 150 feet.</p> <p>3. <u>Maximum Building Coverage:</u> 20%</p>   |  |   |

\* NOTE: See also Section 420C for non-agricultural subdivision limits, minimum lot size and yard requirements.

Section 309

**W WOODLAND DISTRICT**

**Uses & Structures**

Permitted Principal Uses & Structures ( <i>Zoning Officer</i> )	Permitted Accessory Uses & Structures ( <i>Zoning Officer</i> )	Special Exception Uses & Structures ( <i>Zoning Hearing Board</i> )
<ol style="list-style-type: none"> <li>Public or private land conservation areas, including games lands &amp; wildlife or nature preserves.</li> <li>Forestry or forest management activities.</li> <li>Land cultivation. (See 420A)</li> <li>Horticultural activities, including plant nurseries, greenhouses and/or orchards.</li> <li>Commercial animal husbandry, excluding concentrated animal operations. (See Agricultural District Special Exceptions &amp; Section 420B)</li> <li>Public stables or riding academies.</li> <li>Sawmills. (See 422.)</li> <li>Seasonal dwellings, hunting camps or cabins. (See 423)</li> <li>Parks, playgrounds or recreation areas.</li> <li>Single-family detached dwellings. (See 402)</li> <li>Mobile homes on individual lots. (See 402)</li> </ol>	<ol style="list-style-type: none"> <li>Uses &amp; structures customarily incidental to an approved principal use. (See 504B)</li> <li>Essential utility services.</li> <li>Building-mounted antennas. (See 427B)</li> <li>No-impact home-based businesses or home occupations. (See 429)</li> <li>Farm-related businesses. (See 430)</li> <li>Private stables.</li> <li>Public, semi-public or private swimming pools. (See 431)</li> <li>Personal wind energy and/or solar facilities. (See 432)</li> <li>Signs. (See 706)</li> <li>Off-street parking and/or loading areas. (See 800 and 801)</li> </ol>	<ol style="list-style-type: none"> <li>Outdoor commercial recreation uses, including campgrounds &amp; RV parks, sportsmen's clubs, ATV trails, shooting preserves, or similar uses. (See 424 &amp; 425)</li> <li>Lumber yards.</li> <li>Mineral extraction operations. (See 418)</li> <li>Utility supply facilities. (See 426)</li> <li>Commercial communications antennas, towers, &amp; equipment bldgs. (See 427)</li> <li>Commercial wind energy or solar energy facilities. (See 428)</li> <li>Group homes for the disabled. (See 407)</li> <li>Churches or places of worship.</li> </ol>

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Section 309

W WOODLAND DISTRICT

Lot, Yard & Open Space Requirements

Minimum Lot Requirements  
(See Section 501)

Maximum Yard Requirements  
(See Section 502)

Maximum Height Requirements  
(See Section 503)

1. Minimum Lot Area Per Principal Structure or Use:

- a. Residential Uses (including Single-family detached dwellings, Group homes, Seasonal dwellings & other principal residential uses -
  - 1) Lots with Average Slope of 5% or less - 2 acres per dwelling unit or use.\*
  - 2) Lots with Average Slope Greater than 5% but less than 10% - 3 acres per dwelling unit or use.\*
  - 3) Lots with Average Slope of 10% or Greater - 5 acres per dwelling unit or use.\*

b. Agricultural Uses - 2 acres, except as provided below:

- 1) Commercial animal husbandry - 5 acres.

c. All Other Principal Uses - 2 acres, except as provided below:

- 1) Outdoor commercial recreation uses - 5 acres.
- 2) Mineral extraction operations - 5 acres.
- 3) Commercial wind energy or solar facilities - 5 acres.

d. Regardless of the minimum areas set forth above, all lots must meet the requirements of the PA Sewage Facilities Act and all other applicable State and local sewage & water regulations.

2. Minimum Lot Width (measured at building setback line): 150 feet.

3. Maximum Building Coverage: 15%

1. Front Yard: 55 feet from road centerline or 30 feet from edge of road RW, whichever is greater.

2. Side Yards:

- a. Principal Structures - 25 feet each side.
- b. Accessory Structures - 10 feet each side.
- c. Animal Confinement Buildings - See 420A & 420B.

3. Rear Yard:

- a. Principal Structures - 35 feet.
- b. Accessory Structures - 10 feet.
- c. Animal Confinement Buildings - See 420A & 420B.

1. Principal Structures: 35 feet.

2. Accessory Structures: 20 feet.

3. Agricultural Structures: No maximum.

\* NOTE: Lot slopes shall be measured from the edge of the road RW or front property line to the rear property line and shall be determined by dividing the change in elevation between the two points (the vertical distance) by the total distance measured between the same two points (i.e. the horizontal distance).

Section 310

**FF & FP FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT**  
(*Overlying District*)

**Uses & Structures \***

Permitted Principal  
Uses & Structures  
(*Zoning Officer*)

Permitted Accessory  
Uses & Structures  
(*Zoning Officer*)

Special Exception  
Uses & Structures  
(*Zoning Hearing Board*)

Same as the underlying district, and in addition:

Same as the underlying district, and in addition:

Same as the underlying district, and in addition:

1. Land cultivation. (See 420A)

1. Uses & structures customarily incidental to an approved principal use.

1. Utility supply facilities. (See 426)

2. Horticultural activities, including plant nurseries, greenhouses, and/or orchards.

3. Parks, playgrounds or other recreational areas.

4. Temporary uses, including carnivals or circuses. (See 435)

----- SAME AS THE UNDERLYING DISTRICT -----

\* **NOTE:** All uses, activities, and/or development in this District shall be undertaken in strict compliance with the floodproofing requirements contained in Article 6 of this Ordinance.

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Section 310

**FF & FP FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT**  
(Overlying District)

Lot, Yard & Open Space Requirements

Minimum Lot Requirements  
(See Section 501)

Maximum Yard Requirements  
(See Section 502)

Maximum Height Requirements  
(See Section 503)

----- SAME AS THE 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**)

Same as the underlying district, and in addition:

Same as the underlying district, and in addition:

Same as the underlying district, and in addition:

1. Land cultivation. (See 420A)
2. Horticultural activities, including plant nurseries and orchards.
3. Parks, playgrounds or other undeveloped recreation areas, including picnic grounds, hiking trails, wildlife or nature preserves, or hunting, fishing or swimming areas.
4. Temporary uses, including carnivals or circuses. (See 435)

1. Non-structural uses customarily incidental to an approved principal use, including yard area, gardens, and pervious parking areas.

1. Water-related uses, such as docks, piers, etc.
2. Utility supply facilities, such as streets, railroads, bridges, transmission lines, water & sewage treatment plants, and similar uses. (See 426)

----- SAME AS THE 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.)

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Section 311

**FW FLOODWAY DISTRICT**  
(Overlying District)

Lot, Yard & Open Space Requirements

Minimum Lot Requirements  
(See Section 501)

Maximum Yard Requirements  
(See Section 502)

Maximum Height Requirements  
(See Section 503)

----- SAME AS THE UNDERLYING DISTRICT -----

Section 312

**WC WATER CONSERVATION DISTRICT**  
(*Overlying District*)

**Lot, Yard & Open Space Requirements**  
(*See also Section 438 for Residential Well Regulations*)

Minimum Lot Requirements ( <i>See Section 501</i> )	Maximum Yard Requirements ( <i>See Section 502</i> )	Maximum Height Requirements ( <i>See Section 503</i> )
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1. Minimum Lot Area Per Principal Structure or Use:

- a. Residential Uses – 5 acres per dwelling unit. \*
- b. All Other Principal Uses – 5 acres. \*
- c. Regardless of the minimum areas set forth above, all lot must meet the requirements of the PA Sewage Facilities Act and all other applicable State and local sewage and water regulations.

2. Minimum Lot Width (measured at the building setback line): 150 feet.

3. Maximum Building Coverage: 15%.

\* NOTE: Lots containing less than 5 acres in size that existed at the effective date of these regulations shall comply with the requirements set forth in Section 901 regarding non-conforming lots.

1. Front Yard: 55 feet from road centerline or 30 feet from edge of road R/W, whichever is greater.

2. Side Yards: 25 feet each side. \*\*

3. Rear Yard: 35 feet. \*\*

\*\* NOTE: See underlying district for setback requirements for Accessory structures & Animal confinement buildings.

1. Principal Structures: 35 feet.

2. Accessory Structures: 20 feet.

3. Agricultural Structures: No maximum.

## ARTICLE 4

### **SUPPLEMENTARY USE REGULATIONS**

#### **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 pertain to the identified uses.

#### **401 USES NOT PROVIDED FOR**

Whenever, under this Ordinance, a lawful use is neither specifically permitted nor prohibited, and an application is made to the Zoning Officer for such use, the Zoning Officer shall refer the application to the County Zoning Hearing Board to hear and decide such request as a Special Exception Use. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing Special Exceptions applications set forth in Section 1002D of this Ordinance; provided however, that this provision shall not be invoked to permit as a Special Exception any lawful use which could create undue nuisance or serious hazard, or otherwise violate the special exception use criteria. **In addition, the proposed use may only be permitted if:**

- A. the use is similar in character to and compatible with the other uses permitted in the zone where the subject parcel is located; and
- B. the use is NOT permitted in any other zone under the terms of this Ordinance; and
- C. the use does not 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.

#### **402 DWELLING UNITS**

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

##### **A. General Requirements**

1. Building Codes. Every dwelling unit hereafter erected, created or altered shall conform to the applicable requirements of the PA Uniform Construction Code, PA Act 35 of 1999, or as may hereafter be amended.

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

**B. Foundation Requirements**

1. Dwelling Units. Every dwelling unit shall be placed upon and firmly anchored to a solid masonry wall foundation. (See Sub-Part 2 below for foundation requirements for mobile homes.) Such foundation shall be designed to support the maximum anticipated loads for the intended structure and/or use, and no unnecessary open space shall be left between the dwelling unit and foundation, except for windows and other openings as might be necessary for floodproofing purposes. In no case shall any dwelling unit be placed or erected on jacks, loose blocks or other similar temporary materials.
2. Mobile Homes. All mobile homes shall be placed on and anchored to foundations sufficient to meet the requirements of the PA Uniform Construction Code. In addition, all mobile homes shall be installed in accordance with the instructions of the mobile home manufacturer and shall be inspected and approved by the applicable Township's Building Code Official.

**C. Gross Floor Area Requirements**

In the absence of more restrictive codes, every single-family dwelling unit (whether attached or detached, including townhouse or multi-family units, mobile homes or manufactured housing and conversion apartments) shall contain a minimum of 600 square feet of gross floor area, except that dwelling units situated in senior housing complexes shall contain 400 square feet of gross floor area.

**403 CONVERSION APARTMENTS**

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

- A. The lot upon which a conversion apartment is located shall meet the minimum lot area requirement for the zoning district in which it is to be located.
- B. Conversions may only be authorized for dwellings which were erected prior to the adoption of this Ordinance. Conversions shall be limited to one (1) building per lot.
- C. Conversions shall be limited to the number of dwelling units specified in the

District Regulations, Article 3.

- D. All conversion dwelling units shall meet the gross floor area requirements set forth in Section 402 C. of this Ordinance.
- E. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the conversion. Where connection to a public or community sewage system cannot be made, certification, from the applicable Township Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing sub-surface system or a sewage permit for the installation of a new system shall be submitted as part of an application for such a use.
- F. No structural alterations designed to increase the gross floor area 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.
- G. The yard, off-street parking, and other applicable requirements of this Ordinance shall be met.

#### **404 SINGLE-FAMILY ATTACHED DWELLING STRUCTURES**

Single-family attached dwelling structures (i.e. townhouses) may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Every application for such a use shall meet the requirements outlined below as well as the standards set forth in the most current version of the Montour County Subdivision and Land Development Ordinance.

##### **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. For the purposes of this Ordinance, there shall be no maximum number of dwelling units per structure; however, overall density of the tract shall not exceed eight (8) dwelling units per acre.
- 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 the subdivision plans which demonstrate that satisfactory arrangements have been made regarding the ownership and maintenance of all common ground or open space not proposed for conveyance. (See also Section 404 E.8 below.)

Suburban Residential Zoning District

- a. Exterior Lots. 7,500 square feet per dwelling unit.
- b. Interior Lots. 5,000 square feet per dwelling unit.

Village Center District

- a. Exterior Lots. 3,750 square feet per dwelling unit.
- b. Interior Lots. 2,500 square feet per dwelling unit.

- 3. Where individual dwelling units of a single-family attached dwelling structure are to be conveyed independently of any land area, the applicant shall demonstrate that all other requirements of the Uniform Condominium Act will be met.
- 4. Where title to individual dwelling units of a single-family attached dwelling structure is proposed to be conveyed, all dwelling units contained in the structure shall be part of the proposal.

B. Minimum Tract Width Requirements

The minimum width required for a tract containing a single-family attached dwelling structure may vary with each application depending upon the number of units being proposed in each structure. In no case however, shall the width of the tract be less than the minimum lot width required for a single-family detached dwelling in the district where such structure is located. Each dwelling unit of a single-family attached dwelling structure shall maintain the minimum width set forth in the District Regulations for the district in which it is located.

C. Minimum Yard Requirements

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

D. Gross Floor Area Requirements

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

E. Design Standards

Proposals for single-family attached dwelling structures shall be designed to meet the following standards.

- 1. Maximum Structure Length. No single-family attached dwelling structure shall exceed 150 feet in length.



2. Traffic Access. No individual dwelling unit of a single-family attached dwelling structure may access directly onto a public street. All such units shall access public roadways via an approved private street, driveway or common parking area. All new streets, access drives, and parking areas shall be designed and constructed in accordance with the applicable street standards set forth in the Montour County Subdivision and Land Development Ordinance.
3. Off-Street Parking Spaces. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit contained in a single-family attached dwelling structure. One (1) additional off-street parking space shall also be provided for each dwelling unit in the structure for visitor parking.
4. 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 County which illustrate that all erosion and sedimentation control requirements will be met. And, where adjacent to existing single-family detached dwellings or non-compatible land uses, buffer yards and/or screening as required in Sections 505 and 506 of this Ordinance shall be provided by the developer.
5. Drainage Facilities. All drainage and/or stormwater management standards set forth in the Montour County Subdivision and Land Development Ordinance shall be met. (See also Section 504 H. of this Ordinance.)
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 County for approval as a part of the plan submission process.
7. Sewage and Water Facilities. Sewage and water facilities for single-family attached dwelling structures shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection and as follows.
  - a. Sewage Facilities. A public or community sewerage system or a private package sewage treatment facility shall be utilized to provide sewage service for such developments.
  - b. Water Supply. Where a public water supply system of satisfactory quantity, quality and pressure is reasonably accessible to the proposed development and there is a willingness on the part of the system owner to serve the proposed development, connection shall be made to this system and its supply shall be used exclusively. Where a public water supply system is not available, a private water supply system shall be designed by the developer to provide service for the development.

The developer shall provide sufficient documentation to the County, along

with his development plans to indicate that such facilities are presently available and will be extended to serve his development or that he has obtained the necessary approvals to construct them.

8. Common Open Space Ownership and Maintenance. The developer shall submit a plan to the County indicating the arrangements to be made for ultimate ownership of and maintenance responsibilities for any common open space/land area associated with the single-family attached dwelling structure (including access drives and driveways). Such plans shall be submitted to the County for approval as a 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 dwelling for the County's approval.

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 indicating the ultimate ownership and maintenance responsibilities for all common open space areas to the County for review and approval as 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.

#### F. Building Relationships

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

1. Minimum Tract Area Requirements. A minimum of two (2) contiguous acres of land shall be provided for each development containing more than one (1) single-family attached dwelling structure.
2. 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.
3. Emergency Access. Building groups must be arranged in order accessible by emergency vehicles.
4. Distance between Buildings.
  - a. The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.

- b. The side of any building shall be no closer to the side, front, or rear of any other building than 30 feet.

5. Distance between Buildings and Driveways.

- a. No driveway or parking lot shall be closer than 15 feet to the front of any building, nor ten (10) feet to the side or rear of any building, except that space may be provided for loading and unloading which is closer to the building it is intended to serve than is herein provided.
- 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.

**405 MULTI-FAMILY DWELLING STRUCTURES**

Multi-family dwelling structures (i.e. apartment buildings, excluding single-family attached dwelling structures) may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Every application for such a use shall meet the requirements outlined below as well as the standards set forth in the most current version of the Montour County Subdivision and Land Development Ordinance.

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. For the purposes of this Ordinance, there shall be no maximum number of dwelling units per structure; however, overall density of the tract exceed 12 dwelling units per acre.

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.

**406 MOBILE HOME PARKS**

Mobile home parks are permitted only in those zoning districts and as specified in the District Regulations, Article 3. All proposed mobile home parks and extensions to existing parks shall also meet the standards set forth in the most current version of the Montour County Subdivision and Land Development Ordinance. In addition, the following permitting requirements shall be met.

Every mobile home placed in an approved mobile home park in Montour County, including replacement units, shall obtain a Zoning Permit prior to its placement in the mobile home park. In addition, each unit, including replacement units, must obtain a Certificate of Compliance, as required by this Ordinance AND an Occupancy Permit from the applicable Township Building Code Official, prior to being used as a dwelling unit. All additions proposed for mobile homes located in mobile home parks shall also require a Zoning Permit prior to being initiated. Zoning Permits for replacement units which do not exceed the length or width of the prior unit or which can be placed on the lot to meet all setback requirements may be authorized by the County Zoning Officer. Where however, the replacement unit will not meet all setback requirements, Permit authorization must be obtained from the County Zoning Hearing Board.

**407 GROUP HOMES FOR THE DISABLED**

Group homes may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Applications for such uses, whether new construction or a conversion, shall also meet all applicable State regulations, as well as 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 a no more than two (2) persons per bedroom.
- C. Accommodations in a group home shall be provided for no more than six (6)

residents, excluding staff, at one time. 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 group home on a 24-hour basis.
- E. 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.
- F. Evidence shall be provided with the application for a group home indicating that all applicable state certification and/or licensing requirements have been met. Revocation or suspension of the State Permit shall constitute an automatic revocation of the County Zoning Permit.
- G. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection.
- H. Arrangements for the collection, storage and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the County for approval as part the application for such a use.
- I. Signs advertising the facility shall meet the requirements of Article 7 of this Ordinance.
- J. The off-street parking requirements set forth in Article 8 and all other applicable provisions of this Ordinance shall also be met.

**408 PERSONAL CARE OR NURSING HOMES**

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

- A. The lot upon which the nursing or personal care facility 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. There shall be no more than two (2) persons per bedroom in a personal care home, and adult supervision shall be provided on a 24-hour a day basis.
- C. Personal care or nursing homes shall meet all applicable state codes regarding patient space requirements, and medical or nursing personnel shall be available on a 24-hour a day basis.

- D. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.
- E. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection. In addition, for the purposes of this Ordinance, nursing homes must be served by public or community sewer facilities.
- F. Arrangements for the collection, storage and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the County for approval as part of the application for the use.
- G. Signs advertising the facility shall meet the requirements of Article 7 of this Ordinance.
- H. The off-street parking requirements set forth in Article 8 and all other applicable provisions of this Ordinance shall also be met.

**409 DAY CARE CENTERS, GROUP DAY CARE HOMES, OR NURSERY SCHOOLS**

Day care centers, group day care homes, or nursery schools may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses, whether new construction or a conversion, shall also meet the requirements outlined below.

- A. The lot upon which the group day care home, day care center, or nursery school 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. Outdoor recreation area shall be provided in accordance with the applicable State regulations. Such areas shall be completely enclosed with a fence or wall at least six (6) feet in height which is located no less than 25 feet from the edge of any adjoining street right-of-way and meeting all applicable State regulations. A dwelling or other accessory building may also be used as part of the required enclosure.
- C. Passenger drop-off and pick-up areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
- D. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.
- E. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection.
- F. Arrangements for the collection, storage and disposal of solid waste generated

by the facility shall be made by the applicant and submitted to the County for approval as part of the application for such a use.

- G. Signs advertising the facility shall meet the requirements of Article 7 of this Ordinance.
- F. The off-street parking requirements set forth in Article 8 and all other applicable provisions of this Ordinance shall also be met.

#### **410 BED AND BREAKFAST ESTABLISHMENTS**

Bed and breakfast establishments may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Every application for such a use, whether new construction or a conversion, shall also meet the requirements outlined below.

- A. The lot upon which the bed and breakfast establishment 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 operator of the facility shall reside on the same property as the bed & breakfast establishment.
- C. Overnight lodging accommodations for any guest shall not exceed 14 continuous nights nor more than 60 days in any calendar year.
- D. Lodging accommodations may or may not include arrangements for breakfast or other meals.
- E. Dining facilities and food services shall be available only to lodgers, except when located in the Village Center District.
- F. Satisfactory evidence shall be provided to the County by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health and PA Department of Labor and Industry).
- G. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection.
- H. Arrangements for the collection, storage and disposal of solid wastes generated by the facility shall be made by the applicant and submitted to the County for approval as part of the application for such use.
- I. Signs advertising the facility shall meet the requirements of Article 7 of this Ordinance.

- J. The off-street parking requirements set forth in Article 8 and all other applicable provisions of this Ordinance shall also be met.

#### **411 BOARDING OR ROOMING HOMES**

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

- A. The lot upon which the boarding or rooming 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. For the purposes of this Ordinance, boarding or rooming homes shall be accessory to a single-family detached dwelling, and the owner of the residence must occupy the unit as its legal resident.
- C. Accommodations may be provided for up to four (4) boarders unrelated to the owner, with a maximum of two (2) persons per bedroom. Such accommodations shall be for periods of one (1) week or more in duration and may or may not include arrangements for meals.
- D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection.
- E. Arrangements for the collection, storage and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the County for approval as part of the application for such a use.
- F. Signs advertising the facility shall meet the requirements of Article 7 of this Ordinance.
- G. The off-street parking requirements set forth in Article 8 and all other applicable provisions of this Ordinance shall also be met.

#### **412 RETAIL ESTABLISHMENTS**

Retail establishments, including all those commercial and business establishments set forth in the District Regulations, may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. In addition, every proposed retail establishment shall meet the requirements outlined below as well as the standards set forth in the most current version of the Montour County Subdivision and Land Development Ordinance. Additional documentation may be required where it is deemed necessary by the County to protect the health, safety and welfare of its residents.



A. Applications for new retail establishments shall include a site plan, drawn to scale, showing the tract of ground on which the use is situated and the location of all buildings or structures existing or proposed for the site, and other data and documentation sufficient to determine that the proposed use will meet the following standards.

1. Retail establishments shall have no detrimental effect on the character of the area or neighborhood where they are proposed to be located. All applications for such uses shall include details regarding the proposed use of externally broadcast music, public address systems, public announcements, paging, and similar activities.
2. All retail uses shall provide adequate sewage disposal facilities and a safe water supply.
3. Outdoor lighting associated with the proposed establishment shall be mounted and shielded to effectively eliminate direct or reflective glare on adjacent properties and on public streets.
4. Buffer yards and/or screening shall be provided as required in Sections 505 and 506 of this Ordinance, unless required otherwise by the regulations of this Article.
5. All signs used to advertise retail activities shall meet the requirements of Article 7 of this Ordinance.
6. Off-street parking and loading areas shall be provided in accordance with the requirements of Sections 800 and 801 of this Ordinance. Access to all proposed retail uses shall meet the requirements of Section 802.
7. 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 County for approval as part of the application for the retail activity. Such arrangements shall indicate the type of screening to be used to conceal waste storage facilities used by the retail operation.
8. Applications for retail establishments shall also include an indication of the activity's proposed hours of operation.
9. 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.

Outdoor seating or occupancy associated with a retail establishment may be permitted, with or without outdoor entertainment, however a special permit shall be required where bands or other potentially objectionable noise may be generated.

10. Retail establishments engaged in the sale of alcohol shall provide evidence that they comply with the requirements of the Pennsylvania Liquor Control Board.
- B. Applicants proposing to ***change from one commercial use to another*** in an existing building shall apply to the Zoning Officer for a Zoning Permit before changing use. All such applicants shall provide sufficient information to the Zoning Officer indicating that the issues identified in Sub-Section A. above will be adequately addressed.
- C. No perpetual outside displays or retail sales shall be permitted for commercial uses, except where such display is a necessary part of the use; i.e. vehicle sales and similar activities. (See also Section 433 for requirements pertaining to outdoor, unenclosed storage.)

**413 AUTOMOTIVE FUELING AND/OR SERVICE STATIONS; AND/OR REPAIR SHOPS**

**A. Automotive Service Stations and/or Repair Shops**

Automotive service stations and/or repair garages may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses shall also meet the criteria established in Section 412 of this Ordinance for retail uses, as well as the standards outlined below, and all applicable State or federal laws.

1. No automotive service station or repair shop shall be located within 300 feet of any school, playground, nursing home, church or other place of public assembly.
2. Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line, nor shall any fuel oil, propane gas, or other similar substance be stored within 30 feet of a street right-of-way or property line. (Additional permits may be necessary to meet State and Federal requirements regarding the location of storage tanks for such purposes.)
3. All associated repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building.
4. Vehicles on-site for repair work may be stored outside of an enclosed building for up to 7 days, after which they shall be kept within a building or shall be screened from view as set forth in Section 506 of this Ordinance. No such storage area shall exceed two (2) times the size of the garage area in which repairs are being conducted.

5. Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the PA Department of Labor and Industry and PA Department of Environmental Protection regulations and is designed to contain all noise, vibrations, dust, and odor generated by the operation.
6. Arrangements for the collection, storage and disposal of all waste generated by the facility shall be made by the applicant and submitted to the County for approval as part of the application for such use.
7. No more than five (5) vehicles may be offered for sale at any one time at an automotive service station or repair shop. All vehicles being offered for sale shall be currently inspected, registered and be clearly identified as being "For Sale".

**B. Compressed Natural Gas Fueling Systems**

Compressed natural gas (CNG) fueling systems may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses shall also meet the criteria established for retail uses in Section 412 of this Ordinance as well as the standards outlined below, and all applicable State or Federal laws.

1. No entrance to a compressed natural gas fueling system facility shall be located within 30 feet of any intersection.
2. Fuel pumps and fueling devices or dispensers shall be located no closer than: 30 feet to any building or the right-of-way of any public street; 20 feet to any storage tanks or cylinders; nor be closer to any side or rear lot line than is required for the district in which they are located.
3. Concrete or steel bollards at a minimum height of 48 inches shall be placed on the fuel island adjacent to the fuel dispensers.
4. The equipment pad associated with the CNG fueling system shall be surrounded by a privacy fence or block wall a minimum of eight (8) feet in height.

**414 PERSONAL STORAGE WAREHOUSES**

Personal storage warehouses may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses shall meet the criteria established in Section 412 of this Ordinance for retail uses, as well as the standards outlined below.

- A. There shall be no commercial or residential use conducted from or occurring within such facilities.

- B. Access to such facilities shall be sufficient to accommodate the size and type of items likely to be stored in the warehouse units.
- C. All external storage of boats, RV's, or other vehicles shall be protected by security fencing and shall be shielded or screened from public view as per the requirements of Section 506 of this Ordinance.
- D. No explosives, toxic, radioactive or flammable materials shall be stored in the warehouse units.
- E. Any and all outdoor lighting shall be mounted and shielded to avoid causing glare on adjacent lots or properties.

**415 ADULT ENTERTAINMENT ESTABLISHMENTS**

Adult entertainment establishments or facilities may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses shall meet the criteria established in Section 412 of this Ordinance for retail uses as well as the standards outlined below, and all applicable State or local requirements.

- A. No adult entertainment establishment may be situated or located within:
  - 1. 250 feet of the boundary of any Residential District or residential property line;
  - 2. 500 feet of the property line of any church, school, day care center, theater, park, playground, or other areas where minors congregate; nor within
  - 3. 250 feet of the property line of any other adult entertainment establishment.
- B. Advertisements, 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.
- C. 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 or other public place. In the case of any adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area.
- D. Screening shall be provided on both sides and to the rear of the establishment in accordance with the requirements of Section 506 of this Ordinance.
- E. Business identification signs shall include no promotional advertisement or displays and shall meet the requirements of Article 7 of this Ordinance.

- F. Off-street parking and loading areas shall be provided in accordance with Article 8 of this Ordinance.

#### **416 INDUSTRIAL OR MANUFACTURING OPERATIONS**

Industrial or manufacturing operations, including those assembly, processing, packaging or shipping operations and those research or testing activities set forth in the District Regulations, may be permitted only where specified in the District Regulations, Article 3. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the most current version of the Montour County Subdivision and Land Development Ordinance. Additional documentation may also be required where it is deemed necessary by the County to protect the health, safety and welfare of its residents.

- A. Industrial or manufacturing operations shall abut on or provide direct access to a street or highway which is capable of accommodating the anticipated levels and types of industrial and employee traffic. Where access is proposed onto a state highway, a copy of the applicant's PennDOT-issued Highway Occupancy Permit shall be provided to the County as part of the industrial plan submission.
- B. Every industrial operation must be contained within a building, except as may be authorized otherwise for a specific type of industrial activity.
- C. Adequate sewage and water facilities shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection. The developer shall provide sufficient documentation along with development plans to indicate that such service will be provided.
- D. Arrangements for the collection, storage and disposal of all solid wastes generated by the operation shall be made by the developer and submitted to the County for approval as a part of his application for such a use. Where determined appropriate, the County may request review of the proposed arrangements by the PA Department of Environmental Protection prior to granting approval.
- E. All accessory warehousing and storage facilities associated with industrial uses shall be contained within an enclosed building or shall be shielded from view by a fence and/or screen plantings. No storage shall be located within any setback or required yard area.
- F. Buffer yards and/or screening shall be provided as required by Sections 505 and 506 of this Ordinance.
- G. All signs proposed for industrial uses shall meet the standards set forth in Article 7 of this Ordinance.
- H. Off-street parking and loading areas shall be provided in accordance with Article 8 of this Ordinance.

- I. Accessory sales or retail outlets selling items produced in the manufacturing operation may be permitted in conjunction with an approved principal use. Where such retail facilities are to be established, additional off-street parking spaces shall be provided to satisfactorily accommodate the commercial activity.
  
- J. Compliance with the following minimum performance standards, in addition to all applicable local, State or Federal codes or regulations (including DEP's air, water and noise pollution control standards) shall be required. The developer shall present sufficient documentation with his application for the industrial use to indicate that each of the applicable performance standards will be met.
  1. Sound. The volume of sound inherently and recurrently generated shall be controlled so as not to cause a nuisance to adjacent uses.
  2. Vibration. No vibrations shall be discernible beyond the property lines of the industry.
  3. Odor. No emission of odorous gas or other odorous matter shall be permitted in such quantity as would be readily detectable along or beyond the lot lines of the industrial operation without the use of instruments.
  4. Toxic or Noxious Matter. No discharge of any toxic or noxious matter in such quantity as would be detrimental or dangerous to public health, safety, comfort or welfare, or would cause injury or damage to property, businesses, or the surrounding natural environment shall be permitted.
  5. Glare. No direct or reflected glare shall be detectable at any point along or beyond the property lines of the industry.
  6. Heat. No direct or reflected heat shall be detectable at any point along or beyond the property lines of the industry.
  7. Dust and Fly Ash. No solid or liquid parts shall be emitted in such quantities as would be readily detectable at any point along or beyond the property lines of the industry or as would produce a public nuisance or hazard.
  8. Smoke. No smoke shall be emitted in such quantity as would become a nuisance.
  9. Fire, Explosion, and Chemical Hazards. In all activities involving, and in all storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire, explosion, leaks or spills, and appropriate firefighting and fire suppression equipment and devices standard in the industry, or as may be required by the Occupational Safety and Hazards Administration (OSHA). Burning of industrial waste materials in open fires shall be prohibited at all times.

10. Radio Waves or Electrical Disturbances. 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.
- K. Limited industrial uses, including, but not limited to: 1) enclosed, low-impact manufacturing, assembly and processing activities, 2) enclosed warehousing and storage facilities, 3) wholesale businesses, and 4) carpentry or machine shops or similar operations, may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses shall meet the requirements outlined above and well as the standards set forth in the most current version of the Montour County Subdivision and Land Development Ordinance.

#### **417 JUNK YARDS OR AUTO SALVAGE OPERATIONS**

All junk yards or auto salvage operations created after the effective date of this Ordinance shall comply with the provisions outlined below, as well as all other local regulations that may be in effect in any of the applicable municipalities. Such facilities may be permitted only in those zoning districts and as specified in the District Regulations, Article 3.

- A. Such uses shall be conducted within a building or shall be entirely enclosed with a fence or wall not less than eight (8) feet in height and made of a suitable, permanent material. In addition, a buffer yard of 50 feet shall be provided around the entire perimeter of the facility to maintain adequate separation between the junk yard and adjacent uses. No part of this buffer yard may be used for the storage of any materials or parts associated with the operation. All buffer areas shall also be screened in accordance with the requirements set forth in Section 506 of this Ordinance.
- B. No junk material, accessory structure, related activity or other enclosure shall be stored, placed, located or conducted within 100 feet of any public street right-of-way, body of water, stream or wetland, or any adjoining property line. No weeds or scrub-growth over eight (8) inches in height shall be permitted to grow within this setback area.
- C. All junk materials shall be placed so that they are incapable of being transported off the premises by wind, water, or other natural causes.
- D. All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled to a height exceeding six (6) feet.
- E. All gasoline, oil, antifreeze and diesel fuel shall be drained from junked vehicles prior to being accepted by the facility owner. All hazardous or toxic materials, including freon shall be drained from appliances prior to their acceptance at the facility.

- F. Burning shall be prohibited within a junk yard or auto salvage operation.
- G. All junk yards shall be maintained in such a manner to avoid causing public or private nuisances; causing any offensive or noxious odors; or causing the breeding or harboring of rats, flies, or other vermin that could be hazardous to public health.

#### 418 MINERAL EXTRACTION OPERATIONS

Mineral extraction operations, including the commercial excavation of sand, gravel, clay, shale, rock or other natural mineral deposit as may be defined by State or Federal regulations, may be permitted only where specified in the District Regulations, Article 3. All such operations shall comply with PA Department of Environmental Protection's and applicable Federal permit requirements and evidence of such compliance must be submitted with any application for a mineral extraction operation. In addition, the following standards shall be met. ***(Where however, the requirements of this Ordinance conflict with any state or federal law or regulation, such state or federal regulation shall prevail.)***

- A. Mineral extraction operations shall abut on or provide direct access to a street or highway capable of accommodating heavy trucks and employee traffic. Truck access to any excavation site shall be arranged to minimize danger to traffic and nuisance to surrounding properties. Where access to a state highway is proposed, a copy of the applicant's PennDOT-issued Highway Occupancy Permit shall be provided to the County as a part of the extraction plan submission.
- B. A copy of the applicant's Soil Erosion and Sedimentation Control Plan, reviewed and approved by the County Conservation District, or other designated agency, shall be submitted to the County to indicate what precautions are to be taken to avoid erosion and sedimentation problems where excavation is proposed. All exposed ground surfaces shall be stabilized or protected with a vegetative cover to prevent erosion, unless other erosion control techniques are approved as part of the above-referenced Plan.
- C. Screen plantings, buffering, and/or fencing shall be provided along the perimeter of the excavation site as may be required by State or Federal regulations. Where not specifically regulated by State or Federal standards, a buffer yard of 150 feet and screening in accordance with Section 506 of this Ordinance shall be provided. In addition, in the case of open excavation, a fence, at least eight (8) feet in height, shall completely surround the excavated area, except at approved points of ingress and egress. Points of ingress and egress shall have a gate(s) which shall be locked to prevent unauthorized access when the facility is not in operation.
- D. Where not specifically regulated by State or Federal standards, no extraction activities, stockpiling or storage of extracted material shall be located within the required buffer (see Section C. above), nor less than 500 feet from a Residential



District or residential use or 300 feet from any stream, body of water or designated wetland area. Further, no stockpiles may exceed 50 feet in height above the original ground surface. All reasonable precautions shall be taken to prevent any materials deposited on stockpiles from being washed, blown, or otherwise transported off the site by natural forces.

- E. Where permitted, rock crushers, batching or mixing plants, or other grinding, polishing or cutting machinery shall be setback a minimum of 150 feet from all property lines and public rights-of-way. Such facilities shall not exceed 65 feet in height and shall be subject to such additional conditions and safeguards deemed necessary by the County to protect the public health, safety and welfare.
- F. The applicant shall submit a copy of the state or federally mandated post-closure site restoration plans to the County as a part of the application for a mineral extraction operation.
- G. The applicant shall provide evidence that all required governmental approvals have been granted prior to the issuance of a Zoning Permit. In the event the mining operation is found to be in violation of any governmental regulations which require the operation of the facility to cease, such action shall cause the Zoning Permit to be forfeited. In this case, no resumption of facility operations shall take place unless and until the applicant obtains approval of a new Zoning Permit application.

#### **419 CONTRACTOR'S SHOPS AND YARDS**

Contractor's shops and yards may be permitted only in those zoning districts and as specified in the District Regulations, Article 3, and shall be subject to the following requirements.

- A. All construction, fabricating and fitting activities shall be conducted within an enclosed building or structure.
- B. Buffer yards and/or screening shall be provided around the perimeter of all such activities, including storage yards, meeting the requirements of Sections 505 and 506 of this Ordinance. Further, storage yards may not be located within any setback or required yard area, and shall meet the requirements for outdoor, unenclosed storage set forth in Section 433 of this Ordinance.
- C. All precautions shall be taken to minimize potentially noxious, hazardous or nuisance occurrences from the facility. Applicants for such uses shall show that their potential facility will meet the minimum performance standards set forth in Section 416 J. above.
- D. Any and all outdoor lighting shall be mounted and shielded to avoid causing glare on adjacent properties or lots.

- E. All signs proposed for such facilities shall meet the standards set forth in Article 7 of this Ordinance.
- F. Off-street parking and loading areas shall be provided in accordance with the requirements of Article 8 of this Ordinance.

**420 AGRICULTURAL USES**

Regardless of the specific uses listed or permitted in any of the zoning districts in this Ordinance, existing agricultural programs shall be permitted and encouraged as an interim use until such time as the property owner sells or transfers his property interests to persons, agents or others interested in developing a use in conformance with the District Regulations set forth in Article 3. All agricultural uses initiated after the effective date of this Ordinance shall however be subject to the following safeguards and regulations.

**A. General Agricultural Use Regulations**

The following general regulations shall apply to all agricultural uses regardless of the zoning district in which they may be located.

1. Private gardens shall be permitted in all zoning districts.
2. Commercial animal husbandry may be authorized as a principal and/or accessory use only in the Agriculture, Woodland and Water Conservation Districts. (See also Sub-Section B. below regarding Concentrated Animal Operations (CAO) and Concentrated Animal Feeding Operations (CAFO).) The housing or raising of livestock or poultry as farm pets or for domestic purposes pursuant to the requirements of this Ordinance shall not be considered animal husbandry. Household pets are exempt from these regulations.
3. Agricultural operations that use or produce manure that are not a CAO or CAFO shall comply with the PA Department of Environmental Protection's requirements applicable to such operations, including the requirements specified in 25 PA Code, Section 91.36 and the manuals and guides referenced in that Section, or as may hereafter be amended.
4. Buildings in which livestock or poultry are to be housed (temporarily or permanently) shall be set back at least 50 feet from all property lines and no less than 25 feet from the right-of-way of a public street, except as may be provided otherwise in 25 PA Code, Section 91.36. All other agricultural buildings shall be set back in accordance with the standards established in the District Regulations, Article 3. (See also Sub-Section B. below regarding Concentrated Animal Operations and Concentrated Animal Feeding Operations.)
5. No outdoor feedlot, agricultural compost, manure or other similar

unenclosed storage shall be located closer than 100 feet to any dwelling (other than the owner's residence), nor closer than 50 feet to any property line, stream, water body, or designated wetland area, except as may be provided otherwise in 25 PA Code, Section 91.36. (See also Sub-Section B. below regarding Concentrated Animal Operations and Concentrated Animal Feeding Operations.)

6. Nothing contained in this Ordinance shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure in accordance with the requirements of the PA Nutrient Management Act.

**B. Concentrated Animal Operations and Concentrated Animal Feeding Operation Regulations**

Concentrated animal operations (CAO's) and concentrated animal feeding operations (CAFO's) may be permitted only where specified in the District Regulations, Article 3. All new or expanded CAO's and CAFO's shall require Special Exception approval from the County Zoning Hearing Board prior to the issuance of a Zoning Permit. In addition, all applications for CAO's and CAFO's shall meet all applicable requirements set forth in the most recent version of the Montour County Subdivision and Land Development Ordinance, and shall satisfy the following criteria.

1. All concentrated animal operations and concentrated animal feeding operations shall meet the requirements set forth in the PA Nutrient Management Regulations and Act 38 of 2005, the ACRE legislation, for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards pertaining to nutrient application, manure management, and manure storage facilities.

Nothing in this Section or Ordinance is intended, nor shall be applied or interpreted, to attempt to regulate those aspects of CAO's and CAFO's which are specifically regulated by the PA Nutrient Management Act, Act 38 of 2005, or as may hereafter be amended ,and/or the Agricultural Security Law.

2. All applications for new or expanded concentrated animal operations and/or concentrated animal feeding operations initiated after the effective date of this Ordinance shall include the following information:
  - a. a detailed, written description of the type and size of operation being proposed;
  - b. a site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence);

- c. a copy of the applicant's Nutrient Management Plan, reviewed and approved by the County Conservation District, designated Nutrient Management Specialist, or other appropriate agency; and
  - d. a copy of the applicant's Odor Management Plan, reviewed and approved by the County Conservation District, designated Odor Management Specialist, or other appropriate agency or individual.
3. At a minimum, buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall be erected at least 100 feet from all property lines and dwellings (other than the owner's residence). Where however, more restrictive setback requirements are established in the Nutrient Management Regulations, then those standards shall apply.
  4. No manure storage facilities shall be permitted to be located within a designated Floodway. Where located within a designated Flood Fringe or General Floodplain area, all such structures shall be elevated or floodproofed to meet the requirements of Article 6 of this Ordinance.
  5. There shall be no occupancy or use of any facilities related to or associated with a CAO or CAFO until all required approvals and permits have been issued.

C. Non-Agricultural and Agricultural Subdivision Regulations

Consistent with the Governor's Agricultural Land Preservation Policy and the State's subsequent "Growing Greener", initiative, the overall intent of these provisions is to preserve and protect the County's valuable agricultural lands from irreversible conversion to uses that will result in their loss as an environmental and essential food and fiber resource, and to prevent the loss of precious open space. All non-agricultural and agricultural subdivisions proposed in the Agriculture District after the effective date of this Ordinance shall therefore be subject the following regulations.

1. In the Agriculture District, a tract of land containing **20 acres or less** at the effective date of this Ordinance may be subdivided for *residential or non-agricultural purposes* in accordance with the following criteria:
  - a. The maximum number of residential or non-agricultural lots created shall depend on the size of the parent tract; and
  - b. All residential lots subdivided from the parent tract shall contain a minimum of one (1) acre of land. Lot, Yard & Open Space Requirements for these residential lots shall be as follows:
    - 1) Front Yard: 50 feet from road centerline or 25 feet from edge of road R/W, whichever is greater.

- 2) Side Yards: Principal and Accessory Structures – 10 feet each side.
- 3) Rear Yard: Principal Structures – 15 feet; Accessory Structures – 10 feet.

All other non-agricultural lots shall meet the Use Regulations and Dimensional Requirements set forth in Section 308 of the District Regulations.

2. In the Agriculture District, a tract of land containing in excess of 20 acres at the effective date of this Ordinance may only be subdivided for *residential purposes or non-agricultural purposes* in accordance with the following criteria:
  - a. The total number of lots permitted per tract for residential or non-agricultural purposes shall not exceed 20 acres or 20% of the parent tract as it existed at the effective date of this Ordinance, whichever is less.
  - b. All residential lots subdivided from the parent tract shall contain a minimum of one (1) acre of land. (See Sub-Section 420C.1.b. above for Lot, Yard and Open Space Requirements for residential lots.) All other non-agricultural lots shall meet the Use Regulations and Dimensional Requirements set forth in Section 308 of the District Regulations.
  - c. Where feasible, all residential and non-agricultural lots created from a single parent tract should be contiguous, use a common access, and be located so as to afford the least disruption to any farm operation as possible.
  - d. One (1) dwelling may be permitted on the residual agricultural tract; and
  - e. A note shall be placed on the plot plans proposing residential or non-agricultural subdivision which indicates the cumulative number of lots and the cumulative acreage which has been divided from the original parent tract from the effective date of this Ordinance.
3. After the effective date of this Ordinance, tracts of ground located in the Agriculture District being subdivided for *agricultural purposes* must contain a minimum of 20 acres. Any such subdivided parcels shall not thereafter be further subdivided unless the acreage involved is to be added to existing, adjacent lots of record being used for agricultural purposes. No dwelling units shall be permitted on such parcels.

#### **421 ROADSIDE STANDS**

Temporary or permanent roadside stands or shelters may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses shall also meet the standards outlined below. (See also

Section 430 for standards for farm-related businesses and Section 435 regarding other temporary uses.)

- A. Temporary stands shall not exceed 400 square feet in size and shall be removed from the site during the season(s) when they are not in use for the sale or display of products.
- B. Where a temporary roadside stand is established, a minimum of five (5) off-street parking spaces, located outside of the adjoining street right-of-way, shall be provided. The standards set forth in Section 800, TABLE 1, of this Ordinance shall apply to all permanent facilities.
- C. Temporary stands shall be set back at least 20 feet from the edge of the adjoining street right-of-way and at least 50 feet from any intersection. Permanent stands shall meet the setback requirements set forth in the District Regulations for structures in the district where they are to be located.
- D. Seasonal Zoning Permits shall be required for temporary roadside stands.
- E. All signs used to advertise such facilities shall meet the requirements set forth in Article 7 of this Ordinance and shall be removed from the site when the temporary stand is removed.
- F. For the purposes of this Ordinance, roadside stands shall be limited to the sale of farm, nursery, or greenhouse products or other agriculturally related items.

#### **422 SAWMILLS**

Temporary or permanent sawmills may be permitted only in those zoning districts and a specified in the District Regulations, Article 3. All applications for such uses shall also meet the requirements outlined below.

- A. In order to retain their temporary status, temporary sawmills may not be located on any one property for more than 30 consecutive days in any calendar year. Sawmills exceeding 30 days on one property shall be considered permanent, and as such, will need to meet all Ordinance requirements.
- B. For the purposes of this Ordinance, portable saws operated for private, personal use shall not be considered sawmills, but rather shall be addressed as accessory uses.
- C. A Temporary Zoning Permit shall be required for all non-permanent sawmills, which shall include the location of the operation, the property owner's name and the intended hours of operation.
- D. The Zoning Permit application for a permanent sawmill shall include specific details for the facility, including location and access, rules, security arrangements and proposed hours of operation.

- E. No sawmill, whether temporary or permanent, shall operate after dusk nor before dawn the next morning unless part of a commercial operation approved by the County. Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood or area in which the mill is to be located.

**423 SEASONAL DWELLINGS OR HUNTING CAMPS**

Seasonal dwellings or hunting camps may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses shall also meet the requirements outlined below as well as all applicable requirements of the PA Uniform Construction Code.

- A. Every lot to be utilized for a seasonal dwelling or hunting camp shall meet the minimum area and yard requirements set forth in the District Regulations, Article 3.
- B. Every seasonal dwelling or hunting camp shall be provided with adequate sewage disposal and water supply systems subject to the applicable rules and regulations of the PA Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been issued shall be submitted to the County as part of an application for such a use.
- C. No seasonal dwelling or hunting camp shall be converted to a permanent, full-time dwelling unit unless the same conforms to all applicable County and local codes and ordinances. Where seasonal structures are proposed for conversion to full-time occupancy, all foundation and gross floor area requirements contained in Sections 402 B. & C. of this Ordinance shall be met and adequate sewage and water supply systems must be provided.
- D. Where such uses are proposed to be located within an identified Flood Fringe or General Floodplain area, all requirements regarding floodproofing contained in Article 6 of this Ordinance shall be met.
- E. No more than one (1) permanent seasonal dwelling or hunting camp shall be erected or placed on one lot, unless such structures are part of an approved land development.
- F. Recreational vehicles, campers, travel trailers, motor homes, or other similar units may be used as seasonal dwellings or hunting camps subject to the following standards. (No buses, trucks, truck trailers, or similar vehicles or parts of vehicles may however be permitted as seasonal dwellings or hunting camps.)
  - 1. Units to be Placed in a Floodplain. Recreational vehicles or similar units to be placed on a lot in any floodplain district shall meet the following requirements.

- a. A Seasonal Zoning Permit shall be required for all such units to be placed on a lot in any identified floodplain for more than seven (7) consecutive days. Such Permits shall be renewed annually.
  - b. Such units may only be placed or situated on their site from April 15 to October 15 of each year and shall be removed from the floodplain during the remainder of the year.
  - c. Such units shall remain on wheels and shall be capable of being towed or transported from the site at all times.
  - d. A workable evacuation plan shall be submitted to the County as part of the application for the Seasonal Zoning Permit indicating how the unit will be removed from the site if there is a threat of flooding or a flood warning is issued. All such plans shall include the name and address of a local contact that is authorized to act on the owner's behalf during such times.
  - e. Each application for a Seasonal Zoning Permit shall include: 1) an indication of the sewage facilities to be used by the unit or 2) an executed arrangement for dumping at a State-approved dump station.
2. Units to be Located Outside of a Floodplain. Recreational vehicles or similar units being placed on a lot outside of an identified floodplain area shall meet the following requirements. (See also Section 425 for standards governing Campgrounds and RV Parks.)
- a. A Seasonal Zoning Permit shall be required for all such units to be placed on any lot for more than 30 days in any calendar year. Such Permits may be issued for up to 180 days, but must be renewed annually.
  - b. All such units must be removed from the site during the off-season.
  - c. Each application for a Seasonal Zoning Permit shall include: 1) an indication of the sewage facilities to be used by the unit or 2) an executed arrangement for dumping at a state-approved dump station.
  - d. Each Seasonal Zoning Permit application shall also include a workable evacuation plan, including the name and address of a local contact that is authorized to act on the owner's behalf in the event of an emergency.
  - d. One (1) additional camping unit may be permitted to visit the site of the original unit periodically during the life of the Seasonal Permit so long as adequate lot space is available to accommodate both units and all required off-street parking, and adequate arrangements can be made for sewage disposal.



**424 OUTDOOR COMMERCIAL RECREATION USES**

Outdoor commercial recreation uses, including, but not limited to, golf courses, golf driving ranges, sporting clays or skeet shooting preserves, ATV trails, ski resorts, and similar activities, may be permitted only in those districts and as specified in the District Regulations, Article 3. Applications for such uses shall also meet the requirements outlined below as well as the standards set forth in the most current addition of the Montour County Subdivision and Land Development Ordinance. (See also Section 425 for standards governing Campgrounds and RV Parks.)

- A. A plan showing the proposed facilities and/or design of the recreational facility shall be provided by the applicant with his Zoning Permit application.
- B. All buildings, structures, and/or active recreation facilities shall be located at least 50 feet from all property lines and shall be screened in accordance with the standards set forth in Section 506 of this Ordinance.
- C. Sewage disposal facilities, when proposed, shall be provided by the applicant in accordance with the standards of the PA Department of Environmental Protection and applicable local sewage regulations.
- D. Arrangements for the collection, storage and disposal of all solid wastes generated by the facility shall be made by the applicant and submitted to the County for approval as part of the application process.
- E. Off-street parking facilities shall be provided in accordance with the requirements of Article 8 of this Ordinance.
- F. Outdoor security lighting provided for the facility shall be installed and shielded to eliminate direct glare on adjacent properties or on public streets.
- G. No public address system shall be permitted, except where such system will be inaudible at all property lines.
- H. The proposed hours, rules, and security arrangements for the facility shall be included with the application for the use. Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood or area in which the facility is to be located.
- I. Where the proposed activity involves a use which presents a potentially hazardous situation, such as a trap, skeet, or sporting clays range, additional safeguards or precautions shall be taken by the applicant to ensure the safety of the public.

**425 CAMPGROUNDS OR RV PARKS**

Campgrounds or RV parks may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Every application for such use shall

meet the requirements outlined below as well as the standards set forth in the most current version of the Montour County Subdivision and Land Development Ordinance.

A. General Requirements

1. A Zoning Permit shall be required prior to the establishment of a campground or recreational vehicle park. Additional permitting requirements are also applicable for campgrounds located in floodplain areas. (See Subsection B. below.)
2. Campgrounds shall be designed for intermittent recreational use. There shall be no year-round residential occupancy of any unit in a campground.

B. Campgrounds in Floodprone Areas

1. Each campground proposed to be located within a Flood Fringe or General Floodplain District shall be required to obtain an annual, Seasonal Zoning Permit. Such Permits shall be valid from April 15 through October 15 of each year. All units must be removed from the floodplain during the remainder of the year.
2. Where campgrounds are proposed to be located within a Flood Fringe or General Floodplain District, a workable evacuation plan shall be submitted as a part of each application for a Seasonal Zoning Permit. Said plan must include the name and address of a local contact that is authorized to act on the owner's behalf to insure that all units will be removed from the floodplain during flood events.
3. Camping units being placed in campgrounds located within a Flood Fringe or General Floodplain District must remain on wheels and be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports and no activity may take place on the site which would interfere with the prompt and safe evacuation of the units in times of flood danger.

**426 UTILITY SUPPLY FACILITIES**

Utility supply facilities may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Applications for such uses shall also meet the requirements outlined below as well as the standards set forth in the most current version of the Montour County Subdivision and Land Development Ordinance.

- A. There shall be no specific minimum lot size or lot width requirements applied to these uses. Each application shall be evaluated on a case-by-case basis by the County Zoning Hearing Board as they review the application. Appropriate setback and building coverage requirements, designed to protect the public

health, safety and welfare will be determined at that time.

- B. Utility supply facilities shall be designed and constructed to be compatible with the general character (appearance and structural material) of the other structures within the district in which they are located.
- C. Structures may be permitted for the housing of transformers, pumps, and similar equipment, but shall house only that equipment that is necessary to provide normal maintenance and repair for the systems. Office space may only be provided in the Village Center and Commercial Districts.
- D. Where, in the opinion of the County Zoning Hearing Board, potential safety hazards exist with such facilities, additional precautions (such as buffering, screening or fencing) may be required.
- E. Outdoor or unenclosed storage yards associated with utility supply facilities shall be secured with a fence and shall be shielded from view by the use of screen planting. In addition, where adjacent land use dictates, in the opinion of the County Zoning Hearing Board, buffer yards of 25 feet or more may also be required to provide sufficient separation between uses. (See also Sections 505 and 506 of this Ordinance.)

**427 COMMERCIAL COMMUNICATIONS ANTENNAS, TOWERS, AND/OR EQUIPMENT BUILDINGS**

Commercial communications antennas, towers, and/or receiving equipment buildings may be permitted only in those zoning district and as specified in the District Regulations, Article 3. Applications for such uses shall also be subject to the standards outlined below, as well as all other applicable State or Federal regulations. **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. General Requirements**

- 1. No person or entity shall construct, install or otherwise operate a commercial communications antenna or erect a communications tower or equipment building without first securing a Zoning Permit from the County Zoning Officer, except as provided above.
- 2. The applicant shall provide sufficient documentation that is it licensed by the Federal Communications Commission (FCC) to operate a communications tower and/or antennas. The applicant shall also demonstrate that all antennas proposed to be mounted on such towers will comply with the applicable standards established by the FCC governing human exposure to electromagnetic radiation, and that any proposed tower will comply with all Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation,

and applicable Airport Zoning regulations.

3. The applicant shall demonstrate that the proposed antennas will not cause radio frequency interference with other communications facilities located in or adjacent to the applicable municipality.
4. Within 30 days after a change of ownership of any communications antenna, tower, or equipment building, the new owner shall notify the County in writing of such ownership change.
5. 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 Montour County Planning Commission 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.

#### **B. Building-Mounted Communications Antennas**

Communications antennas may be mounted to any **existing** building or structure subject to the following standards.

1. 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.
2. 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 5 feet in height and three (3) feet in width.
3. Any applicant proposing to mount a communications antenna on a building or other structure shall submit evidence to the County Zoning Officer 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 antennas location.
4. 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.
5. Applicants for building-mounted antennas shall submit evidence to the County Zoning Officer that all necessary agreements and/or easements have been secured to provide access to the building or structure on which the antenna is located.

### C. Communications Towers and Tower-Mounted Antennas

Communications towers and antennas mounted on those towers may be located in the Agriculture and Woodland Districts subject to the following standards.

1. Any applicant proposing construction of a new communications tower shall provide documentation to the County which demonstrates need for the tower in the proposed location. Such documentation shall include, but need not be limited to, coverage diagrams and technical reports prepared by a qualified professional engineer indicating that the proposed location is necessary to achieve the desired coverage and that co-location on an existing tower, building or structure is not possible. (See also Sub-Section C.2 below for additional co-location requirements.)
2. Any applicant proposing construction of a new communications tower shall document that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one quarter (.25) mile radius of the proposed tower site be contacted and that one (1) or more of the following reasons applies for not selecting such structure.
  - a. The proposed antennas and related equipment would exceed the structural capability of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
  - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that structure and the interference could not be prevented at a reasonable cost.
  - c. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from the structure exceeding applicable standards established by the FCC governing human exposure to such radiation.
  - e. A commercially reasonable agreement could not be reached with the owners of such structure.
3. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the district in which the tower is to be located. Joint use of a site shall be prohibited however, when an existing or proposed use involves the storage, distribution, or sale of volatile, flammable, explosive or

hazardous materials such as propane, gasoline, natural gas, or dangerous chemicals.

4. The maximum height of any communications tower shall be 180 feet measured from the ground elevation around the tower to the highest point on the tower, including antennas mounted thereon, unless the applicant can demonstrate, to the satisfaction of the County Zoning Hearing Board, that a greater height is necessary to perform the intended function.
5. The foundation and base of any communications tower shall be set back from all property lines and public street rights-of-way a distance equal to or greater than the intended height of the tower.
6. All tower applicants shall provide evidence that at least one (1) antenna contract agreement has been secured to locate on the proposed tower. In addition, the tower shall be designed to accommodate at least four (4) antennas, and shall allow for future rearrangement of antennas or the acceptance of antennas mounted at varying heights.
7. All communications towers shall be designed and constructed in accordance with currently accepted engineering practices, taking into consideration all relevant safety factors, including but not limited to wind forces. All guy wires associated with communications towers shall be clearly marked so as to be visible at all times and shall be located within the required fenced enclosure. The applicant shall supply the County with certification from a registered professional engineer indicating that such practices will be met.
8. Towers and antennas located thereon shall be finished with a non-reflective surface treatment. Materials used in such construction shall not detract from the appearance of the area surrounding the tower. Where possible, applicants are encouraged to design or camouflage towers as trees, farm buildings, or other natural features. (See also Sub-Section C.12 below for landscaping requirements.
9. The site of a communications tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public. All towers shall be fitted with anti-climbing devices approved by the manufacturer for the type of installation proposed.
10. No tower or antenna located thereon shall be illuminated except as may be required by the FAA or FCC, in which case the County may review the available lighting options and approve the design that would cause the least disturbance to surrounding uses and views.
11. No signs shall be mounted on a communications tower, except as may be required and approved by the FCC, FAA, or other governmental agency and the County. No advertising is permitted on a tower or antenna, or other building or structure accessory thereto.

12. The tower and any antennas located thereon shall be located, designed, and screened to blend in with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible. In addition, the base of the tower shall be landscaped to screen the foundation, base, and equipment building from abutting properties.
13. Access to the communications tower and/or equipment building shall be provided by means of a public street or private right-of-way or easement to a public street. Any such right-of-way or easement shall be a minimum of 20 feet in width and shall be improved to a width of at least ten (10) feet for its entire length.
14. The applicant shall submit a copy of his FCC license, together with the name, address and emergency telephone number of the operator of the communications tower, and a certificate of insurance evidencing general liability coverage in the amount of \$1 million per occurrence and property damage coverage in the amount of \$1 million per occurrence covering the tower and antennas thereon, with a \$3 million aggregate.
15. The tower shall be regularly maintained and inspected for structural safety at least annually by a properly qualified professional. The owner of the tower shall submit such inspection report to the County Zoning Officer by June 30 of each year as a condition of Permit approval.
16. The County Planning Commission may require a tower removal performance bond be posted by the owner to ensure removal of the tower should it become abandoned or is no longer used to support communication antennas. When required, such bond shall be in an amount no less than 20% of the cost of the tower and shall remain with the County for the life of the tower. Any change in the status of the bond must be reported to the County by the applicant within 30 days.
17. If a communications tower remains unused for a period of 12 consecutive months, the County Planning Commission may consider the use abandoned and may therefore instruct its Zoning Officer to issue a notice to the tower owner to dismantle and remove the facility and associated equipment from the site within 6 months following the date of the notice. Municipal enforcement proceedings and procedures to invoke use of a tower removal bond may be initiated following the 6-month period if the tower has not been satisfactorily removed.

**D. Communications Equipment Buildings**

Communications equipment buildings may be permitted as an accessory use to any communications tower located within the County and shall be subject to the following standards.

1. Structures permitted for the housing of equipment, transformers, and other similar hardware, shall be designed and constructed to be compatible with the general character of the other structures located within the same district, and shall be subject to the setback requirements provided in the District Regulations for the district where they are to be located. Such structures shall house only that equipment necessary to provide normal maintenance and repair for the operations, and shall generally be unmanned.
2. Communications equipment buildings shall be subject to the maximum height requirements of the district in which they are to be located.

#### **428 COMMERCIAL WIND ENERGY FACILITIES**

Commercial wind energy facilities may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Applications for such uses shall also be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.

##### **A. Purpose and Applicability**

The purpose of these regulations is to provide for the construction and operation, and decommissioning of commercial wind energy facilities in Montour County, subject to reasonable conditions that will protect the public health, safety and welfare. The regulations are intended to apply to all new wind energy facilities to be constructed after the effective date of this Ordinance, except personal wind energy facilities as defined herein. Wind energy facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided however, that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall comply with the stated provisions of this Section.

##### **B. Application and Plan Requirements**

Applications for wind energy facilities shall, at a minimum, include the following information.

1. A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
2. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the facility.



3. Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to the site of the facility.
4. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substations, electrical cabling from the facility to the substations, ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of all applicable setbacks.
5. Documents related to decommissioning, including a schedule for such process and financial security.
6. Other relevant studies, reports, certifications and approvals as may be reasonably required by the County to ensure compliance with this Section.

C. Design and Installation

1. Code Requirements and Safety Certifications.
  - a. To the extent applicable, the wind energy facility shall comply with the PA Uniform Construction Code, Act 35 of 1999, as amended, and the regulations adopted by the PA Department of Labor and Industry. In addition, the applicant shall provide sufficient documentation showing that the wind energy facility will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation.
  - b. The design of the facility shall conform to all applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
2. Control and Brakes. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
3. Electrical Components. All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
4. Visual Appearance; Power Lines.

- a. Wind energy facilities shall be a non-obtrusive color such as white, off-white or gray.
  - b. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - c. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.
  - d. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
5. Warnings. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
  6. Climb Protection/Locks. Wind turbines shall not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

#### D. Setback Requirements

1. Property Lines. All wind turbines shall be set back from the nearest property line a distance not less than 1.1 times the turbine height, as measured from the center of the turbine base.
2. Occupied Buildings. Wind turbines shall be set back from the nearest occupied building a distance not less than 1.1 times the turbine height, as measured from the center of the turbine base to the nearest point on the foundation of the occupied building. For occupied buildings located on a non-participating landowner's property, wind turbines shall be set back a distance of five (5) times the turbine height, measured from the center of the turbine base to the nearest point on the foundation of the occupied building.
3. Public Roads. All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

#### E. Use of Public Roads

1. The applicant shall identify all state and local public roads to be used within the applicable municipality to transport equipment and parts for construction, operation or maintenance of the wind energy facility.

2. The municipal Engineer, or other qualified third party, hired by the County and paid for by the applicant, shall document road conditions prior to construction and again 30 days after construction is complete, or as weather permits.

Municipalities may post and bond such local roads in compliance with state regulations, including Chapter 49 of the PA Vehicle Code and Ordinance 189 of the PA Transportation Code.

3. Any road damage caused by the applicant or his contractors shall be promptly repaired at the applicant's expense.
4. The applicant shall demonstrate to the County that he has appropriate financial security to ensure the repair of damaged roads in accordance with a timetable/schedule established by the applicable municipality.

F. Local Emergency Services

The applicant shall provide a copy of the project summary and site plan to local emergency services providers, including paid and volunteer fire departments. At the request of such emergency services providers, the applicant shall cooperate in the development and implementation of an emergency response plan for the wind energy facility.

G. Noise and Shadow Flicker

Audible sound from a wind energy facility shall not exceed 55 dBA, as measured at the exterior of any occupied building on a non-participating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 -1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

H. Signal Interference

The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind energy facility.

I. Liability Insurance

A current general liability policy (adjusted annually to the rate of inflation) covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$3 million in the aggregate shall be maintained by the facility owner or operator. Certificates of insurance shall be provided to the County as

a part of the applicant's application.

**J. Decommissioning**

1. The facility owner or operator shall, at his expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or wind turbines. Such facility or wind turbines shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
3. Disturbed earth shall be graded and re-seeded, unless the land owner requests in writing that the access roads or other land areas not be restored.
4. An independent and certified Professional Engineer shall be retained to estimate the cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to the County Planning Commission after the first year of operation and every fifth year thereafter.
5. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to the identified decommissioning costs; provided, that at no point shall decommissioning funds be less than 25% of the decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the County and applicable municipality.
6. Decommissioning funds may be in form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the County and applicable municipality.
7. If the facility owner or operator fails to complete decommissioning within the period prescribed by paragraph J(1) above, then the land owner shall have six (6) months to complete the decommissioning.
8. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods described by paragraphs J(1) and J(7) above, then the County may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating land owner agreement to the County shall constitute agreement and consent of the parties to the agreement, their respective heirs,

successors and assigns that the County may take such action as necessary to implement the decommissioning plan.

9. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the County concurs that decommissioning has been satisfactorily completed, or upon written approval of the County in order to implement the decommissioning plan.

K. Public Inquiries and Complaints

The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. The facility owner and operator shall make every reasonable effort to respond to the public's inquiries and complaints.

**429 NO-IMPACT HOME-BASED BUSINESSES AND HOME OCCUPATIONS**

No-impact home-based businesses and other home occupations may be permitted as indicated in the District Regulations, Article 3, and shall be subject to the following requirements.

A. No-Impact Home-Based Businesses

No-impact home-based businesses may be permitted in those zoning districts as indicated in the District Regulations, Article 3, but shall be subject to the following standards. (Where deed restrictions or other covenants or agreements limit or prohibit home occupations, it shall be the responsibility of those individuals whose property is governed by such restrictions to enforce the limitations. The County shall have no responsibility for said enforcement.)

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business activity shall be conducted *entirely within the owner's dwelling* and may occupy no more than 25% of the floor area of the residence, not to exceed 400 square feet.
3. The business shall employ no employees other than family members residing in the dwelling.
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 activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference,

including interference with radio or television reception, which is detectable in the neighborhood.

7. The business activity shall not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
8. The business shall not involve any customer, client, or patient traffic, whether vehicular or pedestrian, pick-up, delivery, or removal functions to or from the premises in excess of that normally associated with a residential use.
9. The business shall not involve any illegal activity.

**B. Home Occupations**

Home occupations meeting the following standards may be located within those zoning districts as specified in the District Regulations, Article 3.

1. The home occupation shall be clearly secondary to the use of the principal residential nature or use of the dwelling where it is to be located.
2. In the Rural Residential and Suburban Residential Districts, the area devoted to the permitted home occupation shall be located within the owner's dwelling; no detached, accessory buildings or structures may be used. In all other districts where permitted, the area devoted to the home occupation may be located in the owner's dwelling OR a single building or structure accessory thereto.
3. The home occupation shall occupy no more than 25% of the gross floor area of the dwelling, and in the Rural Residential and Suburban Residential Districts, shall not exceed 400 square feet in size. (No maximum gross floor area standards shall apply to family day care homes.)
4. The home occupation shall be owned and operated by the individual who is the owner and resident of the dwelling in which the occupation is located. There shall be no more than one (1) non-resident employee engaged in the home occupation.
5. The home occupation shall in no way alter the residential character of the neighborhood where it is to be located, nor shall it in any way adversely affect the safety of individual properties in that neighborhood.
6. The home occupation shall not create any adverse impact on existing vehicular traffic or pedestrian circulation patterns in the neighborhood.
7. No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be produced or detected at or beyond the property line of the lot

containing the home occupation.

8. There shall be no exterior display or sign advertising the home occupation, except as may be permitted in Article 7 of this Ordinance, and no outdoor, unenclosed storage of materials associated with the occupation on the site.
9. Off-street parking spaces shall be provided for home occupations as set forth in Article 8 of this Ordinance.
10. The majority of all goods or products sold on the premises must be produced on the site, or must be related to a service offered on the site.
11. Permitted home occupations shall include the following "low-intensity", service-oriented activities which do not meet the criteria for a no-impact, home-based business as set forth above.
  - a. Professional offices for physicians, dentists, architects, engineers, real estate or insurance agents, lawyers, and accountants;
  - b. Home offices for seamstresses, fine artists, tutors, and musicians giving lessons;
  - c. Barber and beauty shops;
  - d. Family day care homes or accessory group day care homes;
  - e. Custom baking and catering operations; and
  - f. Small appliance or non-automotive electronic equipment repair facilities.
12. Requests for other home occupations not specified above may be submitted to the Zoning Hearing Board for consideration. Upon finding of the Board that such use complies with the criteria of this Section, other applicable codes and ordinances in effect in the applicable municipality, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is to be located, such use may be approved.

#### **430 FARM-RELATED BUSINESSES**

Farm-related businesses may be permitted only in those zoning districts and as specified in the District Regulations, Article 3, and shall be subject to the following requirements.

- A. For the purposes of this Ordinance, a farm-related business shall be defined as an accessory commercial enterprise conducted on a farm parcel which is related to and/or supportive of an on-going agricultural operation located on the same tract of ground. All such operations shall remain secondary to the

principal agricultural use of the property.

- B. Farm-related businesses shall be conducted entirely within an enclosed building(s) typical of farm buildings, but may not be located within the farm residence. All buildings used for farm-related businesses shall be located in proximity to other farmstead buildings and must remain compatible with the character of the farm and the rural setting in which they are located.
- C. The farm-related business must be owned and operated by the individual who is the owner and resident of the farm on which it is located. There shall be no more than two (2) non-resident employees engaged in the business.
- D. The area devoted to production, storage and sales associated with the farm-related business shall be limited to a total of 2,500 sq. feet of gross floor area.
- E. No outdoor, unenclosed storage associated with a farm-related business shall become a nuisance or create a safety hazard. All such storage shall meet the requirements set forth in Section 433 of this Ordinance.
- F. All signs used to advertise such facilities shall meet the requirements of Article 7 of this Ordinance.
- G. Off-street parking spaces shall be provided for each farm-related business as set forth in Article 8 of this Ordinance.
- H. Farm-related businesses may include, but need not be limited to, any of the following activities:
  - 1. Processing, storage, and/or sale of products raised or produced on the premises;
  - 2. Dairy stores;
  - 3. Custom butcher shops;
  - 4. Horticultural nurseries, greenhouses, and/or garden shops;
  - 5. Feed or seed sales;
  - 6. Tack shops or blacksmithing operations; and
  - 7. Livestock or animal grooming services.
- I. Requests for other farm-related businesses not specified above may be submitted to the Zoning Hearing Board for consideration. Upon finding of the Board that such use complies with the criteria of this Section, other applicable codes and ordinances in effect in the applicable municipality, and that the proposed use would not be detrimental to the health, safety and welfare of the



residents of the neighborhood where it is to be located, such use may be approved.

#### **431 SWIMMING POOLS**

##### **A. Private Swimming Pools**

Private swimming or bathing pools (pools used by the occupant and his/her guests) may be permitted as accessory uses in all zoning districts, but shall be subject to the following requirements.

1. Every outdoor private swimming pool of seasonal or permanent construction, whether above or below ground, shall be completely surrounded by a fence or wall not less than four (4) feet in height to prevent uncontrolled access. (No additional fence or wall shall be required where a minimum of four (4) feet of the walls around the entire perimeter of the pool are located above the ground; provided, that steps, ladders and other means of access to the pool are removed or secured to a minimum of four (4) feet above ground level when the pool is not in use.) All gates or doors in the fence or wall shall have self-latching or automatic locking devices.
2. A dwelling or accessory structure may be used as part of the required enclosure.
3. No pool shall be located within any required front yard, and all pools shall be set back in accordance with the side and rear yard requirements of the district in which the pool is to be located. (See also Section 504 B. regarding accessory structures.)

##### **B. Public Swimming Pools**

Public swimming or bathing pools, including pools owned and operated by municipal governments, private organizations, or pools provided in conjunction with commercial lodging facilities, mobile home parks, or similar uses, may be permitted only as specified in the District Regulations, Article 3. Such pools shall be subject to all requirements established by the PA Department of Environmental Protection and the PA Department of Health.

#### **432 PERSONAL WIND ENERGY FACILITIES**

Personal wind energy facilities may be permitted only in those zoning districts and as specified in Article 3, the District Regulations. Every application for a personal wind energy facility shall also meet the requirements outlined below.

- A. Personal wind energy wind turbines shall be set back from all property lines no less than a distance equal to their height.
- B. No personal wind energy turbine shall exceed a maximum of 60 feet in height

measured from the elevation of the existing ground surface.

- C. All such wind turbines shall have a demonstrated survival wind speed of 140 miles per hour.
- D. No personal wind energy turbine shall exceed 7.5 kW in capacity.
- E. To avoid creating safety issues, personal wind energy turbines shall not be climbable up to 15 feet above ground surface. Further, all access doors to turbine electrical equipment shall be locked to prevent unauthorized entry.
- F. All personal wind energy facilities shall be designed, installed and inspected in accordance with the requirements of the PA Uniform Construction Code.
- G. The number of personal wind energy turbines permissible per lot shall be as follows:

<u>Lot Size</u>	<u>Maximum Number of Turbines</u>
< 1 acre to 5 acres	1 turbine
5+ acres to 10 acres	2 turbines
+10 acres	3 turbines

- H. If a personal wind energy wind turbine is unused or generates no electricity for a period of 12 consecutive months, the County Planning Commission may consider the turbine to be at the end of its useful life and may therefore instruct its Zoning Officer to issue a notice to the property owner to dismantle or remove the turbine and associated equipment from the site.

#### **433 OUTDOOR, UNENCLOSED STORAGE**

The outdoor or unenclosed storage of materials, equipment, or items of personal property may be permitted as an accessory use on any lot, in all zoning districts, but shall be subject to the following standards.

- A. Such storage shall be located on a lot occupied by the owner of the materials or items of personal property.
- B. Such storage shall not constitute a nuisance nor create of safety hazard, nor shall it occupy more than 400 square feet of the area of any lot, except for products or equipment used in the performance of agricultural activities.
- C. 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 for the district in which it is to be located.
- D. 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.

- E. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except those directly connected to heating devices, appliances located on the same premises, or facilities authorized to sell or distribute such products.
- F. All materials or wastes which might cause fumes or dust or which constitute a potential fire hazard or which may be attractive to rodents or insects shall be stored only in properly closed and sealed containers.
- G. All outdoor, unenclosed storage associated with commercial or industrial uses shall be screened or shielded from view from adjacent properties and/or public streets or rights-of-way by a fence, wall, or screen plantings as provided in Section 506 of this Ordinance.
- H. No outdoor, unenclosed storage shall be permitted in a Floodway District. Where permitted with a Flood Fringe or General Floodplain District, all such storage shall be floodproofed to avoid being transferred from the site during times of flooding.
- I. In no case shall the storage cause the lot to become a junk yard, nor shall such accumulation become an independent commercial operation.

#### **434 ACCESSORY STORAGE TRAILERS**

Accessory storage trailers may be permitted only in those zoning districts as specified in the District Regulations, Article 3. Every application for the use of an accessory storage trailer shall meet the requirements outlined below.

- A. Storage trailers may only be permitted as accessory uses in the Commercial, Industrial and Agriculture Districts. Such units must be used for storage purpose and all unused or vacant units must be removed from the site.
- B. Storage trailers shall be placed on a graded, level site. When such units are to be permanent, their wheels and axles shall be removed and the unit shall be placed on a foundation or otherwise affixed to the ground. Permanent storage trailers shall meet all Ordinance requirements for accessory structures in the district where they are located. Where such units are to be temporary however, wheels may be left on the unit as a means of facilitating its use and movement and such units shall remain licensed, registered and inspected at all times.
- C. There shall be no residential or commercial use of accessory storage trailers.
- D. In the Commercial and Industrial Districts, no accessory storage trailer may be on a lot for more than 180 day in any calendar year. Furthermore, there shall be no more than three (3) storage trailers located on the same tract of ground at the same time.

- E. No accessory storage trailers shall be placed within an identified Floodway area. When located within any other identified floodplain area, all such units shall be floodproofed in accordance with the standards set forth in Article 6 of this Ordinance.
- F. Permitted storage trailers, whether temporary or permanent, shall meet all setback requirements for the district in which they are to be located.
- G. No sign shall be painted, erected, affixed, supported or maintained on an accessory storage trailer.

**435 TEMPORARY STRUCTURES AND/OR USES**

**A. Mobile Homes or Construction Site Trailers**

Mobile homes providing temporary quarters, either for residential, commercial, or industrial uses, or construction site trailers may be authorized by the Zoning Officer, but only for limited periods of time. When so authorized, such units shall be subject to the following standards.

1. A Temporary Zoning Permit shall be required, and when issued, shall indicate the specific period of time for which the authorization is granted. No Temporary Permit for such uses shall be issued for a period of time exceeding six (6) months, except as provided in Sub-part 2 below.
2. The Zoning Officer may authorize an extension to or renew the Temporary Permit for as many as two (2) additional 6-month periods, if, in the Zoning Officer's opinion, the applicant encountered unforeseen circumstances in carrying out the operation for which the original Temporary Permit was issued; or if the Permit covered residential use, the refusal of an extension would cause an undue hardship to the applicant.
3. Information concerning water supply and sewage disposal facilities to be used shall be presented by the applicant as part of his Zoning Permit application, along with assurance from the PA Department of Environmental Protection or applicable municipal Sewage Enforcement Officer that these arrangements are adequate.
4. All mobile homes being used to provide temporary quarters shall meet the minimum setback requirements for the district in which they are to be located.
5. All such mobile homes shall be removed from the site by the applicant upon expiration of the Permit at no cost to the County or applicable municipality.
6. No mobile homes shall be placed in an identified Floodway area. Every

such unit to be placed in the Flood Fringe or General Floodplain area must comply with all applicable provisions contained in Article 6 of this Ordinance.

**B. Temporary Commercial Uses/Vendor Sales**

Temporary commercial uses/vendor sales, including, but not limited to, periodic parking lot sales of fireworks, flower tents, and similar activities, may be authorized by the County Zoning Officer in any zoning district. A Zoning Permit shall be required for all such activities and they shall be subject to the following standards.

1. Applications for such temporary uses shall include specific dates and the location where the activity is to be located.
2. Written permission shall be submitted with the Zoning Permit application where the use is to take place on property not owned by the applicant.
3. Adequate off-street parking shall be provided to accommodate the proposed use.
4. If located within an identified 100-year floodplain, the use must be completely removed from the floodplain if there is a threat of flood or a flood warning is issued.

**C. Other Temporary Uses**

Other low-impact or no-impact temporary uses deemed beneficial to the public health or general welfare of the County residents or necessary to promote proper development of the municipality, including yard, garage or porch sales; flea markets; or auctions may be permitted to be located in any zoning district. No Zoning Permit shall be required for these uses or activities. Temporary uses shall however be subject to the following standards. (See also Section 421 for requirements for temporary roadside stands.)

1. All such temporary uses shall be limited to three (3) continuous days no more than four (4) times in any calendar year.
2. If the temporary use is to take place on a lot or land not owned by the applicant, the applicant shall obtain written permission from the owner of the property to conduct the proposed activity.
3. Adequate off-street parking shall be provided to accommodate the proposed temporary activity.
4. All temporary uses located within an identified 100 year floodplain shall be completely removed from the floodplain by the user if there is a threat of flooding or a flood warning is issued.

## 436 OIL & GAS DEVELOPMENT

### A. General Development Requirements

1. Permit Requirements. A Zoning Permit shall be required prior to the commencement of all oil and gas operations, including the development of natural gas or oil wells, within the municipalities governed by this Ordinance. A modified Zoning Permit shall be required where alterations are proposed to change the size, type, location or number of wells on a pad, or physically modify existing buildings related to such operations. Like-kind modifications and/or replacements shall however be exempt from this requirement. No Zoning Permit shall be required for seismic testing.
2. Permit Application. The applicant shall provide the County with the following information at the time of Permit application.
  - a. A narrative providing an overview of the project including the acreage to be involved, the number of wells to be drilled on the site, and the location, number and description of equipment and structures to be used for the development, to the extent known.
  - b. A map showing the location of the oil and gas well site, the location of derricks, drilling rigs, equipment and structures, and all permanent improvements to be made to the site.
  - c. A narrative and map describing all routes to be used to access the development site, including those used for delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the site.
  - d. A statement that the development will be constructed and operated in compliance with all Federal and State permitting requirements and copies of all such Permits issued at the time of submittal, including any DEP Permits and any applicable PennDOT Highway Occupancy Permits.
  - e. A narrative describing the environmental impacts of the proposed development on the site and surrounding land and the measures proposed to protect or mitigate such impacts, where such description is not provided as part of DEP documents required under Sub-Section 436 A.2.d above.
  - f. A certificate or evidence satisfactory to the County and impacted municipality that, prior to the commencement of any oil or gas development, the applicant shall have accepted and complied with any and all municipal Ordinances in effect at the time of application addressing Motor Vehicle Weight Limitation and Bonding requirements for all municipal roadways that are to be used for access to the

development site for construction, drilling activities, and other site operations. (See also Sub-Section 436 A.2.d above for access requirements for State-owned roadways.)

- g. A site address for the development site determined by the County's 9-1-1 addressing program for emergency and safety purposes. Such address shall be conspicuously posted at the nearest point of public access to the site.
- h. A copy of the Preparedness, Prevention and Contingency Plan prepared for the development site and verification that a copy has also been provided to the local emergency service providers. Such Plan shall include contact information of the individual responsible for operation and activities at the development site, including telephone numbers where such individual can be contacted on a 24-hour basis.

**B. Natural Gas Compressor Stations, Processing Plants or Metering Stations**

Natural gas compressor stations, processing plants or metering stations may be permitted as Special Exception Uses in the Agriculture and Woodland Zoning Districts, but shall be subject to the following requirements, as well as all other applicable State and Federal regulations.

- 1. Permit Requirements. A Zoning Permit shall be required prior to the construction of any new or substantially improved natural gas compressor station, processing plant or metering station.
- 2. Permit Application. In addition to the information required in Sub-Section 436 A.2 of this Ordinance, the applicant shall provide the County with the following information at the time of Permit application for a natural gas compressor station, processing plant or metering station.
  - a. A narrative providing an overview of the project as it relates to the proposed compressor station, processing plant or metering station.
  - b. A map showing the location of the natural gas compressor station, processing plant or metering station, including any equipment and structures and all permanent improvements to be made to the site.
- 3. Permit Processing. All Zoning Permit applications for natural gas compressor stations, processing plants or metering stations shall be processed in accordance with the procedure set forth in Section 1202 of this Ordinance.
- 4. Design and Installation. The following standards shall be used by the applicant for the design of natural gas compressor stations, processing plants or metering stations.

- a. **Building Design.** In order to minimize noise generated from such facilities, all compressors shall be located within a completely enclosed, acoustically designed building. Additional sound mitigation devices shall be installed where needed to address noise levels that exceed the permissible sound levels. (See Sub-Section 436 B.4.f. below.)
- b. **Height Standards.** Permanent structures associated with natural gas compressor stations, processing plants or metering stations shall comply with the height regulations for the zoning district in which they are to be located.
- c. **Setback Requirements.** Natural gas compressor stations, processing plants or metering stations shall comply with the following setback and buffering requirements, unless provided otherwise by the County in unique situations:
  - 1) All compressor stations, processing plants and metering stations shall be set back at least 750 feet from any existing building or public road rights-of-way.
  - 2) All such buildings, structures and equipment shall be set back at least 300 feet from all adjoining property lines, unless approved otherwise by the property owner, and 1000 feet from any school, hospital, nursing home, park, playground or church.
  - 3) All buildings or structures housing compressor stations, processing plants or metering stations shall be set back a minimum of 200 feet from any body of water, perennial or intermittent stream, or wetland. This requirement shall not apply to any required discharge or intake structure or facilities at the receiving stream or water supply. Ancillary facilities, such as offices, employee parking and accessory structures shall comply with the setback requirement.
- d. **Lighting.** Lighting at a natural gas compressor station, processing plant or metering station shall be limited to security lighting, when practicable, and shall be directed downward and inward towards the activity to minimize glare on adjacent properties or public roadways.
- e. **Fencing.** All such facilities shall be protected by a continuous chain-link fence around the perimeter of the facility at least eight (8) feet in height. All openings shall be provided with locking gates.
- f. **Noise Control.** At no point beyond the boundary of the lot lines of any compressor station, processing plant or metering station shall the exterior noise level resulting from the use on the lot exceed a maximum of 60 dBA during daytime hours and 55 dBA during



nighttime hours. Exemptions from these noise standards may be granted by the applicable municipality for good cause shown and upon written agreement between the applicant and the municipality.

- g. Prohibition. No natural gas compressor station, processing plant or metering station shall be located within any FEMA-identified 100-year floodplain.

### C. Gathering Lines

Gathering lines associated with oil and gas development may be permitted to be located in all zoning districts under jurisdiction of this Ordinance, but shall be subject to the following requirements, as well as all other applicable State and Federal regulations.

1. Permit Requirements. A Zoning Permit shall be required prior to the construction of pipelines that deliver gas or oil from a well site to any interstate or intrastate transmission line or lines.
2. Permit Application. The applicant shall provide the County with all pertinent information required in Sub-Section 436 A.2 of this Ordinance as part of the application for a staging area.
3. Permit Processing. All Zoning Permit applications for gathering lines shall be processed in accordance with the procedure set forth in Section 1202 of this Ordinance.
4. Design and Installation.
  - a. Setback Requirements. Gathering lines shall be setback at least 100 feet from all existing property lines and 500 feet from any school, hospital, nursing home, park, playground or church.
  - b. Roadway Crossings. A Highway Occupancy Permit shall be required for the crossing of any State or municipal roadway, whether by open cut or boring. The applicable municipality may require such crossing to be done by boring when they deem it necessary.
  - c. Installation. Gathering lines must be buried to such depth as will assure that the top of the pipe is at least three (3) feet from the ground surface in order to avoid inadvertent contact. Trenches shall be backfilled and compacted satisfactorily to prevent future settlement, to the extent possible. A minimum of ten (10) inches of topsoil shall be provided where pipelines cross farm fields or other open, undeveloped areas. All existing fences, including agricultural fencing, which are removed or displaced by pipeline construction, shall be replaced to their pre-construction condition as part of the pipeline installation project.

## 437 OUTDOOR FURNACES

Outdoor Furnaces may be permitted as an accessory use in all zoning districts, but shall be subject to the requirements outlined below, **unless regulated otherwise by municipal ordinance.**

### A. Applicability

The regulations of this Section shall apply to all outdoor furnaces situated within the municipalities under jurisdiction of this Ordinance, but shall exclude the following:

1. grills or cooking stoves using charcoal, wood, propane or natural gas; or
2. stoves, fireplaces, furnaces or other heating devices located within a building or structure used for human habitation.

### B. Existing Furnaces

Outdoor furnaces that were installed prior to the effective date of this Ordinance may continue to be operated provided that they meet the following standards.

1. All existing outdoor furnaces that do not meet the yard or setback requirements of this Ordinance shall be considered existing nonconforming structures.
2. If an existing outdoor furnace becomes a viable nuisance, as defined by local or state law, the following steps shall be taken to correct or abate such nuisance.
  - a. The unit shall be modified by the owner to eliminate the nuisance by extending the chimney or relocating the furnace or both; or
  - b. Operation of the unit shall be discontinued until reasonable steps can be taken to ensure the furnace will not be a nuisance.
3. Replacement furnaces shall comply with all requirements of the Ordinance, including setback and chimney requirements.

### C. Setback Requirements

1. All outdoor furnaces shall be located on the property in compliance with the manufacturer's recommendations with respect to clearance for combustible materials. Due consideration shall also be given to prevailing wind directions when locating any furnace.
2. No outdoor furnace shall be located in front of the building to which is

accessory, except in the A or W District where the lot is in excess of 10 acres.

3. Outdoor furnaces shall be set back at least 25 feet from all side and rear property lines, unless greater setback is required in the applicable District Regulations.
4. Furnaces shall be located at least 100 feet from any residence other than the dwelling served by the furnace. There must however be a minimum of 25 feet between the unit and the residence being served.

#### D. Furnace Use and Installation Standards

##### 1. General Regulations.

- a. All furnaces shall comply with emission standards established for outdoor furnaces by the Environmental Protection Agency (EPA). All such emission standards currently required by the EPA, or as may hereafter be amended or modified, are included by reference to this Ordinance.
- b. Ashes or waste generated by the furnace may be disbursed on the property where the unit is located; however, all such applications shall meet the requirements established by the PA Department of Environmental Protection.
- c. Any person utilizing or maintaining an outdoor furnace shall be responsible for any and all fire suppression costs and any other liability resulting from damage caused by a fire.

2. Materials that may be Burned. Only natural untreated wood, wood pellets, charcoal, peat, coal, and similar materials, including pellets made from corn, wheat, rye and other grains may be burned in a new or existing outdoor furnace. Burning of any other materials shall be prohibited.

In particular, the following materials may **NOT** be burned. (See also Sub-Section E. below.)

- a. Wood that has been painted, varnished or coated with similar material or has been pressure treated with preservatives such as creosote, and contains resins or glues as in plywood or other composite wood products;
- b. Rubbish or garbage, including but not limited to, food wastes, food packaging or food wraps, animal carcasses, shingles, demolition debris, or other household or business wastes;
- c. Any plastic material, including but not limited to, nylon, PVC, ABS,

polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers;

- d. Rubber, including tires or other synthetic rubber-like products;
- e. Newspaper, cardboard, or other paper with ink or dye products;
- f. Waste oil or other oily wastes;
- g. Asphalt and products containing asphalt; and
- h. Any other items not specifically recommended by the unit manufacturer.

**E. Chimney Requirements**

- 1. All outdoor furnaces installed subsequent to enactment of this Ordinance shall have a minimum chimney height of 20 feet above the average finished grade of the site upon which the furnace is located, unless the unit is to be placed at an elevation well above the surrounding dwellings, as determined by the Zoning Officer.
- 2. All chimneys shall be firmly secured to prevent toppling and shall be fitted with a spark arrestor.
- 3. A draft-induced blower shall be installed on the chimney to create a positive draft.

**F. Permit Requirements**

After the effective date of this Ordinance, no person shall construct, install, establish or maintain any outdoor furnace without first obtaining a Zoning Permit.

**438 WATER CONSERVATION DISTRICT RESIDENTIAL WELL REGULATIONS**

Within the Water Conservation District, buildings, structures and lots shall be subject to the District Regulations set forth in Section 312 of this Ordinance, and in addition, the following requirements shall apply for single-family residential wells proposed to be located in the zone.

The building site developer shall drill wells in accordance with the following minimum standards for single-family residential home sites.

- 1. A test well shall be drilled for each proposed lot. More than one test well may be drilled, however, for purposes of administering this Ordinance, the results of one test well only shall apply.

2. The selected test well must produce a minimum of 5 gallons per minute (GPM) for single-family residential use as a condition for obtaining a Building Permit. Where this cannot be achieved, a Building Permit may be issued conditioned upon meeting the well yield and water storage tank requirements set forth in Sub-Part 5 below.
3. Where water storage is required as set forth in Sub-Part 5 below, a code-approved well flow restrictor valve and water storage tank shall be installed.
4. All wells regulated by this Ordinance shall have 50 feet of cased, in-well water storage. In-well cased water storage capacity shall not alter the minimum storage tank size requirements of this Ordinance.
5. Where groundwater storage is required as a condition of obtaining a Building Permit, the following storage requirements shall apply:

<u>WELL YIELD (GPM)</u>	<u>STORAGE TANK REQUIREMENT</u>
More than 5 GPM	Permitted - Storage Not Required
0.5 GPM to 5 GPM	400 Gallons Minimum Storage Required
Less than 0.5 GPM	Not Permitted

6. Well yields must be verified from the well driller's report before a Building Permit is issued.

## ARTICLE 5

### SUPPLEMENTARY LOT REGULATIONS

#### 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 in all zoning districts or are to be applied to specific situations as stated herein.

#### 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 in Article 3, the District Regulations, of this Ordinance. In addition, all provisions set forth for lots in the Montour County Subdivision and Land Development Ordinance shall be met.
- B. Every principal building hereinafter erected shall be located on a lot as defined. There shall not be more than one principal residential building and its accessory structures on one lot, except in the case of multi-family housing developments, mobile home parks, or other land developments approved pursuant to the requirements of the Montour County Subdivision and Land Development Ordinance.
- C. Every lot created hereafter shall be adjacent to a public street or shall have access to a public street via a private street or right-of-way approved pursuant to the requirements of the County's Subdivision and Land Development Ordinance.
- D. Lot width shall be measured at the minimum required front setback line, except that lots located on cul-de-sac turn-arounds or curves in the road or lots of unusual shape may have widths 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 have a width of less than 75 feet measured at the front setback line.
- E. No portion of a lot included in a street right-of-way shall be included in calculating the lot's area.
- F. No space applied or necessary under this Ordinance to satisfy the yard and area requirements in relation to any building or use, whether now or subsequently built or constructed, shall be counted or used as part of the

required open space or area in relation to any other building or use.

## **502 YARD REQUIREMENTS**

### **A. Projections**

1. Chimneys, fireplace flues, air conditioning condenser units, cornices, eaves, gutters, steps, or bay windows may project into any required yard, but not more than 24 inches.
2. Porches, patios, decks, loading docks, and attached carports, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into any required yard.

### **B. Front Yards**

1. Front yard setbacks shall be as set forth in Article 3, the District Regulations, and shall be measured from road centerline or the edge of the adjoining road street right-of-way, whichever is greater. Where however, a lot has no road frontage, the front yard setback shall be measured from the edge of the front property line, or in the case of a "flag lot", the front yard requirement shall be measured from the edge of the longest lot line opposite the rear lot line.
2. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may extend in the required front yard a distance equal to the building situated furthest back.
3. In any district, where 50% or more of the frontage of the block upon which a proposed building is to be located is already improved with buildings having front yards less than the depth required for the district, then the front yard of the unimproved lot may be the same depth as the average of the front yards for the remainder of the block.
4. Where an addition is proposed for an existing principal residential building which existed at the time of enactment of this Ordinance and which extends into the required front yard setback area, the addition may be authorized by the Zoning Officer so long as: the addition extends no further into the required front yard than the existing structure; it does not obstruct the clear sight triangle of an intersection; and it is no closer than ten (10) feet to the edge of the adjoining road right-of-way (or front property line where the lot has no road frontage). (See also Section 900 D.2 of this Ordinance for extensions or enlargements proposed for nonconforming buildings or structures.)
5. Accessory buildings or structures may not be erected or located within any required front yard setback area, except for fences (as provided in Section

504 C. below), signs (as regulated in Article 7), or as may be provided otherwise in Article 4, the Supplementary Use Regulations, for specific uses. (See also Section 502 D.4 for setback requirements for double frontage lots and Section 504 B. for additional standards pertaining to accessory buildings or structures.)

6. Off-street parking and loading areas may be located within the required front yard setback area, but only as provided in the District Regulations, Article 3.

### C. Side Yards

1. Side yards shall be measured from the edge of the side property line or from the edge of the right-of-way of any adjoining street, road or alley.
2. On a corner lot, the side yard abutting the street shall have a width equal to the required front yard depth for the district in which the lot lies.
3. Where an addition is proposed for an existing, principal residential building which existed at the effective date of this Ordinance and which extends into the required side yard setback area, the addition may be authorized by the Zoning Officer so long as: the addition extends no further into the required side yard than the existing structure; it does not obstruct the clear sight triangle of an intersection; and it is no closer than ten (10) feet to any property line nor closer than 10 feet to the edge of the right-of-way of any adjoining street, road or alley. (See also Section 900 D.2 of this Ordinance for extensions or enlargements proposed for nonconforming buildings or structures.)
4. Accessory buildings or structures may not be erected or located within any required side yard setback area, except for fences (as provided in Section 504 C. below), signs (as regulated in Article 7), or as may be provided otherwise in Article 4, the Supplementary Use Regulations, for specific uses. Where a side yard is adjacent to a street, road or alley, all accessory structures shall be set back a minimum of 10 feet from the edge of the right-of-way of the roadway. (See also Section 504 B. for additional standards pertaining to accessory buildings or structures.)
5. Off-street parking and loading areas may be located within the required side yard setback area, but only as provided in the District Regulations, Article 3.

### D. Rear Yards

1. Rear yards shall be measured from the rear property line or from the edge of the right-of-way of any adjoining street, road or alley.
2. Where an addition is proposed for an existing, principal residential building which existed at the effective date of this Ordinance and which extends into the required rear yard setback area, the addition may be authorized by the



Zoning Officer so long as: the addition extends no further into the required rear yard than the existing structure; it does not obstruct the clear sight triangle of an intersection; and it is no closer than ten (10) feet to any property line nor closer than 10 feet to the edge of the right-of-way of any adjoining street, road or alley. (See also Section 900 D.2 for extensions or enlargements proposed for nonconforming buildings or structures.)

3. Accessory buildings or structures may be erected or located within a rear yard, but only as set forth in Article 3, the District Regulations. No accessory buildings or structures shall however be located within a required rear yard setback area except for fences (as provided in Section 504 C. below), signs (as regulated in Article 7), or as may be provided otherwise in Article 4, the Supplementary Use Regulations, for specific uses.
4. Where a rear yard is adjacent to a street, road or alley, (including double-frontage lots), accessory structures may be set back at the same depth as the average of the rear yards for the remainder of the block, but no less than ten (10) feet from the edge of the rear property line or right-of-way line of the street, road or alley. (See also Section 504 B. for additional standards pertaining to accessory buildings or structures.)
5. Off-street parking and loading areas may be located within the required rear yard setback area, but only as provided in the District Regulations, Article 3.

### **503 HEIGHT REGULATIONS**

- A. The maximum height regulations set forth in Article 3, the District Regulations, shall not apply to spires, belfries, cupolas, chimneys, ventilators, skylights, flag poles, utility poles, solar collectors or related equipment, and ornamental or other necessary mechanical appurtenances normally associated with homes, churches and similar establishments. Such appurtenances shall however be erected only to such height as is necessary to accomplish their intended purpose and shall not be used for human occupancy.
- B. Agricultural or industrial structures such as barns, silos, grain elevators, water storage or cooling tanks, discharge stacks, or similar types of structures generally erected to heights exceeding the maximum limits established in the District Regulations for the zones where they may be located, may also exceed the designated height regulations, provided that such appurtenances are erected only to such height as is necessary to accomplish their intended purpose, and in the case of structures being proposed for location adjacent to a Suburban Residential or Village Center District or residential use, are set back a distance equal to their height from all property lines.
- C. Commercial communications towers or commercial wind energy facilities may also exceed the maximum height regulations set forth in Article 3, the District Regulations, provided that they meet the height and setback provisions set forth in Sections 427 and 428 of this Ordinance.

- D. 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 U.S. Department of Transportation, Federal Aviation Administration (FAA).

## **504 MISCELLANEOUS REGULATIONS**

### **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 429 B.) sufficient parking spaces, lot area, 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 authorized as part of a land development approved pursuant to the requirements of the County Subdivision and Land Development Ordinance.

### **B. Accessory Buildings or Structures**

An accessory building(s) or structure(s) may be maintained in conjunction with a permitted, principal use provided that the following standards are met:

1. Accessory buildings or structures shall be set back in accordance with the yard requirements established in Article 3, the District Regulations and the supplemental requirements provided in Section 502 above.
2. An accessory structure shall be considered "attached" to and a part of a principal structure when the two structures share: 1) a common roof line; 2) a common foundation; or 3) a common wall, whether or not the connecting area is open on the sides or is fully enclosed.
3. In the Suburban Residential and Village Center Districts, no accessory structure, utility shed, or swimming pool shall be located in front of the front building line of its principal structure.
4. No manufactured housing, mobile home units, buses, van bodies, or truck trailers may be used as accessory buildings or structures, except that temporary storage trailers may be permitted in the Commercial, Industrial and Agricultural Districts.
5. The height of all accessory buildings or structures shall be as set forth in Article 3, the District Regulations, except as may be provided otherwise in Article 4, the Supplementary Use Regulations, or in Section 503 above.

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

1. Fences or walls not exceeding six (6) feet in height may be erected within any of the required yard setback areas, unless otherwise restricted or prohibited by provisions of this Ordinance. (See Sub-Section 2 below.)

Security fencing may however be erected in the Commercial and Industrial Districts with a maximum height of ten (10) feet.

2. No Zoning Permit shall be required for the installation of a fence or wall so long as the installation meets the following requirements.
  - a. No fence or wall may be erected which could cause danger to vehicular traffic on a street or road (whether public or private) by obscuring a driver's view or which does not comply with the clear sight triangle requirements contained in Section 504 D. below.
  - b. Fences shall be setback from all adjoining property lines a sufficient distance to allow for their on-going maintenance, including painting, weed control and grass mowing.
  - c. Fences having only one finished side shall be installed so that the finished side faces out and away from the subject property.
  - d. All fences to be placed in an identified floodplain area shall also meet the floodplain management regulations set forth in Article 6 of this Ordinance.
3. Agricultural fences shall be exempt from these regulations, unless located in an identified floodplain.

#### D. Clear Sight Triangle Requirements

No obstructions or plantings measuring higher than 30 inches or hanging lower than 8 feet above the established grade of the street at the property line shall be permitted within the clear sight triangle of any street intersection. A clear sight triangle shall be defined as that area of unobstructed vision at a street 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 local street and a driveway, the distance from the centerline intersection shall be 25 feet.
2. For the intersection of a local street and an alley or two (2) local streets, the distance from the intersection of the street centerlines shall be 75 feet.
3. For the intersection of a local street and collector street or two (2) collector streets, the distance required shall be 150 feet, or as may be required otherwise by PennDOT where State Routes are involved.

#### E. Maximum Building Coverage

The percentage of land covered by principal and accessory buildings or structures on each lot shall not be greater than is permitted in Article 3, the

District Regulations, for the district in which the lot is located. For the purposes of this Ordinance, swimming pools shall be excluded from the calculation of maximum building coverage.

F. Erosion and Sedimentation Control

All erosion and sedimentation control requirements set forth in the Montour County Subdivision and Land Development Ordinance and the Department of Environmental Protection's Title 25, Ordinance 102 "Erosion Control", as administered by the Montour County Conservation District, shall be met to the satisfaction of the County Zoning Officer prior to the issuance of a Zoning Permit.

G. Drainage and Stormwater Management

All drainage and stormwater management standards set forth in the Montour County Subdivision and Land Development Ordinance, Act 1978-167 (the PA Stormwater Management Act), and any Watershed Stormwater Management Ordinance in effect in Montour County, as administered by the Montour County Conservation District, shall be met to the satisfaction of the County Zoning Officer prior to the issuance of a Zoning Permit.

H. Outdoor Lighting

All outdoor flood lighting and spot lighting, whether on public or private premises, shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or on public streets. No moving or flashing lights shall be permitted in any zoning district.

**505 BUFFER YARDS/LANDSCAPING**

A. In the Commercial District, where a commercial use (commenced after the effective date of this Ordinance) adjoins a Residential District, a buffer yard of at least 15 feet shall be provided, unless required otherwise in Article 4, the Supplementary Use Regulations. In the Industrial District, a buffer yard of at least 30 feet shall be provided where an industrial use (commenced after the effective date of this Ordinance) abuts a Residential District. Such buffer yard shall be a part of the commercial or industrial installation and shall be parallel and adjacent to the residential district boundary.

B. In the Commercial District, where a commercial use (commenced after the effective date of this Ordinance) abuts another lot in the Commercial District, a buffer yard of 10 feet shall be provided between lots. In the Industrial District, where one industrial use abuts another lot in the same district, a minimum buffer yard of 20 feet shall be provided.

C. All required buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Where required

within or in place of buffer yards, screening shall be accomplished in accordance with Section 506 below.

- D. A buffer yard may be considered as part of the required yard space.
- E. No structure, storage of materials, or off-street parking and loading areas shall be permitted within any required buffer yard; however, utilities and access drives may cross such yards, but shall do so as closely to perpendicular as possible.

## **506 SCREENING**

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

### **A. Screen Plantings**

1. Screen planting shall be provided as set forth in Article 4, the Supplementary Use Regulations, or where determined necessary by the County Planning Commission or County Zoning Hearing Board, as applicable, 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 plantings shall be of such species as will produce, within two (2) years, a complete visual screen six (6) feet in height and shall be of such density as is necessary to achieve the intended purpose.
3. Screen planting shall be maintained permanently by the lot owner, and any plant material which does not live shall be replaced within one (1) year.
4. Screen planting shall be placed so that, at maturity, it will be no closer than five (5) feet to any street right-of-way or property line.
5. Screen planting shall be broken only at points of vehicular or pedestrian access or utility easements. In accordance with the provisions of Section 504 D. however, a clear sight triangle must be maintained at all street intersections.
6. Where a commercial or industrial use (commenced after the effective date of this Ordinance) abuts an existing residential use or 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, screen plantings as set forth above, the County Planning Commission or County Zoning Hearing Board, as applicable, 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 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.
3. Fences or walls used to provide required screening shall meet the requirements set forth in Section 504 C. of this Ordinance.
4. Any fence or wall used to provide required screening shall be owned and maintained in a structurally sound condition by the property owner.

C. Berms or Other Natural Landforms

1. In lieu of, or in addition to, screen plantings as set forth above, the County Planning Commission or County Zoning Hearing Board, as applicable, may consider the use of an earthen berm or other existing or proposed landform as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.
2. Berms or landforms used to provide required screening shall be of such height and of such type as is necessary to achieve the intended purpose.
3. Any berm or landform used to provide required screening shall be owned and maintained in satisfactory condition by the property owner, and may not be altered except for usual maintenance.

## ARTICLE 6

### **SUPPLEMENTARY FLOODPLAIN MANGEMENT REGULATIONS**

#### **600 GENERAL PROVISIONS**

##### **A. Purpose**

The purpose of these provisions 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 supplies and natural drainage patterns;
4. reduce financial burdens imposed on the community, its governmental units, and residents by preventing excessive development in floodprone areas; and
5. comply with federal and state floodplain management requirements.

##### **B. Applicability**

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development within any of the municipalities under jurisdiction of this Ordinance unless a Zoning Permit has been obtained from the County Zoning Officer/Floodplain Administrator. A Permit shall not be required for minor repairs to existing buildings or structures.

##### **C. Interpretation of District Boundaries**

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

##### **D. Warning and Disclaimer of Liability**

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas

outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

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

## **601 BASIS FOR FLOODPLAIN DISTRICTS**

### **A. Identification**

1. For the purposes of this Ordinance, the identified floodplain area shall be all those areas in the municipalities under jurisdiction of this Ordinance which are subject to the 100 year flood, and classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and their accompanying Flood Insurance Rate Maps (FIRMs) dated May 16, 2008 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.
2. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Montour County and are declared to be a part of this Ordinance.
3. For the purposes of this Ordinance, the floodplain districts shall be overlays to the existing underlying districts as shown on the official Montour County Zoning Map. As such, the provisions of the floodplain districts shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements for the floodplain districts and those of any underlying district, the more restrictive provisions pertaining to the floodplain shall apply.

### **B. Description of Floodplain Areas**

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

1. The Floodway Area/District (FW) shall be those areas identified as the AE Zone with floodway in the Flood Insurance Study (FIS) as prepared by the FEMA and as shown on the Flood Insurance Rate Map (FIRM) as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.



2. The Flood Fringe Area/District (FF) shall be those areas identified as the AE Zone without floodway on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided in the FIS but no floodway has been delineated.
3. The General Floodplain Area/District (FP) 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. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the municipality may require the applicant to determine the base flood elevation using 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 County.

C. Changes in Identification of Areas

The identified floodplain area may be revised or modified by the Montour County Planning Commission where studies or information provided by a qualified agency or individual documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area (SFHA), approval must be obtained from FEMA. Additionally, as soon as practicable, but no later than 6 months after the information becomes available, the County shall notify FEMA of the changes to the SFHA by submitting technical or scientific data. (See Section 603 B. of this Ordinance for situations where FEMA notification is required.)

**602 FLOOD DAMAGE CONTROL PROVISIONS**

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all construction, development, and substantial improvement occurring in any designated floodplain areas/districts:

A. General Technical Requirements

1. Within the identified floodplain areas/districts the development or use of land shall be permitted provided that such development or use complies with the restrictions and requirements of this and all other applicable

codes and ordinances in effect in the municipalities under jurisdiction of this Ordinance.

2. Within any Floodway Area/District, the following provisions shall apply:
  - a. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the applicable municipalities during the occurrence of the base flood discharge.
  - b. No new construction or development shall be allowed, unless a permit is obtained from the PA Department of Environmental Protection Regional Office.
3. Within any FF Area/District (the AE Zone without floodway), the following provisions shall apply:
  - a. No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the PA Department of Environmental Protection Regional Office.
  - b. No permit shall be granted for any construction, development, use or activity unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
4. The standards and specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions, shall apply to all Sections of this Article, to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.
  - a. International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
  - b. International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

#### **B. Elevation and Floodproofing Requirements**

1. Residential Structures. Within any identified floodplain area, the lowest floor (including basement) of any new construction or substantial improvement of a residential structure shall be elevated up to, or above,

the base flood elevation.

2. Non-residential Structures.

- a. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the base flood elevation OR be designed and constructed so that the space enclosed below the base flood elevation is: 1) floodproofed 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. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

3. Space Below the Lowest Floor.

- a. Fully enclosed space below the lowest floor (excluding basement) which will be used solely for parking of vehicles, 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 floodwaters 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 shall 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; and
  - 3) openings may be equipped with screens, lovers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### C. Design and Construction Standards

The following minimum standards shall apply to all construction and development proposed for any identified floodplain areas.

1. Fill: If fill is used, it shall:
  - a. extend laterally 15 feet beyond the building line from all points;
  - b. consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
  - c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
  - d. be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer; and
  - e. be used only to the extent to which it does not adversely affect adjacent properties.
2. Special Requirements for Mobile Homes & Recreational Vehicles. For the purposes 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 180 consecutive days.
  - a. Within any identified Floodway Area/District all mobile homes shall be prohibited.
  - b. Where permitted within any identified floodplain area, all mobile homes, and any improvements thereto, shall be:
    - 1) placed on a permanent foundation;
    - 2) be elevated so that the lowest floor is at least one and one-half (1 ½) feet above the base flood elevation; and
    - 3) be anchored to resist floatation, collapse or lateral movement.
  - c. Installation of mobile homes shall be done in accordance with the manufacturer's 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 edition thereto, shall apply as well

as 34 PA Code Chapters 401-405, as amended.

- d. Consideration shall be given to the installation requirements of the 2009 IBC and the 2009 IRC or the most recent revisions thereof and the 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.
- e. Recreational vehicles placed in an identified floodplain 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 a mobile/manufactured home as set forth above.
- 3. 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.
- 4. Anchoring.
  - a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and 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.
- 5. Floors, Walls, and Ceilings. Where a structure is located at or below the regulatory flood elevation, the following standards shall apply:
  - a. Wood flooring 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 shall be of a "marine" or "water-resistant" variety.
  - c. Walls and ceilings shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
  - d. Windows, doors, and other such components shall be made of metal or other "water resistant" material.
- 6. Paints and Adhesives. Where a structure is located at or below the

regulatory flood elevation, the following standards shall apply:

- a. Paints or other finishes shall be of "marine" or other "water-resistant" quality.
- b. Adhesives shall be of a "marine" or "water-resistant" variety.
- c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

7. 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.

8. 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.

9. 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 if the event that flood water infiltration occurs.

10. Water and Sanitary Sewer Facilities and Systems.

- a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- b. Sanitary sewage facilities shall be designed to prevent the discharge of untreated sewage into flood waters.
- c. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- d. The design and construction provisions of the UCC and FEMA Circular #348, "Protecting Building Utilities from Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

11. 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.

12. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the regulatory year flood elevation.
13. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
14. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animals, or plant life (including but not limited to those identified in Section 606 A.) shall be stored at or above the regulatory flood elevation and/or be floodproofed to the maximum extent possible.

### **603 WATER MANAGEMENT USES**

#### **A. Alteration or Relocation of Watercourse**

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the County, and until all required permits or approvals have been first obtained from the PA Department of Environmental Protection's Regional Office.
2. 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.
3. In addition, the FEMA and PA Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

#### **B. Encroachments Requiring FEMA Notification**

When the County Planning Commission 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 the FF Area/District (AE Zone without floodway), which will cause a rise of more than one (1) foot in the base flood elevation; or
- \* alteration or relocation of a stream (including but not limited to installing

culverts and bridges),

the County Planning Commission (with data and documentation provided by the applicant) shall (as per 44 CFR Part 65.12):

1. apply to FEMA for conditional approval of such action prior to permitting the encroachment to occur.
2. Upon receipt of the Administrator's conditional approval of map change and prior to approving the encroachments, the County Planning Commission 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.
3. Upon completion of the proposed encroachments, the County Planning Commission shall provide as-built certifications in accordance with 44 CFR Part 67.

#### **604 EXISTING STRUCTURES IN 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 Sub-Section 604 B. below shall apply.

##### **B. Improvements**

The following provisions shall apply whenever an 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 in the FF Area/District (AE Zone 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 50% 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. Within any Floodway Area/District no new construction or development shall be allowed unless a Permit is obtained from the PA Department of Environmental Protection Regional Office.



5. Within any Flood Fringe Area/District (AE Zone without floodway), no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a Permit is obtained from the PA Department of Environmental Protection Regional Office.
6. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain area/district, to an extent or amount of less than 50 percent of its market value, shall be floodproofed and/or elevated to the greatest extent possible.
7. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Ordinance.

#### **605 SPECIAL PROVISIONS FOR 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, materials and equipment related to the principal use or activity.
- B. The floor area shall not exceed 400 square feet.
- C. The structure will have low damage potential.
- D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- E. Power lines, wiring, and outlets will be elevated at least one and one-half feet (1 1/2) feet above 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 or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting these requirements must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  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 no higher than one (1) foot above grade; and;
3. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**606 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE**

**A. Hazardous Materials and Substances**

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

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

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

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

regulated.

**B. Floodproofing Requirements**

1. Within any Floodway Area/District, any structure of the kind described in Sub-Section A. above shall be prohibited.
2. Where permitted within an identified floodplain area, any new or substantially improved structure of the kind described in Sub-Section A. above shall be:
  - a. elevated, or in the case of a non-residential structure, be designed and constructed to remain completely dry, up to at least one and one-half (1 1/2) feet above base flood elevation;
  - b. designed to prevent pollution from the structure or activity during the course of a base flood; and,
  - c. 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 water-tight standard.

**607 ACTIVITIES REQUIRING SPECIAL PERMITS**

**A. Identification of Activities Requiring a Special Permit**

In accordance with the administrative regulations for implementing the Pennsylvania Floodplain Management Act (Act 1978-166), the following activities shall be prohibited within any identified floodplain area/district unless a Special Permit has been issued by the Montour County Planning Commission.

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 mobile home park or mobile home subdivision, or substantial improvement to such existing mobile home parks or mobile home subdivisions.

## **B. Application Requirements for Special Permits**

Applicants for Special Permits shall provide five (5) copies of the following items:

1. A written request including a completed Zoning Permit Application.
2. A small scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
  - a. north arrow, scale and date;
  - b. topography based upon the National Geodetic Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
  - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - d. the location of all existing streets, drives, other access ways, and parking areas, with information concerning width pavement types and construction, and elevations;
  - e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  - f. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
  - g. the location of all proposed buildings, structures, utilities, and any other improvements; and,
  - h. any other information which the County considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
  - a. sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior buildings elevations, as appropriate;
  - b. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  - c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base

flood;

- d. detailed information concerning any proposed floodproofing measures;
  - e. cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
  - f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and,
  - g. plans and profiles of all proposed sanitary and storm sewer systems, and any other utilities and facilities.
5. The following data and documentation:
- a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
  - b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
  - c. a statement, certified by a registered professional engineer, architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effect such pollution may have on human life;
  - d. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevations and flows;
  - e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevations and flows;
  - f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";
  - g. 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;
  - h. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

- i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

**C. Application Review Procedures**

Upon receipt of an application for a Special Permit by the County Planning Commission, the following procedures shall apply in addition to all other applicable permit procedures.

1. Within three (3) working days following receipt of the application, the County Planning Commission shall forward a complete copy of the application and all accompanying documentation to the County Engineer and applicable municipal Planning Commission for review and comment.
2. If an application is received that is incomplete, the County Planning Commission shall notify the applicant, in writing, stating in what respects the application is deficient.
3. If the County decides to disapprove an application, it shall notify the applicant in writing of the reasons for the disapproval.
4. If the County approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development (DCED), by registered or certified mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the County shall allow the DCED 30 days after the receipt of the notification by the Department, to review the application and decision made by the County.
6. If the County does not receive any communication from the DCED during the 30 day review period, the County may issue a Special Permit to the applicant.
7. If the DCED should decide to disapprove an application, it shall notify the County and the applicant, in writing, of the reasons for the disapproval, and the County shall not issue the Special Permit.

**D. Special Technical Requirements**

In addition to any other applicable requirements of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and any other applicable provisions, the more restrictive provisions shall apply.

1. No application for a Special Permit shall be approved unless it can be

determined that the structure or activity will be located, constructed and maintained in a manner which will:

- a. fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - 1) the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the base flood elevation;
    - 2) the lowest floor elevation (including basement) will be at least one and one-half (1 1/2) feet above the 100 year flood elevation; and,
    - 3) the occupants of the structure can remain inside for an indefinite period of time and/or be safely evacuated at any time during the base flood.
  - b. prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
2. All 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 accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the County and the DCED.

## **608 ADMINISTRATION**

### **A. Designation of Floodplain Administrator**

The County Zoning Officer is hereby appointed to administer and enforce the floodplain management provisions of this Ordinance. In addition to fulfilling the duties outlined in Section 1200 of this Ordinance, the Zoning Officer may: delegate duties and responsibilities related to floodplain management to qualified technical personnel, plan examiners, inspectors, and other employees; or enter into written agreements or written contracts with another agency or private sector entity (with the approval of the County Planning Commission) to administer specific provisions of these floodplain management regulations. Administration of any part of these regulations by another entity shall not relieve the County 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 the Zoning Officer or other duly qualified person or employee, the Floodplain Administrator duties shall be fulfilled by the Director of the County Planning Commission.

## B. Zoning Permit Requirements

To ensure that the aforementioned flood damage controls are being employed in all new construction, development and substantial improvement within any designated floodplain area, including the use of fill, the applicant or developer shall obtain a Zoning Permit prior to commencement of any such activity. The Zoning Officer shall provide the applicant with information concerning the location of any floodplain district boundary relative to his proposed construction and the water surface elevation of the base flood at the proposed construction site. The applicant shall provide all the necessary information in sufficient detail and clarity to enable the County Zoning Officer to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
3. adequate drainage is provided so as to reduce exposure to flood hazards;
4. structures will be anchored to prevent floatation, collapse or lateral movement;
5. building materials are flood-resistant;
6. appropriate practices that minimize flood damage have been used; and
7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

## C. Application Requirements

The County Zoning Officer shall require the following specific information, plus other pertinent information as may be required by the Zoning Officer, to be included as a part of an application for a Zoning Permit in order to make the above determination.

1. A completed Zoning Permit application form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
  - a. north arrow, scale and date;
  - b. topographic contour lines, if available;



- c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
  - d. the location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision or development;
  - e. the location of all existing streets, drives or other accessways; and
  - f. 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.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- a. the proposed lowest floor elevation of any proposed building based upon the North American Vertical Datum or 1988;
  - b. the elevation of the base flood; and
  - c. supplemental information as may be necessary under 34 PA Code, Chapters 401- 405, as amended, and the 2009 IBC or the 2009 IRC.
4. The following data and documentation:
- a. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood;
  - b. detailed information concerning any proposed floodproofing measures and corresponding elevations;
  - c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a Flood Fringe Area/District (AE Zone without floodway), when combined with all existing and anticipated development, will not increase the base flood elevation by more than one (1) foot at any point within the applicable municipality;
  - d. 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 a base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or development;

- e. detailed information needed to determine compliance with Section 602 C.14 Storage, and Section 606, Development Which May Endanger Human Life, including:
  - 1) the amount, location and purpose of any materials or substances referred to in Sections 602 C.14 and 606 which are intended to be used, produced, stored or otherwise maintained on site; and
  - 2) 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 606 during a base flood.
- f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development"; and
- g. 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.

**D. Review by the County Conservation District**

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the County Zoning Officer to the County Conservation District for review at least 30 days prior to the issuance of a Zoning Permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan. If no comments are received within the 30 days, the Zoning Officer may take action on the Permit application.

**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 must be submitted by the County Zoning Officer to any other appropriate agencies and/or individuals (e.g. applicable municipal Planning Commission, County Engineer, etc.) for review and comment at least 30 days prior to the issuance of a Zoning Permit.

**F. Issuance of Zoning Permits**

Prior to the issuance of any Zoning Permit, the County Zoning Officer shall review the application to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the PA Sewage Facilities Act (Act 1966-537, as amended); the PA Dam Safety and Encroachments Act (Act 1978-325, as amended); the PA Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No Zoning Permit shall be issued until this

determination has been made.

## **609 VARIANCES IN FLOODPLAIN DISTRICTS**

In passing upon applications for a variance within any identified floodplain area, the County Zoning Hearing Board shall consider all factors specified in other Sections of this Ordinance (including Section 1001 C.), State law relative to variances, and the following:

- A. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places provided that the proposed replace or rehabilitation will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. No variance shall be granted for any construction, development, use or activity within any designated floodway area that would cause any increase in the base flood elevation.
- C. No variance shall be granted for any construction, development, use or activity within a Flood Fringe Area/District (AE Zone without floodway), that would, together with all other existing and anticipated development, increase the base flood elevation more than one (1) foot at any point.
- D. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Section 606, Development Which May Endanger Human Life, and Section 607, Development Regulated by Special Permit.
- E. If granted, a variance shall involve only the least modification necessary to provide relief.
- F. In granting any variance, the County Zoning Hearing Board may attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety and welfare, and to achieve the objectives of this Ordinance.
- G. Whenever a variance is granted, the County Zoning Hearing Board shall notify the applicant in writing that:
  - 1. the granting of a variance may result in increased premium rates for flood insurance; and
  - 2. such variances may increase the risk to life and property.
- H. In reviewing any request for a variance, the County Zoning Hearing Board shall consider, at a minimum, the following:

1. that there is good and sufficient cause;
  2. that failure to grant the variance would result in exceptional hardship for the applicant; and
  3. that granting of the variance will: a) neither result in unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor b) create nuisances, cause fraud on, victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- I. A complete record of all variance requests and related actions shall be maintained by the County Planning Commission. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.

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.

**610 SPECIAL EXCEPTIONS IN FLOODPLAIN DISTRICTS**

In passing upon applications for Special Exceptions in any identified floodplain area/district, the Zoning Hearing Board shall consider all relevant factors specified in other sections of this Ordinance (including Section 1001 D.) and:

- A. the danger to life and property due to increased flood heights or velocities caused by the encroachment. In the Floodway Area/District, no Special Exception shall be granted which will cause any rise in the base flood elevation.
- B. the danger that materials may be swept onto other lands or downstream causing injury to others;
- C. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
- D. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- E. the importance of the services provided by the proposed facility to the community;
- F. the requirements of the facility for a waterfront location;
- G. the availability of alternate locations not subject to flooding for the proposed use;

- H. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- I. the safety of access to the property in times of flooding by ordinary and emergency vehicles;
- J. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
- K. such other factors which are relevant to the purposes of this Ordinance.

## ARTICLE 7

### SIGN REGULATIONS

#### 700 PURPOSE

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

#### 701 TYPES OF SIGNS

Signage can include a variety of different types of signs, each with unique functions. The following list itemizes and describes the types of signs considered under the provisions of this Article.

- A. Advertising Sign Boards (Billboards): A sign or board which directs the attention of motorists or pedestrians to a commodity, business, place or activity that is sold, offered, exists or occurs at a location other than the location upon which the sign is situated; an off-premises sign.
- B. Business Identification Sign: A sign or board which attracts motorists or pedestrians to a business, product, service or activity that is sold, produced or conducted on the same lot upon which the sign is located; an on-premises sign.
- C. Digital Message Board: A business identification sign or advertising sign board, or part thereof, with a moving message.
- D. Directional Sign: A sign erected and maintained for the purpose of directing traffic to a particular destination, which does not contain any advertisement or promotional information. Such signs shall be either on-premises signs or off-premises signs.
- E. Free-Standing Sign: A self-supported sign resting on the ground or supported by means of poles or standards placed in or on the ground. Such signs may be designed to be portable or may be affixed to the ground.
- F. Image-Changing Sign Board: An advertising sign board which is designed so that its advertising face changes electronically on a designated frequency.
- G. Institutional Sign: A sign erected and maintained for the purpose of identifying a school, church, government or municipal building, cemetery, library or museum, nursing or personal care home or other institutional building or use located on the same premises as the sign. Such signs may be either free-standing or wall signs.

- H. Parallel Wall Sign: A type of wall sign which is attached parallel to the face of its supporting wall, and which does not protrude more than 12 inches from such wall.
- I. Permanent Sign: A sign which is permanently affixed to the ground or to the wall of a building, excluding standard real estate or similar signs.
- J. Product or Service Advertising Sign: Those devices, structures or objects used to advertise a product, service commodity or activity available or occurring on the same premises as the sign(s). Such signs shall include, but need 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 building, which advertise the variety, type or pricing of available products or services. Flags, pennants, sail signs, and banners which advertise specific products or services shall be considered product or service advertising signs.
- K. Projecting Wall Sign: A type of wall sign with its horizontal plane attached at right angles to its supporting wall and which protrudes more than 12 inches from such wall.
- L. Temporary Sign: Any sign which is not permanently affixed to the ground or the wall of a building and is erected for a limited period of time to call attention to a legally permissible special event not exceeding 45 days.
- M. Traffic and Roadway Signs: Signs erected by or with the approval of the applicable municipal elected officials intended to direct or inform the general public about traffic or roadway conditions.

**702 GENERAL SIGN REGULATIONS**

The following regulations shall apply to all permitted sign uses.

**A. Construction, Maintenance, and Removal**

Signs shall be constructed of durable materials, be maintained in good condition, and shall not be allowed to become dilapidated or endanger public health, safety or welfare. All signs shall be securely fastened in order to prevent their displacement by the elements. Each sign shall be removed when the circumstances leading to its erection no longer exist, or if its condition deteriorates as indicated above.

**B. Sign Area**

- 1. For the purposes of this Ordinance, sign area shall include the entire face of a sign, including all advertising surface, trim and border area, but excluding any supporting framework or bracing.

2. A double-faced sign shall be considered a single sign, unless the interior angle formed by the two sides of the sign is greater than 45 degrees, then each side of the sign shall be considered to be a separate sign.
3. Where a sign consists of individual letters or symbols attached to a building, the area of the sign shall be considered to be the smallest rectangle or other regular geometric shape which encompasses all of the letters and/or symbols.

C. Placement

1. No sign (whether temporary or permanent) shall be placed within the clear sight triangle of any intersection as per the requirements of Section 504 D. of this Ordinance, nor at any other location that could obstruct a motorist's clear vision. In addition, no sign shall be located where it could be an impediment to pedestrian traffic.
2. No sign, other than an official traffic or roadway sign, shall be erected within the right-of-way of any public street, road or highway unless authorized by the applicable municipal elected officials for a special purpose.
3. No portion of free-standing sign (whether temporary or permanent) shall be located closer to the street right-of-way or front property line than ten (10) feet, except that advertising sign boards shall be set back a minimum of 50 feet from the right-of-way of any public street, road or highway.
4. All free-standing signs shall be set back to meet the side and rear yard requirements for the district in which they are to be located.
5. No sign shall be erected or maintained which could prevent free ingress or egress from any door, window or fire escape, nor shall any sign be attached to a standpipe, fire escape, or to the eave of any building. Further, no signs shall be affixed to the roof of any building.
6. No sign shall be painted, erected, affixed or maintained on a tree, stone (except for ornamental or architectural stones that may be used to identify a business or personal property), or other natural object, except for property posting signs, nor shall any sign be painted, erected, affixed, supported or maintained on a fence or storage trailer. Any advertisement proposed to be painted or displayed upon a barn or other building shall be regarded as a sign, and as such, shall meet the requirements set forth in this Ordinance for the district in which it is to be located.
7. Any vehicle which is painted, decorated or embellished for the purpose of advertising a product, service or event and is parked so that it is visible to pedestrian or vehicular traffic shall be considered a sign, and as such,



shall meet the requirements set forth in this Ordinance for the district in which it is located.

D. Height

1. Sign height shall be 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. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign.
2. Maximum sign heights for free-standing signs shall be as follows:
  - a. General Use Signs (including directional signs) – 10 feet.
  - b. Institutional Signs – 15 feet.
  - c. Business Identification Signs – 10 feet in the Rural Residential, Suburban Residential, Public/Semi-Public, Agricultural and Woodland Districts; 20 feet in the Village Center District; 30 feet the Industrial District; and 50 feet in the Commercial District.
  - d. Advertising Sign Boards or Billboards – 50 feet.
3. Where located in a parking, vehicular or pedestrian circulation area, free-standing signs shall have a minimum under-clearance of ten (10) feet, measured from the ground or pavement immediately beneath the sign to the bottom or lowest part of the sign, except that advertising sign boards shall have a minimum under-clearance of 15 feet in such areas.
4. No portion of a wall sign, whether parallel or projecting, shall extend above the top of the wall to which it is attached.

E. Projection

1. Parallel wall signs shall not extend more than 12 inches from the surface to which they are mounted or attached, nor in any way interfere with pedestrian or vehicular traffic.
2. Projecting wall signs shall not extend or project more than three (3) feet from their supporting structure or wall, nor shall any such sign extend over a public street or walkway.
3. Projecting wall signs shall have a minimum under-clearance of no less than ten (10) feet, measured from the ground or pavement immediately beneath the sign to the bottom or lowest part of the sign.

F. Illumination

Illuminated signs shall cause no glare or other disturbance which would be incompatible with the nature of the neighborhood where the sign is located or which would in any way impair the vision of passing motorists. Illumination

shall be steady in nature, not flashing, moving or changing in brilliance, color or intensity, except for digital message boards and image-changing sign boards, which shall be considered as Special Exception Uses in the Commercial and Industrial Districts.

To help preserve the character of the municipalities governed by this Ordinance and avoid disturbing neighborhoods in the vicinity of the sign, all internally illuminated signs shall be lit with non-glaring bulbs or other lighting, and all externally illuminated signs shall be lit with shielded spotlights or other sources, angled from the top to the bottom of the sign.

#### G. State Regulations

All applicable State regulations shall be met where signs are proposed in areas adjacent to highways included in PennDOT's Primary and Interstate Highway Systems. Any person desiring to erect a sign in these areas shall contact PennDOT to determine if the State's regulations will affect his proposal. A written copy of PennDOT's determination shall accompany all applications for signs in such areas.

#### H. Event Signs

Temporary signs erected for a special event or a periodic or legally permissible purpose shall be permitted in all zones subject to the following requirements.

1. No such sign shall be located within any public street, road or highway right-of-way without prior approval of the applicable municipal elected officials.
2. The size or area of each sign shall not exceed 16 square feet.
3. There shall be no more than four (4) such signs erected advertising the event.
4. Event signs shall be erected no more than 15 days in advance of the event, and shall be removed by the property owner or promoter within five (5) days after the event.

### **703 SIGNS IN THE RURAL RESIDENTIAL (RR) AND SUBURBAN RESIDENTIAL (SR) DISTRICTS**

Signs may be placed or located in the Rural Residential and Suburban Residential Districts subject to the following specified requirements.

#### A. General Use Signs

The following types of **non-illuminated, non-advertising** general use signs

may be permitted in the RR and SR Districts as indicated below. Such signs shall be designed as either **free-standing or parallel wall signs**. (See also Sections 702 C., D. & F. regarding placement, height and illumination requirements for such signs.)

1. Property Posting Signs - Signs which indicate the private nature of a property, a driveway, or restrict or prohibit hunting, fishing or other activity may be permitted as follows:
  - a. Maximum Size – 2 square feet.
  - b. Maximum Number – As needed.
2. Name Plates or Personal Identification Signs – Signs which display the name of the property owner and/or address of the property on which they are located may be permissible as follows:
  - a. Maximum Size – 2 square feet.
  - b. Maximum Number – No more than one (1) such sign per property, unless the property is situated on a corner, in which case one (1) sign may be erected on each frontage.
3. Home Occupation Signs – Signs which identify the name of a specific home occupation to be conducted on the site where they are located may be permitted as follows:
  - a. Maximum Size – 6 square feet.
  - b. Maximum Number – No more than one (1) such sign per property, unless the property is situated on a corner, in which case one (1) sign may be erected on each frontage.
4. Property Sale and/or Rental Signs – Signs which advertise the sale, rental or lease of property on which they are located may be permitted as follows:
  - a. Maximum Size – 6 square feet.
  - b. Maximum Number – No more than two (2) such signs per property.
5. Directional Signs – Signs directing persons or motorists to the location of churches, schools, non-profit or civic organizations, or residential developments may be permitted as follows:
  - a. Maximum Size – 6 square feet.
  - b. Maximum Number – As needed; not exceeding four (4) per facility in the applicable municipality.
6. Artisan Signs - Signs of contractor's, painters or other artisans performing work on the premises may be permitted as a **temporary sign** while such work is on-going as follows:

- a. Maximum Size – 6 square feet.
  - b. Maximum Number – No more than one (1) such sign per trade or profession per property.
  - c. Such signs shall be removed promptly upon completion of the work.
7. Residential Development Identification Signs – Signs which identify the name of the residential development upon which they are located may be permitted as follows:
- a. Maximum Size – 32 square feet.
  - b. Maximum Number – No more than two (2) such signs per property, or one (1) per access.

B. Institutional Signs

**Non-illuminated, or externally or internally illuminated, non-advertising institutional or civic signs** may be permitted in the RR and SR Districts as indicated below. Such signs may be designed as either **free-standing or parallel wall signs**. (See also Sections 702 C., D. & F. regarding placement, height and illumination requirements for such signs.)

Signs which display the name of a school, church, government or municipal building, library or museum, nursing or personal care home, cemetery, park or playground or other institutional building may be permitted as follows:

- 1. Maximum Size – 32 square feet.
- 2. Maximum Number – No more than two (2) per property.

C. Business Identification Signs

The following types of **non-illuminated, or externally or internally illuminated business identification signs** may be permitted in the RR and SR Districts as indicated below. Such signs may be designed as either **freestanding or parallel wall signs**. (See also Sections 702 C., D. & F. regarding placement, height and illumination of such signs.)

- 1. Existing Nonconforming Uses – Signs which identify the name of an existing nonconforming use (whether a new sign or a replacement for an existing sign) may be permitted as follows:
  - a. Maximum Size – 24 square feet for new signs; 24 square feet or the size of the existing sign, whichever is greater, for replacement signs.
  - b. Maximum Number – No more than one (1) such sign per property, unless the property is located on a corner, in which case, one (1) sign may be erected on each frontage.

2. New Commercial Uses – Signs which identify the name of an approved commercial use or activity, including those uses set forth in the District Regulations, Section 302 and 303, may be permitted as follows:
  - a. Maximum Size – 24 square feet.
  - b. Maximum Number - No more than one (1) such sign per property, unless the property is located on a corner, in which case, one (1) sign may be erected on each frontage.

## 704 SIGNS IN THE VILLAGE CENTER (VC) DISTRICT

Signs may be located in the Village Center District subject to the following specified requirements.

### A. General Use Signs

Those signs permitted in Section 703 A., General Use Signs in the RR & SR Districts, may also be permitted in the VC District at the same size, in the same quantity, and in the same style.

### B. Institutional Signs

Those signs permitted in Section 703 B., Institutional Signs in the RR & SR Districts, may also be permitted in the VC District at the same size, in the same quantity and in the same style.

### C. Business Identification Signs

Where proposed in conjunction with an approved commercial use or activity, **non-illuminated, or externally or internally illuminated** business identification signs may be permitted in the VC District as indicated below. Such signs may be designed as either **free-standing, or parallel or projecting wall signs**. (See also Sections 702 C., D., E. & F. regarding placement, height, projection and illumination requirements for such signs.)

1. There shall be no more than one (1) free-standing business identification sign AND one (1) parallel or projecting business identification wall sign per business in this zone.
2. No one (1) business identification sign, whether a free-standing or wall sign, shall exceed 40 square feet in size. Total sign area shall not exceed 60 square feet per business, regardless of the type of sign(s) utilized or the number of frontages available.
3. No wall sign(s) shall occupy more than 25% of the wall to which it is attached, nor shall any projecting sign exceed more than 20 feet in length measured vertically.

## 705 SIGNS IN THE COMMERCIAL (C) AND INDUSTRIAL (I) DISTRICTS

Signs may be located in the Commercial and Industrial Districts subject to the following specified requirements.

### A. General Use Signs

Those signs permitted in Section 703 A., General Use Signs in the RR & SR Districts, may also be permitted in the C and I Districts at the same size, in the same quantity, and in the same style.

### B. Institutional Signs

Those signs permitted in Section 703 B., Institutional Signs in the RR & SR Districts, may also be permitted in the C & I Districts at the same size, in the same quantity and in the same style.

### C. Business Identification Signs

Where proposed in conjunction with an approved commercial or industrial use or activity, **non-illuminated, or externally or internally illuminated** business identification signs may be permitted in the C & I Districts as indicated below. Such signs may be designed as either **free-standing, or parallel or projecting wall signs**. (See also Sections 702 C., D., E. & F. regarding placement, height, projection and illumination requirements for such signs.)

1. There shall be no more than one (1) free-standing business identification sign AND one (1) parallel or projecting business identification wall sign per business in this zone.
2. No one (1) business identification sign, whether a free-standing or wall sign, shall exceed 100 square feet in size. Total sign area shall not exceed 200 square feet per business, regardless of the type of sign(s) utilized or the number of frontages available.
3. No wall sign(s) shall occupy more than 25% of the wall to which it is attached, nor shall any projecting sign exceed more than 20 feet in length measured vertically.
4. Business identification signs advertising commercial or industrial complexes or shopping centers accommodating three (3) or more businesses shall not exceed 300 square feet in area. Signs identifying individual businesses within the complex shall be parallel wall signs affixed to the individual business and shall not exceed 50 square feet in area.

### D. Advertising Sign Boards (Billboards)

**Non-illuminated or externally illuminated** advertising sign boards or bill-

boards may be permitted in the C & I Districts as indicated below. Such signs may only be designed as **free-standing signs**. (See also Sections 702 C., D. & F regarding the placement, height and illumination of such signs.)

1. Maximum sign area shall not exceed 650 square feet per face. Advertising sign boards may have two (2) parallel faces, but may not be vertically or horizontally doubled, nor multiplied further in any fashion. (See also Section 702 B.2 for further sign area details.)
2. Advertising sign boards shall be no closer than 1,000 feet (measured on the same side of the street) to any other advertising sign board, and no closer than 500 feet to any residence existing at the time the sign is erected.
3. When located in a parking, vehicular or pedestrian circulation area, advertising sign boards shall have a minimum under-clearance of 15 feet, measured from the ground or pavement immediately beneath the sign to the bottom or lowest part of the sign.

#### E. Product or Service Advertising Signs

Where proposed in conjunction with an approved commercial or industrial use, **non-illuminated** product or service advertising signs may be permitted in the C and I Districts as indicated below:

1. The total amount of permissible product or service advertising signage per commercial or industrial establishment shall not exceed 50 square feet for establishments containing less than 10,000 square feet of gross floor area; 75 square feet for establishments containing between 10,000 and 25,000 square feet of gross floor area; and 100 square feet for establishments containing more than 25,000 square feet of gross floor area.
2. All product or service advertising signs shall be located on the same lot as the business or product they are advertising.

### **706 SIGNS IN THE PUBLIC/SEMI-PUBLIC (P), AGRICULTURAL (A), AND WOODLAND (W) DISTRICTS**

Signs may be placed or located in the Public/Semi-Public, Agricultural, and Woodland Districts subject to the following specified requirements.

#### A. General Use Signs

Those signs permitted in Section 703 A., General Use Signs in the RR & SR Districts, may also be permitted in the P, A, and W Districts at the same size, in the same quantity, and in the same style.

## B. Institutional Signs

Those signs permitted in Section 703 B., Institutional Signs in the RR & SR Districts, may also be permitted in the P, A, & W Districts at the same size, in the same quantity and in the same style.

## C. Business Identification Signs

Where proposed in conjunction with an approved commercial use or activity, the following types of **non-illuminated or externally illuminated** business identification signs may be permitted in the P, A, & W Districts as indicated below. Such signs may be designed as either **free-standing or parallel wall signs**. (See also Sections 702 C., D. & F. regarding placement, height and illumination requirements for such signs.)

1. There shall be no more than one (1) free-standing business identification sign OR one (1) parallel business identification wall sign per business in this zone.
2. Maximum sign area shall not exceed 24 square feet per business, regardless of the type of sign utilized. Where however, a business is situated on a corner, or has frontage on two (2) streets, one (1) business identification sign may be erected on each frontage, in which case the total sign area for all signs in the site shall not exceed 48 square feet, although no one (1) sign shall exceed 24 square feet in size.

## 707 SIGNS IN THE FLOODPLAIN DISTRICTS

Signs placed in Flood Fringe or General Floodplain District shall be subject to the regulations of the underlying zoning district. Signs shall be prohibited in the Floodway District, except where such signs are placed by Federal, State or local governments to protect the health, safety and welfare of the public. No sign in any floodplain area may impede natural drainage or the flow of water.

## 708 PERMIT REQUIREMENTS

The following requirements shall apply to all **permanent signs**.

- A. A Zoning Permit shall be required for the placement, erection or alteration of all permanent signs, except as may be exempted in Sub-Section C. below. All applications for signs being erected on property other than that owned by the applicant shall also include written consent from the property owner.
- B. Fees for the issuance of Zoning Permits for signs shall be paid to the Montour County Treasurer upon filing of an application for such use. All such fees shall be in accordance with the schedule of fees established by Resolution of the County Commissioners. There shall be no fee for the erection of any sign necessary to the public welfare.



- C. No Zoning Permits shall be required for the following types of signs, although the requirements of Sections 702 and 703 A. shall remain applicable.**
- 1. Property posting signs;**
  - 2. Name plates or personal identification signs;**
  - 3. Property sale or rental signs;**
  - 4. Artisan or other temporary signs intended to be displayed for 45 days or less;**
  - 5. Event signs meeting the requirements of Sub-Section 702 H; and**
  - 6. Informational or public service signs, including those advertising the availability of rest rooms, public telephones, or other public conveniences, and signs advertising meeting times and places of non-profit service or charitable clubs or organizations, provided that such signs do not advertise any commercial establishment, activity, product, or goods and services.**

## ARTICLE 8

### **OFF-STREET PARKING, LOADING AND ACCESS DRIVE REQUIREMENTS**

#### **800 OFF-STREET PARKING REQUIREMENTS**

In all districts, in accordance with 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 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 for which they are provided.

- A. All off-street vehicle parking spaces shall contain a minimum of 200 square feet of useable area, exclusive of any drives, entrances or exits, and shall have a minimum width of not less than ten (10) feet.
- B. 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. Off-street parking spaces for non-residential uses may be located on a lot other than that containing the principal use, but shall be located within 250 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. All off-street parking areas shall be designed to provide for the orderly and safe parking or storage of vehicles, shall be clearly marked to facilitate movement and efficiency of use, and shall be maintained in good condition. Parking spaces within such parking areas shall be lined to identify the specific location of individual spaces.
- D. All off-street parking spaces and parking areas shall be graded for proper drainage and shall be stabilized with a durable, all-weather wearing surface, such as compacted gravel, concrete or bituminous pavement. The finished wearing surface of such parking areas shall be determined by the County Planning Commission as part of their review of an applicant's land development plan.
- E. 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. As provided in Article 3, the District Regulations, all non-residential off-street parking areas in the Village Center, Commercial, and Industrial Districts shall be set back a minimum of 10 feet from the front property line or edge of any adjoining street cartway, whichever is less. No parking or vehicular traffic circulation shall be permitted within this required setback area, nor shall any planting or sign located within such area be placed within the clear sight triangle of any intersection (as per the requirements of Section 504 D. of this Ordinance), nor at any other location within the required setback area that could obstruct a driver's clear vision.
- G. Non-residential parking areas in a Village Center, Commercial, or Industrial District shall be screened from residential uses, as provided in Section 506 of this Ordinance.
- H. Adequate provisions shall be made for ingress and egress to all off-street parking spaces and parking areas. Access shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted, except where the parking area is less than 35 feet in depth. Non-residential parking spaces and parking areas shall be designed so there will be no need for motorists to back over public walkways or street rights-of-way.
- I. Required parking spaces for any number of separate uses may be combined into one lot, but the required spaces assigned to one use may not be assigned to another use at the same time, except as may be recommended by the County Planning Commission.
- J. At a minimum, off-street parking shall be provided as set forth in TABLE 1 below. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the County 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.

Off-street parking spaces for handicapped persons shall be provided as per the requirements of the Americans with Disabilities Act.

Applicants proposing development in the *Village Center District* are encouraged to provide as much off-street parking as possible. The County Planning Commission shall review each proposal in this district and shall ultimately decide the number of spaces that must be provided.

## TABLE 1

### OFF-STREET PARKING SCHEDULE

*(inclusive of ADA-required spaces)*

<u>USE CLASSIFICATION</u>	<u>MINIMUM SPACES REQUIRED</u>
<b>A. <u>Residential Uses</u></b>	
1. Single & two-family dwelling units (detached or attached), inc. mobile homes.	2 for each dwelling unit
2. Multi-family dwelling units, including conversion apartments, & multi-family housing developments.	2 for each dwelling unit.
3. Elderly housing complexes.	1.5 for each dwelling unit + 1 for each employee in the maximum work shift.
4. Mobile home parks.	2 for each mobile home lot + 1 visitor space for each lot in the park.
5. Bed & breakfast establishments.	2 for the dwelling unit + 1 for each guest room.
6. Boarding or rooming homes.	2 for the dwelling unit + 1 for each guest room.
<b>B. <u>Institutional Uses</u></b>	
1. Day care facilities.	
a. Family day care homes or accessory group day care homes.	2 for the dwelling unit + 1 for each 3 students/clients.
b. Day care centers, group day care homes or nursery schools.	1 for each 3 students/clients + 1 for each employee.
2. Schools. (Public or private)	
a. Elementary schools.	6 for each classroom + 1 for each employee.
b. Middle or high schools or post-secondary education facilities.	1 for each 3 seats of auditorium or gymnasium capacity, whichever

**USE CLASSIFICATION**

**MINIMUM  
SPACES REQUIRED**

is greater.

- |  |  |
|--|--|
| 3. Places of public or private assembly, such as churches, or government or municipal bldgs., clubs or fraternal organ. facilities. (See also C.10 below.) | 1 for each 3 seats of facility design capacity.                              |
| 4. Group homes for the disabled.   | 1 for each 2 residents +1 for each employee in the maximum work shift.       |
| 5. Nursing or personal care homes  | 1 for each 3 beds + 1 for each employee in the max. work shift.              |
| 6. Medical or dental offices or clinics.   | 5 for each service provider + 1 for each employee in the maximum work shift. |
| 7. Veterinary offices or clinics; animal hospitals.  | 3 for each service provider + 1 for each employee in the maximum work shift. |
| 8. Cemeteries.   | 5 visitor spaces + 1 per employee.   |

**C. Commercial/Retail Uses**

- |  |  |
|--|--|
| 1. Retail stores or personal service business establishments, <b>except as provided below.</b> | 1 for each 200 sq.ft. of retail floor area + 1 for each employee in the maximum work shift.        |
| 2. No-impact home-based businesses or home occupations.  | 2 for the dwelling unit+ 2 customer spaces + 1 for each non-occupant employee.                     |
| 3. Farm-related businesses.  | 4 for each business + 1 for each employee.   |
| 4. Permanent roadside stands or garden shops: plant nurseries or greenhouses.                  | 5 for each facility +1 for each employee.  |
| 5. Restaurants; taverns or brew pubs.  | 1 for every 3 persons of facility design capacity + 1 for each employee in the maximum work shift. |

**USE CLASSIFICATION**

**MINIMUM SPACES REQUIRED**

- |  |  |
|--|--|
| 6. Grocery stores or convenience markets.  | 1 for each 100 sq.ft. of retail floor area + 1 for each employee in the maximum work shift.                                    |
| 7. Automotive sales facilities or automotive service stations &/or repair garages.                                 | 1 for each 400 sq.ft. of gross floor area, exclusive of sale or display areas + 1 for each employee in the maximum work shift. |
| 8. Business or professional offices, inc. banks or financial institutions; & office bldgs. (See also 800 B. 6 & 7) | 1 for each 300 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.                                     |
| 9. Commercial lodging facilities.  | 1 for each guest room + 1 for each employee in the max. work shift.  |
| 10. Public or adult entertainment establishments, inc. theaters.   | 1 for every 3 persons of facility design capacity + 1 for each employee in the maximum work shift.                             |
| 11. Funeral homes or mortuaries.   | 1 for each 3 seats of facility design capacity + 1 for each employee.  |
| 12. Shopping centers or malls.   | 3 for each 1,000 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.                                   |

**D. Industrial Uses**

- |   |   |
|---|---|
| 1. Industrial uses or manufacturing operations; warehousing or storage facilities, <i>except as provided below.</i> | 1.5 for each employee in the maximum work shift + 5 visitor spaces. |
| 2. Research & development facilities.   | 1 for each employee in the maximum work shift + 5 visitor spaces.   |
| 3. Sawmills, lumber yards, or contractor's shops & yards.   | 1 for each employee + 5 customer spaces.                            |
| 4. Mineral extraction operations; & junk yards or auto salvage operations.  | 1 for each employee in the maximum work shift + 3 visitor spaces.   |

**USE CLASSIFICATION**

**MINIMUM  
SPACES REQUIRED**

5. Freight terminals or distribution centers.

1 space for each employee + 1 for each vehicle to be accommodated on the premises.

**E. Recreational or Open Space Uses**

1. Parks, playgrounds or recreation areas.

1 for each 5 persons of total facility design capacity.

2. Outdoor commercial recreation uses.

1 for each 3 persons of total facility design capacity + 1 for each employee in the maximum work shift.

3. Campgrounds or RV parks.

2 for each camping space + 1 additional space for every 5 camping spaces in the park.

4. Seasonal dwellings or hunting camps.

2 for each seasonal unit.

**801 OFF-STREET LOADING REQUIREMENTS**

Off-street loading space or area shall be provided in connection with every commercial, industrial, or institutional building or use or part thereof hereafter erected which will contain a gross floor area of 5,000 square feet or more and will require the delivery or shipment of merchandise or materials. Such accommodations shall be provided in accordance with the requirements of this Section and shall meet the following standards.

A. 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. At a minimum, each loading space shall be 12 feet in width, 50 feet in length, and shall have an overhead clearance of no less than 14 feet, exclusive of drives or maneuvering area. Such spaces or areas should be located to the side or rear of the buildings they are intended to serve where possible, and should be designed so that there will be no need for drivers to back over public walkways or street rights-of-way.

B. Off-Street loading spaces shall be graded for proper drainage and shall be surfaced to satisfactorily accommodate the anticipated type and intensity of traffic. (The finished wearing surface of these spaces shall be determined by the County Planning Commission as part of their review of an applicant's land development plan.) Required off-street loading space shall be provided in

addition to the required number of off-street parking spaces.

- C. 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 direct glare on adjacent properties.
- D. No off-street loading space or area shall extend into any required yard or setback area.
- E. Non-residential loading areas abutting a residence use shall be screened as provided in Section 506 of this Ordinance.
- F. The number of off-street loading spaces required shall be as set forth in TABLE 2 below.

**TABLE 2**  
**OFF-STREET LOADING SCHEDULE**

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<b><u>Gross Floor Area</u></b>	<b><u>Minimum Number of Spaces Required</u></b>
5,000 - 20,000 square feet	1
20,001 - 40,000 square feet	2
Over 40,000 square feet	2 + 1 for each additional 20,000 square feet of gross floor area.

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**802 DRIVEWAY AND ACCESS DRIVE REQUIREMENTS**

To minimize traffic congestion and control street access in the interest of public safety, and to encourage the appropriate development of street and road access, the following standards shall apply to the construction or creation of all new driveways and access drives.

- A. Every building or lot shall have access to a public street or an approved private street. Where possible, residential lots shall access onto a local street rather than a collector road. Access onto State roadways shall require a Highway Occupancy Permit in accordance with PennDOT standards and access onto a



Township road or Borough street may require a Driveway Permit in accordance with municipal requirements.

- B. All new driveways or access drives proposed for construction shall adhere to the clear sight triangle requirements set forth in Section 504 D. of this Ordinance and shall meet or exceed the design standards established in TABLE 3 of the County Subdivision and Land Development Ordinance to the greatest extent possible. In addition, all such driveways or access drives should be located where street alignment and profiles are favorable, and should avoid sharp curves and steep grades where feasible.
- C. Where a driveway or access drive is to be installed in conjunction with a proposed use, the Zoning Permit application for such use shall include a scaled drawing showing the location, construction material(s), and the sight distance proposed for the driveway or access drive.
- D. Driveways or access drives for residential development shall be limited to one (1) point of intersection, and access for non-residential development shall be limited to two (2) drives or intersections. When however, a residential lot's frontage exceeds 100 feet or a non-residential lot exceeds 300 feet in width, or other exceptional circumstances exist, the Zoning Hearing Board may authorize additional access intersections.
- E. Except in the case of single- and two-family dwellings, all driveways and access drives shall be designed so that there will be no need for motorists to back over public walkways or street rights-of-way.
- F. There shall be no setback requirement for driveways or access drives from property lines; however, where common driveways are used, a written agreement, prepared and executed by the property owners involved, must be recorded at the Montour County Courthouse prior to the issuance of a Zoning Permit. Driveways and access drives shall however be set back a minimum of five (5) feet from fire hydrants.
- G. Driveways and access drives shall be designed and constructed in such manner to avoid impairing drainage within a street right-of-way or any adjacent area. Where determined necessary by the appropriate Township official(s), a drainage pipe shall be installed under the driveway or access drive, off of the road right-of-way, by the property owner. The length and diameter of such pipe shall be as established and approved by the applicable municipality.

## ARTICLE 9

### NONCONFORMITIES

#### 900 NONCONFORMING USES AND STRUCTURES

Any nonconforming use or structure legally existing at the time of adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold or maintained even though it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued or abandoned. (See Section 901 below 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 one (1) year, 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 one (1) year from the date of cessation or discontinuance.

##### C. Repairs, Restoration and Reconstruction

1. Exterior repairs, non-structural alterations, 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 work shall however be subject to all applicable Zoning Permit and/or Building Code requirements. (See also Section 1202.)
2. Where less than 50% of the volume or gross floor area of a nonconforming use or building, or building or structure occupied by a nonconforming use, is damaged by fire, flood or other natural cause, that building or structure may be reconstructed, restored and used as before, provided that:
  - a. the Zoning Officer approves the application for restoration or recon-

struction as meeting the requirements of this Ordinance;

- b. the restoration or reconstruction commences within one (1) year after the completion of all claims, legal actions and investigations related to the damage (See also Section 1202 G.);
  - c. the proposed restoration or reconstruction does not exceed the size, bulk, height and area of the structure that existed prior to the damage; and
  - d. the restoration or reconstruction will comply with all floodproofing requirements contained in Article 6 of this Ordinance where the nonconformity is located within any identified floodplain area.
3. Where 50% or more of the volume or gross floor area of a nonconforming use or building, or structure or building or structure occupied by a nonconforming use, is damaged or destroyed by fire, flood or other natural cause, that building or structure may be reconstructed, restored and used as before, provided that:
- a. the Zoning Hearing Board approves said restoration or reconstruction;
  - b. said restoration or reconstruction commences within one (1) year after the completion of all claims, legal actions and investigations related to the damage (See also Section 1202 G.);
  - c. the proposed restoration or reconstruction does not exceed the size, bulk, height and area that existed prior to the damage, unless approved otherwise by the Zoning Hearing Board; and
  - d. the restoration or reconstruction will comply with all floodproofing requirements contained in Article 6 of this Ordinance where the nonconformity is located within any identified floodplain area.

D. Extensions and Enlargements

1. A **nonconforming use** of a building or structure may be extended throughout the interior of the building provided that no structural alterations are made therein. Prior to the initiation of any such activity however, approval shall be obtained from the Zoning Hearing Board and all applicable Zoning Permit and Building Code requirements shall be met.
2. Exterior structural alterations proposed to extend or enlarge a **nonconforming building or structure** or a building or structure occupied by a **nonconforming use** shall be submitted to the Zoning Hearing Board for consideration. The Hearing Board may approve such application provided that:

- a. 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 more than a cumulative total of 25% of the gross floor area occupied by such use at the effective date of this Ordinance, regardless of ownership;
- b. in the case of a nonconforming use, the extension is attached or contiguous to the existing building or structure containing the nonconforming use;
- c. the extension or enlargement conforms to the yard, height, and other requirements of the district in which it is located; and,
- d. adequate off-street parking can be provided in conformance with the requirements of Article 8 of this Ordinance to serve both the original use plus the extension or enlargement.

In reviewing applications for extension or enlargement, 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.

3. For **nonconforming uses** whose normal operations involve non-structural expansion (i.e. quarries, junk yards, cemeteries, etc.), expansion shall be permitted by right up to a cumulative total of 25% of the volume or area of the nonconformity which existed at the effective date of this Ordinance, regardless of ownership. For expansion beyond 25%, approval must be obtained from the Zoning Hearing Board. Prior to the initiation of any expansion however, a Zoning Permit shall be obtained from the Zoning Officer.
4. 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.

#### E. Change of Use

1. The change of a nonconforming use of a building, structure or land to a nonconforming use of the same or a more restricted classification may be approved by the Zoning Hearing Board provided that the applicant can show that the proposed change will be no more objectionable in external effect than the existing nonconforming use with respect to:
  - a. traffic generation and congestion, including truck, passenger car, and pedestrian movement;
  - b. noise, smoke, dust, fumes, vapor, gases, heat, odor, glare or vibration;

- c. outside, unenclosed storage, and waste collection and disposal; and,
- d. appearance, character, and nature of the neighborhood or area.

2. Whenever a nonconforming use of a building or land has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use.

#### F. Application to Agricultural Structures

The regulations governing nonconformities set forth in this section shall not apply to agricultural structures when such structures are a part of an active agricultural use. It is not the intent of these regulations to create hardships for on-going agricultural activities.

#### G. Certification

Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming use or structure on or before the effective date of this Ordinance, the Zoning Officer shall issue a Certificate of Nonconformance for such nonconformity. Any applicant aggrieved of the process for obtaining said Certificate or of any decision rendered therefrom, may file an appeal with the County Zoning Hearing Board.

### 901 NONCONFORMING LOTS

Any nonconforming lot legally existing at the time of the adoption of this Ordinance or which 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. Discontinuance/Lot Changes

Any nonconforming lot which is discontinued or becomes conforming through its addition to adjacent land shall not hereafter be changed back to a nonconforming lot.

#### B. Existing Undeveloped Lots of Record

In the case of an undeveloped lot of record which lawfully existed at the effective date of this Ordinance which cannot accommodate a principal building or structure and meet the minimum lot size and/or width requirements for the district in which it is located, a **permissible, principal building or structure** may be placed on the parcel provided that:

1. the owner does not own adjoining land which could be combined to form a conforming or less nonconforming lot;
2. each side yard is not less five (5) feet in a Suburban Residential, Village Center, or Commercial District; not less than ten (10) feet in a Rural Residential, Industrial, or Agriculture District; and not less than 20 feet in a Public/Semi-Public or Woodland District;
3. the rear yard is not less than ten (10) feet in an Suburban Residential, Village Center, or Commercial District; not less than 20 feet in a Rural Residential, Industrial or Agricultural District; and not less than 25 feet in a Public/Semi-Public or Woodland Districts;
4. the front yard conforms to the minimum distance required;
5. where needed, the site has an approved sewage disposal system or an appropriate sewage permit; and,
6. provided that the site and its intended use comply with all other applicable provisions of this Ordinance.

C. Certification

Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming lot on or before the effective date of this Ordinance, the Zoning Officer shall issue a Certificate of Nonconformance for such nonconformity. Any applicant aggrieved of the process for obtaining said Certificate or of any decision rendered therefrom, may file an appeal with the County Zoning Hearing Board.

## ARTICLE 10

### **RESPONSIBILITIES OF THE ZONING HEARING BOARD**

#### **1000 ORGANIZATION AND PROCEDURE**

##### **A. Establishment**

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, a Zoning Hearing Board is hereby established in Montour County.

##### **B. Appointment and Membership**

1. The Zoning Hearing Board shall consist of three (3) residents of Montour County to be appointed by Resolution of the Montour County Commissioners. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the County, nor shall any member be an employee of the County.
2. The County Commissioners may also appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. For each case, the Chairman of the Zoning Hearing Board may designate alternate members of the Board to replace any absent or disqualified members, and if, by reason of absence or disqualification, a quorum is not reached, the Chairman shall designate as many alternates as necessary to reach a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority. Alternates shall hold no other elected or appointed office in the County, including service as a member of the County Planning Commission or as a zoning officer, nor shall any alternate be an employee of the County.
3. A Zoning Hearing Board member may be removed by majority vote of the appointing authority for just cause only after the member has received 15 days' advance notice of the County'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. General Grant of Power**

The Zoning Hearing Board shall perform all the duties and have the powers prescribed by the Pennsylvania Municipalities Planning Code, as amended, and as herein described.

**1001 POWERS AND DUTIES**

The County 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 with 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.

**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 1002.) (See also 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 Request 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 1002.) 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 also Appendix D for a chart illustrating the Special Exception procedure.)

Prior to taking action on a request for a Special Exception, the Zoning Hearing Board shall request a review of the application by the County Planning Commission. The County 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 file its report. In the event that the Commission fails to complete its review or file its report within 30 days, it shall be presumed that the Commission has no comments or concerns regarding the proposed request.

In reviewing applications for Special Exceptions, the Zoning Hearing Board shall take into account any comments received from the County Planning Commission and the following requirements, in addition to the standards set forth in Article 4, and in other applicable sections of this Ordinance.

1. that the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;
2. that the use will not cause substantial injury to the value of other property in the neighborhood where the use is to be located;
3. that the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located;
4. that adequate landscaping and screening is provided as required herein;
5. 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,

6. 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.

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.

## **1002 HEARING PROCEDURES**

### **A. Parties Appellant Before Zoning Hearing Board**

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of this Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the County, 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.

### **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 13 of this Ordinance.
2. Post in a conspicuous place on the property involved a written notice of the pending hearing and action; such notice shall take place at least seven (7) days prior to the public hearing;
3. Give written notice to the applicant, the Zoning Officer, the County

Commissioners, County Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing; and

4. In the case of an appeal or a request for the variance or Special Exception, notify all landowners adjoining the tract at least seven (7) days prior to the date of 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. The applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.

#### F. Rules of Conduct

1. 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.
2. All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the County. A report of the Zoning Hearing Board's activities shall be submitted to the County Commissioners once each year.
3. A quorum of two (2) Board Members shall be required for the Zoning Hearing Board to take action. The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member, and if, by reason of absence or disqualification or a member, the Chairman of the Board shall designate as many alternate members as necessary to reach a quorum.

#### G. Decisions

1. 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.

2. 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.
3. A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day following its date. All other persons interested in the result, who 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 and/or Building Permit(s) and start construction, or fails to comply with the conditions of said decision, within 24 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 Columbia County pursuant to the procedures established in Article X-A of the PA Municipalities Planning Code, as amended.

## ARTICLE 11

### ZONING ORDINANCE AMENDMENTS

#### 1100 AMENDMENTS TO ZONING ORDINANCE OR MAP

The Board of County Commissioners 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

1. The Board of County Commissioners shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) 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.
2. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the County Zoning Officer at points deemed sufficient by the County Planning Commission 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 County Planning Commission 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.
3. If after said public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected by it, the County Commissioners 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 County Commissioners or by petition, shall be referred to the County Planning Commission and all municipalities under jurisdiction of this Ordinance at least



30 days before the public hearing for report thereon. If the Planning Commission and/or affected municipalities fail to file such a report before the public hearing it shall be presumed that the Planning Commission and/or municipalities 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 Board of County Commissioners 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 County Commissioners. The vote of the Commissioners shall be within 90 days after the last public hearing on the amendment. If the Commissioners fail 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.

## ARTICLE 12

### ADMINISTRATION AND ENFORCEMENT

#### **1200 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 Board of County Commissioners, upon recommendation of the County Planning Commission. Said Officer shall be able to demonstrate to the satisfaction of the Commissioners a working knowledge of municipal zoning, and shall meet such other qualifications as the Commissioners 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, 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 procedure set forth in Section 1202 of this Ordinance. **In cases involving a request for a Special Exception, or a variance, Zoning Permits shall be issued only upon written order of the Zoning Hearing Board.** It shall be the responsibility of the Zoning Officer to process requests for such hearings before the Zoning Hearing Board;
- D. to issue or deny requests for Certificates of Compliance in accordance with the procedure set forth in Section 1203 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 1204 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 County as a means of enforcing the zoning regulations;
- G. to maintain and update the official Zoning Map as amendments are made by the County Commissioners;
- H. to maintain a log of all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued. (For

floodplain management purposes, these documents shall be saved and kept on file in perpetuity.);

- I. to post notice of pending Zoning Hearing Board hearings in accordance with the procedures established in Section 1002 E.2. and to post notice of proposed zoning district boundary changes as per the requirements of Section 1100 A.2;
- J. to present facts, records, and other information to the County Commissioners and/or County Planning Commission, upon request of such body, as will assist them in their deliberations of specific applications;
- K. to present to the Zoning Hearing Board, in each case before the Board, all relevant facts and arguments to support the County's position, interpretation, and procedures in application of the provisions of this Ordinance;
- L. to issue Certificates of Nonconformance as requested (See also Sections 900 G. and 901 C.); and,
- M. to perform such other duties as may be provided or made necessary by the terms of this Ordinance.

## **1201 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 refer the application to the Zoning Hearing Board for their consideration, as applicable. After the applicant has received his Zoning Permit, he shall contact the applicable 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. (The specifics of each step of the zoning procedure are presented in Sections 1202 and 1203 below and in chart form in Appendix F 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 Montour County or any of the municipalities under jurisdiction of this Ordinance.**

## 1202 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 7;
4. prior to the change or extension of a nonconforming use;
5. prior to the demolition or razing of any building or structure; AND
6. 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 sewage, driveway, and other related Permits have first been issued for the proposed use.** (See also Sub-Section D. below for additional compliance requirements.) **Upon issuance of the Zoning Permit, the applicant may apply for a Building Permit.**

#### Exemptions

Zoning Permits shall not be required for the following activities *unless they are proposed within a floodplain district.*

1. non-commercial or non-industrial interior alterations when there is no increase in gross floor area and no change in use;
2. general maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition of storm windows, and similar activities;
3. land cultivation, including crop or tree farming;
4. landscaping;
5. construction or erection of fences or walls (so long as they meet the requirements of Section 504 C of this Ordinance), steps or similar features; and
6. placement or location of private utility lines.

**B. 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 County. 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 15 days after receipt of a complete application to issue or deny requests for a Zoning Permit. Any denial shall be in writing and shall state the reason(s) for such action.

**C. Description of Work and Plan Requirements**

All applications for Zoning Permits shall be accompanied 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 (including floor plans if available), 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 County.

All applications and accompanying plans and documents shall become a matter of public record once a Permit has been either issued or denied.

**D. 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 applicable Township Driveway Permits, Department of Labor and Industry or Public Welfare approvals, or other regulatory agency reviews, where such permits, approvals or reviews are appropriate.

**E. 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.

**F. Display of Permit Placard**

In addition to the Zoning Permit, the Zoning Officer shall issue a Permit placard which shall be visibly 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.

**G. Time Limitations for Permit**

Work on the proposed construction shall begin within six (6) months after the issuance of the Zoning Permit and shall be completed no later than 24 months after Permit issuance or the Permit shall expire and become null and void. A time extension of the original Permit may however be granted by the Zoning Officer where the applicant submits a written request prior to the expiration of the original Permit setting forth sufficient and reasonable cause for the Zoning Officer to grant such a request. No more than one (1), 12-month extension 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 proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street. (See also the definition of "start of construction" for application of the phrase to proposed development in an identified floodplain area.)

**H. Inspections**

During the construction period, the Zoning Officer may 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 County Ordinances and municipal 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, at any reasonable hour, to enforce the provisions of this Ordinance. The Zoning Officer shall provide the property owner with an explanation of the purpose of the inspection and shall invite the property owner to accompany him on the inspection. Where however the Zoning Officer believes there is probable cause that there is a violation of the Zoning Ordinance or Zoning Permit but is denied consent to enter the property by the property owner, the Zoning Officer may file a request with the District

Justice for a search warrant.

I. Revocation of Permits

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such 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. In 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 applicable Building Code Official, to the County Planning Commission, and to the Board of County Commissioners for whatever additional action may be deemed necessary.

J. 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 County. (See also Section 435 of this Ordinance for specific temporary use requirements.)

K. Seasonal Zoning Permits

A Seasonal Zoning Permit may be authorized by the Zoning Officer for: 1) the placement or establishment of a temporary roadside stand; 2) the placement of a recreational vehicle on a lot situated within a designated floodplain for more than seven (7) consecutive days; 3) the placement of a recreational vehicle on a lot outside of a designated floodplain for more than 30 days in any calendar year; and 4) for the placement of a campground within a designated floodplain. Seasonal Permits may be valid for no more than 180 days in any calendar year. Before issuing a Seasonal Permit the Zoning Officer shall be satisfied that the requirements of Sections 421, 423 F.1, 423 F.2, 425 B. and all other applicable provisions of this Ordinance, including Article 3, the District Regulations, have been met.

**1203 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 only 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 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.

**1204 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 that there has been a violation of any provision of this Ordinance, the Zoning Officer, on behalf of the County, 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 County 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 County 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 County 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 Zoning Officer may institute in the name of the County, upon approval of the Board of County Commissioners, 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 on the County Commissioners 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 Montour County, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the County as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Montour County 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 the Montour County Board of Commissioners.

The Court of Common Pleas, upon petition, may grant an order of stay, upon good 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 any person or entity other than Montour County Board of Commissioners the right to commence any action for enforcement pursuant to this Section.

#### **1205 FEES**

Fees for the issuance of Zoning Permits, Certificates of Compliance, ordinance amendments, Special Exception Uses, variances, and other zoning actions shall be paid to the County upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution of the County Commissioners and as may be amended hereafter by subsequent Resolution.

Further, any fees paid by a party for the appeal of an enforcement notice to the County Zoning Hearing Board, shall be returned to the appealing party by the County if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

## ARTICLE 13

### DEFINITIONS

#### 1300 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 shall include the plural, and the plural the singular; the word "person" shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word "lot" shall include the words "plot" and "parcel"; the term "shall" is mandatory, the word "may" permissive; and the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

#### 1301 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.

**ABANDONED MOTOR VEHICLE:** A motor vehicle that is inoperable and is left unattended on public property for more than seven (7) days; or has remained illegally on public property for a period of seven (7) days; or is left unattended on or along a public roadway without a valid registration plate, certificate of inspection, or title. For the purposes of this Ordinance, vehicles or equipment used in construction or in the operation or maintenance of public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

**ABUT:** 1) Physically touching or bordering on another lot, use, or district boundary; or 2) Sharing a common boundary line. (See also ADJOINING.)

**ACCESS DRIVE:** A permanent service-way, other than a street, which provides vehicular access from a street or public road to a lot; such as a driveway.

**ACCESSORY BUILDING:** See Building, Accessory.

**ACCESSORY RESIDENTIAL USE:** For the purposes of this Ordinance, an accessory residential use shall be defined as a residential dwelling unit which is accessory to the principal commercial use of a lot; i.e. an apartment(s) located above or adjoining a retail establishment.

**ACCESSORY STORAGE TRAILER:** See STORAGE TRAILER, ACCESSORY.

**ACCESSORY STRUCTURE:** See STRUCTURE, ACCESSORY.

**ACCESSORY USE:** See USE, ACCESSORY.

**ACCESSORY WAREHOUSING OR STORAGE FACILITY:** See WAREHOUSING FACILITY.

**ACRE ACT:** Agriculture, Communities and the Rural Environment Act, Act 38 of 2005, which was enacted and became effective July 6, 2005. The Act is also known as the ACRE Law or Act 38.

**ADJOINING:** For the purposes of this Ordinance, the term "adjoining" shall be defined as the sharing of all or part of a common lot line with another lot or parcel of land. (See also ABUT.)

**ADULT ENTERTAINMENT ESTABLISHMENT:** Adult book stores, adult theaters, adult cabarets, adult massage parlors, and similar establishments providing entertainment of a sexual nature. (See also Section 415.)

**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 County official for the purpose of obtaining approval thereof.

**AGRI-BUSINESS:** An independent business, not subsidiary to an agricultural operation, which is related to the processing or sale of agricultural products or supplies, or the sale and/or repair of agricultural equipment.

**AGRICULTURAL BUILDING:** A detached accessory structure, whether fully or partially enclosed, intended to provide housing, shelter, enclosure or support for animals, farm equipment, farm supplies or produce, grain, feed, etc. Such building shall be incidental and accessory to the type of farming activities conducted upon the property containing the building or on other properties owned or leased by the same farmer, and shall not be used for residential purposes. (See also STABLE.)

**AGRICULTURAL OPERATION:** 1) The management and use of farming resources for the production of crops, livestock or poultry. 2) An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products, and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, or livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. (See also NORMAL AGRICULTURAL OPERATION.)

**AGRICULTURE:** The use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures used for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. (See also AGRI-BUSINESS, ANIMAL OR POULTRY HUSBANDRY, FARM, FARM-RELATED BUSINESS and NORMAL AGRICULTURAL OPERATION.)

**AIRCRAFT:** Any contrivance, except an unpowered hang glider or parachute, used for the ascent into or flight through the air.

**AIRPORT:** Any area of land or water which is used, or is intended to be used, for the landing or take-off of aircraft and any appurtenant areas which are used, or are intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all facilities thereon. For the purposes of this Ordinance, the term "airport" may also include facilities designated as heliports or those facilities that can only be used by rotary wing aircraft, as well as private airports or helipads.

**AIRPORT HAZARD:** Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight of aircraft in landing or take-off at an airport or is otherwise hazardous to the landing or take-off of aircraft.

**AIRPORT HAZARD AREA:** Any area of land or water upon which an airport hazard might be established if not prevented as provided in Act 164 of 1984 (Pennsylvania Laws Pertaining to Aviation).

**AISLE:** The traveled way by which cars enter and depart parking spaces.

**ALLEY:** A permanent service way providing a secondary means of access to abutting lots, not intended for general traffic circulation.

**ALTERATION:** As applied to a building or structure, an alteration shall be defined as 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, alteration shall not be defined to include general maintenance or other repair activities. (See also STRUCTURAL ALTERATIONS.)

**AMENDMENT:** 1) The process set forth by the PA Municipalities Planning Code for changing or altering the provisions of this Ordinance or the boundary of any zoning district shown on the zoning map. (See also Section 1100.); or 2) the actual change or alteration proposed for the zoning ordinance text or map.

**ANIMAL EQUIVALENT UNIT (AEU):** One thousand pounds live weight of livestock or poultry animals, regardless of the actual numbers of individual animals comprising the unit. (See the PA Nutrient Management Act, PSU Agronomy Fact

Sheet # 54 or other associated agriculture industry guidance documents for a listing of standard animal weights.)

**ANIMAL HOSPITAL:** An establishment where animals are given medical or surgical treatment and may be boarded for short-term care incidental to their treatment.

**ANIMAL HUSBANDRY, COMMERCIAL:** For the purposes of this Ordinance, animal husbandry shall be defined as an agricultural operation involving the raising or keeping of livestock and/or poultry for capital gain or profit or with the intent of selling any livestock or poultry products as a commercial enterprise, including custom butchering, which does not meet the animal density thresholds set forth in the Nutrient Management Regulations for a CAO of CAFO. (The housing or raising of livestock or poultry or household pets for personal use or enjoyment pursuant to regulations of this Ordinance shall not be considered animal or poultry husbandry. See also Section 420.)

**ANTENNA:** Any arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

**ANTENNA HEIGHT:** The measurement of the overall vertical length of antenna and its support structure above the average finished grade of the site upon which the antenna is located. If such system is located on a building or other structure, the overall vertical length shall be measured to include the height of the building or structure upon which the antenna and its structure is situated.

**APARTMENT:** SEE DWELLING, APARTMENT AND CONVERSION APARTMENT.

**APPLICANT:** A landowner, equitable owner, or developer, as hereinafter defined, who has filed an application for development, including his or hers, personal representatives, successors and assigns.

**AREA:** The surface included within a set of lines.

- a. **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.
- b. **Area, Buildable:** That portion of a lot bounded by the required front, side and rear yards.
- c. **Area, Site:** The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

**AUTOMOTIVE REPAIR SHOP:** A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm machinery

or equipment, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. (See also Section 413 A.)

**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.

**AUTOMOTIVE FUELING AND/OR SERVICE STATION:** Any land, building, or place of business where gasoline or any motor vehicle fuel or oil or other lubricating substances, 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 also Section 413 A.)

**AUTO SALVAGE OPERATION:** See JUNK YARD.

**BANK:** See FINANCIAL INSTITUTION.

**BARBER OR BEAUTY SHOP:** An establishment providing personal grooming services that may include hair cutting, coloring, facial, nail grooming, and ancillary uses such as tanning salons. (See also HOME OCCUPATION and PERSONAL SERVICE BUSINESS.)

**BASE FLOOD:** A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the 100-year flood or one percent (1%) annual chance flood.)

**BASE FLOOD 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, and A1-30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

**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 purpose 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 the space is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

**BED AND BREAKFAST ESTABLISHMENT:** An establishment, dwelling, or part thereof, in which individual rooms are offered for temporary lodging purposes by the owner or operator for limited periods of time. Breakfast or other meals may also be

provided for overnight guests as a part of the lodging fee or for the public if authorized by the proper County officials. (See also Section 410.)

**BEDROOM:** That portion of a dwelling unit designed to be suitable for sleeping purposes, which may contain closets, may have direct access to a bathroom, and meets the PA Uniform Construction Code requirements for light and ventilation.

**BERM:** For the purposes of this Ordinance, a berm shall be defined as a natural or man-made mound of earth in excess of two (2) feet in vertical height used to shelter or buffer properties from adjoining uses, roadways or noise.

**BLOCK:** A unit of land bounded by streets or a combination of streets and public land, rights-of-way, waterways or other barrier to the community of development, which area is normally somewhat square or rectangular in shape.

**BOARDING HOME:** See ROOMING HOME.

**BOARD OF COUNTY COMMISSIONERS:** The elected governing body of Montour County, PA.

**BOARD OR ZONING HEARING BOARD:** The appointed Zoning Hearing Board of Montour County, PA.

**BUFFER YARD:** Yard space, either landscaped or planted, provided between high intensity activities and residential uses. (See also Section 505.)

**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.

- a. **Building, Accessory:** A detached, subordinate structure located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.
- b. **Building, Principal:** A building in which the principal use of the site is conducted.
- c. **Building, Attached:** A building which has one (1) or more walls in common with an adjacent building. (See also 504 B.)
- d. **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, third party agency, or other qualified individual duly appointed or hired by a municipality and charged with the duty of enforcing the provisions of the Uniform Construction Code in that



municipal jurisdiction.

**BUILDING COVERAGE:** The percentage of this plot or lot area covered by the principal and accessory buildings, including porches, patios, decks, carports and breezeways, but excluding swimming pools, and unenclosed parking or loading areas or steps. (See also Section 504 E.)

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the finished grade of the ground surrounding the building to the highest point of the roof, excluding chimneys, spires, and similar projections which may be attached to the building. (See also Section 503.)

**BUILDING LINE:** The required setback (front, side, or rear) of a building from a property line.

**BUILDING SETBACK LINE:** For the purposes of this Ordinance, the building setback line shall be defined as: 1) a line established by the required minimum front yard setback from the front property line or cartway of any adjoining street or road; or 2) the front lot line for buildings and/or structures. The building setback line shall be the point at which minimum lot width is measured.

**BUSINESS OFFICE:** See PROFESSIONAL OFFICE and FINANCIAL OFFICE.

**CAFO:** See CONCENTRATED ANIMAL FEEDING OPERATION.

**CAMPGROUND:** A tract or tracts of ground, or portion thereof, used for the purpose of providing two (2) or more spaces for recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space. Such facility may also include a recreational vehicle park. For the purposes of this Ordinance, a campground shall be considered to be an outdoor commercial recreation use. (See also Section 425.)

**CAO:** See CONCENTRATED ANIMAL OPERATION.

**CARPORT:** A roofed accessory structure usually attached to its principal building which provides space for the parking or storage of one or more vehicles. Said structure is covered by a roof, supported by columns or posts, and is enclosed on not more than three (3) sides.

**CARTWAY:** The surface of a street or alley available for vehicular traffic or the area between curbs.

**CAR WASH:** An area of land and/or a structure with machine- or hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles and whereas no repairs or sales of petroleum fuel or lubricants are performed. A car wash facility may or may not include accessory uses such as auto detailing.

**CELLAR:** A portion of a building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground. For the purposes of this Ordinance, a cellar shall not be considered in calculating habitable floor area or in determining the permissible number of stories, nor shall it be used for dwelling purposes.

**CEMETERY:** Property used for the interring of the dead, including pets.

**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. (See also Section 1203.)

**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. (See also Sections 900 G. and 901 C.)

**CHANGE OF USE:** An alteration of a building or a change of 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 or incidental thereto. Such accessory uses, including schools, child nursery or day care facilities, social halls or similar places of assembly associated with the church or place of worship, shall require separate consideration and approval by County officials. For the purposes of this Ordinance a church shall also be defined to include "in-home worship facilities."

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines. (See also Section 504 D.)

**CLINIC, MEDICAL OR DENTAL:** For the purposes of this Ordinance, a medical or dental clinic shall be defined as an establishment housing two (2) or more physicians, dentists, psychologists, social workers, or similar health care providers, where patients are received for examination or treatment, but where no surgery is performed and no patients are lodged overnight.

**CLINIC, VETERINARY:** For the purposes of this Ordinance, a veterinary clinic shall be defined as an establishment housing one (1) or more veterinarians where animals are examined and treated, but where no boarding related to such treatment is provided. (See also ANIMAL HOSPITAL.)

**CLUBS OR FRATERNAL ORGANIZATIONS:** An organization catering exclusively

to members and their guests in premises or buildings for social, recreational, or administrative purposes, which are not conducted for profit. For purposes of this Ordinance, such clubs shall not include adult entertainment. Clubs may include, but need not be limited to, service organizations, fraternal organizations, as well as social, athletic, or similar groups.

COMMERCIAL ANIMAL HUSBANDRY: See ANIMAL HUSBANDRY, COMMERCIAL.

COMMERCIAL COMMUNICATIONS ANTENNAS, TOWERS AND EQUIPMENT BUILDINGS: See COMMUNICATIONS ANTENNA, COMMUNICATIONS EQUIPMENT BUILDING, and COMMUNICATIONS TOWER and Section 427.)

COMMERCIAL LODGING FACILITY: See LODGING FACILITY, COMMERCIAL.

COMMERCIAL WIND ENERGY FACILITY: See WIND ENERGY FACILITY, COMMERCIAL.

COMMON WALL: A wall on an interior lot line or a wall adapted for joint service between two (2) buildings; i.e. a party wall.

COMMUNICATIONS ANTENNA: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any 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, without limitation, ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER: A structure other than a building such as a monopole, self-supporting or guyed tower, designed and used to support 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.

COMPREHENSIVE PLAN: The complete plan for future development of Montour County, PA, as adopted by Resolution of the Montour County Commissioners, dated April 2009.

**COMPRESSOR STATION:** See NATURAL GAS COMPRESSOR STATION.

**CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO):** A concentrated animal operation with greater than 300 AEU's; any agricultural operation with greater than 1,000 AEU's; or any agricultural operation defined as a large CAFO under CFR 122.23 (relating to concentrated animal feeding operations). (See also Section 420 B.)

**CONCENTRATED ANIMAL OPERATIONS (CAO):** Agricultural operations with eight (8) or more animal equivalent units (AEU's) where the animal density exceeds two (2) AEU's per acre on an annualized basis. (See also Section 420 B.)

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

**CONSERVATION AREAS:** Land area used for game lands, wildlife or nature preserves, or similar activities.

**CONSTRUCTION:** See NEW CONSTRUCTION.

**CONTRACTOR'S SHOP AND YARD:** A building or group of buildings and space used for the storage of construction equipment, building materials and/or construction vehicles. Such uses may also include equipment repair facilities and office space associated with the contractor's operation. (See also Section 419.)

**CONVENIENCE MARKET:** A retail establishment selling a limited range of food products and 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 in 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 by more than one (1) family. The specific number of permitted dwelling units shall be as set forth in Article 3, the District Regulations, of this Ordinance. (See also Section 403.)

**COTTAGE INDUSTRY:** For the purposes of this Ordinance, a cottage industry shall be defined as a commercial or industrial use of an agricultural tract which is clearly secondary to the use of the premises as a farm.

**COUNTRY INN:** A retail establishment providing lodging for overnight guests for specified periods of time. Dining facilities may also be included for lodgers and the general public. (See also BED AND BREAKFAST ESTABLISHMENT.)

**COUNTY:** Montour County, Pennsylvania.

**CULTIVATION:** See LAND CULTIVATION.

**CULTURAL FACILITIES:** Art galleries, auditoriums, libraries, museums, community centers, botanical gardens, adult education centers, or other similar facilities, open to the public or connected with a permitted educational, institutional, philanthropic, service or religious use.

**CURATIVE AMENDMENT:** A specific process provided in the PA Municipalities Planning Code whereby an individual land owner or the municipality may propose an amendment to cure or overcome a perceived invalidity of a zoning ordinance.

**DAY CARE CENTER:** A public or private facility enrolling more than 12 young children where tuition, fees, or other forms of compensation for the care of the children is 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. (See also Section 409 and FAMILY DAY CARE HOME AND GROUP DAY CARE HOME.)

**DECISION:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the County lies.

**DECK:** A structure with or without sides projecting from the front, side or rear wall of a building. For the purposes of the Ordinance, a deck is considered a part of the principal building and is not permitted to extend into any required yards. (See also PATIO and PORCH.)

**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, MEDICAL OR DENTAL.

**DETERMINATION:** Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following: 1) the Board of Supervisors; 2) the Zoning Hearing Board; or 3) the Planning Commission, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance or Planned Residential Development Ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**DEVELOPER:** Any landowner, agent of such landowner, or tenant with the permission of 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.

**DIGITAL MESSAGE BOARD:** See SIGNS, DIGITAL MESSAGE BOARD.

**DISTRICT:** A zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

**DOMESTICATED ANIMAL:** A relatively docile animal kept by humans for work or food or as a pet, especially one of a breed notably different from the wild form.

**DRILLING:** The digging or boring of a well, either vertically or horizontally, for the purpose of exploring for, developing or producing oil or gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

**DRILLING PAD:** The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling site.

**DRIVEWAY:** A minor vehicular service way providing access between a public or private street and a parking area or garage within a lot or property.

**DUPLEX:** See DWELLING, TWO-FAMILY.

**DWELLING:** A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

- a. **Dwelling, Apartment:** A single dwelling unit located within a multi-family dwelling structure, or within a residence converted for additional residential use, or within a commercial structure to provide for accessory residential uses. (See also ACCESSORY RESIDENTIAL USE and CONVERSION APARTMENT.)
- b. **Dwelling, Multi-Family:** A dwelling structure containing three (3) or more dwelling units, with or without independent outside access, excluding single-family attached dwelling structures as defined above; i.e. an apartment building. (See also Section 405.)

For the purposes of this Ordinance, the placement of more than one (1) multi-family dwelling structure or more than one (1) single-family attached dwelling structure, or a combination thereof, on a single tract of ground shall be considered to be a MULTI-FAMILY HOUSING DEVELOPMENT.

- c. 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(s); i.e. a townhouse unit. For the purposes of this Ordinance, a *single-family attached dwelling structure* shall contain a minimum of three (3) dwelling units. (See also Section 404.)
- d. 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 herein. (See also MOBILE HOME.)
- e. Dwelling, Two-Family: A 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 a common basement or cellar; i.e. a duplex.

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, lodging facilities, rooming or boarding homes, or 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.

ELEVATION CERTIFICATE: A Certificate prepared by a registered professional engineer, land surveyor, or architect that certifies the precise elevation of the first floor, including basement, of a building or enclosed structure situated within an identified floodplain area, used for the purpose of determining compliance with the terms of this Ordinance and the appropriate rate to apply to an application for flood insurance.

ENCLOSED STORAGE FACILITY: See WAREHOUSING FACILITY.

ENCLOSED USE: A use which is located entirely within a building or structure.

ENTERTAINMENT ESTABLISHMENT, PUBLIC: An indoor facility operated as a business for profit, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, amusement arcades, motion picture theaters, health and fitness clubs, and similar types of establishments, but excluding adult entertainment facilities as defined herein.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

ESSENTIAL SERVICES: Uses, not enclosed within a building, necessary for the

preservation of the public health and safety, including but not limited to, the erection, construction, alteration or maintenance of underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or similar equipment used by public utilities or government agencies, excluding communications antennas, towers or equipment buildings or wind energy facilities. (See also COMMUNICATIONS ANTENNA, COMMUNICATIONS TOWER, AND COMMUNICATIONS EQUIPMENT BUILDING, and WIND ENERGY FACILITIES.

EXISTING MOBILE HOME PARK OR SUBDIVISION: A mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile 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) was completed before the effective date of this Ordinance.

EXPANSION TO AN EXISTING MOBILE HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile 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).

FAMILY: An individual person, two (2) or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four (4) persons who are not related by blood, marriage, or adoption living together in an individual dwelling unit as a single housekeeping unit, using common living, cooking, sleeping, and sanitary 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 shall be considered to be a home occupation.

FARM: For the purposes of this Ordinance, a farm shall be defined as a parcel of land which is used for agricultural purposes or activities, excluding the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels. (See also AGRICULTURE, KENNEL, NORMAL AGRICULTURAL OPERATION, RIDING ACADEMY, and STABLE.)

FARM BUILDING: See AGRICULTURAL BUILDING.

FARMERS/FLEA MARKET: An indoor and/or outdoor establishment used for the sale of assorted new and used goods by auctioneers or by vendors on a periodic basis.

FARM-RELATED BUSINESS: For the purposes of this Ordinance, a farm-related business shall be defined as a commercial enterprise conducted on a farm which is



related to or supportive of an on-going agricultural operation located on the same tract of ground. (See also Section 430.)

**FENCE:** Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. For the purposes of this Ordinance, a fence shall be considered to be a structure but shall not require a Zoning Permit prior to its placement or erection. (See also Section 504 C.)

**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 floodproof a building or structure.

**FINANCIAL OFFICE:** For the purposes of this Ordinance, 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, or portion thereof, used for the purpose of housing or storing firefighting equipment and gear. Such facilities may also include company meeting rooms, administrative offices, and public service space.

**FLAG LOT:** See LOT, FLAG.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD FRINGE:** Those areas identified as an AE Zone without floodway on the County's FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided in the FIS, but no floodway has been delineated.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Emergency Management Agency (FEMA) 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 (FEMA) that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**FLOOD, ONE HUNDRED YEAR:** A flood that on the average is likely to occur once every 100 years (i.e. that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.)

**FLOODPLAIN:** 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.

**FLOODPROOFING:** Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents. (See also Section 602 B. & C.)

**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 (1) foot.

**FLOOR AREA:** The area of a structure covered by floors.

- a. **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, basement or cellar floor areas where this area is not used for business or dwelling purposes, but including the area of all covered or enclosed porches, decks, patios and terraces.

For the purposes of applying the requirements of off-street parking and loading, floor area in the case of office, merchandising, or service-type uses shall mean the retail 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 the display or sale of merchandise.

- b. **Floor Area, Habitable:** Any floor area within a dwelling unit which is usable for living purposes, including area for working, sleeping, eating, cooking, and recreation, or a combination thereof. Stairways, hallways, bathrooms, and floor area used only for storage purposes, such as closet, attic, or unimproved basement space, or unenclosed or unheated porches shall not be considered habitable floor area, nor shall any space where the floor-to-ceiling height is less than five (5) feet.

**FOREST MANAGEMENT ACTIVITIES:** See FORESTRY.

**FORESTRY:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. (See also TIMBER HARVESTING.)

**FRACKING:** The process of injecting water, customized fluids, sand, steam or gas into a gas well under pressure to improve gas recovery, also known as hydraulic fracturing or fracture stimulation.

**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 TERMINAL:** For the purposes of this Ordinance, a freight terminal shall be defined as a building or group of buildings containing 10,000 square feet of gross floor area and/or more than four (4) loading berths or docks where merchandise is stored for ultimate distribution to specific wholesale operators. (See also TRUCK STOP and WAREHOUSING FACILITY.)

**FUNERAL HOME:** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. For the purposes of this Ordinance, a funeral home shall not include a cemetery, a mausoleum or any similar entombment, but may include crematoriums when operated in conjunction with the funeral home and located therein. (See also MORTUARY.)

**GARAGE:** A building or structure used for the parking and storage of vehicles. (See also AUTOMOTIVE REPAIR SHOP.)

- a. **Garage, Private:** An accessory building or an accessory portion of a principal building designed or used for the parking or storage of motor vehicles; provided however; that no business, occupation or service is conducted for profit therein, and no more than one (1) space therein may be leased to a non-resident of the property.
- b. **Garage, Public:** A building or group of buildings used primarily for the parking or storage of motor vehicles, available to the general public for compensation.

**GARDENING, HOME:** The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping, boarding or raising of livestock.

**GARDEN SHOP:** A retail business establishment specializing in sale of seeds, plants, flowers, shrubs, or small or ornamental trees, and related products and utensils.

**GENERAL FLOODPLAIN:** Those areas identified as an A Zone on the County's FIRM included in the FIS prepared by FEMA for which no base flood elevations have been provided.

**GOVERNMENT OR MUNICIPAL BUILDING:** A facility housing State, County or municipal agencies, including administration offices, storage facilities, and other related or incidental uses or structures. For the purposes of this Ordinance, such facilities shall also include police or fire stations, community centers or grange halls.

**GRADE:** The degree of rise or descent of a sloping surface.

- a. **Grade, Street:** The elevation of the centerline of an existing or proposed street; the percentage of slope.
- b. **Grade, Finished:** The final elevation of the ground surface after development, including lawns, walks and roads.

**GREENHOUSE:** A building whose sides and roof are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment. (See also PLANT NURSERY.)

**GROCERY STORE:** A retail establishment primarily selling food or groceries as well as other household goods or merchandise; i.e. a supermarket.

**GROSS FLOOR AREA:** See FLOOR AREA, GROSS.

**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 use may be either a principal or accessory use (see applicable District Regulations) and may also provide care for adult or elderly persons. (See also Section 409.)

**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, excluding student housing facilities as defined herein.

**GROUP HOME FOR THE DISABLED:** For the purposes of this Ordinance, a group home shall be defined as a residence occupied by four (4) or fewer disabled persons (excluding staff) unrelated by blood, marriage, adoption or guardianship who live together as a group family household. Such homes shall include, but are not limited to, homes for mentally or physically handicapped or challenged persons and specialized treatment facilities providing less than primary health care. Group homes providing space for more than four (4) disabled residents, excluding staff, shall be considered to be institutional residences. (See also 407 and INSTITUTIONAL RESIDENCE.)

**HABITABLE FLOOR AREA:** See FLOOR AREA, HABITABLE.

**HAZARDOUS MATERIALS:** Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being.

**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 in the National Register.
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 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 conducted entirely within the operator's residence or in a single building accessory thereto, which is carried on by the inhabitant(s) thereof, and is clearly secondary to the use of the dwelling for residential purposes and does not change the character thereof. (See also Section 429 B.)

**HORTICULTURE:** The growing of fruits, vegetables, flowers, ornamental plants, shrubs, or trees for profit.

**HOTEL:** A building or structure containing rooms intended or designed to be used, rented or occupied for sleeping purposes by overnight guests, where such rooms have no independent outside access, and where provision may be made for dining room or restaurant facilities, or meeting or conference rooms within the building. (See also LODGING FACILITIES, COMMERCIAL, MOTEL and COUNTRY INN.)

**HOUSEHOLD PETS:** For the purposes of this Ordinance, household pets shall be defined as domesticated animals, including dogs, cats and other similar animals that are housed in a private residence as personal companions.

**IDENTIFIED FLOODPLAIN AREA:** Those floodplain areas identified in this Ordinance as being inundated by the base flood, including areas identified as the Floodway, Flood Fringe and General Floodplain Area/Districts in Section 601 of this Ordinance.

**IMAGE-CHANGING SIGN BOARDS:** See SIGNS, IMAGE-CHANGING SIGN BOARDS.

**IMPERVIOUS SURFACE:** 1) Any surface which reduces or prevents the absorption of stormwater into previously undeveloped land; or 2) The percentage of a lot that does not absorb precipitation. For the purposes of this Ordinance, all buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, or similar materials shall be considered impervious surfaces.

**INDUSTRIAL USES, LIMITED:** For the purposes of this Ordinance, limited industrial uses shall be defined as: 1) those enclosed, low impact manufacturing, assembly and processing operations which meet the performance standards set forth in Section 416 J.; 2) enclosed warehousing and storage facilities; 3) wholesale businesses; and 4) contractor or carpentry shops, machine shops, or similar operations. (See also MACHINE SHOP, MANUFACTURING, WAREHOUSING FACILITY, and WHOLESALE BUSINESS.)

**INDUSTRIAL OPERATIONS:** For the purposes of this Ordinance, industrial operations shall be defined as enclosed manufacturing, assembly and processing activities itemized in Article 3, the District Regulations, which meet the supplementary use regulations set forth in Section 416. (See also MANUFACTURING.)

**INSTITUTIONAL RESIDENCE:** Establishments primarily engaged in the provision of residential, social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self-care, but where medical care is not a major element. These uses include, but are not limited to, group foster homes; residential alcohol and drug rehabilitation centers with incidental health care; children's boarding homes; halfway homes for persons with social or personal problems, except halfway homes for delinquents, offenders and other adjudicated individuals, and not including training schools for delinquent and other adjudicated individuals; homes for destitute individuals; homes for the deaf or blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes for five (5) or more disabled residents, excluding staff. Residents of these facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category, with the exception of personal care homes as defined herein. Such facilities may also require licensing by the PA Department of Public Health, Department of Welfare, or other State agencies.

**INTERSTATE HIGHWAY SYSTEM:** That portion of the national system of

interstate highways located within the Commonwealth as officially designated by the State and/or U.S. Departments of Transportation.

**JUNK:** Any discarded part or material, including, but not limited to, scrap metal, paper, rags, glass, containers, tires, junked or abandoned motor vehicles, trailers, machinery and equipment, and other salvageable materials. For purposes of this Ordinance, the term "junk" shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

**JUNK YARD:** Any outdoor establishment, place of business, or use of land which is maintained, used or operated for storing, keeping, buying or selling junk or junked or abandoned motor vehicles (including auto salvage operations), with or without dismantling, processing, sale, or other use or disposition of the same. (See also Section 417.)

**KENNEL:** For the purposes of this Ordinance, a kennel shall be defined as an establishment where more than five (5) dogs, cats or other domesticated animals in excess of six (6) months of age are housed, groomed, 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 any of the municipalities covered by the requirements of this County.

**LAND CONSERVATION AREA:** See CONSERVATION AREA.

**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 lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features; or 2) a subdivision of land.

**LANDFORM:** See BERM.

**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.

**LANDSCAPING:** Grass and other plantings such as trees, shrubs and/or bushes.

**LIMITED INDUSTRIAL USES:** See INDUSTRIAL USES, LIMITED.

**LIVESTOCK:** For the purposes of this Ordinance, livestock shall be defined to include cows, pigs, goats, horses, sheep, llamas, emus, ostriches, and other similar types of animals with hooves, whether split or not.

**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.

**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, country inns and other similar types of commercial lodging establishments. Dining facilities associated with such uses may also be open or available to the public if authorized by the proper County officials. (See also HOTEL, MOTEL, COUNTRY INN and BED AND 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.

- a. **Lot Area:** See "AREA, LOT".
- b. **Lot, Corner:** A lot with two adjacent sides abutting on streets.
- c. **Lot Depth:** The mean horizontal distance from the front lot line of a lot to its opposite rear lot line.
- d. **Lot, Double Frontage:** A lot which extends from one street along its front lot line to another street along its rear lot line, with frontage on both streets.
- e. **Lot, Flag:** A lot not fronting on or abutting a public roadway except through a narrow strip of ground or private right-of-way not less than 50 feet in width.
- f. **Lot, Reverse Frontage:** A double frontage lot extending between and having frontage on an arterial or collector street and on a local street, with vehicular access restricted to the latter, usually due to physiographic constraints or safety considerations.
- g. **Lot Width:** The distance measured between the side lot lines at the required front building setback line; in a case where there is only one side lot line, between such line and the opposite lot line.

**LOT LINES:** The property lines bounding the lot.

- a. **Lot Line, Front:** The line separating the lot from a street right-of-way; or, where a lot has no road frontage, the lot line opposite the rear lot line.
- b. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line.



c. Lot Line, Side: Any lot line other than 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 Montour County, PA.

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area of a building or structure (including basement or cellar). An unfinished or flood resistant partially enclosed area, used solely for parking of vehicles, building access and 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 and the National Flood Insurance Program.

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 enclosed industrial operation where machines are built, repaired or assembled.

MANUFACTURED HOME: For the purposes of this Ordinance, a manufactured home shall be defined as a factory-built single-family structure that is manufactured under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. (See also MOBILE HOME and Section 402.)

MANUFACTURED HOME PARK: See MOBILE HOME PARK.

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.

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 OR DENTAL.

MINERAL BATCHING OR MIXING PLANT: For the purposes of this Ordinance, a mineral batching or mixing plant shall be defined as an operation where extracted minerals are amassed, sorted, mixed, and/or crushed, ground or otherwise treated for distribution or use.

MINERALS: Any aggregate or mass of mineral matter, whether or not coherent.

The term includes, but is not limited to, anthracite and bituminous coal, coal refuse, peat, limestone and dolomite, sand, gravel, rock, stone, earth, fill, slag, iron or zinc ore, vermiculite, clay, and crude oil and natural gas.

**MINERAL EXTRACTION OPERATION:** The commercial extraction of natural minerals from the earth, including facilities for the batching or mixing of extracted materials. For administrative purposes however, oil and gas development shall not be considered to be mineral extraction operations. (See also OIL AND GAS OPERATIONS and Section 418.)

**MINOR REPAIR:** The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but no 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 exitway requirements, nor shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

**MOBILE HOME:** A 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 with or without a permanent foundation. For floodplain management purposes, the term also includes manufactured homes, park trailers, travel trailers, recreational vehicles, and other similar units placed on a site for a period of time exceeding 180 consecutive days. (See also Section 402).

**MOBILE HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PAD:** That part of an individual mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures and connections.

**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, or other similar units for a period of time exceeding 180 consecutive days. (See also Section 406.)

**MORTUARY:** A place for the storage of human bodies prior to their burial or cremation.

**MOTEL:** A 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. (See also HOTEL, COUNTRY INN, and LODGING FACILITY, COMMERCIAL.)

**MULTI-FAMILY DWELLING:** See DWELLING, MULTI-FAMILY.

**MULTI-FAMILY HOUSING DEVELOPMENT:** For the purposes of this Ordinance, a multi-family housing development shall be defined as a residential development containing more than one (1) multi-family dwelling structure or more than one (1) single-family attached dwelling structure, or a combination thereof, on a single tract of ground.

**MUNICIPALITY:** Montour County, PA.

**MUNICIPAL OR GOVERNMENT BUILDING:** See GOVERNMENT OR MUNICIPAL BUILDING.

**NATURAL GAS:** Any gaseous substance, either combustible or non-combustible (including coal-bed methane gas, liquid hydrocarbons and their constituents, whether hydrocarbon or non-hydrocarbon) found in any formation or strata below the surface of the land.

**NATURAL GAS COMPRESSOR STATION:** A permanent facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as midstream facility for the delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

**NATURAL GAS 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.

**NATURAL GAS PROCESSING PLANT:** A permanent facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed to primarily remove water, water vapor, oil or naturally occurring liquids from the natural gas.

**NEIGHBORHOOD RETAIL BUSINESS:** A retail store, shop or establishment of a limited scale designed to provide service to a local neighborhood and oriented to pedestrian or limited vehicular traffic, including general stores, antique or gift shops, personal service businesses, sandwich shops, cafes, garden shops, or similar types of operations.

**NEW CONSTRUCTION:** Structures for which the start of construction commenced on or after the effective date of this Ordinance and includes any subsequent improvements to such structures. Any construction started after the date of the County's first floodplain management regulations and before the effective date of this Ordinance, is subject to the ordinance in effect at the time the Zoning Permit was issued, provided that the start of construction was within 180 days of the Permit issuance.

**NEW MOBILE HOME PARK OR SUBDIVISION:** A mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile 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 this Ordinance.

**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 this Ordinance. (See also Section 429 A. and HOME OCCUPATION.)

**NONCONFORMING LOT:** A lot which does not conform to the minimum width, depth, 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 Section 901 for applicable provisions.)

**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 or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs. (See Section 900 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 or amendment. (See Section 900 for applicable provisions.)

**NORMAL AGRICULTURAL OPERATION:** A farm of ten (10) or more contiguous acres, or less than ten (10) contiguous acres if the farm has an anticipated annual gross income of at least \$10,000. (See also AGRICULTURE and FARM.)

**NURSERY SCHOOL:** A private institutional establishment providing educational and child care services for children up to 5 years of age where tuition, fees, or other forms of compensation is charged for the service. For the purposes of this Ordinance, a nursery school may be an independent principal use or may be operated as an accessory use in conjunction with a church, day care center, or other similar institutional establishment. (See also Section 409 and DAY CARE CENTER.)

**NURSING HOME:** A state-licensed institutional establishment which provides full-time convalescent or skilled nursing and/or medical care. Such facilities shall not provide surgical, obstetrical, or other services generally provided by a hospital or medical center. (See also Section 408 and PERSONAL CARE HOME.)

**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.

**ODOR MANAGEMENT PLAN:** A written, site-specific plan identifying the practices, technologies, standards and strategies to be implemented to manage the impact of odors generated from animal housing or manure management facilities located or to be located on the site.

**OFFICE:** See PROFESSIONAL OFFICE.

**OFF-STREET LOADING AREA:** See LOADING SPACE.

**OFF-STREET PARKING SPACE:** See PARKING AREA and PARKING SPACE.

**OIL AND GAS:** Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

**OIL AND GAS OPERATIONS:** For the purposes of this Ordinance, the term oil and gas operations shall include the following: 1) well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing, and site restoration associated with an oil and gas well of any depth; 2) water and fluid storage or impoundment areas used exclusively for oil and gas operations; 3) construction, installation, use, maintenance and repair of: a) oil and gas pipelines; b) natural gas compressor stations; and c) natural gas processing plants or facilities performing equivalent functions; and 4) construction, installation, use, maintenance and repair of all equipment directly associated with the activities identified above, to the extent that: a) the equipment is necessarily located at or immediately adjacent to the well site, impoundment area, oil or gas pipeline, natural gas compressor station or natural gas processing plant; and b) the activities are authorized and permitted under the authority of a Federal or State agency. (See also NATURAL GAS COMPRESSOR STATION and NATURAL GAS PROCESSING PLANT.)

**OIL OR GAS STAGING AREA:** A facility or location on a permitted site for the storage of equipment, pipes, and vehicles used to support gas development activities at other permitted sites.

**OIL OR GAS WELL:** See WELL.

OIL OR GAS WELL SITE: The location where facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well, including exploratory wells, are used.

ON-LOT SEWAGE: See SEWAGE FACILITY, ON-LOT.

ON-LOT WATER: See WATER SYSTEM, ON-LOT.

OPEN SPACE: Space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

- a. Open Space, Public: Any land area set aside, dedicated, designated or reserved for public enjoyment.
- b. 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 complimentary structures and improvements as are necessary and appropriate, but shall not include streets, off-street parking areas, and areas set aside for public facilities or utilities.

OUTDOOR COMMERCIAL RECREATION USE: See RECREATION USE, OUTDOOR COMMERCIAL.

OUTDOOR FURNACE: Any equipment, device, appliance or apparatus that is installed, affixed or situated outside of a dwelling or structure which is used for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. For the purposes of this Ordinance, outdoor furnaces shall be considered to be accessory structures. (See also Section 438.)

OUTDOOR, UNENCLOSED STORAGE: See STORAGE, OUTDOOR UNENCLOSED.

PARCEL: See LOT.

PARKING AREA: Any public or private land area designated and used for parking of vehicles including parking lots, garages, private driveways, or legally designated areas of public streets. For the purposes of this Ordinance however, parking areas shall be not include space on any street or other public way.

PARKING SPACE: An off-street area on a lot or in a parking area, designed or used for the parking of one (1) motor vehicle, having direct, useable access to a street or road. (See also Article 8.)

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 tennis or basketball courts, baseball or other athletic fields, swimming, hiking and picnic areas, and playgrounds, and may also include buildings and accessory structures. Activities may be organized to include day camps, leagues, or other groups or may be strictly independent.

**PASTURE:** Ground with grass or other vegetation which is used for grazing by domesticated animals.

**PATIO:** A level, surfaced area directly adjacent to a principal building which has an average elevation of not more than 30 inches above the grade of the site, and is without walls and a roof. A patio may be constructed of any materials. For the purposes of this Ordinance, a patio shall be considered a part of the principal building and shall not extend into any required yards. (See also DECK and PORCH.)

**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 any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**PERSONAL CARE HOME:** A residential building or structure, licensed by the Commonwealth of Pennsylvania, in which food, shelter, and personal assistance and/or supervision is provided by full-time, professional resident staff for individuals who do not require the services in or of a "nursing home" but who do require assistance or supervision in matters such as dressing, bathing, diet, financial matters, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. For the purposes of this Ordinance, personal care homes may also be known as assisted living facilities and shall be considered to be institutional/residential uses. (See also Section 408 and NURSING HOME.)

**PERSONAL SERVICE BUSINESS:** For the purposes of this Ordinance, a personal service business shall be defined as a small-scale retail business providing direct service or care to a patron or client, including, but need not limited to, a barber or beauty shop, a tailor or dress-making shop, a music or art studio, upholstery or shoe repair facility, or similar establishment of a related nature.

**PERSONAL SOLAR ENERGY FACILITIES:** See SOLAR ENERGY FACILITIES, PERSONAL.

**PERSONAL STORAGE WAREHOUSE:** A warehouse facility where separate storage spaces, of varying sizes, are available for lease or rental to the general 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. (See also Section 415.)

**PERSONAL WIND ENERGY FACILITIES:** See WIND ENERGY FACILITIES, PERSONAL.

**PIPELINE:** All parts of those physical facilities running through which gas, hazardous liquids, fresh water, salt water or chemicals move in transportation, including but not limited to, pipes, valves, and other appurtenances attached to pipe, whether or not laid in a public or private easement or public or private right-of-way within the County, including but not limited to, gathering lines, production lines, or transmission lines. This definition does not include pipelines associated with franchise utilities.

**PLANNING COMMISSION:** The Planning Commission of Montour County, PA, unless specified otherwise.

**PLANT NURSERY:** Land and/or greenhouses used to raise flowers, shrubs, trees and plants for sale.

**POLICE STATION:** Any building or structure, or portion thereof, used for the purpose of housing or storing police equipment, vehicles or gear. Such facilities may also include administrative offices, meeting rooms and other public service space.

**POST-FIRM STRUCTURE:** A structure for which construction or substantial improvement occurred on or after the date of the County's initial Flood Insurance Rate Map, and as such, is required to be compliant with the regulations of the National Flood Insurance Program.

**POOL:** See SWIMMING POOL.

**PORCH:** A covered or uncovered structure projecting from the front, side or rear wall of a building. For the purpose of the Ordinance, a porch is considered a part of the principal building and shall not extend into any required yards. (See also DECK and PATIO.)

**POULTRY:** Domesticated birds kept for eggs or meat.

**PRE-FIRM STRUCTURE:** A structure for which construction or substantial improvement occurred on or before the date of the County's initial Flood Insurance Rate Map, and as such, is not required to be compliant with the regulations of the National Flood Insurance Program.

**PREMISES:** Any lot, parcel or tract of land and any building constructed thereon.

**PRIMARY HIGHWAY SYSTEM:** That portion of connected main highways located within the Commonwealth as officially designated by the State or U.S. Departments



of Transportation.

PRINCIPAL USE: See USE, PRINCIPAL.

PRIVATE STABLE: See STABLE, PRIVATE.

PROCESSING PLANT: See NATURAL GAS PROCESSING PLANT.

PROFESSION: For the purposes of this Ordinance, a profession shall be defined to include any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advertising, guiding, or teaching them and in serving their interest or welfare in the practice of the art founded on it. The work implies attainment in professional knowledge as distinguished from mere skill and the application of such knowledge to use for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

PROFESSIONAL OFFICE: The office of a member of a recognized profession, including but not limited to, a real estate or insurance agent, a physician or dentist, an attorney, accountant, architect, or engineer. 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 clearly secondary to the residential use of the dwelling.

PROPERTY LINE: A recorded boundary of a lot; provided however, that any property line that abuts a street or other public or quasi-public way shall be measured from the edge of the full right-of-way of such street or public way.

PUBLIC ENTERTAINMENT FACILITY: See ENTERTAINMENT FACILITY, PUBLIC.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the County Commissioners, County Planning Commission, or County 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, 1978 (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 OR COMMUNITY SEWER: See SEWAGE FACILITY and SEWAGE SYSTEM, COMMUNITY.

**PUBLIC STABLE:** See STABLE, PUBLIC.

**PUBLIC WATER:** See WATER FACILITY and WATER SYSTEM, PUBLIC.

**RECREATIONAL VEHICLE:** A vehicle which is: 1) built on a single chassis; 2) not more than 400 square feet, measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable by a light-duty truck; 4) is not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (See also 423 F.)

**RECREATIONAL VEHICLE PARK:** Any site upon which two (2) or more recreational vehicles are, or are intended to be located. (See also Section 425 and CAMPGROUND).

**RECREATION USE, OUTDOOR COMMERCIAL:** A commercial, outdoor recreation facility, including a golf course, golf driving range, a miniature golf course, campground or recreational vehicle park, ski area or resort, church or service-club affiliated camp, skeet shooting preserves, ATV trails, and similar facilities. (See also Section 424.)

**RECYCLING COLLECTION OR DROP-OFF CENTER:** Any place that serves as a collection point for the temporary storage of recyclable items, such as bottles, cans and newspapers, from which resources are recovered at the same time at another location. Such facilities may include fully enclosed or open or semi-open containers identified for such use. Such operations are typically owned and operated by a public entity, but may also be operated as a commercial enterprise by a private individual or company.

**REGULATORY FLOOD ELEVATION:** For the purposes of this Ordinance, the regulatory flood elevation shall be defined as the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor as set forth in Section 602 A. of this Ordinance.

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

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

cost of reproduction.

**RESTAURANT:** A retail establishment where food and drink is prepared and served, primarily within the principal building, with or without alcohol sales. In some instances, the food is consumed on-site and in other cases it is taken out.

**RETAIL BUSINESS:** A commercial enterprise or 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 also Section 413 and WHOLESALE BUSINESS.)

**RIDING ACADEMY:** An establishment where horses are kept for riding, jumping, or showing for compensation or incidental to the operation of a club, association, ranch or similar group. (See also STABLE.)

**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.

**ROAD:** Any thoroughfare, whether public or private, located in whole or in part within Montour County. The word "road" may be used interchangeably with the word "street". (See also STREET.)

**ROADSIDE STAND:** A temporary or permanent booth, stand or shelter located along a roadway (but off the road right-of-way) from which farm, plant nursery or greenhouse products primarily grown or raised on the premises are offered for sale to the general public. (See also Section 421.)

**ROOF:** 1) The cover of any building or structure, including the eaves and similar projections; or 2) An overhead structure used for protection or shielding from the sun, rain or other elements of weather.

**ROOMING OR BOARDING HOME:** A single-family, owner-occupied dwelling or part thereof where lodging is provided for a fee by the owner thereof. 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. (See also Section 411.)

**SAWMILL:** A business establishment equipped with machinery for cutting lumber or timber into boards or related products and/or the facilities for wholesale or retail sale of such products. For the purposes of this Ordinance, portable sawmills operated for private, personal use shall not be considered saw mills, but rather shall be addresses as accessory uses. (See also Section 422.)

**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. For the purposes of this Ordinance, 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. (See also INSTITUTIONAL RESIDENCE.)

**SCREENING:** The provision of a visual shield or barrier between adjacent properties, structures, or uses, which may consist of vegetative plantings, fences, walls, berms or natural landforms, or a combination thereof. (See also Section 506.)

**SCREEN PLANTING:** The use of vegetative plants, such as trees or shrubs, as a barrier to visibility, glare and noise between adjacent properties. Such plantings shall adhere to the requirements of Section 506 A. of this Ordinance and shall be broken only at points of vehicular or pedestrian access or utility easements.

**SEASONAL DWELLING:** A permanent building or structure intended for occasional occupancy, including buildings intended as camps, cottages, lodges, hunting cabins, vacation homes and similar seasonally used dwellings. (See also Section 423.)

**SEASONAL ZONING PERMIT:** A Zoning Permit issued seasonally by the Zoning Officer as required by this Ordinance. (See also Section 1202 K.)

**SEISMIC TESTING:** Testing conducted on the earth's surface or shallow subsurface for the purpose of evaluating subsurface geologic conditions.

**SETBACK:** The horizontal distance between a structure and a street line or property line. (See also BUILDING SETBACK LINE.)

**SEWAGE FACILITY:** Any sewer, sewage system, sewage treatment plant or parts thereof, designed, intended, or constructed for the collection, conveyance, treatment or disposal of liquid wastes, including industrial wastes.

- a. **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 a system must be designed in accordance with 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.
- b. **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 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.

- c. 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. (See also Sewage Facility, Off-Lot.)
- d. 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 of the site or into the waters of the Commonwealth or by means of conveyance of retaining tank wastes, to another site for final disposal. (See also Sewage Facility, On-Lot.)

SEWER: A public or private utility system designed to collect, centrally treat and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the County, whichever is more stringent. (See also Sewage System, Community and Sewage System, Individual.)

SHOPPING CENTER: A group of two (2) or more retail stores planned and designed to function as a unit, and having off-street parking as an integral part of the facility. (See also Section 412.)

SIGHT DISTANCE: 1) The length of street, measured along the centerline, which is continuously visible from any point four (4) feet above the centerline; 2) That area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerlines; or 3) The amount of distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner.

SIGN: Any device, structure or object for visual communication that 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 or government agency, or any civic, charitable, religious, patriotic or similar group. (See Section 701 of this Ordinance for definitions of specific types of signs.)

SIGN AREA: The entire face of a single side of a sign, including all advertising surface, trim and border area, but excluding all 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.

SLOPE: 1) The face of an embankment or cut section; or 2) The degree of

deviation of a surface from the horizontal, usually expressed in percent or degrees; i.e. a ratio determined by dividing the vertical distance between two (2) points (change in elevation) by the horizontal distance measured between the same two (2) points.

**SOLAR ENERGY FACILITIES, PERSONAL:** Solar wind energy facilities which are mounted to the roof of a structure or are situated on a lot to provide solar power energy to an individual home, office, business, industry or agricultural use located on the same lot.

**SPECIAL EXCEPTION USE:** A use permitted in a certain zoning district as provided for in the District Regulations, Article 3, which must be approved by the Zoning Hearing Board as set forth in Section 1102 D. of this Ordinance. Special exception approval may not be granted for uses other than those expressly listed in Article 3, the District Regulations.

**SPECIAL FLOOD HAZARD AREA (SFHA):** An area of the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. The SFHA is shown as a Zone A or A1-30 on the County's FIRM.

**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.

**STABLE:** A building in which one or more horses are raised or boarded, whether or not for compensation, hire, or sale. (See also RIDING ACADEMY.)

- a. **Stable, Private:** An accessory building in which horses are raised or kept for personal use, and not for hire, remuneration or sale.
- b. **Stable, Public:** A building in which horses are raised or boarded for hire, remuneration or sale.

**START OF CONSTRUCTION:** For floodplain management purposes, "start of construction" includes substantial improvement and other proposed new development and means the date that 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 12 months after the date of issuance of the Permit unless a time extension was granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, 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, affects the external dimensions of the building.

**STORAGE:** 1) A place or space for storing goods, personal property, etc.; or 2) The accumulation or storing of items or personal property.

**STORAGE FACILITY:** See WAREHOUSING FACILITY.

**STORAGE, OUTDOOR UNENCLOSED:** For the purposes of this Ordinance, outdoor, unenclosed storage shall be defined as the storage of goods, materials or other items of personal property outside of an enclosed building or structure as an accessory use. (See also Section 433.)

**STORAGE TRAILER, ACCESSORY:** For the purposes of this Ordinance, a storage trailer shall be defined as the container portion of a tractor trailer which has been separated from the truck and is parked on a site to be used for accessory storage purposes. (See also Sections 434 and 504 B.4.)

**STORAGE WELL:** A well used for and in connection with the underground storage of natural gas, including injection into and withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor or ceiling next above it.

**STORY, HALF:** A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four and a half (4 ½) feet above the floor of such story.

**STREET:** Any thoroughfare, whether public or private, located in whole or in part within Montour County. The word "street" may be used interchangeably with the word "road".

- a. **Major Arterial Street:** A limited access highway used primarily for rapidly moving traffic, which carry a large volume of vehicles between regions and major metropolitan areas, including inter- and intrastate highways, freeways, or expressways; i.e. Interstate 80.
- b. **Minor Arterial Street:** A highway which provides for the movement of large volumes of through traffic between centers of regional importance and provide connections between major arterials and collector streets; i.e. PA Routes 11 and 54.
- c. **Major Collector Street:** Streets which facilitate inter-community travel within the

region and provide connection to arterial streets and highways; i.e. PA Route 642, 45 and 44.

- d. Minor Collector Street: Streets which move traffic into and between subdivisions, developments, rural village centers, or other local traffic generators; i.e. Old Bloom Road and Woodbine Road.
- e. Local Street: Streets which are used primarily for access to abutting properties, including streets within subdivisions or developments, usually characterized by low operating speeds and low average daily traffic.

STREET LINE: The dividing line between the street right-of-way and the lot, also known as the right-of-way line.

STRUCTURAL ALTERATIONS: Any change or adjustment made to a building affecting the overall area occupied by that structure or that will change the supporting members, bearing walls, beams, girders, or interior walls of the structure. Such alterations generally require Zoning and Building Permits.

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, fences and signs, but excluding poles, playground equipment, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank that is principally above ground, as well as a mobile or manufactured home.

- a. 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.
- b. Structure, Principal: The main or primary structure on a given lot.

STUDENT HOUSING FACILITY: Facilities designed for and occupied as living quarters by related and unrelated persons from a student body of a college, university, boarding school or similar institution. For the purposes of this Ordinance, such facilities may be situated in a single-family detached dwelling, single-family attached or multi-family housing structure, dormitory, or fraternity or sorority house.

STUDIO: A place where a musician or artist does his work.

SUBDIVISION: The division or redivision 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 DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. The term also includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual work performed. The term does not however include either 1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or 2) any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an historic structure.

**SUPERVISORS OR TOWNSHIP SUPERVISORS:** The Board of Supervisors of a Township within Montour County, PA; the elected governing body of the municipality.

**SWIMMING POOL:** A body of water in an artificial container used or intended to be used for swimming by children and/or adults. (See also Section 431.)

- a. **Swimming Pool, Private:** Any seasonal or permanent swimming pool located outside of an enclosed building, whether in or above the ground, containing or normally capable of containing, water to a depth at any point of 24 inches or more.
- b. **Swimming Pool, Public or Semi-Public:** Any open or enclosed swimming facility, open to the public for amateur and professional swimming or recreational bathing, whether or not a fee is charged for admission or for the use thereof, or pools provided in conjunction with commercial lodging facilities, mobile home parks, residential developments and open to lodgers or residents respectively.

**TAVERN OR BREW PUB:** An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board and may also serve food.

**TEMPORARY STRUCTURE:** A non-permanent structure or building which is located on a lot for a specified duration. Some temporary structures may only be permitted for short periods of time, while others may be authorized for longer periods. (See also Section 435.)

**TEMPORARY USE:** A short-term use or special activity, including but not limited

to, carnivals, circuses, outdoor cultural, religious, amusement, or sporting events, or oil and gas operations. (See also Section 435.)

**TEMPORARY ZONING PERMIT:** A Zoning Permit authorized by the Zoning Officer for a non-permanent structure or use where such structure or use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the County, or for temporary uses. (See also Section 1202 J.)

**TIMBER HARVESTING:** That part of forestry which involves cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. (See also FORESTRY.)

**TOWNHOUSE:** See DWELLING, SINGLE-FAMILY ATTACHED.

**TRAVEL TRAILER:** See RECREATIONAL VEHICLE.

**TRUCK STOP:** 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 cargo. Such uses may also include overnight accommodations and restaurant facilities intended primarily to serve the needs of long-haul drivers or the motoring public. (See also FREIGHT TERMINAL.)

**UNCONVENTIONAL FORMATION:** A geologic shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

**UNCONVENTIONAL WELL:** A bore hole drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

**UNIFORM CONSTRUCTION CODE:** The statewide building code adopted by the PA General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party, or the PA 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) of 2012 (or the latest edition thereof) by reference as the standard applicable to construction within the Commonwealth, including floodplain construction.

**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. (*Continued on next page.*)

- a. Use, Accessory: A use subordinate to the principal use of a building, structure, or land located on the same lot and serving a purpose customarily incidental to 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.
- b. Use, Principal: The primary purpose for which a lot is occupied or utilized.

UTILITY SUPPLY 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 or telephone substations, water or sewage treatment plants, reservoirs, pump stations, or other similar facilities. For the purposes of this Ordinance however, utility supply facilities shall NOT include commercial communications antennas or towers, wind energy facilities, nor natural gas compressor stations or processing plants. (See also COMMUNICATIONS ANTENNA, COMMUNICATIONS TOWERS, WIND ENERGY FACILITIES, COMMERCIAL, NATURAL GAS COMPRESSOR STATIONS, NATURAL GAS PROCESSING PLANTS and Sections 426, 427, 428 and 436.)

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 1001 C. for additional details and criteria to be utilized when a variance is requested.)

VETERINARY CLINIC: See CLINIC, VETERINARY.

VIOLATION: The failure of a structure or other development to be fully compliant with the County's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in CFR, Section 60.3 (b)(5), (c)(4), (d)(3), (e)(2), 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 also PERSONAL STORAGE WAREHOUSE.)

WATER MANAGEMENT PLAN: A plan associated with drilling or completing a well in an unconventional formation that demonstrates that the withdrawal and use of water resources protects those sources as required by law and protects public health, safety and welfare.

WATER PURVEYOR: Any of the following: 1) the owner or operator of a public water system as defined in Section 3 of the PA Safe Drinking Water Act (P.L. 206, No. 43; or 2) Any person subject to the Water Rights Law (P.L. 842, No. 365).

**WATER SOURCE:** Any of the following: 1) waters of the Commonwealth; 2) a source of water supply used by a water purveyor; 3) mine pool and discharges; or 4) any other waters that are used for drilling or completing a well in an unconventional formation. The term does not include flow-back or production waters or other fluids; a) which are used for drilling or completing a well in an unconventional formation; and b) which do not discharge into waters of the Commonwealth.

**WATER STORAGE FACILITY:** Tanks of any construction (metal, fiberglass, concrete, etc.) and wastewater treatment settlement ponds, artificial lakes and ponds, and similar water impoundment features used for the storage of water that is used, has been used, and/or is being reused.

**WATER SYSTEM:** Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water for human consumption.

- a. **Water System, Non-Public:** All water systems which are not public water systems.
- b. **Water System, Off-Lot:** Any approved system in which potable water is supplied to a dwelling or other building from a central water source which is not located on the lot with the dwelling or building, including both public and non-public water systems.
- c. **Water System, On-Lot:** A well or other approved system designed to provide potable water to a dwelling or other building located on the same lot as the source.
- d. **Water System, Public:** A water system as defined by the PA 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 out of the year.

**WATER TREATMENT FACILITY:** A facility used for the flow-back water and solutions used in the process of hydraulic fracturing in order to extract natural gas from Marcellus shale. The treatment facility is where flow-back water and solutions are taken once the process of hydraulic fracturing is done in order to ensure that the water will be treated properly, removing any harmful chemicals, compounds and radionuclides prior to being hauled off-site for reuse or released into a major tributary. Typically water treatment facilities include, but are not limited to, multi-bay truck loading/unloading stations, skim ponds for oil/water separation, water clarifiers, sludge dewatering facilities, reverse osmosis units, evaporators, chemical feed equipment, pumps and other appurtenances.

**WATER WITHDRAWAL AND DISTRIBUTION FACILITY:** 1) A facility immediately adjacent to a river, tributary, or stream that typically contains a submerged suction

line, pumps, water main, multiple hydrants, truck loading and staging areas, and water storage tanks, storing water on a temporary basis that is intended to be transferred by vehicle to an oil or gas well site for the purpose of hydraulic fracturing, or 2) A well producing water to be used for hydraulic fracturing, along with facilities for the storage and/or distribution of said water.

WELL: A bore hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding a bore hole drilled to produce potable water. The term does not include a bore hole drilled or being drilled for the purpose of, or to be used for: 1) systems related to solid waste facilities; or 2) degasifying coal seams.

WELL PAD: The area of surface operations immediately surrounding the surface location of a natural gas well or wells. Such area shall not include an access road to the well pad and shall not include the entirety of an oil or gas well site.

WETLANDS: Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturate soil conditions, including swamps, marshes, bogs, and similar areas. The term includes, but is not limited to, the U.S. Forest Service Wetlands Inventory of PA, the PA Coastal Zone Management Plan, the U.S. Fish and Wildlife National Wetlands Inventory, and a wetland area designated by a river basin commission.

WHOLESALE BUSINESS: An establishment or place of business primarily engaged in selling merchandise to retailers or to industrial, commercial, institutional, or professional business users, or to other wholesalers. (See also RETAIL BUSINESS.)

WIND ENERGY FACILITY, COMMERCIAL: A commercial electric generating facility whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory buildings and structures, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. For the purposes of this Ordinance, stand-alone wind turbines constructed for private use shall be considered to be personal wind energy facilities. (See also Section 428.)

WIND ENERGY FACILITIES, PERSONAL: A wind turbine or turbines situated on a lot to provide wind energy to an individual home, office, business, industry or agricultural use located on the same lot. The wind energy generated by such turbine(s) is not to be provided or sold to others off-site in the power grid. All personal wind energy facilities shall follow the rules of net metering under the State policy. (See also WIND TURBINE and Section 432.)

WIND TOWER: The structure upon which a wind turbine is positioned. For the purposes of this Ordinance, the height of a wind tower shall be defined as the fixed

height of the tower only, not including the nacelle, rotor or turbine blades.

**WIND TURBINE:** A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

**WIND TURBINE HEIGHT:** The distance measured from the surface of the wind tower foundation to the highest point of the turbine rotor plane, including building-mounted turbines.

**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 property line and a principal or accessory building(s) or structure(s) on the lot.

**ZONING HEARING BOARD:** The Zoning Hearing Board of Montour County, PA.

**ZONING MAP:** The official Zoning Map of Montour County, PA, together with all notations, references and amendments which may hereafter be enacted. Said map is made a part of this Ordinance as set forth in Section 202.

**ZONING OFFICER:** The administrative officer duly appointed by the County Commissioners 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.

**ZONING PERMIT, SEASONAL:** See SEASONAL ZONING PERMIT and Section 1202 K.

ZONING PERMIT, TEMPORARY: See TEMPORARY ZONING PERMIT and Section 1202 J.

## ARTICLE 14

### **MISCELLANEOUS PROVISIONS AND ENACTMENT**

#### **1400 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 municipalities under jurisdiction of this Ordinance. The Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the County or of any of the municipalities governed by this Ordinance 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, except as may be provided otherwise by such rule, regulation, or ordinance.

#### **1401 REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, including the Montour County Zoning Ordinance, enacted by the Montour County Commissioner in 1972 and all amendments subsequently made thereto, and any Floodplain Management Ordinance enacted by municipalities covered by this Ordinance. 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.

#### **1402 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 County Commissioners, 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 there from.




1403 ENACTMENT AND EFFECTIVE DATE


ENACTED and ORDAINED into an Ordinance on the 8th day of December, 2015, by the Commissioners of Montour County, PA.

TO BECOME EFFECTIVE on the 1st day of January, 2016.

MONTOUR COUNTY COMMISSIONERS

  
Trevor Finn, Chairman

  
Jack Gerst, Vice-Chairman

  
Jerry Ward

ATTEST:   
Holly A. Brandon  
Montour County Chief Clerk

SEAL:

# **APPENDICES**

**APPENDIX A – TABLE OF USES**

**APPENDIX B – TABLE OF GENERAL DIMENSIONAL REQUIREMENTS**

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**APPENDIX E – ORDINANCE AMENDMENT PROCEDURE**

**APPENDIX F – GENERAL PROCEDURE FOR ZONING & BUILDING  
PERMIT APPLICATIONS**

APPENDIX A

MONTOUR COUNTY ZONING ORDINANCE

TABLE OF USES \*

USES	DISTRICTS									
	<u>RR</u>	<u>SR</u>	<u>VC</u>	<u>C</u>	<u>I</u>	<u>P</u>	<u>A</u>	<u>W</u>		
<b><u>Residential</u></b>										
Bed & breakfast establishments	SE	SE	SE	-	-	-	SE	-	-	-
Boarding or rooming homes	-	SE	SE	-	-	-	-	-	-	-
Conversion apartments	SE	P/SE	P	-	-	-	-	-	-	-
Group homes for the disabled	SE	SE	SE	-	-	-	SE	SE	-	SE
Mobile homes on individual lots	P	P	P	-	-	-	P	P	-	P
Mobile home parks	-	SE	-	-	-	-	-	-	-	-
Multi-family dwellings; i.e. apartments	-	SE	SE	-	-	-	-	-	-	-
Multi-family housing developments	-	SE	SE	-	-	-	-	-	-	-
Single-fam. attached dwlgs; townhouses	-	SE	SE	-	-	-	-	-	-	-
Single-family detached dwellings	P	P	P	-	-	-	P	P	-	P
Two-family dwellings; i.e. duplexes	SE	P	P	-	-	-	-	-	-	-
<b><u>Institutional</u></b>										
Cemeteries	SE	-	SE	-	-	-	SE	-	-	-
Churches or places of worship	SE	SE	P	-	-	-	SE	-	-	-
Clubs or fraternal organization facilities	-	-	P	P	-	-	-	-	-	-
Cultural facilities	-	SE	P	-	-	-	-	-	-	-
Day care centers or group day care homes	SE	SE	P	-	-	-	-	-	-	-

(Continued on Next Page)

**USES**

**DISTRICTS**

RR   SR   VC   C   I   P   A   W

Government or municipal bldgs.	SE	SE	P	-	-	-	-
Grange or community halls	-	-	-	-	-	P	-
Medical, dental or vet. offices or clinics	-	-	P	-	-	-	-
Nursery schools	-	-	-	-	-	-	-
Personal care or nursing homes	-	-	SE	-	-	-	-
Schools, public or private	SE	SE	SE	-	-	SE	-
Utility supply facilities	-	-	SE	SE	-	SE	SE
Veterinary hospitals	-	-	SE	-	-	SE	-

**Commercial**

Adult entertainment establishments	-	-	-	SE	-	-	-
Agri-businesses	-	-	-	P	P	-	-
Automotive sales facilities	-	-	-	P	-	-	-
Auto service stations or repair garages	-	-	SE	-	-	-	-
Banks or financial institutions	-	-	P	-	-	-	-
Business offices	-	-	P	-	-	-	-
Communications antennas, towers, &/or equipment bldgs., commercial	-	-	-	-	-	SE	SE
Funeral homes or mortuaries	-	-	P	-	-	-	-
General stores, variety, gift & antique shops	-	-	P	-	-	-	-
Grocery stores or convenience markets	-	-	SE	-	-	-	-
Kennels	-	-	SE	-	-	SE	-
Lodging facilities, commercial	-	-	SE	-	-	-	-
Lumber yards	-	-	SE	-	-	SE	SE
Neighborhood retail businesses	-	-	P	-	-	-	-
Personal service businesses	-	-	P	-	-	-	-
Personal storage warehouses	-	-	-	P	SE	-	-

(Continued on Next Page)

**USES**

**DISTRICTS**

	<u>RR</u>	<u>SR</u>	<u>VC</u>	<u>C</u>	<u>I</u>	<u>P</u>	<u>A</u>	<u>W</u>
Professional offices	-	-	P	P	-	-	-	-
Public entertainment estab., inc. theaters	-	-	SE	SE	-	-	-	-
Restaurants	-	-	-	P	-	-	-	-
Retail business establishments	-	-	-	P	-	-	-	-
Roadside stands or garden shops	-	-	-	P	-	-	P	-
Sawmills	-	-	-	-	-	-	P	P
Solar energy facilities, commercial	-	-	-	-	-	-	-	SE
Taverns or brew pubs	-	-	SE	SE	-	-	-	-
Wind energy facilities, commercial	-	-	-	-	-	-	-	SE

**Industrial**

Assembly & packaging operations	-	-	-	-	P	-	-	-
Contractor's shops & yards	-	-	-	-	P	SE	-	-
Freight terminals or distribution centers	-	-	-	-	SE	-	-	-
Industrial parks	-	-	-	-	SE	-	-	-
Junk yards or auto salvage operations	-	-	-	-	SE	-	-	-
Limited industrial operations	-	-	SE	SE	-	-	-	-
Machinery repair & service	-	-	-	-	P	-	-	-
Manufacturing operations	-	-	-	-	P/SE	-	-	-
Mineral extraction operations	-	-	-	-	-	-	SE	SE
Nat'l gas compressor stations, processing plants or metering stations	-	-	-	-	-	-	SE	SE
Recycling centers	-	-	-	-	SE	-	-	-
Research & development facilities	-	-	-	-	P	-	-	-
Warehousing or enclosed storage	-	-	-	-	P	-	-	-

**USES**

**DISTRICTS**

**RR      SR      VC      C      I      P      A      W**

**Agricultural**

Animal husbandry, commercial	-	-	-	-	-	P	P
Concentrated animal operations	-	-	-	-	-	SE	-
Forestry or forest management	P	-	-	-	P	P	P
Horticultural activities	P	P	-	P	P	P	P
Land cultivation	P	P	P	P	P	P	P
Plant nurseries or greenhouses	P	P	-	P	P	P	P
Stables or riding academies	-	-	-	-	-	P	P

**Recreational**

Campgrounds or RV Parks	-	-	-	-	SE	-	SE
Conservation areas/nature preserves	-	-	-	-	P	P	P
Educational or classroom facilities	-	-	-	-	P	-	-
Outdoor commercial recreation uses	-	-	-	-	SE	-	SE
Parks, playgrounds or recreation areas	P	P	-	-	P	-	SE
Seasonal dwellings/hunting camps	-	-	-	-	-	-	P

**Accessory**

Accessory residential uses	-	-	P	-	-	-	-
Accessory storage trailers	-	-	P	P	-	P	-
Accessory warehousing or storage	-	-	P	P	-	-	-
Administrative offices	-	-	-	P	-	-	-
Building-mounted antennas	P	P	P	P	-	P	P

(Continued on Next Page)

**USES**

**DISTRICTS**

	<u>RR</u>	<u>SR</u>	<u>VC</u>	<u>C</u>	<u>I</u>	<u>P</u>	<u>A</u>	<u>W</u>
Essential utility services	P	P	P	P	P	P	P	P
Family day care homes	P	P	P	-	-	-	-	-
Farm-related businesses	-	-	-	-	-	-	P	P
Home occupations	SE	SE	P	P	-	-	P	P
Image-changing or digital sign boards	-	-	-	SE	SE	-	-	-
Incidental uses & structures	P	P	P	P	P	P	P	P
No-impact home-based businesses	P	P	P	P	-	-	P	P
Off-street parking & loading	P	P	P	P	P	P	P	P
Oil & gas development	P	P	P	P	P	P	P	P
Outdoor furnaces	P	P	P	P	P	P	P	P
Outside, unenclosed storage	-	-	P	P	P	-	-	-
Personal wind energy and/or solar facilities	P	P	P	P	P	P	P	P
Raising of livestock or poultry for personal use	SE	-	-	-	-	-	P	P
Roadside stands (temporary)	P	-	P	P	-	-	P	P
Signs	P	P	P	P	P	P	P	P
Stables (private)	-	-	-	-	-	-	P	P
Swimming pools	P	P	P	P	-	P	P	P

\* **NOTE:** This Table is intended to illustrate various uses provided by zone; it is **not** meant to be all inclusive. For a complete listing of uses provided for each zoning district, see Article 3, the District Regulations, of the Montour County Zoning Ordinance.

P – Permitted Use  
 SE – Special Exception Use

**Zoning Districts**

RR – Rural Residential; SR – Suburban Residential; VC – Village Center;  
 C – Commercial; I – Industrial; P – Public/Semi-Public;  
 A – Agriculture; W – Woodland

## APPENDIX B

**TABLE OF GENERAL DIMENSIONAL REQUIREMENTS \***

Zone	Minimum Lot Area	Minimum Lot Width <sup>1</sup>	--- Minimum Yard Setbacks ---			Maximum Height <sup>3</sup>	Max. Bldg. Coverage
			Front <sup>2</sup>	Side(each) <sup>3</sup>	Rear <sup>3</sup>		
RR	On-Lot S & W - 1 acre (43,560 sq.ft.) (SF)	100 ft.	55/30 ft.	15/10 ft.	30/5 ft.	35/20 ft.	30%
	Public S or W - 30,000 sq.ft. (SF)	90 ft.	55/30 ft.	15/10 ft.	30/5 ft.	35/20 ft.	30%
	Public S and W - 20,000 sq.ft. (SF)	80 ft.	55/30 ft.	15/10 ft.	30/5 ft.	35/20 ft.	30%
SR	On-Lot S & W - 30,000 sq.ft. (SF)	100 ft.	55/30 ft.	10/5 ft.	20/5 ft.	35/20 ft.	30%
	Public S or W - 15,000 sq.ft. (SF)	90 ft.	55/30 ft.	10/5 ft.	20/5 ft.	35/20 ft.	30%
	Public S & W - 10,000 sq.ft. (SF)	80 ft.	55/30 ft.	10/5 ft.	20/5 ft.	35/20 ft.	30%
VC	On Lot S & W - 20,000 sq.ft. (SF)	100 ft.	50/25 ft.	10/5 ft.	10/5 ft.	35/20 ft.	40%
	Public S or W - 15,000 sq.ft. (SF)	80 ft.	50/25 ft.	10/5 ft.	10/5 ft.	35/20 ft.	40%
	Public S & W - 7,500 sq.ft. (SF)	75 ft.	50/25 ft.	10/5 ft.	10/5 ft.	35/20 ft.	40%
C	No minimum.	No minimum.	50/25 ft.	10/5 ft.	20/5 ft.	45/45 ft.	50%
I	No minimum.	No minimum.	50/25 ft.	20/10 ft.	30/10 ft.	50/50 ft.	60%
P	2 acres (87,120 sq.ft.)	150 ft.	50/25 ft.	25/15 ft.	50/15 ft.	35/20 ft.	20%
A	2 acres (87,120 sq.ft.) (SF)	150 ft.	55/30 ft.	15/10 ft.	30/10 ft.	35/20 ft.	20%
W	2 acres (aver.slope - 5% or less) (SF)	150 ft.	55/30 ft.	25/10 ft.	35/10 ft.	35/20 ft.	15%

FF, FP, & FW ----- Same as the Underlying District -----

(Continued on Next Page)



**TABLE OF GENERAL DIMENSIONAL REQUIREMENTS**  
(Continued)

Zone	Minimum Lot Area	Minimum Lot Width <sup>1</sup>	--- Minimum Yard Setbacks --- Front <sup>2</sup> Side(each) <sup>3</sup> Rear <sup>3</sup>	Maximum Height <sup>3</sup>	Max. Bldg. Coverage
WC	5 acres (217,800 sq.ft.) (SF)	150 ft.	55/30 ft. 25 ft. 35 ft.	35/20 ft.	15%

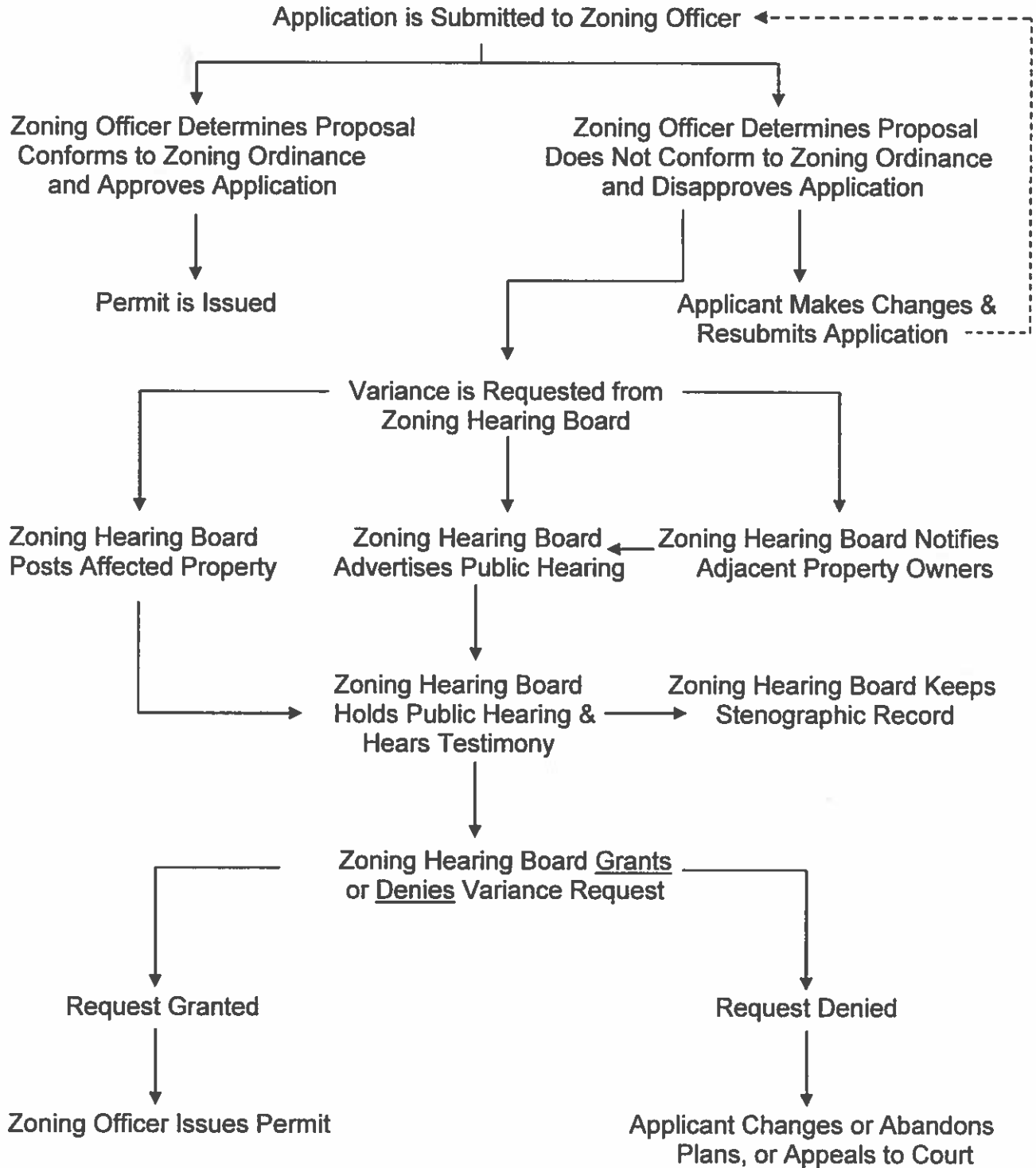
\* **NOTE:** See also Lot, Yard & Open Space Requirements in Article 3, the District Regulations, for each zoning district and Article 4, the Supplementary Use Regulations, for dimensional standards for specific uses.

**Footnotes**

- <sup>1</sup> Measured at minimum building setback line.
  - <sup>2</sup> Measured from road centerline/Edge of road right-of-way.
  - <sup>3</sup> Principal structures/Accessory structures.
- S – Sewer, W – Water  
SF – Single Family

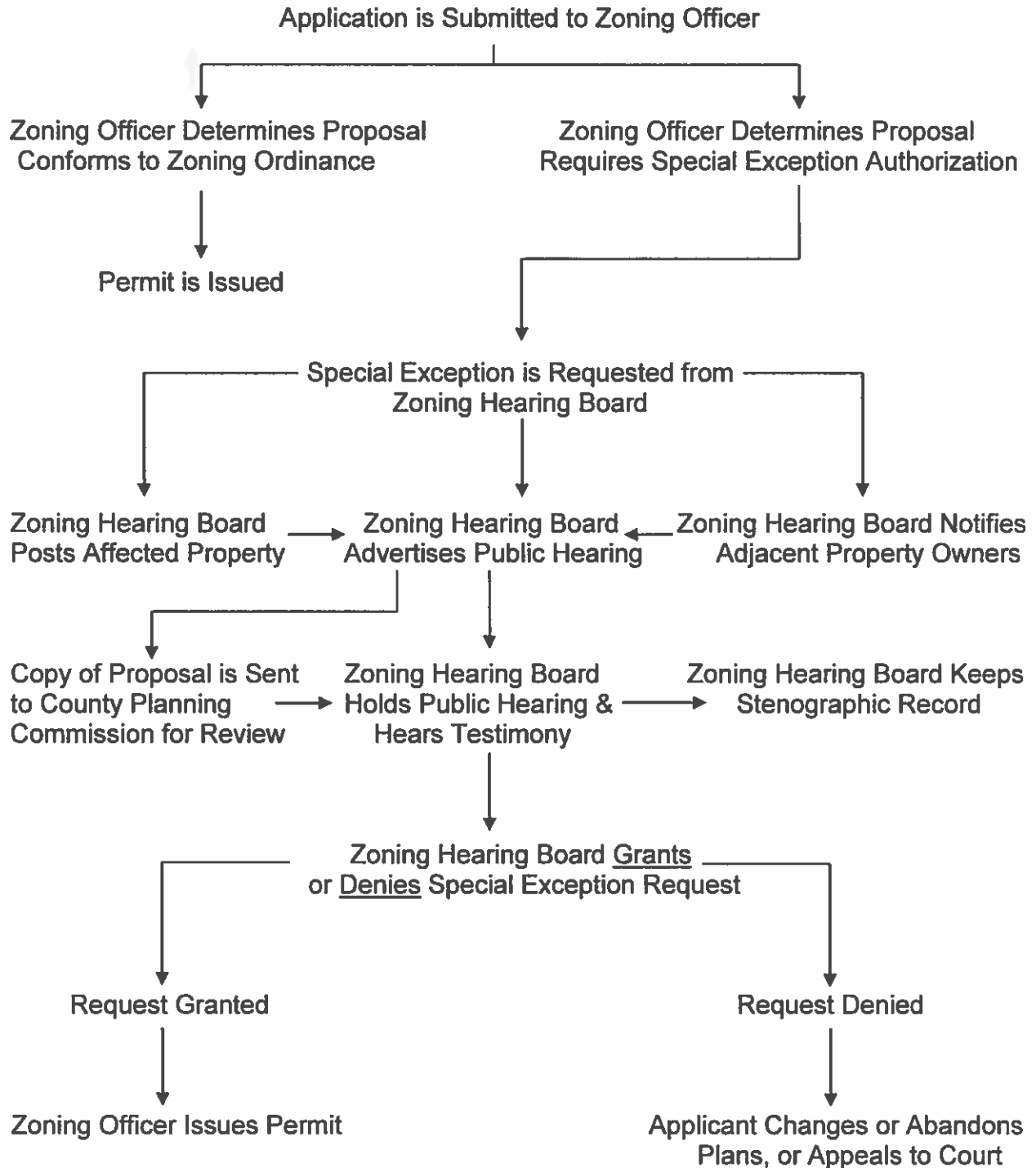
# APPENDIX C

## VARIANCE PROCEDURE



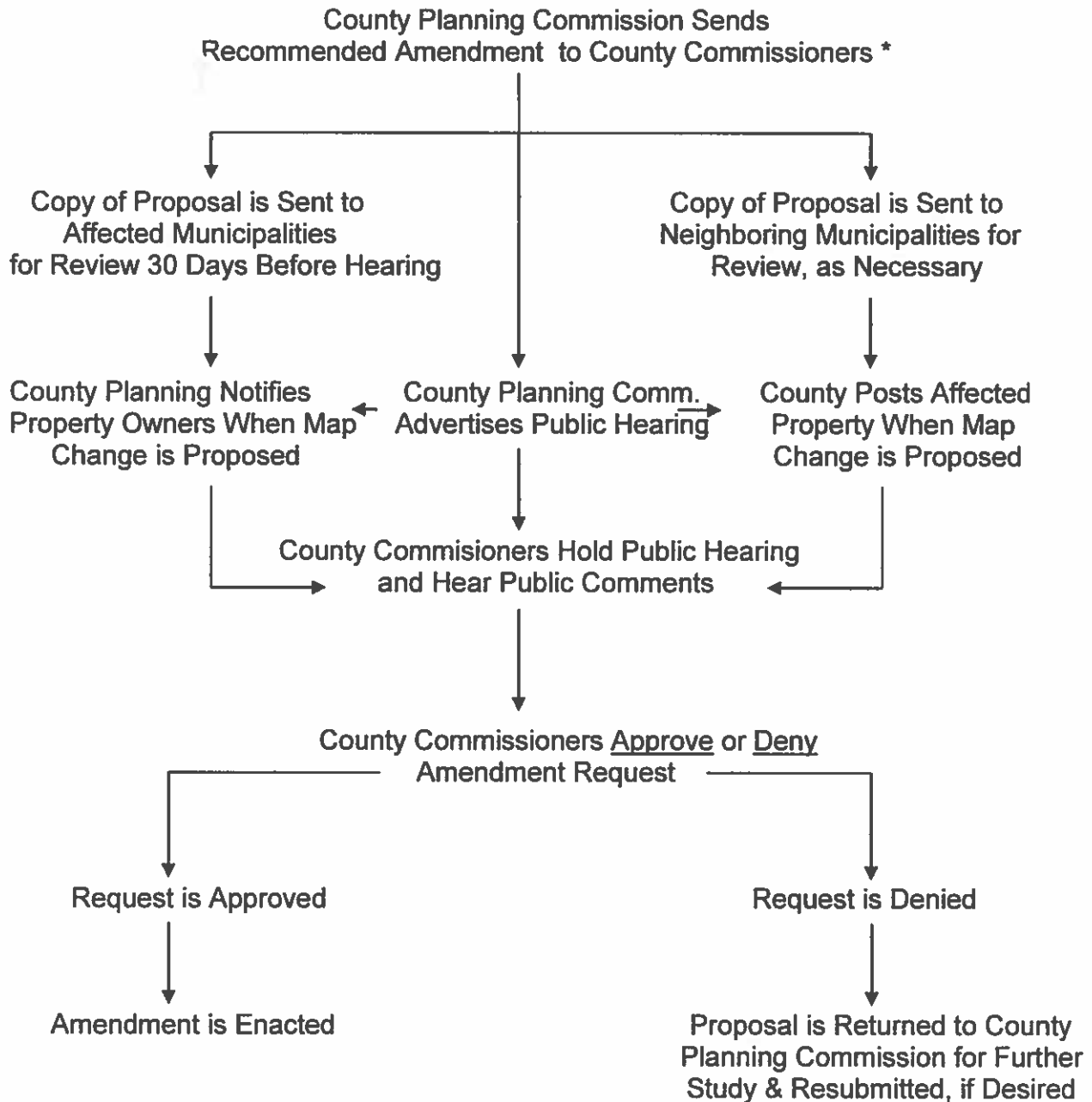
## APPENDIX D

### SPECIAL EXCEPTION PROCEDURE



## APPENDIX E

### PROCEDURE FOR AMENDING THE ZONING ORDINANCE OR MAP



\* If the amendment is prepared by a party other than the County Planning Commission, then the County Commissioners must send the proposal to the County Planning Commission for their review and recommendation at least 30 days prior to the public hearing.

**APPENDIX F**  
**GENERAL PROCEDURE FOR ZONING & BUILDING PERMIT APPLICATIONS**

