

## ARTICLE IV DISTRICT REGULATIONS

### **400 Northern Tier Coalition Cooperation**

This zoning ordinance is enacted in accord with an Intermunicipal Cooperation Agreement adopted by the twelve participating municipalities in the Northern Tier Coalition of Susquehanna County to implement the Northern Tier Coalition Multi-Municipal Comprehensive Plan. The adopted Multi-Municipal Comprehensive Plan includes a *Future Land Use Map* which identifies the following generalized future land use areas: *designated growth area, village centers, residential neighborhoods and rural working landscape area.*

The zoning ordinances and zoning maps adopted by the Participating Municipalities provide for a variety of housing types and densities and accommodate all categories of land uses within the Northern Tier Coalition Area, and are consistent with the Multi-Municipal Comprehensive Plan by designating the following zoning districts: *Residential District, Rural-Agricultural District, Village Commercial District and Commercial-Industrial District.* All districts and all uses are not provided in each Participating Municipality. This is consistent with §1006-A(b.1) of the Pennsylvania Municipalities Planning Code which states: *Where municipalities have adopted a multimunicipal comprehensive plan pursuant to Article XI but have not adopted a joint municipal ordinance pursuant to Article VIII-A and all municipalities participating in the multimunicipal comprehensive plan have adopted and are administering zoning ordinances generally consistent with the provisions of the multimunicipal comprehensive plan, and a challenge is brought to the validity of a zoning ordinance of a participating municipality involving a proposed use, then the court shall consider the availability of uses under zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the application of the zoning ordinance on the municipality whose zoning ordinance is being challenged.*

### **401 Designation of Districts**

#### **401.1 Designation**

For the purposes of this Ordinance, the following Zoning Districts are hereby created:

- R Residential District
- RA Rural-Agricultural District

#### **401.2 Intent**

The intent of each District and the uses permitted in each District are set forth on the District Use Schedules contained in §404 of this Ordinance or in the specific sections establishing any overlay district. Bulk and density standards for each District are set forth on the Schedule of Development Standards contained in §404 of this Ordinance.

#### **401.3 Floodplain Overlay District**

The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the one hundred (100) year flood, as identified in the most current *Flood Insurance Study* and the accompanying *FIRM - Flood Insurance Rate Map* issued by the Federal Emergency Management Agency. In addition to all other applicable standards of this Zoning Ordinance the floodplain regulations in the Municipality's Floodplain Ordinance shall apply in the Floodplain Overlay District.

#### **401.4 Residential Overlay District**

The Residential Overlay District is hereby created to afford protection to residential subdivisions developed in a district other than a Residential District. Based on the request of the Developer at the time of final subdivision approval of any residential development of ten (10) or more lots (not including the parent parcel), the approved subdivision, including all lots and other lands (such as conservation open land) which are part of the subdivision, shall be incorporated into the Residential Overlay District where all standards applicable in the standard Residential District shall apply in lieu of the underlying district standards.

#### 401.5 Lake Overlay District

The Lake Overlay District is hereby created to recognize the importance of lakes to the Municipality and region. The Lake Overlay District shall include any lake of five (5) acres or more in size which is fronted by more than one (1) property, along with the area of the fifty-foot buffer strip established by §704.3 of this Ordinance. (See Lake Overlay District Schedule of Uses.)

#### 402 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of the Municipality; which is hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto.

#### 403 District Boundaries

##### 403.1 Establishment

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Susquehanna County Recorder of Deed's Office and on the Susquehanna County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions or otherwise as shown on the Official Zoning Map.

##### 403.2 Interpretation

Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

##### 403.3 Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer is authorized to determine the correct district boundary in accord with the guidelines of this Zoning Ordinance. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

#### 404 District Regulations

District regulations are of two types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion of an existing use or change of use of any land or structure.

##### 404.1 Use Regulations

District Use Regulations are provided in the following Schedule of Uses.

- A. Permits for principal permitted uses and accessory uses, if a permit is required, shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.
- B. Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.
- C. No land and no structure in a particular zoning district shall be used for any use which is not specifically listed on the Schedule of Uses for that particular district, and only in accord with all other requirements of this Ordinance. Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provision of this Ordinance. In cases where this Ordinance provides different requirements for the same

use, the most restrictive requirement shall apply.

#### 404.2 Uses Not Specified in Schedule of Uses

This §404.2 addresses, by special exception, a proposed use which is neither specifically permitted nor specifically denied in any zoning district established under this Ordinance and which is not permitted in a zoning district in another participating municipality by intermunicipal agreement in accord with §400 of this ordinance and §1006-A (b.1) and Article XI of Pennsylvania Municipalities Planning Code relating to multimunicipal comprehensive plans.

- A. Jurisdiction - Whenever an application is made to the Zoning Officer for such use, the application shall be submitted to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
- B. Findings - The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden of proof shall be upon the applicant:
  1. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
  2. The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Zoning Ordinance.
  3. The use is not permitted in any other zoning district.
- C. Planning Commission Review - At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Planning Commission for its recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until the comments from the Planning Commission are received or thirty (30) days have passed from the time the application was referred to the Planning Commission.
- D. Conditions - The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the Schedule of Uses, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

#### 404.3 Development Standards

The Schedule of Development Standards which follows establishes minimum standards for lot area; lot depth, average lot width and front, side and rear yards; and establishes maximum standards for building height and lot coverage. The standards also establish specific standards and criteria that apply to the use as may be appropriate to protect the public health, safety and welfare. Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections.

#### 404.4 Table of Uses Permitted by District

The Table of Uses by District which follows summarizes the various uses according to the classification of the use in the zoning districts. The Table is for reference only and the Schedule of Uses and all underlying Zoning Ordinance sections shall be the final determinant for regulation.

**ACCESSORY USES ALLOWED IN ALL DISTRICTS EXCEPT THE LAKE OVERLAY DISTRICT**

(Zoning Officer)

- |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                    |
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| <ul style="list-style-type: none"> <li>- Accessory uses customary to approved uses</li> <li>- Barns, silos, sheds, and similar agricultural buildings</li> <li>- Day care, adult and child as a home occupation</li> <li>- Essential services</li> <li>- Home greenhouses</li> <li>- Private garages, carports, sheds</li> </ul> | <ul style="list-style-type: none"> <li>- Private swimming pools</li> <li>- Required parking areas</li> <li>- Signs accessory to approved uses</li> <li>- Wind turbine generators, accessory</li> <li>- Yard sales (permit not required)</li> </ul> |
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**R - RESIDENTIAL DISTRICT -- SCHEDULE OF USES**

<p><b>INTENT:</b> To provide areas adequate to accommodate single-family and two-family housing needs and recognize existing residential communities, including lake communities. To limit unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public and semi-public uses compatible with residential neighborhoods. Concurrently, forestry enterprises and agriculture are permitted, with a minimum parcel size required for livestock operations.</p>	
<p style="text-align: center;"><b>PRINCIPAL PERMITTED USES</b> <u>(Zoning Officer)</u></p> <ul style="list-style-type: none"> <li>- Conservation design subdivision per §601</li> <li>- Crop production (permit not required)</li> <li>- Forestry enterprises (permit not required)</li> <li>- Group homes</li> <li>- Single-family detached dwellings</li> <li>- Stables, private (5-acre minimum)</li> <li>- Two-family dwellings</li> </ul> <hr/> <p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the R District except as approved in accord with §404.2.</p>	<p style="text-align: center;"><b>CONDITIONAL USES</b> <u>(Planning Commission /Governing Body)</u></p> <ul style="list-style-type: none"> <li>- Bed and breakfast establishments (2-acre minimum)</li> <li>- Home occupations*</li> </ul> <p style="text-align: center;"><b>SPECIAL EXCEPTIONS</b> <u>(Planning Commission / Zoning Hearing Board)</u></p> <ul style="list-style-type: none"> <li>- Public parks and playgrounds</li> </ul> <p>*See §503 which classifies certain home occupations as accessory uses.</p>

**RA - RURAL AGRICULTURAL DISTRICT -- SCHEDULE OF USES**

**INTENT:** To maintain the existing character of the traditional rural working landscape. The continued use of land for agriculture and forestry enterprises is permitted, protected and encouraged. Recognizing the need for landowners to have economic opportunity not related to natural resources, residential development, limited recreational uses, certain institutional uses, and a number of other commercial uses are permitted subject to performance standards.

**PRINCIPAL PERMITTED USES**  
(Zoning Officer)

- Art studios\*
- Bed and breakfast establishments\*
- Boarding and lodging houses\*
- Camps, adult or youth\*
- Commercial greenhouses and nurseries\*
- Conservation design subdivision per §601
- Crop production (permit not required)
- Day care, adult and child\*
- Exercise clubs\*
- Farm stands
- Forestry enterprises (permit not required)
- Group homes
- Group quarters
- Health facilities\*
- Livestock operations on 10 acres or more
- Medical clinics\*
- Mineral extraction which per §825 is a Noncoal Surface Mining Activity requiring a DEP *small license/small permit* and any other mineral extraction activity which is not classified as a conditional use\*
- Nursing homes\*
- Office buildings\*
- Professional offices\*
- Recreational facilities, commercial\*
- Service establishments\*
- Single-family detached dwellings
- Stables, commercial, and horses for hire\*
- Stables, private in association with a single-family detached dwelling
- Storage yards for forest products and minerals\*
- Theaters, indoor\*
- Trade schools
- Municipal buildings and uses
- Two-family dwellings

\*Considered a conditional use if the proposed use is located within 500 feet of an existing residential dwelling not located on the same parcel with the proposed use. Measured from the physical location of the proposed use to the property line of the parcel on which the existing dwelling is located.

**CONDITIONAL USES**  
(Planning Commission /Governing Body)

- Agricultural products processing
- Aircraft sales, repair or modification
- Airports, private and public
- Animal hospitals
- Archery ranges, outdoor commercial
- Campgrounds and recreational vehicle parks
- Cemeteries and crematoria
- Clubs/lodges, private
- Colleges and universities
- Commercial communication device sites
- Concentrated animal feeding operations

**CONDITIONAL USES**  
(Planning Commission /Governing Body)

- Contractor's yards
  - Heliports, accessory and commercial
  - Home occupations\*\*
  - Hotels
  - Kennels and pounds
  - Livestock operations on less than 10 acres
  - Manufacturing, light
  - Mineral extraction which per §825 is a Noncoal Surface Mining Activity requiring a DEP *large license/small permit* or a *large license/large permit*, an Underground Noncoal Mining Activity
  - Mineral processing in association with mineral extraction per §825.3
  - Mobile home parks
  - Mobile and manufactured home sales
  - Motels
  - Multi-family dwellings at the same density as two-family dwellings
  - Oil and gas wells (§825 applies)
  - Places of worship
  - Race tracks
  - Restaurants, standard
  - Retail businesses
  - Retail businesses with 5,000 sq. ft. or less of gross floor area
  - Retail home heating fuel distributors
  - Sawmills
  - Self-storage facilities
  - Shooting ranges, outdoor commercial
  - Slaughter houses
  - Solid waste facilities and staging areas
  - Taverns
  - Vehicle or equipment repair operation
  - Vehicle or equipment sales or rental operations
  - Veterinary clinics
  - Warehouses
  - Wholesale businesses
  - Wind energy facilities
  - Zoos and menageries
- \*\*See §503 which classifies certain home occupations as accessory uses.

**SPECIAL EXCEPTIONS**  
(Planning Commission / Zoning Hearing Board)

- Public and semi-public buildings and uses
- Public parks and playgrounds
- Recreational facilities, public
- Schools, public or private primary or secondary

NOTE: Uses not specifically listed by this schedule shall not be permitted in the RA District except as approved in accord with §404.2.

**LO - LAKE OVERLAY DISTRICT (See §404.1)**

**INTENT** - The intent of this District is to provide standards for the use of lakes of fifteen (15) or more acres in size and which is fronted by more than one (1) property, along with the area of the fifty-foot buffer strip established by §704.3 of this Ordinance. (See §401.5.) The preservation of the water quality and the recreation appeal of the lakes is in the best interest of the health, safety and welfare of the residents of the municipality and the public as a whole. The standards prohibit the occupancy of boats on an overnight/permanent basis in order to prevent the discharge of waste for the protection of the public health and safety and to maintain water quality. Standards are also included to limit commercial activities and operations on the lakes to minimize congestion and maintain the public safety.

**DISTRICT ESTABLISHMENT** - The Lake Overlay District shall include all lakes of five (5) acres or more in size and which is fronted by more than one (1) property, along with the area of the fifty-foot buffer strip established by §704.3 of this Ordinance.

<p style="text-align: center;"><b>PRINCIPAL PERMITTED USES</b> (Zoning Officer)</p> <ul style="list-style-type: none"> <li>- Outdoor recreation uses in accord with the rules and regulations of the Pennsylvania Fish and Boat Commission, the Susquehanna River Basin Commission, the Pennsylvania Department of Environmental Protection and other governing agencies.</li> </ul> <p style="text-align: center;"><b>ACCESSORY USES</b> (Zoning Officer)</p> <ul style="list-style-type: none"> <li>- Accessory boat docks and swimming docks</li> <li>- Accessory structures in accord with §704.3,C</li> </ul>	<p style="text-align: center;"><b>SPECIAL EXCEPTIONS</b> (Zoning Hearing Board)</p> <ul style="list-style-type: none"> <li>- none</li> </ul> <p style="text-align: center;"><b>CONDITIONAL USES</b> (Planning Commission /Borough Council)</p> <ul style="list-style-type: none"> <li>- Commercial lake access facilities on lakes with existing public access</li> </ul>
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**NOTE:** The following uses shall not be permitted:

1. Any use not specifically listed by this schedule except as approved in accord with §404.2.
2. Lake access facilities. (See definition in Article III.)
3. Residential occupancy of any boat or other water craft. Residential occupancy shall be considered as the use of any water craft for longer-term, weekend, week, and/or seasonal occupancy; and for purposes other than pleasure boating, water skiing, swimming, fishing or other water-based recreation activities. For the purposes of this provision the determination of residential occupancy shall be made exclusively by the Zoning Officer.
5. The sale of any product or service which requires the transfer of said product or service from any dock to any water craft or from one water craft to another, or from a water craft to a dock or to the shore.
6. The mooring of boats, docks or any floating devices which are not accessory to a lake front lot.

<b>SCHEDULE OF DEVELOPMENT STANDARDS</b>				
NOTE: Larger lot sizes, setbacks or other standards may be required by other sections of this Ordinance. In any case the most restrictive shall apply.				
<b>Minimum lot size and density</b>				
Type of Sewage Disposal and Water Supply	Minimum Lot Size (acres)		Minimum Land Area for Multi-Family Dwellings (acres/dwelling unit)	
	single-family dwellings and non-residential uses*	two-family dwellings*		
lots served with on-site sewage disposal	2.00	4.00	(central sewage <b>and</b> central water required)  See §603	
lots served with central sewage disposal	1.00	2.00		
lake lots served by central sewage disposal <b>and</b> central water supply	1.00	2.00		
* as permitted in the zoning district by the Schedule of Uses				
<b>Lot dimensions for lots proposed in a standard subdivision</b> (See §601 for Conservation Design)				
	Lot size equal to or greater than			
	2.00 acres	1.00 acres		
Minimum width (feet)	200	150		
Minimum depth (feet)	200	200		
Minimum street frontage (feet)	not less than 50% of required lot width except for flag lots as provided by the SALDO			
<b>Minimum building setback requirements for all uses</b> (See §601 for Conservation Design)				
	Lot size equal to or greater than (acres)			nonconforming lots less than 0.50 acres
	2.00	1.00	0.50	
Front - from edge of each right-of-way (feet)	60	60	40	20
Each side - from property line (feet)	20	15	15	15
Rear - from property line (feet)	40	30	25	15
Special conservation setbacks	wetlands - §704.2; lakes/ponds - §704.3; streams - §704.5			
<b>Residential maximum lot coverage</b> (percent)	25	30	35	40
<b>Non-residential maximum lot coverage</b> (percent)	commercial and institutional - 50 light manufacturing; manufacturing and industry - 60			
<b>Maximum building height</b> (feet) -- see §501.4 for exceptions				
residential	35			
commercial and institutional	40			
light manufacturing; manufacturing and industry	50			