

## **CHAPTER 27**

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**PART 1**

**SHORT TITLE AND PURPOSE**

**§101. SHORT TITLE.**

This Chapter shall be known and may be cited as the “Township of Muncy Creek Zoning Ordinance.”

(Ord. 97-1A, 2/5/1997, §100)

**§102. GENERAL INTENT.**

The intent of this Chapter is to establish a precise and detailed plan for the use of land in the Township of Muncy Creek.

(Ord. 97-1A, 2/5/1997, §101)

**§103. PURPOSE.**

1. This Chapter is made in accordance with an overall program for the Township and with consideration for the character of the Township and the suitability of its various parts for particular uses and structures.
2. The regulations in this Chapter are designed to protect the health, safety, morals and general welfare of the inhabitants of Muncy Creek Township; to encourage the most appropriate use of land throughout the Township; to prevent overcrowding of land and traffic congestion; to secure safety from fire, flooding, panic and other dangers; to facilitate the provision of public services; and to preserve natural resources.

(Ord. 97-1A, 2/5/1997, §102)

**§104. SCOPE.**

From and after the effective date of this Chapter, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to or relocated, and every use within a building or use accessory thereto in Muncy Creek Township shall be in conformity with the provisions of this Chapter. Any existing building or structure and any existing use of a building or land not in conformity with the regulations herein described shall be regarded as nonconforming but may be continued, extended or changed, subject to the special regulations herein provided with respect to nonconforming buildings and uses.

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(Ord. 97-1A, 2/5/1997, §103)

### **§105. COMMUNITY DEVELOPMENT OBJECTIVES.**

It is the intent and purpose of this Chapter to reflect the objectives of the Township as set forth in the *Muncy Creek Multi-Municipal Comprehensive Plan of 2004*, adopted by Resolution of the Township Supervisors on December 20, 2004,<sup>1</sup> or as may hereafter be amended, and to provide the means and regulations whereby these objectives may be attained. These objectives represent the Township's findings with respect to land use, density of population, location and function of roads and other community facilities and utilities, and any other factors that the Township believes relevant in guiding the future development of the municipality.

(Ord. 97-1A, 2/5/1997, §104; as amended by Ord. 09-31, 10/19/2009, Art. 1)

### **§106. TOWNSHIP OBJECTIVES.**

1. To develop a pleasant, attractive, healthy, safe and convenient environment for living, working, shopping and relaxing.
2. To promote safe and attractive residential communities and provide a variety of housing types and styles for all citizens.
3. To encourage the preservation of agricultural land.
4. To provide for industrial growth in selected areas where such development does not conflict with an existing or preferred land use.
5. To limit the development of environmentally sensitive areas in order to protect the natural resources of the Township and the health and safety of its residents.
6. To encourage development in a manner that maintains a safe transportation system and provides for the efficient movement of people and goods in and through the Township.
7. To promote adequate stormwater and soil erosion control facilities.
8. To provide for adequate and accessible public facilities and services.

(Ord. 97-1A, 2/5/1997, §105)

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<sup>1</sup>Editor's Note: The *Muncy Creek Multi-Municipal Comprehensive Plan of 2004* was adopted by *Res. 04-50*, 12/20/2004, codified in Appendix D, "Governmental and Intergovernmental Affairs."

**§107. AUTHORITY.**

The Board of Supervisors of Muncy Creek Township, under authority granted by Articles VI through X, inclusive, of Act 170 of 1988 (formerly Act 247 of 1968, or as may hereafter be further amended), the Pennsylvania Municipalities Planning Code, does hereby ordain that this Chapter is to promote the public health, safety, morals and the general welfare of Township residents.

(Ord. 97-1A, 2/5/1997, §106)

**§108. DISCLAIMER.**

This Chapter is not intended to create nor assume liability on the part of Muncy Creek Township or any officer or employee thereof for any fire, flood, or from any administrative decisions lawfully made thereunder. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when designing or constructing structures approved pursuant to these regulations.

(Ord. 97-1A, 2/5/1997, §107)





**PART 2**  
**ZONING DISTRICTS**

**§201. DESIGNATION OF DISTRICTS.**

For the purpose of implementing the objectives of this Chapter, the Township of Muncy Creek is hereby divided into the following zoning districts:

- A. R - Residential District.
- B. A - Agriculture and Conservation District.
- C. C-1 - General Commercial District.
- D. C-2 - Highway Commercial District.
- E. I-1 - Light Industrial District.
- F. I-2 - Heavy Industrial District.
- G. FF or FP - Flood Fringe or General Floodplain District (Overlying District).
- H. FW - Floodway District.

(Ord. 97-1A, 2/5/1997, §200)

**§202. PURPOSE OF DISTRICTS.**

1. Residential District (R). This district is intended to promote and encourage the establishment and maintenance of a suitable residential environment in areas appropriate by location and character for occupancy by single unit, two unit and multi-unit dwellings. The purpose of this district is to establish standards for residential development which prevent overcrowded and unsightly housing conditions, provide adequate usable open space and protect soil and groundwater resources from contamination by onlot sewage disposal systems.
2. Agriculture and Conservation District (A). The intent of this district is to promote agricultural and conservation uses which are an important part of the local economy and which contribute to the rural character of the Township. The standards of this district are intended to preserve existing agricultural land and to prevent the development of environmentally sensitive areas. Limited residential uses are permitted, but commercial and industrial uses which would substantially interfere with the intent of this district are discouraged.

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3. General Commercial District (C-1). This commercial district is primarily intended to provide space for commercial activities serving the needs of Township residents. Commercial operations serving a broader regional market may be located in this district, provided they do not significantly alter the character of the neighborhood. The regulations of this district are intended to preserve the carrying capacity of roads and provide for off-street parking and loading. It is also the intent of this district to encourage concentrations of commercial activities rather than strip commercial development along existing public roads.
4. Highway Commercial District (C-2). The intent of this district is to provide space for commercial operations serving both Township residents and a broader regional market, and to protect the character of residential and agricultural areas from larger scale commercial development. The standards of this district are intended to minimize interference of commercial operations with other uses in the vicinity, to minimize traffic hazards caused by poor access or inadequate carrying capacity of public roads, and to provide for off-street parking and loading.
5. Light Industrial District (I-1). The intent of this industrial district is to provide space for light manufacturing and assembly plants, and related processing, storage, warehousing, and distribution operations; and to minimize interference of such industrial operations with other uses in the vicinity. It is the intent of these regulations that noise, odor and glare caused by industrial operations in this district must be completely confined within an enclosed building. Outside, unenclosed storage may be permitted only as an accessory use. It is also the intent of regulations for this district to minimize traffic hazards caused by poor access or inadequate carrying capacity of public roads and to provide for off-street parking and loading.
6. Heavy Industrial District (I-2). The intent of this industrial district is to provide space for heavy industrial activities which produce a substantial amount of noise, smoke, odor, dust, vibration, or glare. Outside, unenclosed storage may be permitted. It is the purpose of regulations for this district to insure that adequate buffer strips or screenings are provided to protect other uses in the vicinity of this district. It is also the intent of these regulations to minimize traffic hazards caused by poor access or inadequate carrying capacity of public roads and to provide for off-street parking and loading.
7. Flood Fringe or General Floodplain District (FF or FP) -- Overlying District. It is the intent of this district to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and government services; and the extraordinary and unnecessary expenditures of public funds for flood protection and relief. To achieve this end, permitted uses must be floodproofed against flood damage. In Flood Fringe or General Floodplain District, development and/or use of land shall be permitted in accordance with the regulations of underlying districts, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions in all applicable codes and ordinances.

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

(Ord. 97-1A, 2/5/1997, §201)

**§203. ZONING MAP.**

1. The boundaries of each of the districts are hereby established as shown on the official Zoning Map, which is hereby made a part of this Chapter together with all future notations, references and amendments.
2. The official Zoning Map shall be identified by the signature of the Chairman of the Township Supervisors, be properly attested by the Township Secretary and shall bear the Township Seal.
3. No change of any nature shall be make to the official Zoning Map, except in conformance with the procedures set forth in Part 11 of this Chapter. The final authority as to the current status of zoning districts in the Township 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 Township Supervisors, and shall bear the date of amendment and the signatures of the Chairman of the Board of Supervisors and the Township Secretary.

(Ord. 97-1A, 2/5/1997, §202)

**§204. INTERPRETATION OF BOUNDARIES.**

1. Designation of District Boundaries. The district boundary lines, except for the floodplain districts, are intended to generally follow the centerlines of streets, the centerlines of railroad rights-of-way, existing lot lines, municipal boundary lines, or may be designated as shown on the official Zoning Map by a specific dimension from a road centerline or other boundary line as indicated.
2. Determination of Location of Boundaries. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto. Provided, however, no boundary shall be changed by the Zoning Hearing Board. If

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the location of a boundary line cannot be determine by interpretation of the Zoning Hearing Board, a request for corrective action shall be filed with the Township Supervisors.

3. Severed Lots. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Chapter, the extension of any use permitted in either district may be permitted into the remaining portion of the lot, provided said use does not extend more than 50 feet beyond the district line.

(Ord. 97-1A, 2/5/1997, §203)

### **§205. FLOODPLAIN DISTRICT BOUNDARY CHANGES.**

The delineation of any boundary of the floodplain districts may be revised by the Board of Supervisors in accordance with the amendment procedures outlined in Part 11 of this Chapter where natural or manmade changes have occurred and more detailed studies have been conducted by a qualified agency or individual, such as the U.S. Army Corps of Engineers. No change in any floodplain boundary shall be made unless the Township has sought and obtained approval for said change as per Federal Insurance Administration regulations.

(Ord. 97-1A, 2/5/1997, §204)

**PART 3**

**DISTRICT REGULATIONS AND DIMENSIONAL REQUIREMENTS**

**§301. APPLICATION OF DISTRICT REGULATIONS.**

The regulations set forth in this Part for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, accept as hereinafter provided:

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
  
- B. No building or other structure shall hereafter be erected or altered:
  - (1) To exceed the height or bulk.
  - (2) To accommodate or house a greater number of families.
  - (3) To occupy a greater percentage of lot area.
  - (4) To have narrower or smaller rear yards, front yards, side yards or other open space.

than herein required, or in any other manner to be contrary to this Chapter.

- C. The commencement of any of the uses or activities listed in the district regulations shall require the issuance of a zoning permit from the Township Zoning Officer.

(Ord. 97-1A, 2/5/1997, §300)

**§302. USE REGULATIONS AND DIMENSIONAL REQUIREMENTS.**

The specific use regulations and dimensional requirements pertaining to each district are contained on the charts that follow:

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TABLE 302A [Ord. 09-31]

RESIDENTIAL DISTRICT (R)

USES AND STRUCTURES				LOT, YARD AND OPEN SPACE REQUIREMENTS		
Principal Permitted Uses and Structures	Permitted Accessory Uses and Structures	Special Exception Uses	Conditional Uses	Minimum Lot Requirements	Minimum Yard Requirements	Minimum Height Requirements
Single unit detached dwelling (see §402)	Private garages and carports	Clubs (see §408)	Public and private parks (see §409)	Lot area per principal use or structure: 30,000 sq. ft.*	Front yard: 50 ft. from centerline or 30 ft. from R/W, whichever is greater	Principal structure: 30 ft.
Two unit attached dwelling (see §402)	No-impact home-based businesses and home occupations (see §406) [Ord. 09-31]	Day care centers (see §409)	Fire and police stations (see §411)	Lot width: 125 ft.*	Side yard: (a) Abutting street - same as front yard. (b) Abutting lot: 10 ft. on each side.	Accessory structure: 15 ft.
Mobile homes on individual lots (see §403)	Private swimming pools (see §407)	Public and private schools (K-12)	Mobile home parks	For multi-unit attached dwellings: 30,000 sq. ft. or 2,400 sq. ft. per dwelling unit, whichever is greater	Rear yard: (a) Principal structure: 30 ft. (b) Accessory structure: 10 ft.	
Places of worship	Signs (see Part 8)	Libraries	Multi-unit attached dwellings (see §§402 and 404)	Maximum building coverage: 25%		
Land cultivation	Uses or structures customarily incidental to a principal use	Boarding or raising of livestock (see §428)	Multi-unit housing developments (see §404)	All lots must meet the requirements of Pennsylvania Act 537 and all other municipal sewer regulations.		
Municipal facilities [Ord. 09-31]	Building-mounted communications antennas (see §430)		Planned residential Development (see §404)			
			Group care facility			
			Drilling and extraction of crude oil and natural gas [Ord. 09-31]			

\* Where public or community sewers are available, the minimum lot area may be reduced to 12,000 sq. ft. and the lot width may be reduced to 80 ft.

TABLE 302B [Ord. 09-31]

## AGRICULTURE AND CONSERVATION DISTRICT (A)

USES AND STRUCTURES				LOT, YARD AND OPEN SPACE REQUIREMENTS		
Principal Permit Uses and Structures	Permitted Accessory Uses and Structures	Special Exception Uses	Conditional Uses	Minimum Lot Requirements	Minimum Yard Requirements	Minimum Height Requirements
Agriculture (see Part 14)	Private garages and carports	Sawmills (see §414)	Campgrounds (see §404)	Lot area per principal use or structure: 2 acres	Front yard: 50 ft. from centerline or 30 ft. from R/W whichever is greater.	Principal structure: 30 ft.
Single unit detached dwellings (see §402)	Home occupations		Public and private parks (see §410)	Lot width: 150 ft.	Side yard: (a) Abutting street - same as front yard. (b) Abutting lot - 10 ft. on each side.	Accessory structure: 15 ft.
Two unit attached dwellings (see §402)	Private swimming pools (see §407)		Residential cluster developments (see §429)	All lots must meet the requirements of Pennsylvania Act 537 and all other municipal sewage regulations.	Rear yard: (a) Principal structure - 30 ft. (b) Accessory structure - 10 ft.	Agricultural structures: No limit.
Mobile homes on individual lots (see §403)	Signs (see Part 8)		Places of worship (see §405)		Farm buildings shall be 100 ft. from property line when adjacent to a Residential District	
Agribusiness (see §412)	Uses or structures customarily incidental to principal use		Communications antennas, towers and/or equipment buildings (see §430)			
Timbering operations	Building-mounted communications antennas (see §430)		Concentrated animal feeding operations (see §431)			
Animal kennels and hospitals (see §413)	Farm-related businesses (see §434) [Ord. 09-31]		Drilling and extraction of crude oil and natural gas [Ord. 09-31]			
Cemeteries						

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TABLE 302C [Ord. 09-31]

GENERAL COMMERCIAL DISTRICT (C-1) [Ord. 09-31]

USES AND STRUCTURES				LOT, YARD AND OPEN SPACE REQUIREMENTS		
Principal Permit Uses and Structures	Permitted Accessory Uses and Structures	Special Exception Uses	Conditional Uses	Minimum Lot Requirements	Minimum Yard Requirements	Minimum Height Requirements
Retail trade and services (see Part 14 and §415)	Attached residential uses when accessory to a permitted use	Repair shops (see §419)	Shopping centers (see §402)	Lot area per principal use or structure: 30,000 sq. ft.*	Front yard: (a) Principal structure - 50 ft. from centerline or 30 ft. from R/W, whichever is greater. (b) Parking areas - 25 ft. from centerline or 10 ft. from R/W, whichever is greater.	Principal structure - 30 ft.
Business and professional offices	Automotive repair, major or minor	Nurseries and greenhouses	Hospitals and nursing homes (see §404)	Lot width: 125 ft.*	Side yard: (a) Abutting street - same as front yard. (b) Abutting lot - 10 ft. on each side.	Accessory structure - 15 ft.
Automotive service stations (see §416)	Off-street parking and loading (see Part 7)		Motels and similar uses (see §404)	Maximum building coverage: 40%	Rear yard: (a) Principal structure - 30 ft. (b) Accessory structure - 10 ft.	
Car washes	Signs (see Part 8)		Public and private parks (see §410)	All lots must meet the requirements of Pennsylvania Act 537 and all other sewer regulations.	Commercial buildings shall be 25 ft. from property line when adjacent to a residential district.	
Eating and drinking establishments	Accessory uses customarily incidental to principal use		Fire and police stations (§411)			
Clubs (see §408)	Building-mounted communications antennas (see §430)		Communications antennas, towers and/or equipment buildings (see §430)			



USES AND STRUCTURES				LOT, YARD AND OPEN SPACE REQUIREMENTS		
Principal Permit Uses and Structures	Permitted Accessory Uses and Structures	Special Exception Uses	Conditional Uses	Minimum Lot Requirements	Minimum Yard Requirements	Minimum Height Requirements
Automotive use (see §418)			Drilling and extraction of crude oil and natural gas [Ord. 09-31]			
Animal hospitals						
Mini warehouses						

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TABLE 302D [Ord. 09-31]

HIGHWAY COMMERCIAL DISTRICT (C-2)

USES AND STRUCTURES				LOT, YARD AND OPEN SPACE REQUIREMENTS		
Principal Permit Uses and Structures	Permitted Accessory Uses and Structures	Special Exception Uses	Conditional Uses	Minimum Lot Requirements	Minimum Yard Requirements	Minimum Height Requirements
All uses permitted in the General Commercial District and in addition, the following:				Lot, yard and open space requirements are the same as those required in the General Commercial District, except that commercial buildings shall be 100 ft. from the property line when adjacent to a Residential District.		
Wholesale trade	Unenclosed storage (see §421)		Adult entertainment (see §422)			
Repair shops (see §419)			Drilling and extraction of crude oil and natural gas [Ord. 09-31]			
Automotive repair, major and minor						
Trucking terminals						
Truck stops (see §420)						
Agribusiness (see §411)						
Agriculture						
Automotive sales (§417)						

TABLE 302E [Ord. 09-31]

LIGHT INDUSTRIAL DISTRICT (I-1)

USES AND STRUCTURES				LOT, YARD AND OPEN SPACE REQUIREMENTS		
Principal Permit Uses and Structures	Permitted Accessory Uses and Structures	Special Exception Uses	Conditional Uses	Minimum Lot Requirements	Minimum Yard Requirements	Minimum Height Requirements
Wholesale trade	Unenclosed storage (see §421)		Communications antennas, towers and/or equipment buildings (see §430)	Lot area per principal use or structure: 3 acres	Front yard: 100 ft. from centerline or 75 ft. from R/W, whichever is greater	Principal structure: 40 ft.
Agriculture	Off-street parking and loading (see Part 7)		Drilling and extraction of crude oil and natural gas [Ord. 09-31]	Lot width: 150 ft.	Side yard: (a) Abutting street - 75 ft. from centerline or 50 ft. from R/W, whichever is greater (b) Abutting lot - 20 ft. on each side	Accessory structure: 20 ft.
Repair shops (see §419)	Signs (see Part 8)			Maximum building coverage: 50%	Rear yard: (a) Principal structure - 30 ft. (b) Accessory structure - 10 ft.	Agricultural structures: no limit
Automotive repair, major or minor	Accessory uses customarily incidental to a principal use			All lots must meet the requirements of PA Act 537 and all other municipal sewage regulations	Industrial uses and structures shall be 200 ft. from property line when adjacent to a Residential District	
Trucking terminals	Building-mounted communications antennas (see §430)				Employee and visitor parking areas may be permitted in front yards and side yards of abutting streets, provided they are setback 25 ft. from centerline, or 10 ft. from R/W, whichever is greater	
Truck stops (see §420)						

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USES AND STRUCTURES				LOT, YARD AND OPEN SPACE REQUIREMENTS		
Principal Permit Uses and Structures	Permitted Accessory Uses and Structures	Special Exception Uses	Conditional Uses	Minimum Lot Requirements	Minimum Yard Requirements	Minimum Height Requirements
Heavy equipment sales and service						
Agribusiness (see §412)						
Any enclosed light manufacturing operation (see §423)						
Automotive sales (see §417)						

TABLE 302F [Ord. 09-31]

HEAVY INDUSTRIAL DISTRICT (I-2)

USES AND STRUCTURES				LOT, YARD AND OPEN SPACE REQUIREMENTS		
Principal Permit Uses and Structures	Permitted Accessory Uses and Structures	Special Exception Uses	Conditional Uses	Minimum Lot Requirements	Minimum Yard Requirements	Minimum Height Requirements
All uses permitted in Light Industrial District and in addition, the following:				Lot, yard and open space requirements are the same as those required in the Light Industrial District, except that industrial uses and structures shall be 400 ft. from property line when adjacent to a Residential District.		None
Any heavy manufacturing operation (§423)			Extractive operations (see §424) [Ord. 09-31]			
Unenclosed storage (§421)			Junkyards (§425) [Ord. 09-31]			
Sawmills (see §414)			Drilling and extraction of crude oil and natural gas [Ord. 09-31]			

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TABLE 302G [Ord. 09-31]

FLOOD FRINGE AND GENERAL FLOODPLAIN DISTRICT (FF AND FP)-OVERLYING

USES AND STRUCTURES				LOT, YARD AND OPEN SPACE REQUIREMENTS		
Principal Permit Uses and Structures	Permitted Accessory Uses and Structures	Special Exception Uses	Conditional Uses	Minimum Lot Requirements	Minimum Yard Requirements	Minimum Height Requirements
Same as underlying district						
All uses, activities and/or development shall be undertaken only in strict compliance with the floodproofing requirements of this Chapter.						

TABLE 302H [Ord. 09-31]

FLOODWAY DISTRICT

USES AND STRUCTURES*				LOT, YARD AND OPEN SPACE REQUIREMENTS		
Principal Permit Uses and Structures	Permitted Accessory Uses and Structures	Special Exception Uses	Conditional Uses	Minimum Lot Requirements	Minimum Yard Requirements	Minimum Height Requirements
Undeveloped public and private recreational uses	Accessory uses such as yards, gardens, pervious parking areas and loading areas		Campgrounds (see §404)	Lot area per principal use or structure: 30,000 sq. ft.	Front yard: 50 ft. from center line or 30 ft. from R/W, whichever is greater.	Principal structure - 30 ft.
Agriculture, except uses or structures which will cause any rise in the elevation of the 100-year flood.			Temporary uses such as carnivals or circuses (see §427)	Lot width 125 ft.	Side yard: (a) Abutting street - same as front yard. (b) Abutting lot - 10 ft. on each side.	Accessory structure: 15 ft.
Water related uses and activities such as docks, wharves and piers. (see §425)			Drilling and extraction of crude oil and natural gas [Ord. 09-31]	All lots must meet the requirements of Act 537 and all other municipal sewage regulations.	Rear yard: (a) Principal structure: 30 ft. (b) Accessory structure: 10 ft.	

\* No development may be permitted which will cause any rise in the elevation of the 100 year flood, except where the effect of such development is fully off-set by accompanying stream improvements which have been approved by all appropriate authorities.

(Ord. 97-1A, 2/5/1997, §301; as amended by Ord. 02-04, 10/28/2002, Art. 1; and by Ord. 09-31, 10/19/2009, Art. 2)





**PART 4**

**SUPPLEMENTARY REGULATIONS FOR SELECTED USES**

**§401. PROHIBITED USES.**

Whenever, under this Chapter, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Township Supervisors to hear and decide such request as a conditional use. The Township Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in §1102 of this Chapter. In addition, the use may only be permitted if:

- A. It is similar to and compatible with the other uses permitted in the zone where the subject property is located.
- B. It is not permitted in any other zone under the terms of this Chapter.
- C. It in no way is in conflict with the general purposes of this Chapter.

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

(Ord. 97-1A, 2/5/1997, §400)

**§402. DWELLING UNITS.**

1. Every dwelling unit shall be placed upon and firmly anchored to a permanent foundation. A permanent foundation shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be so constructed as to leave no open spaces between the building and foundation, except for windows or other openings as might be necessary for such purposes as floodproofing.
2. Every dwelling unit which is to be located in the Flood Fringe or General Floodplain District shall comply with all applicable provisions under Parts 3 and 6 of this Chapter.
3. Every single unit dwelling must contain a minimum of 750 square feet of habitable floor area. In the case of multi-unit dwellings or conversion apartments, each unit must contain a minimum of 400 square feet of habitable floor area, except for efficiency apartments, where 250 square feet of habitable floor area must be provided for each unit.

(Ord. 97-1A, 2/5/1997, §401)

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### **§403. MOBILE HOMES ON INDIVIDUAL LOTS.**

A mobile home may be permitted on an individual lot only as outlined in Part 3. Applications to place more than one mobile home on an individual lot must meet the requirements for mobile home parks contained in §404 of this Part.

- A. Every lot to be used for the placement of an individual mobile home shall have a gross area at least equal to the minimum lot size of the district in which it is located. In addition, the unit must be situated on the lot to meet the applicable lot, yard and open space requirements of the district.
- B. Every mobile home shall be placed upon a foundation. One of the following types of foundations must be utilized. (See also subsections (C) and (D).)
  - (1) A foundation of footers and concrete pilings or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and the foundation, except for windows or other openings as might be necessary for purposes such as floodproofing.
  - (2) A pad, properly graded, placed and compacted so as to be durable and adequate to support maximum anticipated loads during all seasons.
  - (3) Piers, constructed of cinder block or pressure treated poles, may also be utilized.
- C. Every mobile home shall be firmly anchored prior to the unit being occupied or used in order to prevent overturning or uplift. The mobile home foundation shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadmen" eyelets embedded in concrete or runways, screw augers or arrow head anchors. Mobile homes must be anchored to resist a minimum wind velocity of at least 90 miles per hour.
- D. Each mobile home shall have a continuous wall around its entire perimeter. The wall shall be constructed in accordance with one of the following methods:
  - (1) Permanent Walls. A permanent wall may be constructed of concrete or masonry and shall extend from the unit floor system to concrete footing below the subgrade frost line; i.e., the extension of a permanent foundation.
  - (2) Skirting. If a masonry wall is not used, each mobile home shall be encircled with vented skirting designed to compliment its appearance. Skirting shall include materials which have been prefabricated for this specific purpose or other impervious, moisture resistant materials, and shall not include bales of hay, straw, interior wood, unfinished wood or like materials.

- E. Access to crawl space created by the installation of a wall shall be provided by means of a door or panel capable of being locked.
- F. Every unit which is to be placed in the Flood Fringe or General Floodplain District must comply with all applicable provisions contained in Part 6 of this Chapter.

(Ord. 97-1A, 2/5/1997, §402)

#### **§404. LAND DEVELOPMENTS.**

Land developments, including mobile home parks, multi-unit attached dwellings, multi-unit housing developments, planned residential developments, and campgrounds shall meet the following requirements as well as the requirements of the Muncy Creek Township Subdivision and Land Development Ordinance [Chapter 22]. [Ord. 09-31]

##### A. Plan Processing Procedures.

- (1) Land development plans prepared in accordance with the requirements of the Muncy Creek Township Subdivision and Land Development Ordinance [Chapter 22] must be reviewed and approved by the Township Planning Commission prior to issuance of a zoning permit by the municipality. (See also §1203(2)(D) of this Chapter.)
- (2) Where the proposed land development also requires conditional use approval, an application prepared in accordance with §1102 of this Chapter must be submitted to the Township Planning Commission along with the land development plan. The Planning Commission shall review the proposed land development and conditional use application simultaneously and take the following actions:
  - (a) Make a recommendation to the Township Supervisors concerning the conditional use application in accordance with the procedures and time frame set forth in §1102 of this Chapter.
  - (b) Approve or disapprove the land development plan in accordance with the procedures, standards and time frame set forth in the Township Subdivision and Land Development Ordinance [Chapter 22].
- (3) Where the proposed land development also requires special exception approval, the procedures and time frame set forth in §§1002(D) and 1003 of this Chapter shall be followed prior to the issuance of a zoning permit by the municipality. Where the proposed land development is identified as a permitted principal use, the procedure outlined in §1203 of this Chapter shall be followed for the issuance of a zoning permit.

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[Ord. 09-31]

### B. Mobile Home Parks.

- (1) Individual mobile homes within mobile home parks must meet the requirements contained in §403 of this Part.
- (2) Each mobile home park shall have a gross area of at least 10 contiguous acres of land suitable for development.
- (3) The maximum number of mobile home lots within the mobile home park shall not exceed six lots per acre.
- (4) The following minimum mobile home lot area and dimensional requirements shall apply:
  - (a) Minimum lot area. Six thousand square feet.
  - (b) Minimum lot width. Fifty feet.
  - (c) Minimum lot depth. One hundred feet or the overall length of the mobile home located on the lot plus 30 feet, whichever length is greater.
- (5) The following minimum yard requirements shall apply:
  - (a) Minimum setback from abutting streets. Thirty-five feet from street centerline.
  - (b) Minimum side yard setback. Ten feet on each side.
  - (c) Minimum rear yard setback. Twenty feet.
- (6) The minimum setback from mobile home park boundary lines shall be 50 feet. If a suitable, attractive and effective screening, either manmade or of natural plantings, is provided along the perimeter park boundary lines, this setback may be reduced to 30 feet.
- (7) General repair, maintenance and storage areas or buildings of the mobile home park shall be effectively screened from the mobile home lots by manmade screens or natural plantings. All mobile homes shall be located at least 50 feet from all such buildings.
- (8) A minimum of two vehicle parking spaces shall be provided for each mobile home lot within the mobile home park. These parking spaces shall be located within 200 feet of the mobile home lot which is to be served.

- (9) The mobile home park owner shall be responsible for maintenance of all park facilities, including areas designated as open space, streets sewage disposal and water supply systems, and solid waste collection.

C. Multi-unit Attached Dwellings.

- (1) The minimum lot area, dimensional and setback requirements of the district in which the multi-unit dwelling is located shall apply.
- (2) Open space may be required in accordance with the provisions contained in §504 of this Chapter.
- (3) The maximum length of any multi-unit attached dwelling shall not exceed 150 feet.
- (4) Where individual dwelling units of a rowhouse or townhouse are to be conveyed, the following dimensional requirements shall apply:
  - (a) The minimum lot area per unit shall be 2,400 square feet for interior lots and 3,400 square feet for exterior lots.
  - (b) The minimum lot width per unit shall be at least 24 feet.
  - (c) The minimum lot area, dimensional and setback requirements for the structure shall be the same as those required in Part 3 of this Chapter, except that there shall be no side yard requirement for interior lots.
- (5) An apartment building or conversion apartment may be a condominium. In such cases, all lot area, dimensional and setback requirements shall apply to the multidwelling whether the original owner retains title to the open land or a corporation or other organization consisting of members of the condominium retains the title.

D. Multi-unit Housing Developments.

- (1) Each multi-unit housing development shall have a gross area equal to 2,400 square feet for each dwelling unit in the development. A minimum of at least 2 contiguous acres of land suitable for development shall be required.
- (2) The maximum gross density of any multi-unit housing development shall be 18 dwelling units per acre.
- (3) Where multi-unit dwellings or individual dwelling units of a townhouse or other single unit attached type of multi-unit dwelling are to be conveyed, the area and dimensional standards established in subsection (C) shall apply.

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- (4) The following building setback requirements shall apply:
  - (a) The front or rear of any building shall be no closer than 40 feet to the front or rear of any other building.
  - (b) The side of any building shall be no closer than 30 feet to the side, front or rear of any other building.
  - (c) No driveway or parking lot shall be closer than 20 feet to the front of any building, nor 10 feet to the side or rear of any building.
- (5) The maximum length of any multi-unit attached dwelling shall not exceed 150 feet.
- (6) Open space may be required in accordance with the provisions contained in §504 of this Chapter.

E. Planned Residential Developments. Planned residential developments may be permitted only in those zoning districts as specified in Part 3 and only as a conditional use. All applications for such uses shall be processed in accordance with the procedures set forth in Article 7 of the Pennsylvania Municipalities Planning Code (Act 170 of 1988, or as may hereafter be amended). Planned residential developments shall also meet the following requirements:

- (1) The following uses shall be permitted in such developments:
  - (a) Single unit, two unit and multi-unit dwelling units.
  - (b) Commercial and recreational uses appropriate for incorporation into the proposed development, and which are designed to serve primarily the occupants of the proposed development.
- (2) The maximum gross density for such developments shall be as follows:
  - (a) Six dwelling units per acre for single unit dwellings.
  - (b) Ten dwelling units per acre for two-unit dwellings.
  - (c) Twenty-five dwelling units per acre for multi-unit dwellings.
- (3) Open space may be required in accordance with the provisions contained in §504 of this Chapter.
- (4) A minimum of at least 10 contiguous acres of land suitable for development shall be required.

F. Campgrounds.

- (1) All campground permits must be renewed annually.
  - (2) Recreational vehicles, with the exception of truck campers, must at all times remain on wheels and be capable of being transported, and shall not be placed on blocks or similar supports.
  - (3) The maximum number of lots or camping spaces within the campground shall be no more than 15 per acre of gross area of the campground.
  - (4) The following minimum requirements shall apply to each lot or camping space.
    - (a) Minimum area. One thousand five hundred square feet.
    - (b) Minimum width. Thirty feet.
    - (c) Minimum depth. Fifty feet.
  - (5) Repair, maintenance and storage areas or buildings shall be effectively and attractively screened from camping spaces or lots by manmade screens or natural plantings. All camping spaces shall be located at least 30 feet from such structures. No structures shall be permitted in a Floodway District.
  - (6) A minimum of two vehicle parking spaces shall be provided for each camping space or lot within the campground. These parking spaces shall be located within 200 feet of the camping space or lot which is to be served.
  - (7) The campground owner shall be responsible for maintenance of all campground facilities, including areas designated as open space, streets, sewage disposal and water supply systems, and solid waste collection.
  - (8) Campgrounds located in floodplain areas shall maintain on file with the Township Permit Officer a workable evacuation plan which insures that all recreational vehicles will be removed from designated floodplain areas during flood events. As part of the evacuation plan, the Township may also require the removal of recreational vehicles from the site during the winter months.
- G. Hospitals and Nursing Homes. All such uses shall be located on a public street and shall maintain a minimum 50-foot wide buffer strip along property lines abutting residential districts.
- H. Motels and Similar Uses.
- (1) Each unit shall have a minimum area of 225 square feet.

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- (2) Illuminated signs and outdoor lighting shall be installed and shielded in such a manner so as to avoid causing glare on private property or impairing the vision of passing motorists.

- I. Shopping Centers. It is intended that the grouping of buildings and parking areas be designed to protect residential areas and that screening from noise and light be provided where the Planning Commission deems necessary. In addition, all buildings shall be set back from street centerlines and peripheral boundaries a minimum distance of 100 feet.

(Ord. 97-1A, 2/5/1997, §403; as amended by Ord. 09-31, 10/19/2009, Art. 3)

### **§405. PLACES OF WORSHIP.**

Customarily incidental accessory uses such as meeting halls and social rooms may be permitted, as independent or attached structures on the same tract with places of worship, provided such structures are set back 50 feet from front, side and rear property lines abutting residential districts.

(Ord. 97-1A, 2/5/1997, §404)

### **§406. HOME OCCUPATIONS.**

No-impact home-based businesses and other home occupations may be permitted as specified in the district regulations and shall be subject to the following requirements:

- A. No-Impact Home-Based Businesses. No-impact home-based businesses may be permitted in the residential zoning district subject to the following standards:
  - (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 a total of 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.

[Ord. 09-31]

B. Home Occupations. Home occupations which are clearly incidental and secondary to the principal residential use of a dwelling, and which are conducted entirely within a dwelling or accessory building, may be permitted where the following conditions are met: [Ord. 09-31]

- (1) No external alterations or structural changes shall be necessary which will change the residential character of the dwelling.
- (2) No outside, unenclosed storage shall be required or permitted.
- (3) The occupation shall not produce offensive noise, vibrations, heat, dust, traffic problems or other objectionable conditions.
- (4) No evidence of the occupation, except one nonilluminated sign having an area of not more than 2 square feet shall be permitted.
- (5) The occupation shall not occupy more than 30% of the gross floor area of the total dwelling unit. [Ord. 09-31]
- (6) Not more than one nonoccupant of the dwelling may be employed.
- (7) One off-street parking space for each employee and two off-street parking spaces for customers, not including the driveway must be provided.
- (8) No deed restrictions prohibit home occupations as an accessory use to the principal residential use of the dwelling.

C. Home occupations contained in accessory buildings shall not contain more than 30% of the floor area of the residential building, except in the case of an existing farm building such as a barn. [Ord. 09-31]

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- D. Not more than one of the following home occupations may be allowed as a permitted accessory use. Other home occupations not specified below may be allowed as a special exception upon finding by the Zoning Hearing Board that such use complies with §406(1) of this Part, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood.
- (1) Rooming and/or boarding of not more than four people.
  - (2) Professional offices.
  - (3) Family day care.
  - (4) Arts and crafts, antiques, barber and beauty shops, studios, tailoring, teaching or tutoring not more than four students simultaneously and carpentry shops.

(Ord. 97-1A, 2/5/1997, §405; as amended by Ord. 09-31, 10/19/2009, Art. 4)

### **§407. PRIVATE SWIMMING POOLS.**

1. Swimming pools of permanent construction, whether above or below ground, except those portable pools which are not more than 4 feet in height nor more than 15 feet in length or diameter, shall be completely surrounded by a fence or wall not less than 4 feet in height to prevent uncontrolled access. (No additional fence or wall shall be required though where a minimum of 4 feet of the walls around the entire perimeter of the pool are located above the ground; provided, however, that steps, ladders, and other means of access to the pool are removed or secured to a minimum of 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 locking devices.
2. Where required, fences used to enclose swimming pools shall be either chainlink in nature or shall be of such other variety as will have openings no greater than 4 inches in size running either vertically or horizontally. A dwelling or accessory structure may be used as part of the required enclosure.
3. Pools shall not be located within any required front yard nor closer than 10 feet to any side or rear property line. For in-ground pools, the setback requirement shall be measured from the pool water's edge; for above-ground pools, the setback shall be measured from the edge of the pool or its attachments, where applicable. Decks or other associated accessory structures shall not extend into required yards.

(Ord. 97-1A, 2/5/1997, §406)

### **§408. CLUBS.**

1. The principal use or structure shall be a minimum of 100 feet from any residential property, except where greater distances are otherwise required.
2. All applications for such uses in residential districts shall demonstrate to the satisfaction of the Zoning Hearing Board that the proposed use will serve primarily the residents of the surrounding neighborhood and that said use cannot satisfactorily be located elsewhere to serve said community.

(Ord. 97-1A, 2/5/1997, §407)

**§409. DAY CARE CENTERS.**

1. Day care centers must meet the requirements of the Pennsylvania Department of Public Welfare before issuance of a zoning permit.
2. Day care centers must provide outdoor play areas of at least 100 square feet per child. Such play areas shall be situated at least 50 feet from any street centerline and all adjoining residential properties and shall be surrounded by a fence or wall not less than 6 feet in height. Fencing used to protect play areas shall be a solid, stockade type or shall not be more than 25% open. Adult supervision must be provided for outdoor play areas.
3. Outdoor play areas shall be screened and sound insulated as much as possible so as to sufficiently protect the neighborhood from noise and other disturbances.

(Ord. 97-1A, 2/5/1997, §408)

**§410. PARKS.**

1. A statement shall be submitted by the applicant indicating the reasons the proposed park facility is appropriate for the district in which it is proposed to be located.
2. The proposed hours, rules and methods for security of the facility shall be included with the permit application. In approving the proposed rules, consideration shall be given to the convenience, safety and welfare of the neighborhood in which the facility is located.
3. The minimum setback for park facilities from park boundary lines shall be 50 feet. Where the existing, adjoining land use is residential, screening may be required along the perimeter park boundary lines.



4. Outdoor security lighting shall be provided. However, any outdoor lighting shall be installed and shielded in such a manner so as to avoid causing glare on private property or impairing the vision of passing motorists.
5. No permanent public address system shall be permitted except where such system shall not be audible at any property lines.
6. The park owner shall be responsible for the maintenance of all park facilities.

(Ord. 97-1A, 2/5/1997, §409)

**§411. FIRE AND POLICE STATIONS.**

1. Such facilities may be permitted in a residential district where it is not possible to serve the area from a facility located in any other district.
2. Such facilities shall not be located on a residential street, unless no other site is available, and shall be located so as to draw a minimum of vehicular traffic to and through such streets.

(Ord. 97-1A, 2/5/1997, §410)

**§412. AGRIBUSINESS.**

1. Unenclosed storage of farm produce or machinery may be permitted, provided that proper screening and buffer strips of 25 feet shall be required where the property abuts a residential district.
2. Farm machinery repair and maintenance services may be permitted; provided, such uses shall not be located closer than 200 feet to any residential district, and shall be screened so as to protect the surrounding area from noise and other disturbances.

(Ord. 97-1A, 2/5/1997, §411)

**§413. ANIMAL HOSPITALS AND KENNELS.**

Animal hospitals and kennels shall not be located closer than 200 feet to any residential district, and shall be screened and sound insulated so as to sufficiently protect the surrounding area from noise and other disturbances. No incineration of refuse shall be permitted on the premises.

(Ord. 97-1A, 2/5/1997, §412)

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### **§414. SAWMILLS.**

Sawmills shall not be located closer than 200 feet to any residential or commercial district, and shall be screened to protect the surrounding area from noise and other disturbances.

(Ord. 97-1A, 2/5/1997, §413)

### **§415. RETAIL TRADE AND SERVICES.**

Gasoline pumps may be provided as an accessory use to retail trade or service operations; however, the regulations contained in §416 shall be applied.

(Ord. 97-1A, 2/5/1997, §414)

### **§416. AUTOMOTIVE SERVICE STATIONS.**

1. No automotive service station shall have an entrance or exit for vehicles within 200 feet, as measured along a public street, of any lot on which there exists a school, playground or church or any other public or semipublic institution. Such access shall be no closer than 50 feet to any intersection, nor closer than 25 feet to any residential district.
2. Gasoline pumps shall be no closer than 50 feet to any street centerline or 15 feet from the right-of-way line, whichever is greater.
3. All repair work (excluding spark plug replacement and other minor adjustments shall be carried out within a structure.
4. All fuel, oil, propane gas or other similar substances shall be stored at least 25 feet from any property line. All materials, including new and used parts, shall be stored within a building.
5. Where the adjacent land use is neither commercial nor industrial proper screening and buffer strips of 25 feet along property lines of the site may be required.

(Ord. 97-1A, 2/5/1997, §415)

### **§417. AUTOMOTIVE SALES.**

1. Any portion of a lot utilized for parking of vehicles for sale or for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be constructed and maintained in such a manner that no dust will be produced by continued use. In addition, driveways used for ingress and egress shall not exceed 2 feet in length.

2. All servicing of vehicles carried on as an incidental part of an automobile sales operation shall be conducted within a completely enclosed building.
3. All fuel, oil, propane gas and similar substances shall be stored at least 25 feet from any property line. All materials, including new and used parts, shall be stored within a building.

(Ord. 97-1A, 2/5/1997, §416)

**§418. AMUSEMENT USES.**

1. Amusement uses shall be conducted entirely within an enclosed structure, except for miniature golf courses, which shall be screened from abutting residential districts.
2. Parking areas shall be screened from adjoining residential properties and any outdoor lighting shall be installed and shielded in such a manner so as to avoid causing glare on private property or impairing the vision of passing motorists.
3. The volume of sound emitted shall be controlled so as not to become a nuisance to adjacent property owners.
4. Amusement uses shall not be located within 200 feet of an entrance or exit to a school, playground, church or any other public or semipublic institution.

(Ord. 97-1A, 2/5/1997, §417)

**§419. REPAIR SHOPS.**

1. Excessive noise, odor and glare caused by repair operations must be completely confined within an enclosed building. In addition, where necessary to protect adjacent properties from the proposed land use, screening and/or buffer strips may be required.
2. All materials, including new and used parts, shall be stored within a building.

(Ord. 97-1A, 2/5/1997, §418)

**§420. TRUCK STOP COMPLEX.**

1. In determining the suitability of the site for the proposed truck stop the following criteria shall be utilized:
  - A. Truck stops shall not be located within 1,000 feet of any residential district.

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- B. Truck stops shall have direct access to a major arterial highway capable of accommodating anticipated traffic flows generated by the proposed truck stop.
  - C. To determine the suitability of the proposed site for a truck stop complex, a detailed study, prepared by a registered professional engineer or architect, shall be submitted which examines the impact of the proposed development on the surrounding area. The study shall assess the impact on existing traffic volume and patterns, the noise and visual impact of the proposed development, as well as the general stress on the surrounding area which may result from such developments. The study shall also propose improvements, such as access and parking areas, lighting, buffer areas and/or screening, etc., which will minimize the impact of the proposed development on the surrounding area.
2. In determining the adequacy of the proposed site plan the following criteria shall be utilized:
    - A. The visual and noise impact of the proposed truck stop complex on surrounding properties. Screening and buffer strips may be required to preserve the existing character of the area.
    - B. The proposed means of ingress and egress. Access lanes shall be a minimum of 25 feet in width and clearly separated from parking areas.
    - C. All access lanes and parking areas shall be surfaced with an asphaltic or Portland Cement binder pavement or similar durable and dustless surface. Tractor trailer parking spaces shall not be less than 14 feet in width and 75 feet in length.
  3. A stormwater management plan showing improvements designed to insure that the postdevelopment peak rate of stormwater runoff from the site will not exceed the peak rate of runoff from the site in its predevelopment condition must be submitted with the site plan.
  4. All other applicable regulations of this Chapter shall apply to the proposed development.

(Ord. 97-1A, 2/5/1997, §419)

### **§421. UNENCLOSED STORAGE.**

1. Unenclosed storage of materials, equipment or merchandise may be permitted; provided, that proper screening and buffer strips of 50 feet from any property line or street centerline may be required for such uses and provided such uses shall be screened and located not less than 200 feet from any residential district.



2. Any outdoor security lighting shall be installed and shielded in such a manner so as to avoid causing glare on private property or impairing the vision of passing motorists.
3. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connected with heating devices or appliances located on the same premises are excluded from this provision.
4. No materials or wastes shall be stored on any property in such a manner that they may be transferred off the same property by natural causes or forces.
5. All materials or wastes which might cause films or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.

(Ord. 97-1A, 2/5/1997, §420)

**§422. ADULT ENTERTAINMENT.**

1. Adult entertainment facilities shall not be located within:
  - A. One thousand feet of any residential district or residential structure.
  - B. One thousand five hundred feet of any church, school, theater, park, playground or other area where minors congregate.
  - C. One thousand feet of any establishment licensed by the Pennsylvania Liquor Control Board to dispense alcoholic beverages;
  - D. One thousand feet of any restaurant, eating establishment or grocery store.
  - E. One thousand feet of any other adult entertainment facility.
2. Advertisements, displays or other promotional materials for adult entertainment facilities shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.
3. All building openings, entries, exits or windows for adult entertainment facilities shall be located, covered or screened in such a manner as to prevent a view into the interior from any street, sidewalk or other public place. In the case of an adult drive-in motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public place.

(Ord. 97-1A, 2/5/1997, §421)

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### **§423. INDUSTRIAL OR MANUFACTURING USES.**

When applications for industrial or manufacturing operations are being reviewed, the following criteria shall apply and additional information may be required where it is necessary to protect the health, safety and welfare of the Township residents:

- A. Industrial operations shall abut and/or provide direct access to a highway which is capable of accommodating heavy trucks and industrial employee and related traffic.
- B. Every industrial or manufacturing operation or activity must be contained within a building(s).
- C. Where adjacent land use dictates, or where in the opinion of the approving agency it would be appropriate, buffer strips of 50 feet and screening shall be provided along all property lines of the site.
- D. Continued compliance with the following minimum performance standards, in addition to all applicable State or Federal regulations, (including DEP's, air, water and noise pollution control requirements) shall be required:
  - (1) Sound. The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.
  - (2) Vibration. An operation which creates intense earthshaking vibration, e.g., heavy drop forges, heavy hydraulic surges, shall not be discernible beyond the property lines of the industry.
  - (3) Odor. No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted
  - (4) Toxic or Noxious Matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort or welfare, or causes injury or damage to property or business, shall be permitted.
  - (5) Glare. No direct or reflected glare shall be detectable at any point along lot lines.
  - (6) Heat. No direct or reflected heat shall be detectable at any point along lot lines.
  - (7) Dust and Fly Ash. No solid or liquid particles shall be emitted in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.

- (8) **Smoke.** No smoke shall be emitted in such quantity as to become a nuisance.
- (9) **Fire and Explosion Hazards.** In all activities involving, and all storage of, flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires shall be prohibited.
- (10) **Radioactivity or Electrical Disturbances.** No activities shall be permitted which emit dangerous radioactivity or electrical disturbances adversely affecting the operation of any equipment other than that of the creator of such disturbance.

(Ord. 97-1A, 2/5/1997, §422)

**§424. EXTRACTIVE OPERATIONS.**

1. These regulations shall apply only to those extractive operations which must meet the permit requirements of the Department of Environmental Protection.
2. Fencing and a buffer strip of at least 50 feet shall be provided along the perimeter of the excavation site. Such operations shall be situated no less than 200 feet from any residential district, stream or watercourse.

(Ord. 97-1A, 2/5/1997, §423)

**§425. JUNKYARDS.**

1. All junkyard permits must be renewed annually.
2. All junkyards shall have a minimum lot size of 5 acres and a minimum setback from all property lines of 100 feet.
3. Junkyards shall not be located closer than 600 feet to any residential or commercial district, and shall be screened to protect the surrounding area from noise and other disturbances.

(Ord. 97-1A, 2/5/1997, §424)

**§426. DOCKS, PIERS AND OTHER WATER RELATED USES.**

Docks, piers and other water related uses may be permitted, but must adhere to the following standards:

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- A. Docks shall be installed so they create no rise in the 100 year flood level. Where there is a threat of flood, docks shall be removed from the area.
- B. Docks must be removed from the watercourse during the off-season and may not be stored in the Floodway District. They may be stored within any other floodplain district provided that they are secured in such a way to prevent flotation.

(Ord. 97-1A, 2/5/1997, §425)

### **§427. TEMPORARY USES IN FLOODPLAIN AREAS (SUCH AS CARNIVALS AND CIRCUSES).**

- 1. A temporary zoning permit may be issued for a temporary use such as a carnival or circus in any floodplain district in accordance with the district regulations. Such temporary permit shall be valid for no more than 14 days and shall be issued only after the applicant agrees to or provides the following information:
  - A. If there is a threat of flood, all wagons, tents, temporary structures, animals and other materials shall be removed completely from the 100 year floodplain. This shall be done promptly before the threat of flood becomes a reality.
  - B. The site of such temporary use shall not be left unattended by the applicant or agents working for him at any time during which the use is located on the site
  - C. Assurances shall be given by the applicant to guarantee that there is adequate space to satisfy the parking demand that will be generated by the use and that adequate traffic control precautions are to be taken.
  - D. Information concerning the temporary sewage disposal facilities to be used shall be presented by the applicant with assurance from the Department of Environmental Protection that they are adequate.
  - E. If the temporary use is to take place on land not owned by the applicant, the applicant shall present a written agreement to the approving agency in which the owner of the property agrees to the temporary use of his property.
  - F. Any solid waste generated by the temporary use shall be collected and disposed of properly by the applicant.
  - G. All wagons, tents, temporary structures, animals and any other materials brought in shall be removed from the site within the time limit stated on the temporary permit.
- 2. The Zoning Officer shall note on the temporary permit or attach to the permit information that demonstrates the applicant has agreed to or complied with

subsections (A) through (G). The Zoning Officer shall check at the site as needed to see that the provisions of the permit are carried out.

(Ord. 97-1A, 2/5/1997, §426)

**§428. LIVESTOCK IN THE RESIDENTIAL DISTRICT.**

The boarding or raising of livestock (including cattle, pigs, goats, sheep or horses) or similar farm animals may be permitted in the residential district as a special exception use, but shall be subject to the following requirements. (It is not the intent of these regulations to encourage the raising or boarding of livestock or animals in residential areas, but rather to acknowledge that the Township remains primarily rural in nature and to recognize that agriculture is still a very active use in many of the residentially zoned segments of the community. Thus although residential uses have begun to locate in these areas, agricultural activities, including the boarding or raising of livestock should be permitted to continue until the property owners transfer their land to others interested in developing conforming residential uses.)

- A. There shall be at least ½ acre of land available for each farm animal to be maintained on the premises, exclusive of residential dwelling or required yard areas.
- B. All animals to be boarded or raised in the residential district after the effective date of this Chapter shall be maintained for personal use. New commercial animal husbandry operations or other activities of a commercial nature shall be prohibited.
- C. Buildings in which such animals are to be housed shall not hereafter be erected closer than 50 feet to any adjoining property line.
- D. All animal pasture or grazing areas shall be completely surrounded by a wire, wooden board or other similar fence suitable to contain the type of livestock proposed on the site. Such fence shall be at least 4 feet in height and shall be located no closer than 5 feet to any adjoining property line. (A barn or other accessory farm building may be used as part of the required enclosure.)

(Ord. 97-1A, 2/5/1997, §427)

**§429. RESIDENTIAL CLUSTER DEVELOPMENTS.**

- 1. Residential cluster developments shall be permitted only in those zoning districts as specified in the district regulations, Part 3. Every such application shall also meet the requirements outlined below as well as the standards set forth in the Muncy Creek Township Subdivision and Land Development Ordinance [Chapter 22].

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2. The purpose of the following standards is to permit the clustering or grouping of residential structures on a single tract of ground to maximize the amount of open space that can be preserved. This optional form of development allows the developer to develop lots smaller than otherwise provided for in this Chapter, so long as the land saved by the reduction in lot sizes is reserved as permanent open space for the use and enjoyment of all residents of the development.
  - A. Minimum Tract Area Requirements. Each residential cluster development situated in the Agriculture and Conservation District shall contain a minimum gross lot area of 10 contiguous acres of land suitable for development. Excluded from the determination of tract size shall be (1) all land situated in a 100 year floodplain; and (2) all land with a slope exceeding 15%.
  - B. Permitted Dwelling Types. The type of dwelling units permitted in any cluster development shall be as set forth in the district regulations, Part 3, for the zoning district in which the development is located; that is, in the Agriculture and Conservation District, only single family detached or two family dwellings may be permitted.
  - C. Tract Density Standards. The maximum gross density set forth in the district regulations, Part 3, for the zoning district in which the development is located shall not be exceeded; that is, in the Agriculture and Conservation District the maximum allowable tract density shall not exceed one dwelling unit per 3 acres (or 0.33 dwelling units per acre) for single family dwellings. For two family dwellings, the maximum allowable gross density shall be two dwelling units per 3 acres (or 0.66 dwelling units per acre).
  - D. Permitted Lot Area and Lot Width Reductions. The minimum lot area requirements for single family detached and two family dwellings may be reduced to 15,000 square feet per lot, thereby increasing the permissible density to three dwelling units per acre for single family detached dwellings and six dwelling units per acre for two family dwellings. Minimum lot width requirements may be reduced to 100 feet. (See also subsection (F)(5) below).
  - E. Minimum Yard Requirements. The minimum yard requirements for single family detached and two family dwellings in the Agriculture and Conservation District shall be:
    - (1) Front yard. Fifty feet from road centerline or 30 feet from edge of road right-of-way, whichever is greater.
    - (2) Side yards.
      - (a) Abutting street. Same as front yard.
      - (b) Abutting lot. Ten feet each side.
    - (3) Rear yard.

- (a) Principal structure. Thirty feet.
- (b) Accessory structure. Ten feet.

F. Design Standards.

(1) Arrangement of Buildings and Facilities.

- (a) All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and shape of the plot, the character of the adjoining property, and the type and size of the proposed buildings in order to produce a liveable and economic land use pattern.
- (b) Buildings shall be arranged in favorable relation to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site. Grading around the buildings shall be designed to be in harmony with the natural topography, at the same time assuring adequate drainage and safe and convenient access.

(2) Access and Circulation.

- (a) Access to the dwellings and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be safe, adequate and convenient for the occupants.
- (b) Access and circulation for the firefighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and maintenance.
- (c) Walking distance from the main entrance of a building to a street, driveway or parking area shall be designed to be less than 100 feet. Any exception to this standard shall be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation to topography. In no case however shall the distance exceed 250 feet.

(3) Yards. Yards shall assure adequate privacy, desirable views, adequate natural light and ventilation, convenient access to and around the dwelling and other essential facilities or uses.

(4) Streets and Access Drives. All streets and access drives within residential cluster developments shall meet the minimum design and construction standards outlined in the Muncy Creek Township Subdivision and Land Development Ordinance [Chapter 22].

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- (5) **Sewage and Water Facilities.** Adequate sewer and water facilities must be provided by the developer in accordance with the standards of the Pennsylvania Department of Environmental Protection. Residential cluster developments shall be connected to a public sanitary sewer system and a municipal water supply when at all possible. Where such systems are not available or such connection cannot be made, the developer shall design, install and maintain a privately owned community sewerage system and/or a privately owned, public or nonpublic water system approved by the Pennsylvania Department of Environmental Protection.
- (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 Township for approval as part of his development plan submission.
- (7) **Grading and Ground Cover (Soil Erosion and Sedimentation Control).** Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be presented showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces shall be stabilized or otherwise protected with a vegetative cover. And, where adjacent land use dictates, screen plantings or buffer yards of 25 feet may be required.
- (8) **Drainage Facilities.** All plans for residential cluster developments shall include information regarding the slope of the site and shall indicate what types of drainage or stormwater management facilities will be installed to handle runoff produced by the new development. The plans shall also indicate where the drainage is to be ultimately channeled. (See also site preparation and stormwater management requirements contained in the Township Subdivision and Land Development Ordinance [Chapter 22].)
- (9) **Street Lighting.** Each residential cluster development shall be furnished by the developer with lighting designed to adequately illuminate driveways, walkways, streets and intersections and to provide for the safe movement of pedestrians and vehicles throughout the development at night.
- (10) **Off-Street Parking.** Off-street parking spaces shall be provided in accordance with the requirements of §703, Table 2, of this Chapter.

### G. Open Space Requirements.

- (1) A minimum of 85% 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 development. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures or



service lanes. The area shall also be easily accessible to all units in the development and shall be free of safety and health hazards. Portions of the area to be used for recreational purposes shall have suitable physical characteristics, including well drained soils, gentle topography, and suitable shape and size.

- (2) Applications for residential cluster developments shall include a proposal which provides for the ultimate ownership and maintenance of all open space areas. Where such open space is not dedicated to the Township or where such dedication is not accepted by the Township, an agreement which assigns the maintenance responsibilities for the open space and/or recreation facilities shall be submitted by the developer and approved by the Township, recorded with the final plan and referenced in the deeds for each parcel or dwelling unit in the development. At a minimum, covenants in the agreement shall:
- (a) Obligate the purchasers to participate in a homeowner's association and to support maintenance of the open space by paying assessments to the association sufficient to cover the cost of said maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.
  - (b) Obligate such an association to maintain the open space areas as well as any private streets and utilities which may have been approved within the development.
  - (c) Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance.
  - (d) Provide that if the Township is required to perform any maintenance work in or for the open space areas, such purchasers shall pay the cost thereof and that the same shall be a lien of their properties until such a cost has been paid; provided, that the developer shall be responsible for the formation of the homeowner's association of which the developer (or owner, if other than the developer) shall remain a member until all lots in the development are sold. Other equivalent provisions to assure adequate perpetual maintenance may be considered and approved by the Township.
  - (e) Guarantee that the homeowner's association formed to own and maintain the open space will not be dissolved without the consent of the Township.

H. Arrangement of Buildings.

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- (1) Adequate provision shall be made for light, air, emergency access and privacy in the arrangement of buildings to each other. Each dwelling unit shall have a minimum of two exterior exposures.
  - (2) All dwelling structures shall be setback a minimum of 25 feet from all tract boundary lines.
- I. Maximum Building Coverage. The maximum permitted building coverage per lot shall be 30%.
- J. Criteria for Approving Cluster Development. In addition to all other standards set forth in this Chapter for the evaluation and approval of conditional use applications, the following criteria shall be utilized in reviewing applications for residential cluster developments:
- (1) The proposed cluster development shall be in harmony with the general goals, objectives, purposes and standards of this Chapter and the Muncy Creek Township Subdivision and Land Development Ordinance [Chapter 22].
  - (2) The proposed cluster development shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Chapter, upon adjacent property, the character of the area or neighborhood, traffic conditions, parking, utility facilities, safety and general welfare.
  - (3) The proposed cluster development shall be served adequately by essential public facilities and services, such as highways, streets, parking areas, police and fire protection, drainage structures, solid waste services, sanitary sewers or a community sewerage system, a public water supply and schools.
  - (4) The proposed cluster development shall not result in the destruction, loss or damage of any natural, scenic or historic features of significant importance.

(Ord. 97-1A, 2/5/1997, §428)

### **§430. COMMUNICATIONS ANTENNAS, TOWERS AND/OR EQUIPMENT BUILDINGS.**

Communications antennas, towers and/or equipment buildings may be permitted only as specified in the District Regulations, Part 3. Applications for all new antennas and towers shall also be subject to the standards outlined below, as well as all other applicable State or Federal regulations. Private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas, shall be excluded from regulation by this Section.

A. General Requirements.

- (1) **Zoning Permit Requirements.** 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 Township Zoning Officer, except as may be provided otherwise in this Section.
- (2) **State and Federal Documentation.** The applicant shall provide sufficient documentation that it is 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 existing buildings or 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 all applicable Airport Zoning regulations.
- (3) **Interference.** The applicant shall also demonstrate that the proposed antennas will not cause interference with other communications facilities located in the Township.
- (4) **Change of Ownership.** Within 30 days after a change of ownership of any communications antenna, tower or equipment building, the new owner shall notify the Township in writing of such ownership change.
- (5) **Relief from Standards.** 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 Supervisors of Muncy Creek Township shall have the power and authority to modify the terms of this Section as they apply to such license holder. Relief under this Section shall however be authorized on a case-by-case basis, and any such application shall be considered as a conditional use.

B. Communications Antennas (Building-Mounted). Communications antennas may be attached to any existing building or structure in all zoning districts, except the floodplain districts, subject to the following standards.

- (1) **Site Location.** Building-mounted communications antennas shall not be located on single-, two- or multifamily dwellings, but may be attached to a church, municipal or government buildings, water tanks, agricultural buildings, electrical transmission poles or towers, or other commercial or industrial buildings.
- (2) **Antenna Height.** Building-mounted antennas shall not exceed 15 feet in height above the building to which they are attached. Omnidirectional

or whip antennas shall not exceed a height of 20 feet and a diameter of 7 inches. Directional or panel antennas shall not exceed 5 feet in height and 3 feet in width.

- (3) **Attachment.** Building-mounted antennas shall be located on those building elevations which do not face public rights-of-way, and shall not project more than 3 feet from the vertical face of the building to which they are attached.
- (4) **Engineer's Certification.** Any applicant proposing to mount a communications antennas on a building or other structure shall submit evidence to the Township from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind and other loads associated with the antenna's location.
- (5) **Appearance.** Building-mounted antennas located in the Residential District shall be architecturally compatible with the building or structure to which they are attached. Such antennas shall be designed to blend into the neighborhood or area where they are located. In addition, detailed construction and elevation drawings shall be submitted to the Township indicating how any such antenna will be mounted on the building or structure and how it will be seen in the community from ground level.
- (6) **Maintenance.** Applicants for a building-mounted antenna shall submit evidence to the Township indicating 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 may be located within the Agriculture and Conservation, General Commercial, Highway Commercial, Light Industrial and Heavy Industrial Districts subject to the following standards.

- (1) **Evidence of Need.** Any applicant proposing construction or location of a new communications tower shall provide documentation to the Township which demonstrates a need for the structure in the proposed location. Such documentation shall include coverage diagrams and technical reports, prepared by a qualified, professional engineer, indicating that the proposed location is necessary to achieve the desired coverage and the co-location on an existing tower, building or structure is not possible. (See subsection (2) below for additional co-location requirements.)
- (2) **Co-Location.** 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, pole or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a 1 mile radius of the proposed tower site be contacted and that one or more 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) **Site Location.** 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) **Tower Height.** The maximum height of any communications tower shall be 180 feet measured from the ground level around the tower to the highest point on the tower, including antennas mounted on the tower, unless the applicant can demonstrate, to the satisfaction of the Township Supervisors, that the proposed height is the minimum necessary to perform the intended function.
- (5) **Setback Requirements.** The foundation and base of a communications tower shall be set back from all residential uses and Residential District boundary lines a distance equal to the intended height of the tower. In all other instances, the setback requirements of the applicable district shall apply.

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- (6) **Antenna Requirements.** All tower applicants shall provide evidence that at least one antenna contract agreement has been secured to locate on the proposed tower. In addition, the tower shall be designed to accommodate not less than four antennas, and shall allow for future rearrangement of antennas or the acceptance of antennas mounted at varying heights.
- (7) **Engineer's Certification.** 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 fence enclosure. The applicant shall supply the Township with certification from a registered professional engineer indicating that such practices will be met.
- (8) **General Appearance.** Towers and antennas located thereon shall be finished with a nonreflective 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.
- (9) **Security.** The site of a communications tower shall be secured by a fence with a minimum of 8 feet to limit accessibility by the general public. All towers shall be fitted with anticleimbing devices approved by the manufacturer for the type of installation proposed.
- (10) **Lighting.** No tower or antenna located thereon shall be illuminated, except as may be required by the FAA or the FCC, in which case the Township may review the available lighting options and approve the design that would cause the least disturbance to surrounding uses and views.
- (11) **Signs and Advertising.** No signs shall be mounted on a communications tower or antenna, except as may be required and approved by the FCC, FAA or other governmental agency and the Township. No advertising is permitted on a tower or antenna or other building or structure accessory thereto.
- (12) **Landscaping.** 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 considering the technological requirements of the proposed service. In addition, the base of the tower shall be landscaped to screen the foundation, base and equipment building from abutting properties.

(13) Access.

- (a) 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 10 feet with a dust-free, all-weather surface for its entire length.
- (b) Where a new roadway is to be constructed to access the tower site, the applicant shall also prepare and submit a stormwater management plan to the Township for approval. In the alternative, if access is to be provided via an existing roadway and does not involve improvement of the road surface, a stormwater management plan need not be submitted. The applicant shall, however, make such modifications to the existing road as determined appropriate by the Township Supervisors to prevent water, dirt and debris from washing onto the intersecting public roadway.

(14) License and Insurance Requirements. 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 \$1,000,000 per occurrence and property damage coverage in the amount of \$1,000,000 per occurrence covering the tower and antennas thereon, with a \$3,000,000 aggregate. Such insurance shall remain current at all times that there is a tower located on the property.

(15) Maintenance and Inspections. Upon completion of installation, the applicant shall supply the Township with engineering certification indicating that the tower has been constructed and installed in accordance with the applicant's approved plans. The Township Zoning Officer may then issue a Certificate of Use thereby allowing the structure to be used. Thereafter, the tower shall be regularly maintained and inspected for structural safety at least annually by a property qualified professional. The owner of the tower shall submit such inspection report to the Township by June 30 of each year as a condition of permit approval.

(16) Tower Abandonment and Removal.

- (a) A tower removal performance bond shall be provided by the applicant to the Township to ensure removal of the tower should it become abandoned or is no longer used to support communications antennas. Such bond shall be in an amount no less than 20% of the cost of the tower. Said bond will remain with the Township for the life of the tower.

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- (b) If a communications tower is unused for a period of 12 consecutive months, the Township may consider the use abandoned and may therefore instruct the Zoning Officer to issue a notice to the tower owner to dismantle and remove the facility and associated equipment from the site within 90 days of the date of the notice. (The retention of equipment buildings associated with the tower facilities may be approved by the Township at the request of the applicable property owner.) Municipal enforcement proceedings and procedures to invoke use of the tower removal bond may be initiated following the 90 day 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 Township 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 not exceed 250 square feet of gross floor area; shall house only that equipment necessary to provide normal maintenance and repair for the operations and shall generally be unmanned.
- (2) The maximum height of an equipment building shall be 35 feet.

(Ord. 97-1A, 2/5/1997; as added by Ord. 02-04, 10/28/2002, Art. 2)

### §431. CONCENTRATED ANIMAL FEEDING OPERATIONS.

Concentrated animal feeding operations (CAFOs) may be permitted only as specified in the District Regulations, Part 3. All new or expanded CAFOs shall require conditional use approval from the Township Supervisors prior to the issuance of a zoning permit. In addition, all applications for CAFOs shall satisfy the following criteria.

- A. All concentrated animal feeding operations shall meet the requirements set forth in the Pennsylvania Nutrient Management Regulations for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards established in the Nutrient Management Regulations pertaining to nutrient application, manure management and manure storage facilities.
- B. All applications to the Township for new or expanded concentrated animal feeding operations shall include the following information:



- (1) A detailed, written description of the type and size of operation being proposed.
  - (2) 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).
  - (3) A copy of the applicant's Nutrient Management Plan, reviewed and approved by the Lycoming County Conservation District, designated Nutrient Management Specialist or other appropriate agency.
- C. 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.
- D. No manure storage facilities shall be permitted to be located within a designated floodway. Where located within a designated flood-fringe or general floodplain are, all such structures shall be elevated or floodproofed to meet the requirements of §604(B)(2) of this Chapter.
- E. The applicant shall prepare and show the ability to control with an odor abatement plan for all aspects of the proposed activity. Recognition must be given that concentrated animal feeding operations produce odors, but the applicant's plan shall show what steps are to be taken to reduce or abate the odors associated with his operation.

(Ord. 97-1A, 2/5/1997; as added by Ord. 02-04, 10/28/2002, Art. 2)

**§432. ACCESSORY STORAGE TRAILERS.**

Accessory storage trailers may be permitted only as specified in this Section. In addition, the following standards shall apply to all such uses.

- A. Storage trailers may only be permitted as accessory uses in the Industrial and Agriculture and Conservation Districts. In the Agriculture and Conservation District, such units may only be situated on farm parcels. All such units shall be used for storage purposes and all unused or vacant units shall be removed.
- B. No buses, trucks, mobile homes or travel trailers may be used as accessory storage trailers.
- C. All storage trailers shall be placed on a graded, level site. Where such units are to be permanent, their wheels and axles shall be removed and the unit shall be placed upon a foundation or otherwise affixed to the ground. Where

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such unit is to be temporary, wheels may be left on the unit as a means of facilitating its use.

- D. There shall be no residential or commercial use of accessory storage trailers.
- E. No more than two such units may be permitted to be located on a single tract of ground.
- F. No accessory storage trailers shall be permitted in the Floodway District. When located in any other designated floodplain district, all such units shall be floodproofed in accordance with the standards set forth in Part 6 of this Chapter.
- G. Permitted storage trailers, whether temporary or permanent, shall meet the applicable setback requirements for the district in which they are located and shall be situated on the site so as to be as inconspicuous as possible.
- H. No sign shall be painted, erected, affixed, supported or maintained on an accessory storage trailer.

(Ord. 97-1A, 2/5/1997; as added by Ord. 02-04, 10/28/2002, Art. 2)

### **§433. TEMPORARY STRUCTURES.**

- 1. Mobile Homes. Mobile homes providing temporary quarters for residential use may be permitted in the Township, but must be authorized by the Township Planning Commission and may only be permitted for limited periods of time. When so authorized, such units shall be subject to the following standards.
  - A. A temporary zoning permit shall be required for the placement of any new mobile home, and when issued, shall indicate the specific period of time for which the authorization is granted. No temporary permit for such use shall be issued for a period of time exceeding 6 months, except as provided in subsection (B) below.
  - B. The Planning Commission may grant an extension to or renew the temporary permit for as many as two additional 90 day periods, if in their opinion the applicant encountered unforeseen circumstances in carrying out the operation for which the original temporary permit was issued, or if the refusal of an extension would cause an undue hardship to the applicant.
  - C. 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 Pennsylvania Department of Environmental Protection or Township Sewage Enforcement Officer that these arrangements are adequate.

- D. All such mobile homes shall be removed from the site by the applicant within 30 days of expiration of the permit at not cost to the Township. No certificate of compliance shall be issued by the Zoning Officer for new construction on the site until the temporary unit has been removed. [Ord. 09-31]
  - E. No mobile homes shall be placed in the Floodway District. Every such unit to be placed in the Flood-Fringe or General Floodplain District must comply with all applicable provisions contained in Part 6 of this Chapter.
- 2. Construction Trailers. Trailers providing temporary office or storage space during commercial, industrial or institutional construction, including highway, bridge or utility supply construction projects, may be permitted by the Township, but shall require the issuance of a temporary zoning permit by the Zoning Officer. There shall be no residential use of construction trailers, either permanently or temporarily.
  - 3. Other Temporary Structures. Other temporary structures including, but not limited to, tents, stands, booths or shelters to be used for the periodic sale of farm, nursery or greenhouse products or other seasonal merchandise may be permitted in the Township. Where such uses are to be located on a site for more than 7 days, a temporary zoning permit shall be required. In no case shall a temporary structure of this type be permitted to be located on a site for more than 30 days in any 6-month period. All such structures shall meet the setback requirements for the district in which they are located and shall be situated so as to avoid causing an obstruction for traffic along public streets. Where appropriate, an adequate number of off-street parking spaces shall be provided for the temporary structure.

(Ord. 97-1A, 2/5/1997; as added by Ord. 02-04, 10/28/2002, Art. 2; and as amended by Ord. 09-31, 10/19/2009, Art. 8)

**§434. FARM-RELATED BUSINESSES.**

Farm-related businesses may be permitted as accessory uses in the Agriculture and Conservation District, subject to the site improvement requirements set forth in §1203(2)(C) of this Chapter and the following requirements:

- A. For the purposes of this Chapter, 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. 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.

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- C. The farm-related business must be owned or operated by the individual who is the owner or lessee of the farm on which it is located. There shall be no more than two nonresident 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 square 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 §421 of this Chapter:
- F. All signs used to advertise such facilities shall meet the requirements of Part 7 of this Chapter.
- G. Off-street parking spaces shall be provided for each farm-related business as set forth in Part 8 of this Chapter.
- 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.
  - (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 Township, 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.

(Ord. 97-1A, 2/5/1997; as added by Ord. 09-31, 10/19/2009, Art. 3)

### **§435. DRILLING AND EXTRACTION OF CRUDE OIL AND NATURAL GAS.**

In addition to the requirements of §1102, "Conditional Uses," the drilling and extraction of crude oil and natural gas shall comply with the following criteria:

- A. A lot area of not less than 10 acres shall be required for drilling and extraction of crude oil or natural gas.
- B. All crude oil and natural gas wells shall be located at least 500 feet from any residential structure.
- C. In any residential district, a planted buffer of at least 100 feet in depth shall be installed around the crude oil or natural gas well in order to shield the well from residential uses.
- D. Crude oil and natural gas wells shall comply with all requirements of any State or Federal agency. Revocation of any required Federal, State, or municipal approvals shall constitute an automatic revocation of the zoning permit.
- E. As part of any application for drilling and extraction of crude and natural gas, the applicant shall also identify all State and local roads to be used within Muncy Creek Township for construction, operation, maintenance and disassembly of the operation. The Township Engineer, or a qualified third party engineer, hired by the Township and paid for by the applicant, shall document road conditions prior to initiation of the operation and again 30 days after it is complete, or as weather permits.

The Township may post and bond such local roads in compliance with applicable State regulations, including Chapter 49 of the Pennsylvania Vehicle Code [75 Pa.C.S.A. §4901 *et seq.*] and Chapter 189 of the Pennsylvania Transportation Code [67 Pa.Code, Chapter 189]. (See also Part 3 of Chapter 15 of Ord. 99-2, the Muncy Creek Township Code of Ordinances, enacted August 16, 1999, or as may hereafter be amended, for vehicle weight limits and restrictions on specific streets and bridges in the Township.)

Any damage caused by the applicant or his contractors shall be promptly repaired at the applicant's expense. The applicant shall demonstrate to the Township that he has appropriate financial security to ensure the prompt repair of damaged roadways.

(Ord. 97-1A, 2/5/1997; as added by Ord. 09-31, 10/19/2009, Art. 3)



**PART 5**

**SUPPLEMENTARY LOT REGULATIONS**

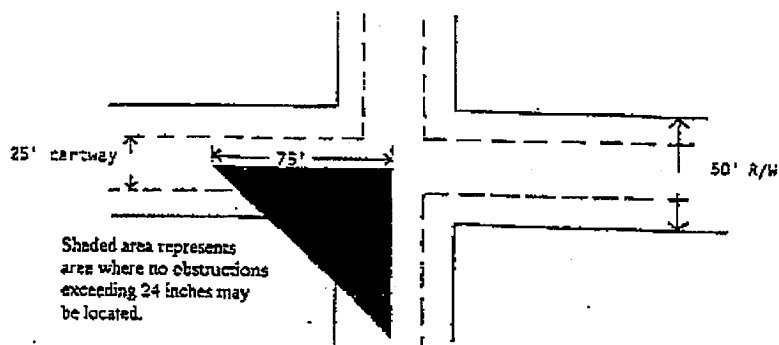
**§501. LOT REQUIREMENTS.**

1. No yard or lot existing at the time of passage of this Chapter shall be reduced so as to create one or more nonconforming lots.
2. No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot. Such open space shall be at least 20 feet wide and shall extend from the dwelling to a public street or highway or to a private right-of-way with permanent guaranteed access not less than 33 feet in width and having a cartway so constructed and maintained that vehicles of all kinds may readily pass over it at all seasons of the year. For the purposes of this Section, an alley shall not constitute a public street or highway.
3. The minimum lot width of any lot shall be measured along the minimum building setback line as required for that district. Lots located on cul-de-sac turnarounds or curves in the road may have lot widths of less than those required provided that the average of the front and back lot line is equal to or greater than the required setback width.

(Ord. 97-1A, 2/5/1997, §500)

**§502. CORNER LOTS.**

At all street intersections no obstruction to vision (including signs, but not an existing building, post, column, fence or tree) exceeding 24 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within a triangle formed by a line drawn between points along adjacent street centerlines located 75 feet distant from their point of intersection. (See diagram).



## ZONING

(Ord. 97-1A, 2/5/1997, §501)

### **§503. YARD REQUIREMENTS.**

#### **1. Projections.**

- A. Cornices, eaves, gutters or chimneys may not project into any required yard.
- B. Cornered porches shall be considered part of the main building and shall not project into any required yard.
- C. Uncovered patios, parking areas for more than five vehicles, stairs and other such structures may not project into required yards, unless provided otherwise in Part 3, "District Regulations."
- D. Signs may be located within required yards in accordance with the requirements listed in §802(A).
- E. Sidewalks shall be setback at least 3 feet from all adjoining property lines. Where, however, there is notarized, written consent between adjoining property owners, a sidewalk may be placed less than 3 feet from the property line. (A copy of such consent may also be filed in the Office of the County Register and Recorder where deemed appropriate by the parties involved.)
- F. Driveways shall be setback at least 3 feet from all adjoining property lines. Where, however, there is notarized, written consent between adjoining property owners or where a common driveway is required, a driveway may be placed less than 3 feet from the property line. (A copy of such consent may also be filed in the Office of the County Register and Recorder where deemed appropriate by the parties involved).

#### **2. Front Yards.**

- A. Front yard setbacks shall be measured from the centerline of the adjoining street or road, unless specified otherwise in Part 3, and shall be located at the distance required by the appropriate district regulations.
- B. Accessory buildings may not be erected in any required front yard.
- C. When an unimproved lot is situated between two improved lots, each having a principal building within 25 feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two adjoining improved lots, but shall not be less than 10 feet from the required right-of-way line of the adjoining street.



3. Side Yards.

- A. On a corner lot, the side yard abutting the street shall have a depth equal to the depth of the front yard required in the district.
- B. An accessory building may not be constructed in any portion of the required side yard.

4. Rear Yards. An accessory building may be constructed within the required rear yard, provided it is at least 10 feet from the rear property line or right-of-way line of any adjoining alley or easement. [Ord. 02-04]

(Ord. 97-1A, 2/5/1997, §502; as amended by Ord. 02-04, 10/28/2002, Art. 3)

**§504. OPEN SPACE REQUIREMENTS.**

- 1. All lots must contain a minimum usable open space of 800 square feet per dwelling unit if there are less than four dwelling units on the lot. If there are four or more dwelling units on the lot, usable open space shall be required in accordance with the following table.

Number of Dwelling Units (D.U.)	Minimum Square Feet of Usable Open Space Per D.U.
4-6	700
7-8	600
over 9	500

- 2. Usable open space must be located on the same lot; unless a neighborhood park or playground is located within 500 feet of the proposed structure and provided it does not entail crossing a collector or major street to reach.
- 3. Usable open space is defined to mean yard or lawn space to be used for recreational purposes, not including parking and driveway areas nor yard setback requirements.

(Ord. 97-1A, 2/5/1997, §503)

**§505. GENERAL REQUIREMENTS.**

- 1. Two or More Principal Uses on the Same Lot. There shall not be more than one principal building and its accessory structures on one lot, except in the case of multifamily housing developments, mobile home parks or other land developments approved pursuant to the requirements of the Muncy Creek Township Subdivision and Land Development Ordinance [Chapter 22]. [Ord. 02-04]

## ZONING

2. Double Frontage Lots. On double frontage lots, each side of a lot having a street frontage shall meet the required front yard setback for that district.
3. Fencing.
  - A. Fences may be located within any of the required yards, but shall be setback at least 3 feet from all property lines and from the edge of any adjoining street, road or alley right-of-way. (See also §§407(2) and 428(D) for additional fencing requirements for private swimming pools and livestock in residential areas.) Where, however, there is notarized, written consent between adjoining property owners, a fence may be placed on a property line. (A copy of such consent may also be filed in the Office of the County Register and Recorder where deemed appropriate by the parties involved.)
  - B. In no case shall a fence be erected which could cause danger to traffic on a street or road (whether public or private) by obstructing a driver's view or which does not comply with the clear sight triangle requirements set forth in §502 of this Part.
4. Junked or Abandoned Motor Vehicles. In residential districts, self-propelled vehicles which are inoperable, abandoned or in a state of disrepair (including, those which are unlicensed and/or uninspected) may not be stored outside for a period exceeding 60 days.
5. Property Trees or Shrubs.
  - A. Property trees may be planted no closer than 15 feet to any property or right-of-way line and shall be situated so that at maturity their foliage does not extend beyond any property line of the lot upon which they are located.
  - B. Shrubs shall be setback at least 3 feet from all property lines. Where, however, there is notarized, written consent between adjoining property owners, shrubs may be planted on a property line. (A copy of such consent may also be filed in the Office of the County Register and Recorder where deemed appropriate by the parties involved.)
  - C. In no case shall property trees or shrubs be planted in a location which could cause danger to traffic on a street or road (whether public or private) by obstructing a driver's view or which does not comply with the clear sight triangle requirements set forth in §502 of this Part.

(Ord. 97-1A, 2/5/1997, §504; as amended by Ord. 02-04, 10/28/2002, Art. 3)

## PART 6

### FLOODPLAIN MANAGEMENT REGULATIONS

#### §601. GENERAL PROVISIONS.

1. Purpose. The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
  - A. Regulating uses, activities, and development which, acting along or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
  - B. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
  - C. Requiring all those uses, activities, and developments that do occur in floodprone areas to be protected and/or floodproofed against flooding and flood damage.
  - D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
2. Interpretation of District Boundaries. Where interpretation is needed as concerning the exact location of any boundary of any floodplain district, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Hearing Board and to submit his own technical evidence if he desires to do so.
3. Compliance. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, enlarged or structurally altered except in full compliance with the items and provisions of this Chapter, including §1202 pertaining to zoning permits, and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Chapter.
4. Warning and Disclaimer of Liability.
  - A. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodplain districts, or that land uses permitted within such district will be free from flooding or floodplain damages.

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

(Ord. 97-1A, 2/5/1997, §600; as amended by Ord. 09-31, 10/19/2009, Art. 4)

### **§602. ESTABLISHMENT OF FLOODPLAIN DISTRICTS.**

1. Identification. The identified floodplain districts shall be those areas of the Township of Muncy Creek, which are subject to the 100 year flood elevation, as identified in the Flood Insurance Study (FIS) dated March 16, 2004, and the accompanying maps prepared for the Township of Muncy Creek by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof. [Ord. 04-13]
2. The Flood Fringe District shall be an overlay to the existing underlying districts as shown on the official Zoning Ordinance Map, and as such, the provisions for this district shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of the Flood Fringe District and those of any underlying district the more restrictive provisions and/or those pertaining to the Flood Fringe District shall apply.
3. Description of Floodplain Areas. The identified floodplain area shall consist of the following specific areas:
  - A. FW (Floodway District). The areas included in this District are the areas identified as “Floodway” in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
  - B. FF (Flood-Fringe District). The remaining portions of the 100-year floodplain elevation in those areas identified as an AE Zone in the Flood Insurance Study where a floodway has been delineated.

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

- C. FE (Special Floodplain District). The areas identified as Zone AE in the Flood Insurance Study, where 100-year flood elevations have been provided, but no floodway has been delineated.
- D. FA (General Floodplain District). The areas identified as Zone A in the FIS for which no 100-year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be

used to determine the 100-year flood elevation, as well as a floodway area, if possible. When no other information is available, the 100-year flood elevation shall be determined by using 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 elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers, or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township of Muncy Creek.

- E. Changes in Identification Area. The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
- F. Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission. Any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

[Ord. 04-13]

- 4. All uses, activities and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of Part 3 of this Chapter and with all other applicable codes and ordinances of Muncy Creek Township. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels of the floodway of any watercourse, drainage ditch or any other drainage facility or system.

(Ord. 97-1A, 2/5/1997, §601; as amended by Ord. 04-13, 3/15/2004, Art. I)

**§603. WATER MANAGEMENT USES.**

- 1. Uses normally associated with water management projects (such as dams, impoundment basins, culverts, sewers or bridges) may be permitted in any identified floodplain area, regardless of the underlying zoning district, but shall meet the “no rise rule” requirements set forth in §§301(H) and 604(A)(1)(a) of this Chapter. Such uses shall also be subject to approval of the Township Supervisors following review by the Township Planning Commission and the Pennsylvania Department of Environmental Protection. [Ord. 09-31]

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2. No alteration or relocation of a stream or watercourse may take place without obtaining the required permit from the Department of Environmental Protection. Prior to such alteration or relocation adjacent communities, the Pennsylvania Department of Community and Economic Development and the Federal Emergency Management Agency must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood carrying capacity of any stream or watercourse.

(Ord. 97-1A, 2/5/1997, §602; as amended by Ord. 09-31, 10/19/2009, Art. 4)

### **§604. FLOOD DAMAGE CONTROL REGULATIONS.**

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all new construction, development or substantial improvements occurring in any identified floodplain area:

#### A. General Requirements and Specific Requirements for FW, FE and FA.

- (1) No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities that may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection's Regional Office.

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

- (2) Any new construction, development uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances and regulations.
- (3) Construction, enlargement or expansion of hospitals, nursing homes, jails, prisons or manufactured home parks and subdivisions in identified floodplain areas shall be prohibited.
- (4) With any FW (Floodway District), the following provisions apply:
  - (a) No new construction, development, use, activity or encroachment shall be allowed that would cause any increase in flood heights.
  - (b) No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection's Regional Office.

- (5) Within any FE (Special Floodplain District), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point.
- (6) Within any FE (Special Floodplain District) or FA (General Floodplain District), the following provisions 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 a permit is obtained from the Department of Environmental Protection's Regional Office.
  - (b) No new construction, development, use, activity or encroachment shall be allowed that would cause any increase in flood heights.

[Ord. 04-13]

B. Elevation and Floodproofing Requirements.

- (1) Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement or cellar) elevated at least 1½ feet above the 100 year flood elevation.
- (2) Nonresidential Structures.
  - (a) Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement or cellar) elevated at least 1½ feet above the 100-year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain completely or essentially dry during any flood up to that height.
  - (b) Any nonresidential structure or part thereof, having a lowest floor (including basement or cellar) which is not elevated to at least 1½ feet above the 100-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing 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.

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- (3) Space Below the Lowest Floor. Fully enclosed space below the lowest floor (including basement) is prohibited. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of vehicles, building access or incidental storage in an area other than a basement, shall be designed and constructed to automatically equalize hydrostatic flood forces on external walls by allowing for the entry and exit of flood waters. (The term partially enclosed space also includes crawl spaces.) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than 1 foot above grade.
  - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### C. Design and Construction Standards.

- (1) Fill. If fill is used to raise the finished surface of the lowest floor of a structure 1½ feet above the 100 year flood elevation the following requirements shall apply:
  - (a) Fill shall extend laterally 15 feet beyond the building line from all points.
  - (b) Fill shall consist of soil or small rock materials only; sanitary landfills shall not be permitted.
  - (c) Fill material shall be compacted and appropriately seeded to provide the necessary permeability and resistance to erosion, scouring or settling.
  - (d) Fill slopes shall be no steeper than one vertical on two horizontal unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer.
  - (e) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
- (2) Special Requirements for Mobile Homes. For the purposes of this Chapter, 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 floodway area, mobile homes shall be prohibited.
  - (b) Where permitted within any Flood Fringe District, all mobile homes and any improvements, including those units substantially damaged as a result of a flood, shall be:
    - 1) Elevated so that the lowest floor of the mobile home is 1½ feet or more above the elevation of the 100 year flood.
    - 2) Placed on a permanent foundation.
    - 3) Anchored to resist flotation collapse or lateral movement. Specific requirements for anchoring mobile homes are contained in §403(C) of this Chapter.
  - (c) An evacuation plan indicating alternate vehicular access and escape routes shall be filed the Township for mobile home parks and mobile home park subdivision. Adequate access for a hauler shall be provided.
- (3) Placement of Buildings and Structures. All buildings and structures shall be constructed and placed on the lot 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, including mobile homes, shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse and lateral movement.
  - (b) All air ducts, large pipes and storage tanks located at or below the 100 year flood elevation shall be firmly anchored to prevent flotation.
- (5) Floors, Walls and Ceilings. Where a structure is located at or below the 100 year 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 incurring structural damage to the building.
  - (b) Plywood and interior finished walls shall be of any exterior or marine grade and of a water resistant or waterproof variety.

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- (c) Basement ceilings shall have sufficient wet strength and be so installed as to survive inundation. Sheet rock is not acceptable.
  - (d) Window frames, door frames, door jams and other such components shall be made of metal or other water resistant material.
- (6) Electrical Systems.
- (a) All electrical water heaters, electric furnaces, electric air conditioning and ventilating systems and other critical electrical installations shall be permitted only at elevations of 1½ feet or more above the 100 year flood elevation.
  - (b) In accordance with PP&L regulations meter boxes shall be installed at 6 feet above grade. Electrical distribution panels shall not be allowed at an elevation less than 3 feet above the level of the 100 year flood, or at the level of the meter box, whichever is less.
  - (c) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (7) Equipment. Water heaters, furnaces and other critical mechanical installations shall be permitted only at elevations of 1½ feet or more above the 100 year food elevation.
- (8) 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 water.
  - (b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - (c) No part of any onsite system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems.
- (9) Other Utilities. All other utilities, such as gas lines, electric and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (10) Fuel Supply Systems. All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

- (11) Paints and Adhesives. Where a structure is located at or below the 100 year flood elevation, the following standards shall apply:
  - (a) Adhesives shall have a bonding strength that is unaffected by inundation.
  - (b) Doors and all wood trim shall be sealed with a waterproof paint or similar product.
  - (c) Paints or other finishes shall be capable of surviving inundation.
- (12) Streets. The finished elevation of all new streets shall be no more than 1 foot below the 100 year flood elevation.
- (13) Drainage. 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, animal or plant life (including, but not limited to, those identified in §607) shall not be stored below an elevation 1½ feet above the 100 year flood.

(Ord. 97-1A, 2/5/1997, §603; as amended by Ord. 04-13, 3/15/2004, Art. I)

**§605. EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS.**

Structures or use of a structure existing in any designated floodplain district prior to the enactment of this Chapter, but which are not in compliance with these provisions, may continue to remain subject to the following requirements:

- A. Existing structures and/or uses located in the Floodway District shall not be expanded, but may be modified, altered or repaired to incorporate floodproofing measures; provided, that such measures do not raise the level of 100-year flood.
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of less than 50% of its market value, shall be floodproofed and/or elevated to the greatest extent possible.
- C. Any modification, alteration, reconstruction or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of more than 50% of its market value, shall be undertaken only in full compliance with the provisions of this Chapter.

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- D. 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 Chapter. [Ord. 09-31]

(Ord. 97-1A, 2/5/1997, §604; as amended by Ord. 09-31, 10/19/2009, Art. 4)

### **§606. SPECIAL PROVISIONS FOR ACCESSORY STRUCTURES.**

1. Accessory structures which are proposed to be located in the Flood Fringe or General Floodplain District need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
  - A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
  - B. The total floor area of the accessory structure shall not exceed 600 square feet.
  - C. The structure shall have a low damage potential.
  - D. The structure shall be located on the site so as to cause the least obstruction to the flow of floodwaters.
  - E. Power lines, wiring and outlets shall be at least 1½ feet above the 100 year flood elevation.
  - F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., shall be prohibited.
  - G. Sanitary facilities shall be 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 this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
    - (1) A minimum of two openings having a net total area of not less than 1 square inch for every square foot of enclosed space.
    - (2) The bottom of all openings shall be no higher than 1 foot above grade.
    - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessory structure and its contents.
3. The administrative procedures contained in §609 and other appropriate Sections of this Chapter shall apply.

(Ord. 97-1A, 2/5/1997, §605; as amended by Ord. 09-31, 10/19/2009, Art. 4)

**§607. DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE.**

1. Hazardous Materials and Substances. In accordance with the Pennsylvania Floodplain Management Act, and regulations adopted by the Department of Community Affairs (now known as the Department of Community and Economic Development) as required by the Act, any new or substantially improved structure which:
  - A. Will be used for the production or storage of any of the following dangerous materials or substances.
  - B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons or other comparable volume, of any of the following dangerous materials or substances on the premises.
  - C. Will involve the production, storage or use of any amount of radioactive substances.

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

- A. Acetone.
- B. Ammonia.
- C. Benzene.
- D. Calcium carbide.
- E. Carbon disulfide.
- F. Celluloid.
- G. Chlorine.
- H. Hydrochloric acid.

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- I. Hydrocyanic acid.
  - J. Magnesium.
  - K. Nitric acid and oxides of nitrogen.
  - L. Petroleum products (gasoline, fuel oil, etc.)
  - M. Phosphorus.
  - N. Potassium.
  - O. Sodium.
  - P. Sulphur and sulphur products.
  - Q. Pesticides (including insecticides, fungicides and rodenticides).
  - R. Radioactive substances, insofar as such substances are not otherwise regulated.
2. Floodproofing Requirements.
- A. Within any identified floodway area, any activities and development of the kind described in subsection (1), above, shall be prohibited.
  - B. Where permitted within any identified flood fringe or general floodplain area, any new or substantially improved structure of the kind described in subsection (1), above, shall be:
    - (1) Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100 year flood.
    - (2) Designed to prevent pollution from the structure or activity during the course of a 100 year flood.
    - (3) Where any such structure, or part thereof, will be built below the regulatory flood elevation, it shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication Floodproofing Regulations (U.S. Army Corps of Engineers, June, 1972, as amended March, 1992), or with some other equivalent watertight standards.
  - C. In addition, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Chapter and to protect the general health, safety and welfare of the public.

- D. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any other requirements of this Section.

(Ord. 97-1A, 2/5/1997, §606)

**§608. [RESERVED].**

(Ord. 97-1A, 2/5/1997, §607; as amended by Ord. 04-13, 3/15/2004, Art. 1; and by Ord. 09-31, 10/19/2009, Art. 4)

**§609. ADMINISTRATION.**

1. Zoning Permit Requirements. To insure that the aforementioned flood damage controls are being employed in all new construction, development and substantial improvement within any designated floodplain district, including the use of fill, the applicant or developer shall obtain a zoning permit prior to the 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 100-year flood at the proposed construction site. The applicant shall provide all of the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
  - A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
  - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
  - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
2. Plan Requirements. The Zoning Officer shall require the following specific information to be included as part of an application for a zoning permit.
  - A. A plan which details the size of the structure, ground elevation at the construction site (in relation to mean sea level), lowest floor elevation, an elevation certificate, hydrostatic flood load on walls and floors, condition of soil under and around foundation, types of wall and floor construction, materials and finish, power source and elevations, water supply, sanitary facilities and all floodproofing measures.
  - B. A document certified by a registered professional engineer or architect that the proposed floodproofing measures for any proposed building or structure are adequate to withstand flood depths, pressures, velocities, impacts, uplift forces and other factors associated with the 100-year flood. The document shall indicate the elevation of the 100-year flood, the ground elevation of the site of

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each structure and the elevation to which the structure is to be floodproofed. Such elevations shall be measured from mean sea level (National Geodetic Vertical Datum of 1929). Such document shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure. Such documentation shall be kept on permanent file by the Zoning Officer.

- C. Appropriate documents indicating that all applicable State and Federal regulations, including the Pennsylvania Dam Safety and Encroachments Act, the Pennsylvania Sewage Facilities Act of 1966, as amended, and the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. §1334, have been compiled, with and appropriate permits obtained. [Ord. 99-2]
3. Review by the County Conservation District. A copy of all plans for proposed development in any floodplain district shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the County Conservation District may be incorporated into the plan to provide for protection against predictable hazards. If no comments are received within 14 days, the Zoning Officer may take action on the permit.
4. Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment.

(Ord. 97-1A, 2/5/1997, §608; as amended by Ord. 99-2, 8/16/1999)

### **§610. VARIANCES IN FLOODPLAIN DISTRICTS.**

1. General. If compliance with any of the requirements of this Chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Muncy Creek may, upon request, grant relief from the strict application of the requirements.
2. Variance Procedures and Conditions. Requests for variances shall be considered by the Township of Muncy Creek in accordance with the procedures contained in §1203(C)(11), and the following:
  - A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year flood elevation.
  - B. No variance shall be granted for any construction, development, use or activity within any FE area that would, together with all other existing and anticipated



development, increase the 100 year flood elevation more than 1 foot at any point.

- C. Except for a possible modification of the 1½ foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit or to development which may endanger human life (§607).
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the Township of Muncy Creek shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.
- F. Whenever a variance is granted, the Township of Muncy Creek shall notify the applicant in writing that:
  - (1) The granting of the variance may result in increased premium rates for flood insurance.
  - (2) Such variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the Township of Muncy Creek 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 to the applicant.
  - (3) That the granting of the variance will (a) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (b) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- H. A complete record of all variance requests and related actions shall be maintained by the Township of Muncy Creek. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

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

(Ord. 97-1A, 2/5/1997, §609; as amended by Ord. 04-13, 3/15/2004, Art. 1)

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### **§611. SPECIAL EXCEPTIONS IN FLOODPLAIN DISTRICTS.**

In passing upon applications for special exceptions within any designated floodplain district, the Zoning Hearing Board shall consider all relevant factors specified in other Sections of this Chapter, and:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. In the Floodway District, no special exception shall be granted which would cause any rise in the 100 year flood.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions during periods of inundation.
- 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 alternative 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 relationship of the proposed use to the goals and objectives and floodplain management program for Muncy Creek Township.
- J. The safety of access to the property in times of flood by ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of this Chapter.

(Ord. 97-1A, 2/5/1997, §610)

**PART 7**

**ACCESS DRIVES, PARKING AND LOADING**

**§701. ACCESS DRIVES.**

1. The construction or change in use of any access drive onto a Township street must be permitted by the Township Zoning Officer in accordance with the standards contained in this Section. The Zoning Officer shall consult the Township Roadmaster prior to issuance of an access permit.
2. There shall be adequate provisions for ingress and egress to all off-street parking and loading areas. Access to off-street parking and loading areas shall be limited to well-defined locations and in no case shall there be permitted unrestricted access the length of the street or alley upon which the parking or loading area abuts. The property owner shall place a guard railing, curb, hedge or other traffic barrier to prevent access by vehicles at points other than those designated.
3. Except for single and two unit dwellings, parking and loading areas shall be designed so there will be no need for motorists to back over public rights-of-way.
4. Access drives shall not exceed 25 feet in width, except as it may be increased by the curb radii.
5. The number of access drives shall not exceed two per lot on any one street frontage. The Zoning Hearing Board may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists. Where feasible, property owners are encouraged to consider the creation and use of common or joint use driveways or access drives. [Ord. 09-31]
6. Where properties front Commonwealth or arterial streets, access drives shall be no closer to each other than 50 feet measured from driveway edge to street or driveway edge.
7. Driveway or access drives shall not cross the street right-of-way line:
  - A. Within 10 feet of a fire hydrant, catch basin, or drain inlet.
  - B. Within 20 feet of a property line, in the case of commercial or industrial uses.
  - C. Within 5 feet of a property line in a residential area, unless two adjoining property owners mutually agree to a common or joint use driveway or access drive.

[Ord. 09-31]

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- 8. Driveways shall be constructed in a manner that will not impair the drainage within a street right-of-way or any adjacent area. Where necessary, a drainage pipe of sufficient diameter shall be installed under the driveway at the property owner's expense and under the supervision of the Township Roadmaster.
- 9. In addition to the standards listed above, the driveway design guidelines set forth in Table 1 shall be utilized to the greatest extent possible.

**TABLE 1**  
**DRIVEWAY DESIGN GUIDELINES**

Type of Development	Driveway Minimum Width	Driveway Maximum Grade	Minimum Intervals	Minimum Sight Distance
Single unit	10 feet	15% <sup>2</sup>	40 feet <sup>3</sup>	150 feet <sup>4</sup>
Multi-unit residential <sup>5</sup>	20 feet	12% <sup>1</sup>	50 feet <sup>6</sup>	200 feet <sup>3</sup>
Nonresidential	15 feet	8% <sup>1</sup>	50 feet <sup>5</sup>	300 feet <sup>3</sup>

[Ord. 09-31]

(Ord. 97-1A, 2/5/1997, §700; as amended by Ord. 09-31, 10/19/2009, Art. 5)

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<sup>2</sup>All driveways shall provide a stopping or leveling area which extends 20 feet beyond the edge of the road cartway. This leveling area shall not exceed a maximum of 5% in grade nor intersect the shoulder of roads so as to produce a change in grade exceeding 8%. The leveling area shall intersect the street or road at an angle of no less than 60 degrees and preferably 90 degrees.

<sup>3</sup>Between an intersection and the first driveway only, measured from street edge to driveway edge.

<sup>4</sup>Minimum sight distance shall be measured from the point of intersection of the driveway centerline and the street right-of-way line to a point on the cartway centerline. No significant obstructions or plantings higher than 30 inches or tree limbs lower than 8 feet shall be permitted in this area.

<sup>5</sup>For the purposes of driveway design, the multi-unit residential design criteria shall be used for driveways providing access to five or more dwelling units All other dwelling units shall meet the driveway requirements for single family residential use.

<sup>6</sup>Between any two points of access, including both driveways and public streets, and measured from street or driveway edge to street or driveway edge.

**§702. GENERAL REQUIREMENTS FOR PARKING AND LOADING.**

1. Surfacing. Any off-street parking or loading area shall be surfaced with an asphaltic or Portland cement binder pavement or similar durable and dustless surface which shall be so arranged and marked so as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.
2. Lighting. Any lighting used to illuminate any off-street parking or loading areas shall be so arranged so as to reflect the light away from the adjoining premises or upon public streets.
3. Minimum Distances and Setbacks.
  - A. No off-street loading area or parking area for more than five vehicles shall be closer than 10 feet to any dwelling, school, hospital or other institution for human care on an adjoining lot.
  - B. A strip of land at least 5 feet wide shall be reserved as open space between any property or right-of-way line and any loading area or parking area for more than five vehicles. The strip shall be protected by wheel bumpers or curbs.
4. Screening and Landscaping.
  - A. Off-street parking for more than five vehicles and off-street loading areas shall be effectively screened on each side which adjoins or faces any R District, or any school, hospital or other institution for human care.
  - B. Any space between parking and loading areas and adjoining streets or property lines shall be landscaped and maintained in good condition.
5. Joint Facilities for Parking or Loading.
  - A. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of such facilities in relation to the use served are adhered to.
  - B. No space or portion thereof shall serve as a required space for more than one use.
6. Parking of Boats, Recreational Vehicles, Campers, Etc. No boats, recreational vehicles, campers or similar vehicles or units shall be parked on any street or road right-of-way in Muncy Creek Township.
7. Parking Lots. A minimum width of 25 feet shall be provided for driving lanes within all parking lots or parking areas. [Ord. 09-31]

(Ord. 97-1A, 2/5/1997, §701; as amended by Ord. 09-31, 10/19/2009, Art. 5)

**§703. OFF-STREET PARKING.**

In all districts, in connection with every manufacturing, business, institutional, residential, recreational or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces without charge for the use of persons residing on the premises or employed or having business thereon in accordance with the requirements of this Section.

A. Size and Location.

- (1) Each off-street parking space shall have an area of not less than 20 feet by 9 feet, exclusive of internal access roads or aisles and shall be of usable shape and condition.
- (2) Off-street parking spaces for all residential uses shall be located on the same lot as the dwelling(s) to be served, either inside or outside of a building. Off-street parking spaces for nonresidential uses may be located on a lot other than that containing the principal use. All required spaces shall be located within 250 feet of the principal building. Such remote parking areas shall remain under the control and care of the owner or operator of the use to which it is appurtenant, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and/or assigns to maintain the required number of spaces throughout the life of such use.

B. Number of Parking Spaces Required.

- (1) The number of off-street parking spaces required shall be as set forth in Table 2.
- (2) In cases of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Zoning Hearing Board, shall apply.
- (3) In any R District, on any lot having an area of 1 acre or less, private garage space may be provided for not more than five motor vehicles. Space for one additional motor vehicle may be provided for each 1/5 acre by which the area of the lot exceeds 1 acre.
- (4) Except in the case of dwellings, no parking area shall be established for less than three spaces.

**TABLE 2**  
**OFF-STREET PARKING**

<b>A. Residential Uses</b>	
Use Classification	Spaces Required
1. Single and two unit dwelling (attached and detached) and mobile homes	3 for each dwelling unit
2. Multi-unit dwellings and housing developments	3 for each dwelling unit
3. Mobile home parks	2 for each mobile home lot
4. Planned residential development	2 for each dwelling unit + the number of spaces required by this Chapter for all nonresidential uses

<b>B. Institutional Uses</b>	
Use Classification	Space Required
5. Schools	
a. Elementary schools	1 for each 2 classrooms + 1 for each employee
b. Middle or high school or postsecondary education facilities	1 for each 4 seats of auditorium or gymnasium capacity, whichever is greater
6. Churches, social halls and similar places of public or private assembly or government or municipal buildings	1 for each 4 seats of total facility capacity
7. Libraries, museums or other cultural facilities	1 for each 200 square feet of gross floor area
8. Nursing homes	1 for each 4 beds + 1 for each 2 employees
9. Hospitals	1 for each 2 beds + 1 for each employee in the maximum work shift

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B. Institutional Uses	
Use Classification	Space Required
10. Group care facilities	1 for each 2 residents + 1 for each employee in the maximum work shift
11. Boarding or rooming homes	1 for each border
12. Day care facilities	
a. Day care centers and group day care homes	1 for each students/clients + 1 for each employee
b. Family day care homes	2 for each dwelling unit + 2 additional spaces

C. Commercial/Retail Uses	
Use Classification	Space Required
13. Home occupations	1 for each employee + 2 customer spaces in addition to the number of spaces required by this Chapter for the dwelling unit
14. Retail stores or business establishments, including agribusiness	1 for each 300 square feet of gross floor area + 1 for each 2 employees
15. Shopping centers	1 for each 300 square feet of gross floor area + 1 for each employee on the maximum work shift
16. Food markets or grocery stores	1 for each 200 square feet of gross floor area
17. Convenience stores	1 for each 100 square feet of gross floor area
18. Restaurants and taverns	1 for each 100 square feet of gross floor area + 1 for each employee
19. Clubs, lodges and similar uses	1 for each 100 square feet of gross floor area
20. Professional offices and financial institutions	1 for each 250 square feet of gross floor area + 1 for each 2 employees
21. Medical, dental or veterinary clinics	3 for each doctor + 1 for each employee



C. Commercial/Retail Uses	
Use Classification	Space Required
22. Motels or other transient lodging facilities	1 for each guest room + 1 for each 2 employees
23. Automotive repair garages or service stations	1 for each 300 square feet of gross floor area + 1 for each employee
24. Amusement uses or adult entertainment facilities	1 for each 4 persons of total capacity
25. Kennels or animal hospitals	1 for each 300 square feet of gross floor area + 1 for each employee
26. Truck terminals or truck stops	1 for each patron of total facility capacity + 1 for each 2 employees
27. Junkyards	1 for each employee in the maximum work shift

D. Industrial Uses	
Use Classification	Spaces Required
28. Manufacturing operations, wholesale establishment or warehouses	1 for each 2 employees in the maximum work shift
29. Extractive operations	1 for each employee in the maximum work shift
30. Sawmills	1 for each employee in the maximum work shift + 3 customer parking spaces

E. Recreational Uses	
Use Classification	Spaces Required
31. Public, semipublic or private parks	1 for each 5 persons of total facility capacity
32. Campgrounds	2 for each camping space

(Ord. 97-1A, 2/5/1997, §702)

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**§704. OFF-STREET LOADING.**

In any district, in connection with every building or building group or part thereof hereafter erected and having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing, commercial or institutional uses, or distribution of material or merchandise by vehicles, there shall be provided and maintained, on the same lot with such building, off-street loading berths in accordance with the following requirements:

**A. Size and Location.**

- (1) Each loading space shall be not less than 14 feet in width, 75 feet in length and 14 feet in height and may occupy all or any part of any required side or rear yard but shall not hinder the free movement of vehicles or pedestrians over a street, right-of-way or sidewalk.
- (2) The loading area shall be designed so that there is no need for motorists to back over public rights-of-way.
- (3) The loading area shall be provided with adequate drainage to prevent the uncontrolled runoff or accumulation of stormwater.

**B. Number of Off-Street Loading Spaces Required.**

- (1) The number of off-street loading berths required shall be as set forth in Table 3.
- (2) In cases of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar in the opinion of the Zoning Hearing Board, shall apply.

**TABLE 3**

**OFF-STREET LOADING SCHEDULE**

Uses	Square Feet of Gross Floor Area	Required Off-Street Loading Berth
1. Schools	15,000 or more	1
2. Hospitals (in addition to spaces for ambulances)	From 5,000 - 30,000 For each additional 30,000 or major fraction thereof	1 1 additional
3. Undertakers and funeral homes	5,000 For each additional 5,000 or major fraction thereof	1 1 additional

4. Hotels and Offices	5,000 For each additional 5,000 or major fraction thereof	1 1 additional
5. Retail, commercial, wholesale, manufac- turing, storage and miscellaneous	From 5,000 - 25,000 From 25,000 - 40,000 From 40,000 - 60,000 From 60,000 - 100,000 For each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

(Ord. 97-1A, 2/5/1997, §703)



**PART 8**  
**SIGN REGULATIONS**

**§801. SIGNS.**

Signs may be erected and maintained only when in compliance with the provisions of this Part and any other applicable municipal regulations.

(Ord. 97-1A, 2/5/1997, §800)

**§802. GENERAL REGULATIONS.**

1. Location.

- A. Signs shall be located no closer to any street centerline, right-of-way line, or lot line than  $\frac{1}{2}$  the required yard for the district in which it is located. Signs shall not be located in any public right-of-way except traffic signs or signs that are required in connection with the provision of municipal services.
- B. Signs permitted in a Residential District may be erected in Commercial, Industrial, Agricultural and Floodplain Districts; provided, the requirements of this Section and §804 are met.
- C. Signs in the Flood Fringe District must meet the requirements of the underlying district, except that no sign may impede natural drainage or the flow of water.
- D. Signs shall be prohibited in the Floodway District except as they might necessarily be placed by Federal, State or local governments for the health, safety and welfare of the people. Where such signs are necessary they shall be designed so as not to impede the natural drainage or flow of water.

2. Illumination. Illuminated signs shall not cause glare or any other disturbance which would be incompatible with the nature of the adjoining neighborhood 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. Flashing signs shall not be permitted.

3. Attachment. All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the elements and prevent collapse. Signs attached to a building may not project more than 3 feet towards the street nor extend over a public street or sidewalk.

4. Anchoring. All ground signs shall be anchored, weighted, springloaded, or otherwise designed to minimize wind action. The applicant for a permit shall indicate the method of anchoring to be employed.

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5. Height. No sign shall be higher than the height limit in the district where such sign is located, nor shall any sign be located upon the roof of any building.
6. Traffic or Visual Obstruction. No sign shall be erected which could obstruct a motorist's clear vision. If located within the direct line of vision of any traffic control signal, no sign shall have red, green or amber illumination.
7. Construction and Maintenance. All signs permitted under this Chapter must be constructed of durable material and shall be maintained to present a legible appearance and to avoid deterioration, decay or other conditions which could endanger the public health, welfare or safety.
8. Temporary Sign. For signs in the interest of public information and convenience, the Zoning Officer may issue a temporary permit for a designated period, not to exceed 60 days. Such temporary signs shall be removed by the property owner at the termination of any permit for the erection thereof.
9. Nonconforming Signs. Signs existing at the time of passage of this Chapter and which do not conform to the requirements of the Chapter shall be considered nonconforming signs, and once removed, shall be replaced with only conforming signs. Nonconforming signs may be painted, repaired or maintained; provided, such maintenance or repair does not extend the dimensions of the existing sign.
10. Zoning Permits.
  - A. Zoning permits shall be required for all on-premises signs over 6 square feet in area and for the erection of all off-premises signs, regardless of their size.
  - B. All permanent signs along a State highway must have a permit issued by the Pennsylvania Department of Transportation.
11. Fees. Fees for the issuance of zoning permits for signs shall be in accordance with the schedule of fees established by resolution of the Township Supervisors. No fee shall be charged for any permit for the erection of a sign necessary to the public welfare.

(Ord. 97-1A, 2/5/1997, §801)

### **§803. SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS.**

No more than one of the following nonilluminated signs may be permitted on a property at any one time, unless the property is situated on a corner lot and fronts on two streets, in which case one sign may be erected on each frontage.

- A. Nameplate and Identification Signs.

- (1) Nameplate and identification signs for dwellings indicating the name and/or address of the occupant or a permitted home occupation may be erected; provided, they shall not be larger than 2 square feet in area.
  - (2) Identification signs for nonresidential uses may be displayed, provided such signs do not exceed 6 square feet in area and indicate only the name and address of the building and name of the management.
- B. Sale or Rental Signs. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises and signs bearing the word "sold" or "rented" with the name of persons effecting the sale or rental may be erected, provided they shall not be larger than 6 square feet in area.
- C. Institutional Signs. Signs of schools, churches, hospitals or any other institutions of a similar public or semipublic nature may be erected; provided, they shall not be larger than 20 square feet in area.
- D. Signs Accessory to Parking Areas. Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance may be erected; provided, they shall not be larger than 2 square feet in area. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of 9 square feet may also be erected, provided that on a corner lot two such signs shall be permitted, one facing each street.
- E. Development Sign. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other persons interested in such sale or development, may be erected; provided, they shall not be larger than 20 square feet and that any such sign shall be removed by the developer within 30 days of the final sale of the property.
- F. Business Identification Signs. Business identification signs may be erected provided they shall not be larger than 20 square feet in area.
- G. Directional Signs. Directional signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent, may be erected; provided, the size of any such sign is not in excess of 6 square feet, and not in excess of 4 feet in length and not more than one such sign is erected on each 500 feet of street frontage.
- H. Artisans' Signs. Signs of mechanics, painters and other artisans may be erected during the period such persons are performing work on the premises on which such signs are erected; provided, they shall not be larger than 12 square feet in area, and, provided such signs are removed promptly upon completion of the work.

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- I. Trespassing Signs. Signs indicating the private nature of a driveway or trespassing signs may be erected; provided, the size of any such sign shall not be larger than 2 square feet in area.

(Ord. 97-1A, 2/5/1997, §802)

### §804. SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

1. Business Identification Ground Signs. Business identification ground signs may be permitted on a property in accordance with the following regulations:
  - A. No more than two such signs may be erected on a property at any one time, except when a building is located on a corner lot and has a public entrance, which case one sign may be erected on each frontage.
  - B. No sign shall have area of greater than 100 square feet. Except for corner lots, where more than one business identification sign is located on the property, the second sign shall not have an area greater than 50 square feet.
2. Business Identification Wall Signs. Business identification wall signs may be permitted on a property in accordance with the following regulations:
  - A. No more than one such sign may be permitted on a property at any one time, except when a building is located on a corner lot and has a public entrance on two public streets, or where a building has both a rear and front public entrance, in which case one sign may be erected on each frontage.
  - B. No such sign shall have an area greater than 50 square feet.
  - C. The sign shall not extend above the top of the wall nor beyond either side of the wall to which it is attached.
3. Off-Premises Signs.
  - A. Off-premises directional signs for multitenant commercial or industrial developments may be permitted. No more than one such sign shall be permitted on a single property nor shall it have an area greater than 32 square feet.
  - B. Off-premises directional signs for individual commercial or industrial uses may be permitted. No more than one such sign shall be permitted on a single property nor shall it have an area greater than 12 square feet.
  - C. Billboards or advertising sign boards visible from the highway may be erected only in Commercial or Industrial Districts and in accordance with the following regulations:



- (1) Billboards or advertising sign boards shall be spaced not less than 1,000 feet apart measured parallel to and on the same side of the highway.
- (2) Such boards shall not exceed 300 square feet in area in a Commercial or Industrial District.
- (3) Such boards shall not exceed 12 feet in height nor 25 feet in length in the Commercial or Industrial District inclusive of all trim and border area but exclusive of bases, aprons, supports, and other structural members.
- (4) Such boards shall meet setback requirements for structures.
- (5) Such boards shall have no portion exceeding a height of 25 feet above ground level at the curb or edge of pavement.
- (6) Such boards shall not be less than 500 feet from an interchange with a limited access highway measured from the point of widening of pavement at the entrance to and/or exit from the main traveled way and extending 500 feet in both directions along the highway and on both sides of the highway.
- (7) All growth with the exception of agricultural crops of the leased area shall not exceed 18 inches in height.
- (8) No billboards or advertising sign boards shall be erected within 500 feet from an Agricultural District or 1,000 feet from a Residential District.
- (9) Billboards or advertising sign boards must conform with Act 160, the Outdoor Advertising Sign Act of 1971 as amended except as further controlled by this Section.

(Ord. 97-1A, 2/5/1997, §803)



**PART 9**

**NONCONFORMITIES**

**§901. CONTINUATION OF NONCONFORMING USES AND STRUCTURES.**

1. Any nonconforming use or structure, lawfully in existence at the effective date of this Chapter, or which is created at the passage of this Chapter, or 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 not the intent of this Part to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconformities to continue until they are removed.
2. Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming use or structure on or before February 5, 1997, 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 Township Zoning Hearing Board. [Ord. 09-31]

(Ord. 97-1A, 2/5/1997, §900; as amended by Ord. 09-31, 10/19/2009, Art. 6)

**§902. REGULATION OF NONCONFORMING USES AND STRUCTURES.**

Nonconforming uses and structures may not be enlarged, extended, reconstructed, substituted or structurally altered except as provided below:

- A. Repairs. Normal maintenance, repairs and incidental alteration of a building or other structure containing a nonconforming use is permitted, provided:
  - (1) It does not involve a change in use or extension of the area or volume of space occupied by the nonconforming use.
  - (2) That no structural alterations to residential nonconforming uses shall be made which would increase the number of dwelling units or the bulk of the building.
- B. Restoration. Any nonconforming use or structure damaged or destroyed may be restored, reconstructed or used as before, provided:
  - (1) Said work is completed within 1 year of the damage or destruction, unless an extension in the time period is approved by the Zoning Hearing Board.

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- (2) Said reconstruction shall not exceed by more than 25% the size, bulk or area that existed prior to the damage or destruction as provided for in §902(C).
  - (3) Where the nonconformity is located within the Flood Fringe District, the new construction should comply, to the extent possible, with all of the floodproofing requirements contained in Part 6 of this Chapter.
  - (4) Where the nonconformity is located within the Floodway District, the reconstruction shall not exceed the size, bulk or area that existed prior to the damage or destruction, and may not cause any rise in elevation of the 100 year food.
- C. Expansion. Extensions, alterations and additions may be made to nonconforming structures or uses provided that:
- (1) Such extensions, alterations or additions do not extend the use or structure by more than 25% of the area occupied by such use on November 8, 1972, or the date on which the structure or use became nonconforming, whichever is later.
  - (2) No use shall be extended into a more restrictive district than where it is located.
  - (3) Such use or structure is not located in a Floodway District.
  - (4) Any extensions or enlargements shall conform to the yard and height regulations of the district in which the use or structure is situated.
  - (5) The Zoning Hearing Board approves proposed extensions and expansions.
  - (6) Unlimited expansion of nonconforming agricultural uses shall be permitted.
- D. Displacement. A nonconforming use shall not be extended to displace a conforming use.
- E. Change of Use. A nonconforming use may be changed into a conforming use or less offensive nonconforming use. Whenever a nonconforming use of a building or land has been changed to a less offensive use or to conforming use, such use shall not thereafter be changed to a less restrictive classification.
- F. Prior Approval of Use. Nothing herein contained shall require any change in the plans, construction or designated use of a building complying with existing laws, a permit for which has been duly granted and the construction of which shall have been started before the date of adoption of this Chapter or any applicable amendment thereto, and the ground story framework of which,

including the second tier of beams, shall have been completed within 6 months of the date of the permit, and which entire building shall have been completed, according to such plans as have been filed, within 1 year of the date of adoption of this Chapter or any applicable amendment thereto.

(Ord. 97-1A, 2/5/1997, §901)

**§903. ABANDONMENT OF NONCONFORMING USES.**

The discontinuance of a nonconforming use for a period of 2 years and/or the change of use to a more restrictive or conforming use for any period of time shall be considered an abandonment of the use and such nonconforming use shall not hereafter be revived. Intent to resume active operations shall not affect the foregoing.

(Ord. 97-1A, 2/5/1997, §902)

**§904. CONTINUATION OF NONCONFORMING LOTS.**

1. Any nonconforming lot lawfully in existence at the effective date of this Chapter, or which is created at the passage this Chapter, or whenever a district is changed by amendment hereafter, may be continued, 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 not the intent of this Chapter 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.
2. Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming lot on or before February 5, 1997, 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 Township Zoning Hearing Board. [Ord. 09-31]

(Ord. 97-1A, 2/5/1997, §903; as amended by Ord. 09-31, 10/19/2009, Art. 6)

**§905. REGULATION OF NONCONFORMING LOTS.**

1. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Chapter and, if already less than the minimum required by this Chapter, said area or dimension may be continued and shall not be further reduced.
2. In the case of a lot of record which existed at the effective date of this Chapter which does not meet the minimum area requirements for the district in which it is located, a permitted structure may be placed on the parcel provided that:

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- A. The owner does not own adjoining land which could be combined to form a conforming lot.
- B. Each side yard is not less than 5 feet when adjoining another lot and 10 feet when adjacent to any street.
- C. The rear yard is not less than 10 feet.
- D. The front yard conforms to the minimum distance required.
- E. Where needed, the site has an approved sewage disposal system or an appropriate sewage permit.
- F. Provided that the site and its intended use complies with all other applicable provisions of this Chapter.

(Ord. 97-1A, 2/5/1997, §904)

**PART 10**

**ZONING HEARING BOARD**

**§1001. ORGANIZATION AND PROCEDURE.**

1. Membership of Board.

A. The membership of the board shall consist of three residents of the Township appointed by resolution by the Board of Supervisors. Their terms of office shall be 3 years and shall be so fixed that the term of office of one member shall expire each year. The board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other office in the Township.

B. The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the board. The term of office of an alternate member shall be 3 years. When seated pursuant to the provisions of §906 of the Pennsylvania Municipalities Planning Code, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Township Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to §1001(4) of this Part unless designated as a voting alternate member.

2. Removal of Members. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

3. Organization of Board.

A. The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than two members of the Board but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in §1003(4) of this Part. The Board may make, alter and rescind rules and forms for its laws of the Commonwealth. The Board shall keep full public records of its business, which

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records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

### 4. Expenditures for Services.

- A. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.
- B. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to §1001, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

### 5. Fees.

- A. The Board of Supervisors may prescribe by resolution reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- B. Where necessary, the appearance fee for a stenographer shall be paid in accordance with §1003(4)(F) of this Part.

- 6. General Grant of Power. The Board shall perform all the duties and have all the powers prescribed by Act 170, as amended, known as the Pennsylvania Municipalities Planning Code, and as herein described.

(Ord. 97-1A, 2/5/1997, §1000)



**§1002. POWERS AND DUTIES.**

The Board shall hear and decide appeals pursuant to the provisions of Act 170, as amended, and shall have the following powers:

**A. To Hear and Decide Appeals from The Zoning Officer.**

- (1) The Board shall hear and decide appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, failure to act on the application therefore or any preliminary opinion given by the Zoning Officer under §916.2 of the Pennsylvania Municipalities Planning Code; the issuance of any cease and desist order; the registration or refusal to register any nonconforming use, structure or lot; or the application of the floodplain management provisions of this Chapter.
- (2) The Board shall hear and decide appeals from the determination of the Zoning Officer or Township 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 Pennsylvania Municipalities Planning Code.
- (3) A person shall not be allowed to file a proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure a rehearsal or to limit the approval in any manner, unless such person was entitled to and did not receive proper notice.
- (4) All appeals from determinations by any municipal officer, agency or body shall be filed by the landowner within 30 days after notice of the determination is issued.

**B. To Hear and Decide Challenges to the Validity of Any Land Use Ordinance.**

- (1) The Board shall hear and decide challenges to the validity of a land use ordinance or map or amendment thereto 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, unless the person raising such an issue alleges and proves that he failed to receive adequate notice of the enactment or amendment.
- (2) The 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 Board of Supervisors pursuant

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to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.

### C. To Hear and Decide Applications for Variances.

- (1) The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
  - (a) 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 this Chapter in the neighborhood or district in which the property is located.
  - (b) 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 this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - (c) That such unnecessary hardship has not been created by the appellant.
  - (d) 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.
  - (e) 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.
- (2) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Part and this Chapter.

### D. To Hear and Decide Special Exceptions.

- (1) The Board shall hear and decide requests for special exceptions only for such uses as are provided for in Part 3, "District Regulations," and pursuant to the express standards and criteria outlined in Part 4.

- (2) In reviewing requests for special exceptions, the Board shall take into account the requirements found in Part 4 and in other applicable Sections of this Chapter and the following:
  - (a) That the use is so designed, located and proposed to be operated so that the public health, safety, welfare and convenience will be protected.
  - (b) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
  - (c) That the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located.
  - (d) That adequate landscaping and screening is provided as required herein.
  - (e) That adequate off-street parking and loading is provided and ingress and egress is designed to cause minimum interference with traffic on abutting streets.
  - (f) 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 development.
  - (g) That all land developments, as defined by the Muncy Creek Township Subdivision and Land Development Ordinance [Chapter 22] in effect, have been approved by the Township Planning Commission.

E. To Hear and Decide Interpretations. The Board shall decide any question involving the interpretation of any provision of this Chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

(Ord. 97-1A, 2/5/1997, §1001)

### **§1003. HEARING PROCEDURES.**

#### **1. Parties Appellant Before Board.**

A. Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of this Chapter may be filed with the Board in writing by any officer or agency of the Township or by any person aggrieved.

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- B. Applications for a variance or special exception must be filed with the Zoning Hearing Board by any landowner or an authorized agent of such landowner. A copy of the application shall also be submitted to the Zoning Officer. (See Appendix B for permit procedures for special exception uses.)
2. Applications Required. All requests and appeals made to the 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 Chapter and shall exactly set forth the interpretation that is claimed or shall include the plans for a special exception or the details of the variance that is applied for, in addition to the following information:
    - A. The name and address of the applicant or appellant.
    - B. The name and address of the owner of the parcel to be affected by such proposed change or appeal.
    - C. A brief description and location of the parcel to be affected by such proposed change or appeal.
    - D. A statement of the present zoning classification of the parcel in question.
    - E. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.
  3. Notice of Hearings. The Board, before rendering a decision, shall hold hearings on any interpretation, variance, special exception, challenge or other matter requiring the Board's decision or other official action. Upon the filing of an appeal or application request with the Zoning Hearing Board, the Board shall, within 60 days of receipt of the application, (unless the applicant has agreed in writing to an extension of time) fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:
    - A. Publish public notice in accordance with the definition of public notice in Part 14 of this Chapter.
    - B. Post in a conspicuous place, which is visible from the nearest public highway, on the property involved, a notice of the pending hearing and action; such notice shall take place at least 7 days prior to the public hearing.
    - C. Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Commission and to any person who has made a timely request for the same, at least 14 days prior to the hearing.

- D. In case of an appeal, a request for a variance or in a case involving an application for a special exception use, all adjacent property owners (especially those within 500 feet of the nearest line of the property for which the variance or special exception is sought) shall be given at least 7 days written notice of the hearing.

4. Rules of Conduct for Hearings.

- A. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer to conduct the hearing in place of the Board. The decision or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the Board, waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final. A quorum of two Board members shall be required for the Board to take action.
- B. The parties to the hearing shall be any person who is entitled to notice under §1003(3) of this Part, any person affected by the application who has made timely appearance of record before the Board and any other person permitted to appear by the Board.
- C. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- D. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- E. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- F. In any appeal of an enforcement notice to the Board, the Township shall have the responsibility of presenting its evidence first.
- G. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- H. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved

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except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

### 5. Decisions.

- A. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the board or hearing officer. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- B. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written findings thereon to the Board prior to final decision or entry of findings. The Board's decision shall be entered no later than 30 days after the report of the hearing officer.
- C. Where the Board or the hearing officer, as the case may be, fails to render the decision within the period required or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, 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 Board must give notice to the public of this decision within 10 days from the last day it could have met to render a decision.
- D. A copy of the final decision or, where no decision is called for, a copy of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings and a statement of the place at which the full decision or findings may be examined.

6. Mediation Option. In exercising a mediation option, the parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code (Act 170 of 1988, as amended.)

7. Expiration of Appeal Decision. Unless otherwise specified by the Zoning Hearing Board, a decision by the Zoning Hearing Board on any appeal or request shall expire if the applicant fails to obtain any necessary zoning permit or comply with the conditions of said authorized permit within 6 months from the date of authorization thereof.
8. Required Interval for Hearings on Applications and Appeals After Denial. Whenever the Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Chapter 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 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.

(Ord. 97-1A, 2/5/1997, §1002)

#### **§1004. 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 that such a halt could cause an imminent danger to life or property, then the 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.

(Ord. 97-1A, 2/5/1997, §1003)

#### **§1005. APPEALS.**

Any person aggrieved by any decision of the Board may appeal therefrom within 30 days to the Court of Common Pleas of Lycoming County. (See Article X of Act 170 of 1988 as amended.)

(Ord. 97-1A, 2/5/1997, §1004)





## PART 11

### AMENDMENTS AND CONDITIONAL USES

#### §1101. AMENDMENTS TO ZONING ORDINANCE OR MAP.

The Township may on its own motion or by petition amend this Chapter, including the Zoning Map, by proceeding in the following manner. For curative amendments see §609.1, "Procedure for Landowner Curative Amendments," and §609.2, "Procedure for Municipal Curative Amendments," under Article VI of Act 170 of 1988, as amended.

- A. Public Hearing. The Township Board of Supervisors shall fix a reasonable time and place for and hold a public hearing on the proposed amendment, giving notice as follows:
- (1) Publish public notice in accordance with the definition of public notice contained in Part 14 of this Chapter.
  - (2) Where the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township, at least 7 days prior to the public hearing, at points along the perimeter of the area involved which are clearly visible from the nearest public highway and deemed sufficient by the Township to notify potentially interested citizens.
  - (3) Give written notice to the applicant, Secretary of the Township Planning Commission and to any person who has made a timely request for the same, at least 14 days prior to the hearing.
  - (4) Where the proposed amendment involves a zoning map change, give written notice to any person owning property adjacent to or within the area involved.
- B. Opportunity to be Heard. At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- C. Review by Township Planning Commission. In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

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- D. Review by County Planning Commission. The Township shall submit the proposed amendment to the County Planning Commission at least 30 days prior to the public hearing on the proposed amendment for their recommendations. [Ord. 02-04]
- E. Enactment of Amendment.
- (1) Proposed amendments to this Chapter or Map shall not be enacted unless the procedures for publication, advertisement and availability of ordinances contained in §610 of Pennsylvania Act 170 of 1988, as amended, are adhered to.
  - (2) The adoption of an amendment shall be by simple majority vote of the Township Board of Supervisors. The vote of the Supervisors shall be within 90 days after the public hearing. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied.
  - (3) Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the County Planning Commission.

(Ord. 97-1A, 2/5/1997, §1100; as amended by Ord. 02-04, 10/18/2002, Art. 4)

### §1102. **CONDITIONAL USES.**

#### 1. Procedures for Conditional Uses.

- A. Applications for any conditional use permitted by this Chapter shall include a written statement describing the tract of land and its intended use and a site plan of the proposed development (see subsections (2) and (3) below, for further details and Appendix C for permit procedures for conditional uses.)
- B. All applications for conditional uses shall be submitted to the Muncy Creek Township office. Within 60 days of receipt of such an application, the Township Supervisors shall fix a reasonable time and place for and hold a public hearing thereon. Prior to the public hearing however, the Township Secretary shall submit a copy of the conditional use application to the Township Planning Commission for its review and recommendation. Within 45 days of receipt, the Planning Commission shall review the application and return its recommendations to the Supervisors.
- C. Notice of the public hearing shall be given by the Township Supervisors as follows:
- (1) Publish public notice in accordance with the definition of "public notice" contained in Part 14 of this Chapter.

- (2) Conspicuously post notice of said hearing, at least 7 days prior to the hearing, at points along the perimeter of the property affected which are clearly visible from the nearest highway and are deemed sufficient by the Supervisors to notify potentially interested citizens.
  - (3) Give written notice to the applicant, Secretary of the Township Planning Commission, the Township Zoning Officer and to any person who has made a timely request for the same, at least 14 days prior to the hearing.
  - (4) Give written notice to all adjacent property owners within 7 days of the hearing.
- D. Within 45 days after the last hearing on the application, the Township Supervisors shall render a written decision, or when no decision is called for, make written findings on the conditional use application. In granting a conditional use, the Supervisors may attach such reasonable conditions and safeguards, in addition to those contained herein, as they deem necessary to implement the purposes of this Chapter.
- E. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provision of this Chapter or other municipal rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- F. Where the Township Supervisors fail to render a decision within the period required by this Section or fail to hold the required public hearing within the prescribed time, 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 of the hearing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Supervisors to meet or render a timely decision, the Supervisors shall give public notice of the decision, within 10 days from the last day it could have met to render a decision, in accordance with the definition of "public notice" contained in Part 14 of this Chapter. If the Supervisors fail to provide such notice, the applicant may do so.
- G. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision, or where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him no later than the day following its date.
2. The Written Statement. The written statement shall include the following information:

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- A. Location of the tract of land.
  - B. Present use of adjoining tracts.
  - C. Present use of the tract for which the conditional use is requested.
  - D. The type of conditional use for which the application is made.
  - E. A brief description of the type and extent of the activities.
  - F. The names of the applicant, the owner of the tract, the developer of the conditional use and the name of the person or organization who will operate the conditional use.
3. The Site Plan. The site plan shall be drawn to a scale sufficient to clearly show the features of the tract (a land development plan prepared in accordance with the Township Subdivision and Land Development Ordinance [Chapter 22] may serve as a site plan) and shall include the following:
- A. Title block containing the name of the developer or landowner, date, scale and the name and profession of the preparer of the plan.
  - B. Tract boundaries showing bearings and distances.
  - C. Existing significant natural or manmade features of the site.
  - D. Existing and proposed streets, rights-of-way, easements, means of access and setback lines.
  - E. Existing buildings, sewers, water mains, culverts, transmission lines, fire hydrants on or adjacent to the site.
  - F. Proposed grading and drainage plan.
  - G. Proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences.
  - H. Plans of any proposed sanitary sewer or storm sewer systems and water supply system.
  - I. Location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or enclosed areas of the tract.
4. Criteria for Conditional Uses. The Board of Supervisors shall, in making decisions on each application for a conditional use, consider the following:

- A. The purpose of the zone in which a requested conditional use is located and the compatibility of the requested conditional use with existing and potential land use on adjacent tracts of land.
- B. Whether the specific site is an appropriate location for the use, structure or condition.
- C. Whether the use developed will adversely affect the neighborhood.
- D. Whether the use will create undue nuisance or serious hazard to vehicles or pedestrians.
- E. Whether adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use.
- F. Whether noise, glare or odor effects of the conditional use will adversely affect adjoining properties or properties generally in the district.
- G. Whether satisfactory provision and arrangement has been made concerning the following:
  - (1) Ingress and egress to the property and structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or catastrophe.
  - (2) Off-street parking and loading.
  - (3) Refuse and service areas.
  - (4) Utilities, with reference to locations, availability and compatibility.
  - (5) Screening and buffering with reference to type, dimensions and character.
  - (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
  - (7) Required yards and open spaces.

(Ord. 97-1A, 2/5/1997, §1101)



**PART 12**

**ADMINISTRATION AND ENFORCEMENT**

**§1201. ZONING OFFICER'S DUTIES AND RESPONSIBILITIES.**

The provisions of this Chapter shall be administered and enforced by the Zoning Officer, who shall be appointed by the Township Board of Supervisors and shall meet qualifications established by the Township and be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall hold no elective office in the Township, may be compensated for his work and shall have the following duties and responsibilities:

- A. The Zoning Officer shall explain the procedures and plan and/or permit requirements for applications for conditional uses, special exceptions and variances. Completed applications shall be forwarded by the applicant to the Township Planning Commission or Zoning Hearing Board as appropriate. The Township Secretary will schedule and advertise property subject to public hearings. The Zoning Officer will post property subject to public hearings and provide the applicant and other parties with copies of items sent to the Zoning Hearing Board.
- B. The Zoning Officer shall issue permits only where there is compliance with the provisions of this Chapter, with other Township ordinances and with the laws of the Commonwealth within 7 days after receipt of an application for such a permit(s). Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits requiring a conditional use shall be issued only upon the recommendation of Muncy Creek Township Planning Commission to the Board of Supervisors for approval. Where provisions of this Chapter have not been met by the applicant, the Zoning Officer shall deny the permit within 7 days after receipt of an application.
- C. The Zoning Officer shall issue certificates of nonconformance as requested and in accordance with the requirements of §§901(2) and 904(2) of this Chapter. [Ord. 09-31]
- D. The Zoning Officer shall conduct three inspections, beginning, during and after completion of construction or as prescribed by the Board of Supervisors to determine compliance or noncompliance with the terms of this Chapter. An inspection report (form) of the prescribed three inspections shall be signed by the contractor(s) or owner(s) verifying visits, and filed with the Township Secretary. Hourly time sheets and mileage used shall be recorded and submitted to the Township Secretary for payment on a monthly basis. The Zoning Officer shall issue a certificate of compliance within 10 days after the final inspection and determination by the Zoning Officer of compliance of the provisions of this Chapter and the issued permit. Where the provisions of this

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Chapter have not been met, the Zoning Officer shall deny the certificate of compliance. [Ord. 09-31]

- E. The Zoning Officer shall report alleged violations to the Board of Township Supervisors. Upon authorization of the Supervisors, the Zoning Officer shall investigate complaints of violations and issue enforcement notices and orders. Such notices shall be sent in writing by certified or registered mail or served personally as described below upon persons, firms or corporations deemed to be violating the terms of this Chapter and/or deemed by the Zoning Officer to be the owner of record of the parcel on which the violation has occurred, directing them to correct all conditions found in violation. If any such person or persons does not comply with the written notice of violation within a prescribed period of time, the Zoning Officer shall notify the Board of Supervisors for their action to file a citation with the District Justice. However, a citation should not be filed until the expiration of the appeal period, as provided for in §1002(A) of this Chapter. An enforcement or violation notice shall state at least the following:
- (1) The name of the owner of record and any other person against whom the Township intends to take action.
  - (2) The location of the property in violation.
  - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
  - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in §1002 of this Chapter.
  - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.

In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

- F. The Zoning Officer shall act on behalf of the Township in any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, demolition, maintenance or use of any building or structure; to restrain correct or abate such violation so as to prevent the occupancy or use of any building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. When necessary, the Zoning Officer shall notify the Board of Supervisors for their



action to file an injunction. An injunction request requires the Board of Supervisors' approval and is prepared by the Solicitor.

- G. The Zoning Officer shall revoke by order a zoning permit or certificate of compliance issued under a mistake of fact or contrary to the law or the provisions of this Chapter. [Ord. 09-31]
- H. The Zoning Officer shall record and file all applications and plans for permits and the action taken thereon with the Township Secretary. All applications, plans, and documents shall be a public record at the Township Building.
- I. The Zoning Officer shall maintain a map or maps showing the current zoning districts and overlay areas for all the land within the Township.
- J. Upon the request of the Township Supervisors, the Planning Commission or Zoning Hearing Board, the Zoning Officer shall provide testimony or present facts, records, photos or information to assist them in making decisions.
- K. The Zoning Officer shall not issue a zoning permit or certificate of compliance for the erection, construction, reconstruction or alteration of a building in a subdivision or land development prior to the final approval of the subdivision and land development plan in full compliance with the Subdivision and Land Development Ordinance [Chapter 22] of Muncy Creek Township, and the recording of the plan with the Recorder of Deeds of Lycoming County. [Ord. 09-31]
- L. Like the prepared boy scout, the Zoning Officer shall be helpful, friendly, courteous, kind and cheerful to the public applicants, but should not be wrong when giving advice.
- M. Compensation paid to the Zoning Officer shall be set by motion of the Township Supervisors on an annual basis.

(Ord. 97-1A, 2/5/1997, §1200; as amended by Ord. 09-31, 10/19/2009, Arts. 7, 8)

**§1202. GENERAL PROCEDURE.**

- 1. All persons desiring to undertake any new construction, structural alteration or change in the use of a building, structure or lot shall apply to the Zoning Officer for a zoning permit by completing the appropriate application form and by submitting the required fee. In addition to meeting the requirements of this Chapter, the applicant shall conform to all other regulations or codes in effect in Muncy Creek Township or as may be hereafter adopted. Nothing in this Chapter shall exempt the applicant from obtaining any permits which may be required by such regulations. The Zoning Officer shall then either issue or deny the zoning permit or refer the application to the Zoning Hearing Board, Township Planning Commission or Township Supervisors for their consideration.

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2. After the applicant has received his zoning permit, he may proceed with his proposal as approved. 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 o compliance, thus allowing the premises to be occupied. The specifics of each step in this process are discussed in the following Section. (See Appendix A for the general procedures for obtaining zoning permits and certificates of compliance.) [Ord. 09-31]

(Ord. 97-1A, 2/5/1997, §1201; as amended by Ord. 09-31, 10/19/2009, Art. 8)

### **§1203. ZONING PERMITS AND CERTIFICATES OF COMPLIANCE. [Ord. 09-31]**

1. Requirement for a Zoning Permit.
  - A. A zoning permit shall be required prior to the erection, addition or alteration of any building or structure or portion thereof (including fences); prior to the use or change in use of a building, structure or land, prior to the erection or alteration of signs, except as specified in Part 8, prior to the change or extension of a nonconforming use or prior to development in any Floodplain District (See §609 for specific requirements for zoning permits in floodplain areas); except as listed below. (In some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)
  - B. Zoning permits shall not be required for the following activities:
    - (1) Alterations when there is no increase in ground floor exterior dimension 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.
    - (4) Landscaping.
    - (5) Construction or erection of terraces, steps or other similar features.
    - (6) Placement or location of transmission, distribution and/or collection lines for utilities.
    - (7) Razing of buildings.

2. Application for Zoning Permits.

- A. All such applications shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot or lots to be built upon, its block and lot number as recorded, the date of official record of any lot or lots on which construction is proposed, the exact size and location of any building, sign, parking or loading area or other physical features existing or proposed on the lot, the existing and intended use of each building or part of a building, the number of families, dwelling units, employees, offices or other appropriate units of occupancy which the building is designed to accommodate, and such other information as may be necessary to determine compliance with this Chapter. One copy of such plans shall be returned to the owner when such plans shall be approved, one copy each of all applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
- B. Included with the application shall be a copy of an approved sewage permit when one is needed for disposal of sewage from a proposed building.
- C. A copy of a soil erosion and sedimentation control plan shall be submitted to insure adequate control of soil erosion during and after construction. In addition, where fill is being proposed to "improve" a site, whether or not buildings or structures are also being proposed, a stormwater management plan shall be submitted to and approved by the Township Engineer prior to the issuance of a zoning permit. [Ord. 02-04]
- D. Land developments, as defined by the Muncy Creek Township Subdivision and Land Development Ordinance [Chapter 22] in effect, must be approved by the Township Planning Commission prior to issuance of a zoning permit.
- E. It shall be the responsibility of the applicant in all cases to furnish the Township with adequate information and to certify that the proposed use will comply with all requirements of this Chapter and other applicable Federal, State or local regulations, including those agencies listed above and the Pennsylvania Departments of Transportation and Labor and Industry. Where any such regulations apply, the applicant shall provide evidence to the Township that the applicable regulatory provisions have been met. [Ord. 02-04]

3. Issuance of Permits. When the Zoning Officer determines that the permit application complies with the requirements of this Chapter, a zoning permit shall be issued in duplicate, within 7 days of receipt of the completed application. One copy shall be kept conspicuously on the premises affected and protected from the weather, whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any kind unless a zoning permit covering such operation has been displayed as required by this Chapter, nor shall they perform building operations of any kind after notification of the revocation of said zoning permit.

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4. Change of Use. After the issuance of a zoning permit by the Zoning Officer, no change 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.
5. Denial of Permits. When the Zoning Officer is not satisfied that the applicant's proposed development will meet the requirements of this Chapter he shall, within 7 days of receipt of the application, deny the application in writing stating the reasons for denial of a permit. The applicant may appeal the Zoning Officer's decision to the Zoning Hearing Board as provided in §1002(A) of this Chapter.
6. Revocation of Permits. If it shall appear at any time to the Zoning Officer that the application or accompanying plot is in any material respect false or misleading, or that work is being done on the premises differing materially from that called for in the application filed with him under existing laws or ordinances, he may forthwith revoke the zoning permit, where upon it shall be the duty of the person holding the same to surrender it and all copies thereof to the said Zoning Officer. After the zoning permit has been revoked, the Zoning Officer may, at his discretion, before issuing a new zoning permit, require the applicant to file an indemnity bond in favor of the Township with sufficient surety conditioned for compliance with this Chapter and all building laws and ordinances then in force and in sum sufficient to cover the cost of removing the building, if it does not so comply.
7. Time Limitations.
  - A. Work on the proposed construction shall begin within 6 months after the date of issuance of the zoning permit and shall be completed within 24 months after the date of such permit or the permit shall expire unless a time extension is granted in writing by the Zoning Officer. Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to grant such a request.
  - B. For the purposes of this Chapter, 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.
8. Requirements for Certificate of Compliance. [Ord. 09-31]
  - A. After completion of the whole building structure, and after actual inspection of the premises by the Zoning Officer, or his duly authorized assistant, the Zoning Officer shall, within 10 days of final inspection of the premises, issue in duplicate a certificate of compliance, certifying that the premises comply with the provisions of this Chapter and may be used for the purposes set forth

in the permit, which purpose shall conform with the requirements of this Chapter. [Ord. 09-31]

- B. No change of use shall be made in any building, structure or premises or premises now or hereafter erected or altered that is not consistent with the requirements of this Chapter. Any person desiring to change the use of his premises shall apply to the Zoning Officer for a certificate of compliance. [Ord. 09-31]
- C. A copy of the certificate of compliance shall be kept at all time upon the premises effected and shall be kept on file in the same manner as applications for zoning permits. [Ord. 09-31]
- D. No owner, tenant or other person shall use or occupy any building or structure thereafter erected or altered the use of which shall be changed after the passage of this Chapter without first procuring a certificate of compliance; provided, that a certificate of compliance once granted shall continue in effect so long as there is no change of use, regardless of change in the personnel, tenants or occupants. [Ord. 09-31]

9. Special Requirements for Permits in Floodplain Districts.

- A. In any floodplain district, plans of all proposed buildings, structures and other improvements, shall also show the following:
  - (1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
  - (2) The elevation of the 100 year flood.
  - (3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.
  - (4) Detailed information concerning any proposed floodproofing measures.
- B. The following data and documentation shall be submitted with the application:
  - (1) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain District), when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than 1 foot at any point.
  - (2) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the 100-year flood.

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

- (3) Detailed information needed to determine compliance with §604(C)(14), “Storage,” and §607, “Development Which May Endanger Human Life,” including:
    - (a) The amount, location and purpose of any materials or substances referred to in §§604(C)(14) and 607 which are intended to be used, produced, stored or otherwise maintained on site.
    - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §607 during a 100-year flood.
  - (4) The appropriate component of the Department of Environmental Protection’s “Planning Module for Land Development.”
  - (5) Where any excavation of grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- C. 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 Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.
- D. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.
- E. All work undertaken in a floodplain district shall be in compliance with the provisions of Part 6 of this Chapter, “Supplementary Floodplain Management Regulations.”

[Ord. 04-13]

(Ord. 97-1A 2/5/1997, §1202; as amended by Ord. 02-04, 10/28/2002, Art. 5; by Ord. 04-13, 3/15/2004, Art. II; and by Ord. 09-31, 10/19/2009, Art. 8)

### **§1204. VIOLATIONS.**

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 Chapter, shall be considered a violation of this Chapter. [Ord. 09-31]

- A. Notice of Violations. Whenever the Zoning Officer determines or feels that there has been a violation of any provision of this Chapter, the Officer shall give notice of such alleged violation as provided in §1201(5) of this Part.
- 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 any ordinance enacted under Pennsylvania Act 170 of 1988, as amended, or prior enabling laws, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township. No such action may be maintained until such notice has been given.
- C. Enforcement Remedies. District Justices shall have jurisdiction over enforcement actions. In accordance with §617.2 of Pennsylvania Act 170 of 1988, as amended, any person, partnership or corporation who or which shall violate the provisions of any zoning ordinance enacted under Act 170 of 1988, as amended, or prior enabling laws shall, upon conviction thereof in a civil enforcement proceeding commenced by the Township, be sentenced to pay a fine of not more than \$500 plus all court costs, including reasonable municipal attorney fees. Each day that a violation is continued shall constitute a separate offense, 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 fines collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated. If the defendant neither pays the fines nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

(Ord. 97-1A, 2/5/1997, §1203; as amended by Ord. 09-31, 10/19/2009, Art. 8)

**§1205. FEES.**

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Fees for zoning permits, certificates of compliance, conditional uses, ordinance amendments, special exception uses, appeals and variances shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established from time to time by separate resolution of the Township Supervisors. Further, any fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party. There shall be no fee charged for the issuance of a zoning permit for any fence.

(Ord. 97-1A 2/5/1997, §1204; as amended by Ord. 09-31, 10/19/2009, Art. 8)



**PART 13**

**ENACTMENT AND MISCELLANEOUS PROVISIONS**

**§1301. INTERPRETATION, PURPOSE AND CONFLICT.**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township. This Chapter is not intended to interfere with or abrogate or other rules, regulations or ordinances of the Township; provided, that where this Chapter imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than imposed by which other rules, regulations or ordinance, the provisions of this Chapter shall control.

(Ord. 97-1A, 2/5/1997, §1300)



**PART 14**

**DEFINITIONS**

**§1401. INTERPRETATIONS.**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Chapter. Words used in the present tense include the future, the singular number shall include the word "structure," the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used, the word "shall" is mandatory and not optional, the word "abut" shall include the words "directly across from."

(Ord. 97-1A, 2/5/1997, §1400)

**§1402. 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 furnishing 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.

**ACCESS DRIVE** - a durable, all-weather surface, other than a street, which provides vehicular access from a street or public road to a lot; e.g., a driveway.

**ACCESSORY STORAGE TRAILERS** - for the purpose of this Chapter, an accessory storage trailer shall be defined as that part of a tractor trailer truck which is pulled by the tractor, but which has been detached from the tractor, placed on a lot with a principal use, and is being used or is being proposed for use for storage purposes, either temporarily or permanently. [Ord. 02-04]

**ACCESSORY USE or STRUCTURE** - a use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

**ADULT ENTERTAINMENT** - adult book stores, theaters, massage parlors and similar establishments providing entertainment of a sexual nature, including the retail sale of books, magazines, newspapers, movie films, devices, slides or other photographic or written reproductions depicting nudity or sexual conduct.

**AGENT or OWNER** - any person who can show written proof that he has authority to act for the property owner.

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**AGRIBUSINESS** - the processing, packing, treating, storage and sale of agricultural products including, but not limited to, farm produce, seed, fertilizers and farm machinery.

**AGRICULTURE** - the use of land for agricultural purposes, including land cultivation, nurseries and greenhouses, dairying, pasturage and animal and poultry husbandry, including accessory uses for packing, treating, storage and sale of produce primarily produced on the premises; provided, the operation of any such accessory uses shall be secondary to that of the normal agriculture activities.

**ALLEY** - a public thoroughfare which affords only a secondary means of access to abutting property.

**AMUSEMENT USES** - business providing entertainment to the general public, such as bowling alleys, roller skating rinks, motion picture theaters and miniature golf, but excluding amusement uses included in the definition of parks, and excluding massage parlors and similar establishments providing adult entertainment.

**ANCHORING SYSTEM** - a system of tie-downs and anchors designed and installed on mobile home pads in accordance with the standards of the Department of Community and Economic Development to resist flotation, collapse and lateral movement of mobile homes.

**ANIMAL EQUIVALENT UNIT (AEU)** - one thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. [Ord. 02-04]

**ANIMAL HOSPITAL** - a place where animals or pets are given medical or surgical treatment.

**ANIMAL HUSBANDRY** - for the purposes of this Chapter, animal husbandry shall be defined as the raising or keeping of livestock and/or poultry for capital gain or profit or with the intent of selling livestock or poultry products as a commercial enterprise, including custom butchering. (The boarding or raising of livestock or poultry as farm animals, for 4-H projects, or as household pets pursuant to the regulations of this Chapter shall not be considered animal husbandry.)

**ANIMAL KENNEL** - any structure or premise, in which domesticated animals are kept, boarded, bred or trained.

**ARTERIAL STREET** - a street which collects and distributes traffic to and from collector streets.

**AUTOMOBILE or TRAILER SALES** - an open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

**AUTOMOTIVE REPAIR, MAJOR** - collision service including body, frame or fender straightening or repair, painting, grinding valves, cleaning carbon or removing engine

heads and/or crankcases; and any similar major service or repair, but not including any operations which requires heating or burning of rubber.

**AUTOMOTIVE REPAIR, MINOR** - tire repair, but no recapping replacement or servicing of mufflers and tailpipes, belts and hoses, spark plugs and batteries, fluids, fuel pipes and lines and carburetors; greasing and lubrication, electrical repairs, engine tuning, except for grinding valves, cleaning carbon or removing engine heads and/or crankcases, and any similar minor service or repair.

**AUTOMOTIVE SERVICE STATIONS** - a building or place of business where gasoline, oil and grease, batteries, tires or automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail and where automotive repairs may be permitted.

**BAKERY** - baking establishments which manufacture quantities of goods for retail elsewhere than on the premises.

**BASEMENT** - a story whose floor is more than 12 inches, but not more than half of its story height, below the average level of the adjoining ground (as distinguished from a cellar which is a story more than ½ below such level). For floodplain management purposes, a basement shall be any area of the building having its floor below ground level on all sides. [Ord. 04-13]

**BUFFER STRIP** - an open space of ground containing no manmade structures or screening (except signs as permitted in Part 8 and fences) which acts as a barrier to noise and visibility.

**BUILDING** - a combination of materials to form 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 manufactured homes and trailers to be used for human habitation.

**BUILDING COVERAGE** - that percentage of the plot of land area covered by the principal and accessory buildings (including covered porches, carports and breezeways but excluding open patios, parking or loading areas).

**BUILDING GROUP** - any building, such as a store group, which is divided into separate parts by one or more unpierced walls, extending from the ground up.

**BUILDING HEIGHT** - the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and the lowest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections.

**BUILDING INSPECTOR** - the building inspector shall be the Zoning Officer of the Township of Muncy Creek.

**BUILDING, PRINCIPAL** - a building in which is conducted the principal use of the building site on which it is situated.

## ZONING

**CAMPGROUND** - a tract or tracts of ground or portion thereof, used for the purpose of providing two or more spaces for recreational vehicles or tents, with or without a fee charged for the leasing, renting or occupancy of such space.

**CELLAR** - a story partly underground and having more than ½ of its clear height before the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

**CENTERLINE** - a line located exactly in the center of the width of the cartway.

**CERTIFICATE OF COMPLIANCE** - the certificate required by this Chapter 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 Chapter. [Ord. 09-31]

**CLINIC, MEDICAL or DENTAL** - an establishment where patients are examined or treated by one or more physician, dentist, psychologist or social worker, which treatment shall not include overnight stays or lodging.

**CLINIC, VETERINARY** - an establishment where animals are given medical examinations and/or treatment, which treatment shall not include overnight boarding.

**CLUB** - a building where a group of people organized for a common purpose conduct their business and activities. excluding activities which are commercial in nature.

**COLLECTOR STREET** - a street which collects traffic from local streets and connects with arterial streets.

**COMMERCIAL VEHICLE** - a commercial vehicle shall be any vehicle other than a private passenger vehicle, including trucks, trailers and construction equipment.

**COMMUNICATIONS ANTENNA** - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or other wireless communications signals including, without limitation, omnidirectional 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. [Ord. 02-04]

**COMMUNICATIONS EQUIPMENT BUILDING** - an unmanned building or cabinet containing communications equipment required for the operation of communications antennas. [Ord. 02-04]

**COMMUNICATIONS TOWER** - a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas. [Ord. 02-04]

**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.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** - agricultural operations where the animal density exceeds two animal equivalent units per acre on an annualized basis. [Ord. 02-04]

**CONDITIONAL USES** - a conditional use is a use which because of its unique characteristics requires individual consideration in each case by the Planning Commission and Board of Supervisors, as specified in Part 11.

**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.

**CONSTRUCTION** - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**COUNTY** - the County of Lycoming.

**COUNTY COMMISSIONERS** - the Board of County Commissioners of the County of Lycoming.

**COURT** - a court is any open, unoccupied area which is bounded by three or more attached building walls.

**CRUDE OIL AND NATURAL GAS DRILLING AND EXTRACTION** - for the purposes of this Chapter, crude oil and natural gas drilling and extraction shall be defined as the underground exploration for, and commercial extraction of, crude oil or natural gas. [Ord. 09-31]

**DAY CARE CENTER** - a facility where care is provided for more than 12 children and 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 Pennsylvania Department of Public Welfare.

**DEVELOPMENT** - any manmade 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 paving, utilities, filling, grading and excavation; mining, dredging, drilling operations; storage of equipment or materials; and the subdivision of land.

**DISTRICT** - a district or a zone shall be any portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

## ZONING

**DWELLING** - any structure, or part thereof, designed to be occupied as living quarters for a single household unit.

**DWELLING, ATTACHED** - a structure designed for and occupied by two or more dwelling units, each having at least one wall in common with an adjacent unit, including all two unit and multi-unit dwellings.

**DWELLING, DETACHED** - a freestanding structure consisting entirely of a single dwelling unit.

**DWELLING, MOBILE HOME** - see definition of "mobile home."

**DWELLING, MULTI-UNIT** - a structure consisting of three or more dwelling units, including rowhouses, townhouses, apartment buildings, conversion apartments and condominiums consisting of three or more units.

**DWELLING, SINGLE UNIT** - a detached dwelling or a mobile home. (See respective definitions)

**DWELLING, TWO UNIT** - a structure consisting of two dwelling units, including twin or double and duplex structures and two unit conversion apartments.

**DWELLING UNIT** - one or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single household.

**EATING AND DRINKING ESTABLISHMENTS** - retail establishments selling food and drink for consumption on the premises, not including establishments providing dancing or entertainment.

**ENCLOSED USE** - a use which is located entirely within a structure.

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

**ESSENTIAL SERVICES** - the erection, construction, alteration or maintenance, by public utilities or municipal or government agencies of underground or overhead electrical, steam, water, sewer or gas transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith or are reasonably necessary to furnish adequate service by such public utility or municipal or governmental agency for the public health, safety or general welfare, excluding buildings and communications antennas and towers as defined herein. [Ord. 02-04]

**EXTRACTIVE OPERATIONS** - the commercial extraction of natural mineral deposits from the earth, including facilities for the batching or mixing of extracted materials. (See §424.) [Ord. 09-31]



**FAMILY DAY CARE** - a family residence where care is provided by an occupant of the home for no more than six children, excluding children of the occupants of the home and which is registered by the Pennsylvania Department of Public Welfare to provide such care.

**FARM BUILDING** - any building used for storing agricultural equipment or farm produce, housing livestock or poultry or processing dairy products. Farm buildings shall not be considered dwellings nor may they be used for residential purposes.

**FARM-RELATED BUSINESS** - for the purposes of this Chapter, a farm-related business shall be defined as a commercial enterprise conducted on a farm parcel which is related to or supportive of an on-going agricultural operation located on the same tract. Any operation exceeding 2,500 square feet in size shall be considered an agri-business and shall meet the requirements set forth in this Chapter for such activities. [Ord. 09-31]

**FENCE** - any structure or facility constructed of wood, metal, wire mesh, masonry blocks, or similar material or any landscaping which consists of plants located close together (i.e., a hedge row), erected for the purpose of screening one property from another either to assure privacy or protect the property screened.

**FLOOD** - a temporary inundation of normally dry land areas.

**FLOOD FRINGE** - that portion of the 100-year floodplain outside the floodway, including areas shown as approximated 100-year flood zones on the community's Flood Boundary and Floodway Map (FBFM).

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

**FLOODPROOFING** - any combination of structural and nonstructural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODPLAIN** - a relatively flat or low land area adjoining a river, stream or watercourse which is subject to a partial or complete inundation or an area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

**FLOODPLAIN, GENERAL** - that portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated areas on the community's Flood Boundary and Floodway Map, and which is included in the Flood Fringe for the purpose of this Chapter.

**FLOODWAY** - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of a 100-year magnitude. [Ord. 09-31]

**FLOOR AREA** - for the purpose of applying the requirements for off-street parking and loading, floor area, in the case of offices, merchandising or service type of uses, shall mean

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the gross floor area used or intended to be used by tenants or for service to the public or customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incident to the management or maintenance of stores or buildings, for toilet or restrooms, for utilities or for dressing rooms, fitting or alteration rooms.

**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.

**GARAGE, PRIVATE PARKING** - a detached accessory building or a portion of a principal building used only for the storage of automobiles by family residents upon the premises and provided that such garage shall not be used for storage of more than one commercial vehicle and such commercial vehicle shall not be larger than 1 ton rated capacity per family resident upon the premises.

**GOVERNING BODY** - the Muncy Township Board of Supervisors.

**GROUP CARE FACILITY** - a facility or dwelling unit housing persons unrelated by blood or marriage and operating as a household including, but not limited to, half-way houses, recovery homes, homes for orphans, foster children, the elderly, battered children and women, and specialized treatment facilities providing less than primary health care.

**GROUP DAY CARE HOME** - a residence where day care is provided for between seven and 12 children by an occupant of the home and which is licensed by the Pennsylvania Department of Public Welfare to provide such care.

**HABITABLE FLOOR** - any floor usable for living purposes, which include working, sleeping, eating, cooking or recreation or a combination thereof. A floor designed and used only for storage purposes is not a "habitable floor."

**HEAVY MANUFACTURING** - a manufacturing or industrial operation that produces a substantial amount of noise, smoke, odor, dust, vibration or glare or combination thereof as a result of the operation of the activity.

**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 preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a

district preliminarily determined by the Secretary to qualify as a registered 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.
- D. Individually listed on a local inventory of historic places in communities with historic programs that have been certified either:
  - (1) By an approved State program as determined by the Secretary of the Interior.
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**HOME OCCUPATION** - an accessory use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

**HOTEL** - a building with guest rooms designed for occupancy as the temporary residence of individuals who are lodged with or without meals and in which no provision is made for cooking in an individual room or suite.

**IDENTIFIED FLOODPLAIN AREA** - those floodplain areas specifically identified in this Chapter as being inundated by the 100 year flood, including areas identified as Floodway, Flood Fringe and General Floodplain.

**INDUSTRIAL OPERATION** - see "heavy and light manufacturing."

**JUNKYARD** - any salvage yard or other place used and maintained for the collection, storage and disposal of used or secondhand goods and materials.

**LAND CULTIVATION** - the use of land, including the spreading of manure and other similar land cultivating practices, for the purpose of growing grains, fruits, vegetables and other plants and crops useful to man.

**LAND DEVELOPMENT** - any of the following activities:

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

## ZONING

- (2) 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.

B. A subdivision of land.

**LIGHT MANUFACTURING** - a manufacturing or industrial operation that produces a negligible amount of noise, smoke, odor, dust, vibration or glare as a result of operation of the activity.

**LIMITED ACCESS HIGHWAY** - a highway designed in such a manner so as to provide no direct access to properties abutting its right-of-way and including all highways designated as limited access highways as adopted by the Planning Commission.

**LIVESTOCK** - for the purposes of this Chapter, livestock shall be defined to include cows, pigs, sheep, goats, horses or similar domesticated animals boarded, bred, raised or used on a farm, but excluding household pets.

**LOCAL STREET** - a street designed to provide vehicular access to abutting properties and to discourage through traffic.

**LOT** - a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and use accessory or incidental to the operation thereof, together with such open spaces as required by this Chapter, and having frontage on a public street:

LOT, AREA - the area contained within the lot lines, excluding any street right-of-way.

LOT, CORNER - a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the corner.

LOT, DEPTH - the acreage distance between the front and the rear lot lines.

LOT LINES - the property lines bounding the lot.

LOT LINE, FRONT. The line separating the lot from a street.

LOT LINE, REAR. The lot line opposite and most distant from the front.

LOT LINE, SIDE. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

LOT LINE, STREET or ALLEY. A lot line separating the lot from a street or alley.

**LOT WIDTH** - the distance between the two side lot lines measured at the required setback line.

**LOWEST FLOOR** - the lowest floor of the lowest fully enclosed area of a building or structure (including basement), an unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage in an area other than a basement 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 nonelevation design requirements of this Chapter and the National Flood Insurance Program.

**MANUFACTURED HOME** - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days. [Ord. 04-13]

**MANUFACTURED HOME PARK** - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use. [Ord. 04-13]

**MANUFACTURING** - the mechanical or chemical transportation of materials or substances into new products, including the assembly or disassembly and reassembly of component parts, and the blending of materials such as lubricating oils, plastics, resins or liquors.

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

**MINERALS** - any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas. [Ord. 09-31]

**MINI-WAREHOUSE** - a one story structure containing separate storage spaces of varying sizes leased or rented on an individual basis, with direct access to individual driveways.

**MINOR REPAIR** - the replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but not including the cutting way of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements, nor shall 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.

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**MOBILE HOME** - a transportable, single-family dwelling intended or permanent occupancy, contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for a period exceeding 180 consecutive days.

**MOBILE HOME LOT** - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK** - a parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of two or more mobile or manufactured homes for non-transient use. [Ord. 09-31]

**MODULAR HOUSING** - housing units designed and manufactured in two or more standard sections, which are trucked or shipped and joined into one integral unit on the site. For purposes of this Chapter, such housing must be placed upon a permanent foundation.

**MOTEL** - a series of attached or semi-attached dwelling structures, including rooming houses and bed and breakfasts, where each unit has convenient access to parking space for the use of the unit's occupants. The units, with the exception of the manager's office or caretaker's unit are designed to provide sleeping accommodations for automobile transients or overnight guests.

**NEW CONSTRUCTION** - the construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured homes), structures and/or improvements (such as streets, utilities, etc.). For floodplain management purposes, the term shall pertain to structures for which the start of construction commenced on or after September 30, 1980, and includes any subsequent improvements thereto.

**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 Chapter. (See §406.) [Ord. 09-31]

**NONCONFORMING LOT** - a lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption of amendment.

**NONCONFORMING STRUCTURE** - a structure, or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior

to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** - a use, whether of land or of structure which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NURSING HOMES** - any premises with sleeping rooms where persons are lodged and furnished with meals and nursing care.

**OBSTRUCTION** - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or floodprone area, (i) which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (ii) which is placed where flow of the water might carry the same downstream to the damage of life and property.

**OPEN SPACE** - a use of open land for leisure time activities such as parks and playgrounds, beaches, swimming pools, tennis courts, riding stables, golf courses, ski areas, game preserves, wilderness parks and natural feature preserves.

**PARK** - a public or private facility which provides outdoor recreational enjoyment for the general public, including amusement parks, and activities such as golf, tennis, basketball, swimming, hiking, playgrounds and other similar uses, either for free or on a fee basis.

**PARKING AREA, PRIVATE** - an open area for the same uses as a private garage and regulated as a private garage.

**PARKING AREA, PUBLIC** - an open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

**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. [Ord. 04-13]

**PLANNED RESIDENTIAL DEVELOPMENT** - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, type of dwelling, density or intensity, lot coverage and required open space to the regulations established in any one district created under the provisions of this Chapter.

**PLANNING COMMISSION** - the Planning Commission of Muncy Creek Township.

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**PRINCIPALLY ABOVE GROUND** - at least 51% of the actual cash value of the structure, less land value, is above ground.

**PRINCIPAL BUILDING** - a structure in which the principal use of the site is conducted.

**PRINCIPAL USE** - the primary purpose(s) for which a lot is occupied.

**PROFESSIONAL OFFICE** - an office maintained for the conduct of a recognized profession, including offices for medical and dental practitioners, attorneys, planners, engineers, architects, accountants, secretarial services, insurance and manufacturers representatives and such other similar professional occupations which may be so designated by the Zoning Hearing Board upon finding by the Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof.

**PUBLIC HEARING** - a formal meeting held pursuant to public notice by the Board of Supervisors or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

**PUBLIC MEETING** - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

**PUBLIC NOTICE** - notice published once each week for 2 successive weeks in a newspaper of general circulation in the Township. 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 SEWERAGE SYSTEM** - a system designed to treat the sewage wastes of more than one dwelling unit and which discharges the resultant outflow into a stream or other body of water. Such a system must be designed in accordance with 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. (See also Township Subdivision and Land Development Ordinance [Chapter 22].)

**PUBLIC UTILITY TRANSMISSION TOWER** - a structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines. [Ord. 02-04]

### **RECREATIONAL USES -**

**RECREATION, COMMERCIAL** - recreation facilities operated as a business and open to the general public for a fee.

**RECREATION, PRIVATE, NONCOMMERCIAL** - clubs or recreation facilities, operated by a nonprofit organization and open only to bona fide members of such organization.



**RECREATION, PUBLIC** - recreation facilities operated as a nonprofit enterprise by any government entity or any nonprofit organization and open to the general public.

**RECREATIONAL VEHICLE** - a vehicle that is: (a) 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; and (4) not designed for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. [Ord. 09-31]

**REGULATORY FLOOD** - the flood that has been selected to serve as the basis upon which the floodplain management provisions of this Chapter have been based; the 100-year flood.

**REGULATORY FLOOD ELEVATION** - the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

**REPAIR SHOPS** - minor automotive repair, carpentry, furniture repair and upholstery, electrical, metal working, tinsmith, welding and plumbing shops, where such shops are in a completely enclosed building and are primarily sales and service shops and not manufacturing plants.

**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, equals or exceeds 25% of the market value of the structure before the damages occurred. [Ord. 09-31]

**RETAIL SERVICES** - establishments providing services to the general public, such as barber and beauty shops, print shops, laundry services, funeral parlors, banks and such other similar retail services which may be designated by the Zoning Hearing Board.

**RETAIL TRADE** - establishment, including mini-markets, engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods as an accessory use.

**RESIDENTIAL STREET** - a street, between two intersecting streets, upon which an R-District abuts, or where 50% or more of the abutting street frontage is in predominantly residential use.

**ROOMING HOUSE** - a building containing a single dwelling unit and rooms for the rooming and/or boarding of at least three persons, but not more than 25 persons by prearrangement for definite periods of not less than 1 week.

**SCREENING** - a barrier to visibility, glare and noise between adjacent properties made of manmade materials or evergreen trees which shall be at least 6 feet in height. Screening shall be located and maintained in good condition within 15 feet of the abutting property line.

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**SEASONAL DWELLING** - a seasonal dwelling shall be any detached dwelling designed or used for occupancy primarily during a vacation period not exceeding 90 days per year.

**SHOPPING CENTER** - a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided onsite, provision for good delivery separated from customer access, aesthetic considerations and projections from the elements.

**SIGN** - a sign is name, identification, description, display or illustration which is affixed to, or painted or represented directly on or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business. A sign shall not include any display of official court, or public office notices nor any official traffic control devices, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school or religious group. A sign shall not include a sign located completely within an enclosed building, except for illuminated or animated signs within show windows. A double-faced sign shall be considered to be a sign.

**SIGN AREA** - the entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure.

**SIGN BILLBOARD or ADVERTISING SIGN BOARD** - a sign which advertises or directs attention to a commodity, business, industry or activity which is sold, offered or conducted at a location other than on the lot upon which such sign is located.

**SIGN, BUSINESS IDENTIFICATION** - a business identification sign is a sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located and which may be affixed to either the ground or a wall of the business.

**SIGN, FLASHING** - a flashing sign is an illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Chapter, any revolving, illuminated sign shall also be considered a flashing sign.

**SIGN, GROUND** - a sign supported vertically by one or more uprights placed in or on the ground which may be designed to be movable.

**SIGNS, POLITICAL** - temporary signs or boards directing attention to a particular individual or group of persons running for political office in a public election.

**SIGNS, TEMPORARY** - flags, pennants, ground signs or special promotional devices intended to be erected for a limited period of time to call attention to a permissible special event.

**SIGN WALL** - signs attached to a wall or part of a wall, or painted onto a wall of a building or structure.

**SPECIAL EXCEPTION** - uses permitted in a district as provided for in Part 3 which shall be approved by the Zoning Hearing Board as set forth in §1002 of this Chapter.

**SPECIAL PERMIT** - a special approval which is required for hospitals, nursing homes, jails and new mobile home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all or a designated portion of the floodplain.

**STORY** - that portion of a building, between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

**STORY, HALF** - a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of such story; provided, however, that any partial story shall not be used for residence purposes, other than for a janitor or caretaker or his family.

**STORY, FIRST** - the lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

**STREET** - a public or private right-of-way not less than 30 feet in width if in existence prior to the passage of this Chapter nor less than 50 feet in width if established subsequent to the passage of this Chapter which affords the principal means of access to abutting property, including avenue, place, way, drive, boulevard, highway, road and any other thoroughfare except an alley.

**STRUCTURE** - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, fences, communications towers and signs, but excluding poles, recreational equipment and other similar objects. For floodplain management purposes, the term shall also include gas or liquid storage tanks that are principally above ground, as well as mobile or manufactured homes. [Ord. 02-04]

**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 10 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

## ZONING

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 (A) 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 (B) any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an historic structure. [Ord. 09-31]

**SWIMMING POOL** - a body of water in an artificial container, whether located in or above the ground, having a depth at any point of more than 2 feet or a surface area of more than 250 square feet, used or intended to be used for swimming by children and/or adults.

**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 §433.) [Ord. 09-31]

**TEMPORARY USE** - a short-term use or special activity, including but not limited to, carnivals, circuses, open-air cultural, religious or sporting events. (See §433.) [Ord. 09-31]

**TEMPORARY ZONING PERMIT** - a zoning permit authorized by the Zoning Officer for a non-permanent structure or use where such structure or use is determined to be beneficial to the public health or general welfare, or is necessary to promote the proper development of the Township. [Ord. 09-31]

**TOWNHOUSE** - single unit attached dwelling units of one or two story construction situated so that there are three or more units contiguous to one another.

**TOWNSHIP SUPERVISORS** - the elected governing body of Muncy Creek Township.

**TRUCK STOP COMPLEX** - any building, premises or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities.

**TRUCK TERMINAL or FREIGHT STATION** - a structure or group of structures owned and/or operated by a trucking firm(s), where the principal use is for loading, unloading, storage and/or transfer of truck-transported goods, including truck maintenance, and fueling activities.

**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 2003

(or the latest edition thereof) by reference as the standard applicable to construction within the Commonwealth, including floodplain construction. [Ord. 09-31]

**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. The term permitted use shall not be deemed to include a nonconforming use (See also “principal and accessory uses.”)

**VARIANCE** - the Zoning Hearing Board authorized departure to a minor degree from the terms of this Chapter in direct regard to hardship peculiar to an individual lot in accordance with the procedures set forth in this Chapter.

**WAREHOUSE** - a building used primarily for the storage of goods or materials, excluding mini-warehouse.

**WHOLESALE TRADE** - establishments or places of business, including warehouses and building material sales yards, primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**YARD** - an open space, as may be required by this Chapter, of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest street centerline or right-of-way line and is unoccupied and unobstructed from the ground upward except as herein permitted.

**YARD, FRONT** - an open space extending the full width of the lot, between a building and the street centerline or right-of-way line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Chapter.

**YARD, REAR** - an open space extending the full width of the lot, between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Chapter.

**YARD, SIDE** - an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Chapter.

**ZONING HEARING BOARD (ZHB)** - the Zoning Hearing Board of Muncy Creek Township.

**ZONING MAP** - the Zoning Map of Muncy Creek Township, together with all amendments subsequently adopted.

**ZONING OFFICER** - the administrative officer charged with the duty of enforcing the provisions of this Chapter.

## ZONING

**ZONING PERMIT** - a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the district in which it is located.

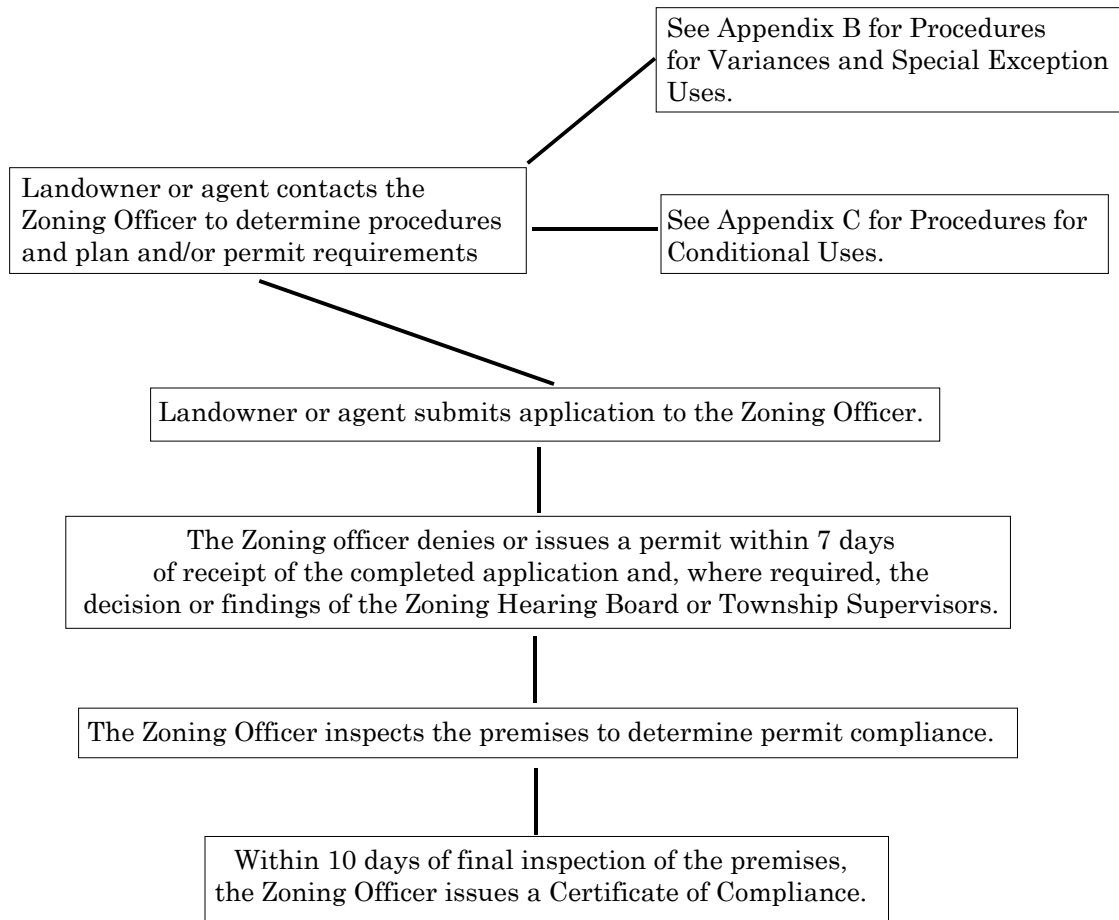
(Ord. 97-1A, 2/5/1997, §1401; as amended by Ord. 02-04, 10/28/2002, Art. 6; by Ord. 04-13, 3/15/2004, Art. III; and by Ord. 09-31, 10/19/2009, Art. 8)

**APPENDIX A**

**GENERAL PROCEDURES FOR OBTAINING ZONING PERMITS**

**AND CERTIFICATES OF COMPLIANCE**

(See §1203, Zoning Permits and Certificate of Compliance)

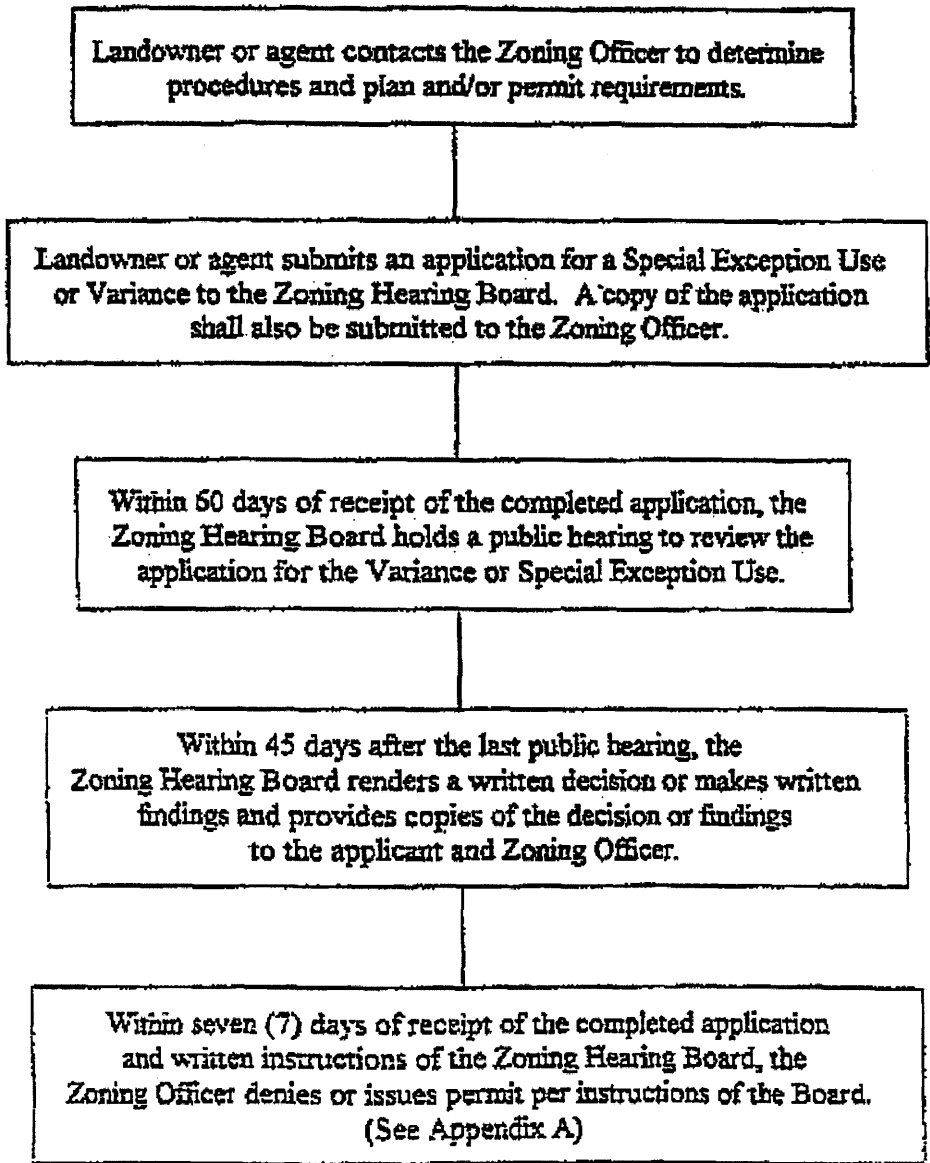


(Ord. 97-1A, 2/5/1997; as amended by Ord. 09-31, 10/19/2009, Art. 8)

**APPENDIX B**

**PERMIT PROCEDURES FOR VARIANCES  
AND SPECIAL EXCEPTION USES**

(Sec 1002 Hearing Procedures)





**APPENDIX C**

**PERMIT PROCEDURES FOR CONDITIONAL USES**

(See 1101 Conditional Uses)

