

ARTICLE 9

Conditional Use Criteria

9.1 Criteria For A Variety Of Uses

9.1.1 The criteria presented in Section 9.1.2 below shall apply to the uses listed below when they are specified as a Conditional Use within a particular district:

- 9.1.1.1 Agricultural Business;
- 9.1.1.2 Day Care Center;
- 9.1.1.3 Dwelling, Multiple Family;
- 9.1.1.4 Indoor Recreation or Entertainment Facility;
- 9.1.1.5 Mobile Home Park;
- 9.1.1.6 Motel;
- 9.1.1.7 Nursing Home or Retirement Village;
- 9.1.1.8 Outdoor Recreation Use or Facility;
- 9.1.1.9 Parking Lot (as a principal use);
- 9.1.1.10 Public or Quasi-Public Use;
- 9.1.1.11 Restaurant;
- 9.1.1.12 Retail, Office, Service, or Repair Business;
- 9.1.1.13 Shopping Center;
- 9.1.1.14 Townhouse; or
- 9.1.1.15 Wholesale, Distribution, or Printing Business

9.1.2 The Conditional Use criteria for the uses outlined in Section 9.1.1 above shall include:

- 9.1.2.1 Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, malls, screening and

landscaped areas to serve the project shall be provided. See Article 8 for supplemental regulations which may apply;

- 9.1.2.2 The proposed use shall maintain or enhance the character of the area in which it is proposed to locate;
- 9.1.2.3 A proposed use shall be located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development;
- 9.1.2.4 A proposed use shall not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding area either due to appearance or operations;
- 9.1.2.5 It shall be demonstrated that the operating requirements of the proposed use shall necessitate the location of such use or building within the vicinity served by the proposed location;
- 9.1.2.6 Conditional uses proposed for the Village Center District are deemed most appropriate for prominent locations along collector streets, at corner locations and in areas of existing mixed residential and non-residential uses. Such use are not appropriate at locations in neighborhoods which are primarily residential in nature and where traffic impacts would be disruptive to the residential character;
- 9.1.2.7 The use or adaption of a structure or lot in the Village Center District for a Conditional use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or the Borough Council;
- 9.1.2.8 In the event sewer and water facilities are required for the proposed use, Public or Community systems shall be provided; except that DER approved on-lot facilities may be acceptable for the following uses: Agricultural Business; Day Care Center; Indoor Recreation or Entertainment Facility; Outdoor Recreation Use or Facility (other than Recreation Vehicle Park, Marina, or Campground

Uses); Public or Quasi-Public Use; Restaurant; Retail, Office, Service, or Repair Business; or Wholesale, Distribution, or Printing Business;

- 9.1.2.9 Stormwater management facilities shall be provided which shall be designed to create no increase in the rate of runoff of stormwater by providing controlled release and recharge area (see Section 407 of the Columbia County Subdivision and Land Development Ordinance, as amended for standards - see Appendix C); evidence of maintenance and liability responsibilities shall be demonstrated; and facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners;
- 9.1.2.10 Compliance with the floodplain regulations of the Borough and the Commonwealth shall be demonstrated if applicable prior to granting the zoning approval;
- 9.1.2.11 Permanent screening and landscaping shall be provided in accord with the Screening and Landscaping provisions of Article 8 to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences and to enhance the overall appearance of the borough;
- 9.1.2.12 Lighting facilities shall be designed to insure that glare and direct illumination does not occur onto adjacent properties and roadways;
- 9.1.2.13 Sites shall be designed and constructed in accord with the applicable requirements of the Columbia County Subdivision and Land Development Ordinance.
- 9.1.2.14 Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated; and
- 9.1.2.15 All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.

9.2 Agricultural Business - see Section 9.1

9.3 Animal Hospital or Kennel

Animal Hospitals or Kennels, including treatment, breeding, boarding and grooming facilities, are to be conditioned upon, but not limited to, the following criteria:

- 9.3.1 Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.
- 9.3.2 Demonstration that all animals will be confined to the property.
- 9.3.3 Demonstration of adequate methods for sanitation and sewage disposal.
- 9.3.4 Outdoor runs shall be located at least 100 feet from any lot line.
- 9.3.5 Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences. If deemed necessary by the Borough Council, fencing to attenuate sound shall be provided.
- 9.3.6 A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, sidewalks, buildings, runs, and other physical features, existing and proposed.

9.4 Bed and Breakfast Inn

9.4.1 Intent

A Bed and Breakfast Inn shall provide temporary travelers' accommodations and breakfast in a single family residence for a fee, on a daily or weekly room rental basis.

9.4.2 Standards

- 9.4.2.1 Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.
- 9.4.2.2 Off-street parking shall be provided in accord with the Off-Street Parking and Loading

provisions of Article 8. The front yard shall not be used for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

- 9.4.2.3 The number of guests shall be limited to 6 persons at any one time, except where sanitation facilities would otherwise allow more.
- 9.4.2.4 Room rentals to families or individuals shall not exceed 14 consecutive days.
- 9.4.2.5 Compliance with the provisions for Signs in Article 8 shall be maintained.

9.5 Cluster Subdivision

9.5.1 Statement of Purpose

Cluster subdivision is an optional form of development which allows the developer more choices of housing types, and enables him to develop lots smaller than otherwise specified in this Ordinance, provided the land saved is reserved for permanent common use, in the form of Open Space.

A cluster subdivision shall be designed in accord with the regulations contained in this section except that the maximum gross density of 5 dwelling units per acre for the Village Center District shall not be exceeded.

All proposed Cluster Subdivision projects must be approved by submission of appropriate preliminary and final plans to the County Planning Commission in compliance with the Columbia County Subdivision and Land Development Ordinance, and shall be acted on within the time limits set forth in Article V of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended. The approval by the Borough Council for a Cluster Subdivision use for a tract of land shall in no way automatically guarantee preliminary or final plan approval without satisfactory compliance with all other applicable codes and regulations of the Borough, County, State, or Federal Government.

9.5.2 Applications For Cluster Subdivision Development

Any developer who desires to initiate a Cluster Subdivision shall submit an application to the Borough Council through the Zoning Officer in accord with Conditional Use procedure. The application shall be accompanied by:

- 9.5.2.1 Location map showing the project in relation to the surrounding area;
- 9.5.2.2 Sketch plan showing:
 - 9.5.2.2.1 Property lines and easements with dimensions and area;
 - 9.5.2.2.2 Location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;
 - 9.5.2.2.3 The building types, sections, floor plan, and site sections to clearly define the character of the project; the Borough Council may require a model if deemed necessary;
 - 9.5.2.2.4 Topographic information showing existing features, conditions, and proposed grading;
 - 9.5.2.2.5 Landscaping plans showing open spaces, planting, existing and proposed trees and recreational areas and facilities; and
 - 9.5.2.2.6 Existing streets, showing access to the project, proposed roads and parking layout with dimensions.
- 9.5.2.3 Written information regarding land use designations, surrounding land uses, project design teams, development schedule, type, size, number and estimated selling price of units and density calculations; and
- 9.5.2.4 Written information regarding the following:
 - 9.5.2.4.1 The nature and extent of the common open space in the project, the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space

in terms of the densities and dwelling types proposed in the plan;

9.5.2.4.2 Whenever applicable, documents indicating compliance and approval of mandated County and State statutes or other laws shall be obtained and submitted as part of the application.

9.5.3 Criteria For Granting Conditional Use Approval For Cluster Subdivision

A conditional use approval for a cluster subdivision shall only be granted if evidence is presented that:

9.5.3.1 The proposed cluster subdivision shall be in harmony with the general purpose, goals, objectives and standards of the Borough Comprehensive Plan, this section and the Columbia County Subdivision and Land Development regulations;

9.5.3.2 The proposed cluster subdivision shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Ordinance, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare;

9.5.3.3 The proposed cluster subdivision shall be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers and schools;

9.5.3.4 The proposed cluster subdivision shall not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.

9.5.4 General Qualifications

9.5.4.1 Tract Size

Minimum development tract size shall be ten (10) contiguous acres. Excluded from the determination of development tract size are all land situated in the 100 year floodplain

(see Stillwater Borough Floodplain Management Ordinance adopted December 10, 1985, as amended, for definition of the 100 year floodplain).

9.5.4.2 Density

The gross density of a cluster subdivision shall not exceed five (5) dwelling units per acre. Determination of the number of units allowable on a tract for cluster subdivision is as follows:

Gross acreage of parcel, minus the acreage in the 100 year floodplain, times 5 units/acre, equals total number of dwelling units permitted.

9.5.4.3 Types of Dwelling Units

Single-family dwellings, double dwellings, townhouses, and multiple family dwellings may be permitted in a cluster subdivision pursuant to the requirements of this article. All units proposed shall be for sale only.

9.5.4.4 Permitted Lot Area Reductions

For cluster subdivisions single family dwellings may be reduced up to 50% from the minimum established in S. 4.4.1.. Townhouse and multiple family dwelling lot size may be reduced to the area of the building unit. Double dwellings may be reduced up to 20% from the minimum established in S. 4.4.2..

9.5.4.5 Yard Dimensions

9.5.4.5.1 Minimum Yards for Single Family Dwellings and Double Dwellings:

Front: 25 ft.
Side: 0 ft.
Rear: 10 ft.

9.5.4.5.2 Townhouses and Multi-Family Buildings: All buildings shall be a minimum of 20 ft. from driveways and parking lots.

9.5.4.5.3 The cluster subdivision shall have a setback of 50 feet from the site perimeter for all buildings.

9.5.4.6 Landscaped Buffer Areas

Landscaped buffer areas shall be required along the exterior property lines of the proposed residential cluster development. Landscaped buffers shall consist of six feet or higher trees, shrubs, solid wood fencing or a combination thereof as approved by the Borough Council. Also, refer to the Screening and Landscaping regulations found in Article 8.

9.5.5 Special Housing Qualifications

9.5.5.1 Townhouse Group

Not more than eight townhouses shall be attached in a single group, and no more than two contiguous townhouses in any building may be constructed in line.

9.5.5.2 Spacing Of Structures

Minimum distances between structures shall be:

Single Family Dwelling	10 feet.
Double Dwelling	20 feet.
Townhouse	Forty (40) feet between buildings.
Multi-Family Dwelling	Forty (40) feet between buildings.

9.5.6 Garages and Accessory Buildings

Single Family Dwelling Units may have detached accessory buildings or garages provided that a ten (10) foot separation is maintained from the principle structure and that a minimum front buildingline of 25 ft. is maintained.

9.5.7 Impervious Coverage

The maximum permitted impervious coverage shall be thirty percent (30%) and shall apply to the entire development, rather than to individual lots.

9.5.8 Maximum Building Height

Thirty-five (35) feet.

9.5.9 Miscellaneous Regulations

9.5.9.1 Utilities

Public or community sewer and water facilities shall be provided.

9.5.9.2 Off-Street Parking

See Off-Street Parking and Loading regulations in Article 8.

9.5.9.3 Sign Regulations

See the regulations for Signs in Article 8.

9.5.9.4 Fence Regulations

See the regulations for Accessory Structures in Article 8.

9.5.9.5 Automobile Trailers and Mobile Homes

Shall not be permitted in a Cluster Subdivision.

9.5.10 Open Space Requirements

9.5.10.1 Such areas specifically designed for open space shall be fully usable and suitable for that purpose and shall be set aside by deed restriction.

9.5.10.2 Common open space may only be dedicated to public use as approved by the Borough Council upon favorable recommendation by the Planning Agency. The Borough Council reserves the right to deny dedication of open space.

9.5.10.3 Private Ownership.

When common open space, private streets and parking areas, and utilities are not dedicated and accepted to public use, it shall be protected by legal arrangements, satisfactory to the Borough, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall:

-Obligate purchasers to participate in a homeowners association and to support

maintenance of the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.

-Obligate such an association to maintain the open areas and private streets and utilities.

-Empower the Borough, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance.

-Provide for an agreement that, if the Borough is required to perform any maintenance work pursuant to the item above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such a cost has been paid; provided that the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Borough Council. Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recordation in the Office of the Recorder of Deeds, of a perpetual maintenance of facilities as prescribed herein above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

-Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Borough Council and any other specifications deemed necessary by the Borough Council.

9.6 Camp or Seasonal Dwelling (AFP District Only) - see Section 6.6

9.7 Day Care Center - see Section 9.1

9.8 Dwelling, Multiple Family - see Section 9.1

9.9 Dwelling, Single Family (AFP District Only) - see Section 6.6

9.10 ECHO Dwelling (Elder Cottage Housing Opportunity)

9.10.1 Statement of Intent

This section of the zoning ordinance authorizes, upon issuance of a conditional use permit, the installation of small removable homes, to be known as ECHO (an acronym for Elder Cottage Housing Opportunity) houses, on the same lots with single-family dwellings.

9.10.2 Purposes

9.10.2.1 To permit adult children to provide small temporary residences for their aging parents who are in need of support, while maintaining as much of the independence of the two generations as possible;

9.10.2.2 To permit families to provide security and support for non-elderly relatives with serious health problems or physical disabilities;

9.10.2.3 To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in nursing homes;

9.10.2.4 To develop housing types in single-family neighborhoods that are appropriate for households at a variety of stages in the life cycle; and

9.10.2.5 To permit ECHO housing in a manner that protects the property values and single-family character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removed.

9.10.3 Requirements for Permits to Install ECHO Units

A conditional use permit will be granted for a use to be known as Temporary ECHO Unit, provided that the requirements which follow are met.

9.10.4 Size of Unit

9.10.4.1 Minimum Area:

For one occupant, 280 square feet
For two occupants, 400 square feet

9.10.4.2 Maximum Area:

900 sq.ft.

9.10.4.3 Maximum Height:

16 feet or one story

9.10.5 Lot Coverage by ECHO Unit

9.10.5.1 The maximum building coverage and the maximum impervious surface of the applicable zoning district shall not be exceeded by the addition of the ECHO unit to the lot.

9.10.6 Placement of ECHO Unit on Lot

9.10.6.1 ECHO unit should be placed in compliance with the minimum yard regulations of the applicable zoning district and so that the rear yard space remains as usable as possible.

9.10.6.2 Access must be provided to the ECHO unit without going through principal residence.

9.10.6.3 Walls of the ECHO unit containing large windows should not be placed near lot lines or overlooking abutting property.

9.10.7 Removability

9.10.7.1 The unit's foundation should be of easily removable materials such as timber pilings or concrete block piers, so that the lot may be restored to its original use after removal, with as little expense as possible.

9.10.7.2 No permanent fencing, walls, or other structures shall be installed that will hinder removal of the ECHO unit from the lot.

9.10.8 Occupancy

- 9.10.8.1 The owner(s) of the principal residence and lot must live in one of the dwellings units on the lot.
- 9.10.8.2 At least one occupant of the principal residence and at least one occupant of the ECHO unit must be related by blood, marriage or adoption.
- 9.10.8.3 In no case shall there be more than two occupants of an ECHO unit.
- 9.10.8.4 At least one occupant of the ECHO unit must be over 62, or unable to live independently because of mental or physical illness or disability.

9.10.9 Parking

Adequate parking must be provided for any vehicles owned by occupants of the ECHO unit. The number of spaces required will be determined on a case-by-case basis by the borough council taking into account existing parking availability.

9.10.10 Access

All walkways from parking areas and principal residence to the ECHO unit should be suitable for wheelchair and stretcher access, as determined by the borough council.

9.10.11 Compatibility

The exterior of the ECHO unit shall be compatible with principal residences in terms of color, siding, roof pitch, window detailing, roofing material, and foundation or skirting appearance, as determined by the borough council.

9.10.12 General

Other appropriate or more stringent conditions may be added where deemed necessary by the borough council to protect public health, safety, and welfare, and the single-family character of the neighborhood.

9.10.13 Application Procedures

Property owner(s) who want to install an ECHO unit on the same lot with their principal residence must submit a written application which addresses the requirements for issuance of a conditional use permit and includes the following information:

9.10.13.1 Names of all owners of record and proposed occupants of the ECHO unit.

9.10.13.2 Addresses of same.

9.10.13.3 Parcel number of lot.

9.10.13.4 Relationship of occupant(s) to owner(s) and agreement that occupant(s) will meet the eligibility standards of Section 9.8.8.

9.10.13.5 List of all motor vehicles of owner(s) and occupant(s).

9.10.13.6 Plan of lot showing:

9.10.13.6.1 Dimensions and location of all structures on the lot;

9.10.13.6.2 Location of parking for motor vehicles of owner(s) and occupant(s); and

9.10.13.6.3 Square footage of ECHO unit and principal residence.

9.10.13.7 Floor plan for ECHO unit (may be manufacturer's or builder's brochure).

9.10.13.8 Architectural sketch showing compatibility of ECHO unit design and landscaping with that of main house, as well as other features such as attachment of the two dwellings, the appearance of the foundation for the ECHO unit, the location of major ECHO unit windows in relation to abutting properties, and adaptations for access by physically handicapped or disabled persons. Where appropriate or necessary a written description of the exterior of the ECHO unit and specific features may be substituted for the sketch.

9.10.13.9 Where private water and/or sewage systems will be used, a description of the facilities shall be provided for the ECHO unit. In addition a verification must be obtained from the municipal Sewage Enforcement Office that adequate on-lot sewage facilities shall be provided.

9.10.13.10 The ECHO unit shall be separated a minimum of ten (10) feet from any other structure.

9.10.14 Agreement to Special Conditions

Also included with the application for use permit must be the property owner(s)' agreement to any conditions the borough council sets for ECHO housing. This may be in the form of a letter in which the owner(s) will:

9.10.14.1 Verify that the installation, use and occupancy of the ECHO unit meet the conditions set by the local jurisdiction.

9.10.14.2 Recognize that if the permit expires, is revoked or invalidated, application for renewal or for a new permit must be made.

9.10.14.3 Acknowledge that when the ECHO unit is no longer a legally permitted use, the owner(s) will be responsible for its removal from the lot and for restoration of the property to its original condition within 6 months.

9.10.14.4 Agree that if the owner(s) should not remove the ECHO unit within six (6) months after it is no longer a permitted use, the jurisdiction may remove the unit and salvage it to defray any costs incurred.

9.10.15 Recording Special Permit on Land Records

If the permit is issued, the property owner is responsible for having a copy of it and the special conditions officially filed with the County Recorder of Deeds. The permit is not valid until this is done.

9.11 Group Care Facility

- 9.11.1 The Group Care Facility shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.
- 9.11.2 The Group Care Facility shall maintain a residential neighborhood character.
- 9.11.3 The Group Care Facility zoning approval shall not be transferrable from the original applicant to a new operator.
- 9.11.4 The Group Care Facility zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- 9.11.5 Off-street parking spaces shall be provided for all vehicles associated with the Group Care Facility including the householder, residents, attendant care givers, and visitors.

9.12 Indoor Recreation or Entertainment Facility - see Section 9.1

9.13 Kennel - see Section 9.3

9.14 Mobile Home Park - see Section 9.1

9.15 Motel - see Section 9.1

9.16 Nursing Home or Retirement Village - see Section 9.1

9.17 Outdoor Recreation Use or Facility - see Section 9.1

9.18 Parking Lot (as a principal use) - see Section 9.1

9.19 Public or Quasi- Public Use - see Section 9.1

9.20 Restaurant - see Section 9.1

9.21 Retail, Office, Service, or Repair Business - see Section 9.1

9.22 Shopping Center - see Section 9.1

9.23 Surface Mining

The applicant shall submit a site plan indicating areas proposed for excavation, proposed quarry and spoil stockpiles, roadways, driveways, buildings and other structures, water bodies, and screening areas and materials.

- 9.23.1 The applicant shall demonstrate compliance with all pertinent environmental requirements including floodplain, wetland, erosion and sedimentation control, and surface mining regulations.
- 9.23.2 This use shall not be permitted within 100 ft. of the outside line of the right-of-way of any public highway or within three hundred (300) feet of any occupied dwelling, unless the consent to do so is released by the owner thereof, or any public building, school, park, or community or institutional building.
- 9.23.3 This use shall not be permitted within one-hundred (100) feet of any cemetery or the bank of any stream.
- 9.23.4 The applicant shall submit an appropriate screening plan which may make use of spoils material provided that it shall be neatly graded and vegetated. Screening may be located within the restricted zones noted above.

9.24 Townhouse - see Section 9.1

9.25 Waste Storage or Processing Facility

- 9.25.1 No application considered for Conditional Use under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Resources, the United States Environmental Protection Agency, and such other federal or state agencies as required under the applicable enabling statutes.
- 9.25.2 All facilities considered for Conditional Use under this section shall not be located in the following locations (as measured from the property line of the Waste Storage or Processing Facility):
- 9.25.2.1 Within $\frac{1}{2}$ mile of a well or spring used for a community water supply;
 - 9.25.2.2 Within $\frac{1}{2}$ mile of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply;
 - 9.25.2.3 Within any 100 year floodplain or a larger area that the flood of record has inundated;
 - 9.25.2.4 Within any wetland area;

- 9.25.2.5 Over any active or inactive oil or gas wells or storage areas;
- 9.25.2.6 Over any formations of carbonate bedrock;
- 9.25.2.7 Within $\frac{1}{2}$ mile of any National Landmark or historic site as listed on the National Register of Historic Places;
- 9.25.2.8 Within any Agricultural Security Area;
- 9.25.2.9 In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service;
- 9.25.2.10 Within one (1) mile of any school, church, hospital, clinic, day care facility, prison, jail, halfway house, rehabilitation facility, airport, retail center, nursing home, or government building;
- 9.25.2.11 Within $\frac{1}{2}$ mile of any designated Aquifer Protection Area or Well-head Protection Area; or
- 9.25.2.12 Within 1 mile of persons certified as "at risk" by at least 2 physicians licensed by the Commonwealth of Pennsylvania.

9.25.3 Community and Environmental Impact Analysis

Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information;

- 9.25.3.1 Hydrologic analysis and information;
- 9.25.3.2 Information concerning geologic conditions;
- 9.25.3.3 SCS soils classification information;
- 9.25.3.4 Information on mineral bearing areas;
- 9.25.3.5 Land use analysis;
- 9.25.3.6 Information regarding transportation impacts;
- 9.25.3.7 Information regarding emergency and safety services;
- 9.25.3.8 Economic impact analysis; and
- 9.25.3.9 Air quality impact analysis.

9.25.4 Application Requirements

The Applicant shall submit the following information pertaining to the site or project:

- 9.25.4.1 A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal at the site;
- 9.25.4.2 A description of the specific technology and procedures the applicant proposes to use to treat, process, and dispose of the waste at the facility;
- 9.25.4.3 A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;
- 9.25.4.4 A statement of qualifications to operate a waste disposal facility;
- 9.25.4.5 A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:
 - Facility construction and maintenance procedures;
 - Operating procedures and practices, the design of the facility and its associated activities;
 - Monitoring procedures, practices and standards necessary to assure safe operation of the facility;
 - The services to be offered by the applicant to the community;
 - The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provision;
 - Provisions for renegotiations of any term, condition or provision of the siting agreement;

-Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between the parties;

-Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities for demonstrated adverse impacts;

-Provision for direct monetary payments to the borough and special services to be provided for demonstrated adverse impacts;

-Provision to assure the health, safety, comfort, convenience and social and economic security of the borough;

-Provision to assure the protection of environmental and natural resources;

-Provisions to compensate the borough, the county and/or other agencies for the review costs incurred due to the applicants proposal, and to allow site access for review purposes.

9.26 Wholesale, Distribution, or Printing Business - see Section 9.1

ARTICLE 10

Administration and Enforcement

10.1 Generally

For the purposes of administering and enforcing this Ordinance, a Zoning Officer shall be appointed and the Zoning Hearing Board consisting of three (3) members shall be established. An alternate hearing board member may be appointed in accord with Section 903.(b) and 906(b) of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended (MPC). The Borough Council shall appoint persons to these positions in consideration of capability and willingness to serve the Borough and in accordance with the provisions of the MPC and this Ordinance. The appointment of a Zoning Officer is generally governed by Section 614 of the MPC. The establishment of a zoning hearing board is generally governed by Sections 901, 903, 906, and 907 of the MPC.

10.2 General Procedure: Zoning Permit Required

Persons desiring to construct, alter, or change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. See the provisions for Filing Fees and Application Forms in Article 10. The Zoning Officer will then either issue or refuse the permit or refer the application to the Zoning Hearing Board or the Borough Council. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. However, applicants are advised that other agency regulations or approvals may apply that are not within the jurisdiction of the Borough.

10.3 Development Permits and Certificates

10.3.1 Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

- 10.3.1.1 Permitted Use - Issued by the Zoning Officer on the authority granted herein;
- 10.3.1.2 Special Exception Use - Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;
- 10.3.1.3 Conditional Use - Issued by the Zoning Officer after review by the Borough Planning Agency and upon the order of the Borough Council;

10.3.1.4 **Permit On Appeal or Variance** - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board.

10.3.2 Zoning Permits shall be issued in triplicate and one (1) copy shall be retained by the applicant. No person shall perform building operations of any kind unless a Permit Placard issued by the Zoning Officer is displayed conspicuously on the premises. The Zoning Officer or Zoning Hearing Board may revoke a Zoning Permit at any time if it appears that the application is in any way false or misleading, or that work being done upon the premise differs from that specified in the application.

10.3.3 An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently pursued. Reasonable extensions of time not exceeding ninety (90) days may be granted at the discretion of the Zoning Officer or Zoning Hearing Board.

10.3.4 **Expiration of Permit**

If the work approved by issuance of any Zoning Permit has not begun within one (1) year from the date of issuance, said permit shall expire. A one (1) year extension may be granted at the discretion of the zoning officer if requested in writing by the applicant with good cause shown. If the work approved by issuance of any Zoning Permit has not been completed within three (3) years from the date of issuance, said permit shall expire.

10.4 **Powers And Duties Of The Zoning Officer**

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

10.4.1 Receive application for, evaluate, and issue Zoning Permits for uses and structures proposed within the terms of this Ordinance;

- 10.4.2 Issue or refuse permits within thirty (30) days of the receipt of a complete application or refer said applications to the appropriate body;
- 10.4.3 Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land;
- 10.4.4 Make site visits and inspections as are necessary to perform his duties at any reasonable hour;
- 10.4.5. Issue permits for uses by approved variance, special exception or conditional use on order by the appropriate body;
- 10.4.6 Be responsible for maintaining a true and correct copy of this Ordinance and the Official Zoning Map with respect to any amendments thereto;
- 10.4.7 Identify and register nonconforming premises in accord with the Nonconforming regulations of Article 8.

10.5 Temporary Use Permits

It is recognized that from time to time it may contribute to the welfare of the Borough and its residents to allow the occupancy of land or structure for a temporary time period by a use other than those normally permitted. In this case, the Borough Council may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed one (1) year, and under the conditions that will enhance the public and/or applicant's health, safety and welfare.

10.6 Uses Not Provided For

Should an applicant propose a use not provided for in the use regulations of this ordinance the zoning officer shall deny the application.

- 10.6.1 The applicant may propose an amendment to this ordinance for a use not provided for in accord with the Amendment provisions found in Article 10.
- 10.6.2 The applicant may appeal the denial by the zoning officer to the zoning hearing board who will evaluate the proposed use as to its similarity to uses provided for in the applicable district

established under this Ordinance. The zoning hearing board may determine that the proposed use is essentially similar to a listed use and not injurious to the public health, safety, and welfare. The zoning hearing board may set conditions on its approval of the applicants appeal which they deem to be in the best interest of the Borough. See the provisions found in Article 10 governing Appeals.

10.7 Enforcement Notice

If it appears to the municipality that a violation of the zoning ordinance has occurred, the municipality shall institute enforcement proceedings by sending an enforcement notice stating at least the following:

- 10.7.1 The name of the owner of record and any other person against whom the municipality intends to take action.
- 10.7.2 The location of the property in violation.
- 10.7.3 The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- 10.7.4 The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- 10.7.5 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 the ordinance.
- 10.7.6 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.

10.8 Duties And Powers Of The Zoning Hearing Board

The Zoning Hearing Board shall be responsible for the interpretation of this Ordinance and shall adopt and make available to the public rules for the exercise of its functions. The Zoning Hearing Board shall hear and decide appeals where it is alleged that an error has been made in the administration or enforcement of this Ordinance, and shall hear and decide requests for special exceptions and variances. The Zoning Hearing Board shall perform such other duties as

may be provided for or made necessary by the MPC or this Ordinance, including the holding of public hearings, the referral of any pertinent matter to the Planning Commission for review and recommendations, and the maintenance of records on all hearings, decisions and findings. The Zoning Hearing Board jurisdiction is detailed in Section 909.1 of the MPC.

10.9 Variances¹

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance provided that all the following findings are made where relevant in a given case:

- 10.9.1 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;
- 10.9.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- 10.9.3 That such unnecessary hardship has not been created by the applicant.
- 10.9.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

¹ Additional detailed information pertaining to "types of variances" may be found in the publication "Special Exceptions, Conditional Uses and Variances - Planning Series #7 by Stephen S. Fehr, Chief, Planning Services Division, Bureau of Community Planning, Department of Community Affairs.

10.9.5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as may seem necessary to implement the purposes of this Ordinance.

10.10 Special Exceptions

The Zoning Hearing Board shall hear and decide Special Exceptions as may be provided in this Ordinance. The granting of a special exception shall be made when the Zoning Hearing Board makes a finding that the express standards and criteria of Article 9 and all other applicable requirements of this Ordinance (Articles 1 through 8) have been met. In granting a special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those otherwise expressed in this Ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance.

10.11 Conditional Uses

The Borough Council shall hear and decide Conditional Uses as may be provided in this Ordinance pursuant to public notice and hearing and recommendations by the planning agency. The granting of a conditional use shall be made when the Borough Council makes a finding that the express standards and criteria of Article 9 and all other applicable requirements of this Ordinance (Articles 1 through 8) have been met. In granting a Conditional Use, the Borough Council may attach reasonable conditions and safeguards, in addition to those otherwise expressed in this Ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance.

All applications for conditional use shall be submitted to the Planning Agency for its review and recommendations. If the Planning Agency does not make any recommendations within thirty (30) days, it shall be deemed that the Planning Agency has recommended approval of the application for the conditional use.

10.12 Appeals

Appeals with respect to the provisions, administration, or enforcement of this Ordinance shall be governed by Articles IX and X-A of the MPC and as follows:

- 10.12.1 The Zoning Hearing Board shall hear appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- 10.12.2 Appeals may be filed with the zoning hearing board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Requests for a variance and for special exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.
- 10.12.3 All appeals from determination adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.
- 10.12.4 Upon filing of any proceeding and during its pendency before the zoning hearing board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder, shall be stayed unless the zoning officer or any other appropriate agency or body certifies to the zoning hearing board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the zoning hearing board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body.
- 10.12.5 All appeals from all land use decisions rendered pursuant to Article IX of the MPC shall be taken to the court of common pleas of the judicial district wherein the land is located and shall be filed within 30 days after entry of the decision as provided in 42 PA C.S. 5572 (relating to time of entry of order) or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in section 909(1) of the MPC.

10.12.6 Information Required On Petition To The Zoning Hearing Board

All appeals from a decision of the Zoning Officer and applications for variance or special exception to the Zoning Hearing Board shall be in the form prescribed by the Zoning Hearing Board. The form in use at the time of this printing is found in Appendix E; copies may be obtained from the zoning officer. Every appeal or application shall include the following:

- 10.12.6.1 The name and address of the applicant or appellant;
- 10.12.6.2 The name and address of the owner of the lot to be affected by the proposal;
- 10.12.6.3 A brief description and location of the lot to be affected;
- 10.12.6.4 A statement of the present zoning, improvements and present use of the lot or structure in question;
- 10.12.6.5 A statement of the provision of this Ordinance at question, and why the proposal should be granted, or of the error alleged and the relief being sought;
- 10.12.6.6 A reasonably accurate description of the present improvements and the additions or changes intended and a plot plan of the property affected.

10.13 Hearings

The zoning hearing board (or the Borough Council in the case of Conditional Use applications) shall conduct hearings in accordance with Section 908, of the MPC.

- 10.13.1 Public notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the Borough Council shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Zoning Hearing Board or Borough Council. In addition to the written notice provided herein, written notice of said hearing shall be

conspicuously posted on the affected tract of land at least one week prior to the hearing. See definition of Public Notice in Article 2.

- 10.13.2 The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- 10.13.3 The Zoning Hearing Board or Borough Council shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board or Borough Council.
- 10.13.4 The Zoning Hearing Board or Borough Council 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.
- 10.13.5 Where the Zoning Hearing Board or the Borough Council 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.
- 10.13.6 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 not later than the day following its date.

10.14 Amendments

The Borough Council may consider amendments to the provisions herein or the boundaries of the Official Zoning Map. In the case of an amendment prepared by other than the Planning Agency, the Borough Council shall submit each amendment to the Planning Agency at least thirty (30) days prior to the hearing on such amendment for recommendations. If after public hearing the proposed amendment is changed substantially, or is revised, to include land previously not affect by it, the Borough Council shall hold another public hearing prior to proceeding to vote on a proposed amendment. In addition, a copy of the proposed amendment shall also be provided to the County Planning Commission for its review and comment at least thirty (30) days prior to hearing on the amendment.

10.14.1 Public Hearing

Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

10.14.2 Landowner Curative Amendment

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 of the MPC.

10.14.3 Municipal Curative Amendment

If a municipality determines that its zoning ordinance or any portion thereof is substantially invalid, it shall prepare a curative amendment to overcome such invalidity in accordance with Section 609.2 of the MPC.

10.15 Violations, Jurisdiction, and Enforcement Remedies

10.15.1 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 this act or prior enabling laws, the Borough Council, or with the approval of the Borough Council, an officer of the municipality, 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 municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

10.15.2 District justices shall have initial jurisdiction over proceedings brought under Section 10.15.3.

10.15.3 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the municipality may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

10.16 Filing Fees and Application Form

10.16.1 Filing Fees

Filing fees shall be payable to the Municipality and shall be received by the zoning officer. Filing fee amounts shall be established by a resolution of the Borough Council.

10.16.2 Application Form

Applicants shall contact the zoning officer to obtain the current application form which has been established by the governing body for use in the Municipality. The form in use at the time of this printing is found in Appendix D.

APPENDIX A

**MOBILE HOME PARK REGULATION
EXCERPTED FROM COLUMBIA COUNTY
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

APPENDIX A
Excerpts from
Columbia County Subdivision and Land Development Ordinance

ARTICLE 6.

MOBILE HOME PARKS AND CAMPGROUNDS

600 MOBILE HOME PARKS

The basic requirements of this Ordinance may be modified in the design and development of mobile home parks to the extent of and in accordance with the following minimum standards. Where a local municipal zoning ordinance regulates such activities, all applicable provisions governing mobile home parks therein shall take precedence. All approvals granted under this Ordinance for mobile home parks shall be considered conditional or subject to the applicant's compliance with any such regulations.

A. General Requirements

All mobile home park development plans shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. Plans for mobile home park developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 204 of this Ordinance.

B. Mobile Home Lot Design Requirements

1. Minimum Area. An area of not less than 7,500 square feet shall be provided for each mobile home lot. The minimum width of each mobile home lot shall be 60 feet and the minimum depth of each mobile home lot shall not be less than 125 feet.
2. Lot Grade. The longitudinal gradient and cross slope of any mobile home lot shall not exceed five (5) percent, except for terracing at the periphery and the minimum slope in any direction shall be one (1) percent.
3. Setbacks. Each mobile home shall be located not less than 50 feet from the front lot line of the mobile home park, nor less than 30 feet from the side or rear lot lines of the park. Mobile homes shall also be setback a minimum of 30 feet from the edge of the right-of-way of any street in the

internal park street system and 30 feet from any park building or other mobile home. Units shall also be setback no less than 15 feet from any side or rear mobile home lot line.

4. Lot Improvements.

- a. Pad or Stand. Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding or rotation. At a minimum, this shall include the provision of a pad or stand which shall be equal to the length and width of the mobile home proposed to use the site. Such pad shall consist of two (2), two-foot wide strips constructed of 4 inches of concrete, with wire mesh reinforcement. In addition, the pad shall be designed so as not to heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure.
- b. Anchors. The mobile home pad or stand shall be provided with anchors and tie-downs, such as "deadmen" eyelets imbedded in concrete foundations or run-ways, screw augers, arrowhead anchors, or other devices securing the stability of the unit.
- c. Patio. Each mobile home lot shall be provided with a patio containing at least 200 square feet of area. This patio shall be constructed of 4 inches of concrete and shall be 8 feet by 25 feet in dimension.
- d. Mobile Home Enclosures. A durable enclosure shall be installed around the entire base of each mobile home with any ventilating openings providing adequate protection against the intrusion of rodents, other vermin, and debris.

C. Park Streets

The Street Design and Construction Standards contained in Article 4 of this Ordinance shall apply to streets being proposed as part of the park's internal street system, except as provided below.

1. Cul-de-sac streets shall be provided with turn-

around having an outside right-of-way dimension of 90 feet.

2. The pavement edge at all intersections shall have an inside radius of at least 30 feet.
3. Street grades shall not exceed eight (8) percent and adequate transition shall be made at grade changes for the maneuvering of mobile home units.

D. Curbs and Sidewalks

Curbs and sidewalks shall be provided throughout the mobile home park and shall be constructed in accordance with the standards set forth in Sections 402 H.1 and I.1 of this Ordinance. However, where the average lot width in a mobile home park is greater than 70 feet, the curb and/or sidewalk requirements may be waived by the Planning Commission.

E. Buffer Yards and Screening

All mobile home parks located adjacent to industrial or commercial land uses shall be provided with a buffer yard of not less than 50 feet and shall be screened in accordance with the requirements of Section 501 E. or be fenced. Screen planting shall also be provided along all property lines of the park.

F. Open Space/Recreation Area

A minimum of eight (8) percent of the gross park area or 700 square feet per unit, whichever is greater, shall be reserved by the developer as common open space/recreation area for the use of all residents of the park. Applications for mobile home parks shall include a proposal regarding the ultimate ownership and maintenance responsibilities for such common area.

G. Off-Street Parking

There shall be two (2) off-street parking spaces provided for each mobile home in the park. Such spaces shall be designed as per the standards of Section 501 F. of this Ordinance and shall be located on the lot which they are intended to serve. At a minimum these spaces shall be constructed of four (4) inches of compacted 2A stone.

H. Park Lighting

Each mobile home park shall be furnished with lighting designed to adequately illuminate driveways, walkways and

intersections and to provide for the safe movement of vehicles and pedestrians throughout the park at night.

I. Water Supply System

An adequate supply of water shall be provided for all mobile homes, service buildings and other accessory facilities within the park. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the applicant shall design, install and maintain an approved privately-owned community water supply system according to the standards of the PA Department of Environmental Resources and Section 405 A. of this Ordinance.

J. Sewage Disposal System

An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of sewage from the mobile homes, services buildings and other accessory facilities within the park. Mobile home parks shall be connected to public sewer systems, where possible. Where a satisfactory public sewage system is not available, the applicant shall design, install and maintain an approved privately-owned community sewage system according to the standards of the PA Department of Environmental Resources and Section 405 B. of this Ordinance.

K. General

Utility line locations, easements, erosion and sediment control, stormwater management, and general site planning requirements shall be addressed in accordance with all applicable standards of the Commonwealth of PA and Sections 405 C., 406, 407, and 501 of this Ordinance.

601 CAMPGROUNDS

The basic requirements of this Ordinance may be modified in the design and development of campgrounds to the extent of and in accordance with the following minimum standards. Where a local municipal zoning ordinance regulates such activities, all applicable provisions governing campgrounds therein shall take precedence. All approvals granted under this Ordinance for campgrounds shall be considered conditional or subject to the applicant's compliance with any such regulations.

For the purposes of this Ordinance, a campground shall be defined as a facility providing space for the placement of two

(2) or more recreational vehicles, travel trailers or similar portable units, or tents.

A. General Requirements

All campground development plans shall be prepared in accordance with the Plan Requirements contained in Section 305 of this Ordinance and shall also comply with all applicable Design and Construction Standards outlined in Article 4. Plans for campground developments shall be submitted to the Planning Commission for review and action pursuant to the procedure outlined in Sections 202 and 204 of this Ordinance.

B. Camping Space and Design Requirements

1. Minimum Area. An area of not less than 4,000 square feet shall be provided for each camping space within the campground to accommodate the camping unit. The minimum width of each camping space shall be 50 feet and the minimum depth shall be not less than 80 feet.

The area requirements may be modified for campgrounds intended to accommodate only tent sites, but in no case shall the lot width be less than 50 feet nor the density of camping spaces exceed 15 per acre.

2. Setbacks. Each camping unit shall be located not less than 50 feet from the front lot line of the campground, nor less than 30 feet from the rear or side lot lines of the facility. Camping units shall also be setback a minimum of 20 feet from the edge of the right-of-way of any street in the internal campground street system and no less than 20 feet from any building or other camping unit.

C. Roadways

The Street Design and Construction Standards contained in Article 4 of this Ordinance shall apply to roadways being proposed as part of the campground's internal street system, except as provided below.

1. Roadways shall be designed and constructed of four (4) inches of 2A aggregate with a 1 1/2 inch bituminous wearing surface, in accordance with the specifications of PennDOT's Publication, Form 408.
2. One way drives or roadways shall be no less than 12 feet in width. One way drives shall not exceed 600

feet in length.

3. Cul-de-sac drives shall be provided with a turn-around having an outside right-of-way diameter of at least 90 feet.
4. The pavement edge at all intersections shall have an inside radius of at least 30 feet.

D. Camping Space Improvements

Camping spaces shall be improved to provide an adequate foundation for the placement of a camping unit. Where camping units are intended to include travel trailers, recreational vehicles or other similar portable units, such foundation shall consist of at least a four (4) inch compacted 2A stone base, topped with crushed stone and shall be 10 feet by 50 feet in dimension. While the specific tent site of a camping space need not be provided with a foundation, such foundation, 10 feet by 20 feet, shall be provided on this type of camping site for vehicle parking.

E. Off-Street Parking

One (1) additional off-street parking space shall be required for each five (5) camping spaces in the campground. Parking areas to accommodate this requirement shall be located throughout the campground to provide for visitor parking. Parking for commercial buildings within the campground shall be provided in accordance with the requirements of Section 501 F. of this Ordinance.

F. Walkways

Walkways shall be provided to ensure safe pedestrian circulation within the campground to comfort stations, open space areas, and commercial facilities, when offered. Such walkways shall consist of four (4) inches of compacted 2A stone at a width of three (3) feet.

G. Open Space/Recreation Area

A minimum of eight (8) percent of the gross area of the campground or 700 square feet per camping unit in the facility, whichever is greater, shall be reserved by the developer as common open space/recreation area for the use of all residents of the campground. Applications for campgrounds shall include a proposal regarding the ultimate ownership and maintenance responsibilities for such common area.

H. Screening

Where campgrounds are located adjacent to residential land uses screen planting shall be provided along all such property lines in accordance with the standards established in Section 501 E. of this Ordinance.

I. Utilities and Sanitation

1. Each camping space shall be provided with individual electrical, sewage and water connections.
2. Every campground shall be provided with a public comfort station with showers, restroom facilities and a sheltered drinking fountain. A minimum of one (1) comfort station shall be provided for every 50 camping sites and shall be situated in an easily accessible location.
3. Every campground shall be provided with a paved sanitary station for the disposal of wastes from vehicle holding tanks.
4. All sewage and water facilities, including proposed supply and disposal methods, shall comply with the applicable standards, rules and regulations of the PA Department of Environmental Resources. Evidence of such compliance shall be provided by the applicant prior to plan approval. Where available, campgrounds shall be connected to public sewage and water supply systems. Where such systems are not available, the applicant shall design, install and maintain approved privately-owned community systems.
5. The utility requirements pertaining to individual camping spaces intended for tent sites accommodations only may be modified as deemed appropriate by the Planning Commission.

J. General

Utility line locations, easements, erosion and sediment control, stormwater management, and general site planning requirements shall be addressed in accordance with all applicable standards of the Commonwealth of PA and Sections 405 C., 406, 407, and 501 of this Ordinance.

APPENDIX B

**NOTICE OF INTENT
TO
RECONSTRUCT A NONCONFORMING STRUCTURE/USE**

APPENDIX B

SAMPLE NOTICE OF INTENT TO RECONSTRUCT A
NONCONFORMING STRUCTURE/USE

APPLICANT: _____

Name: _____

Address: _____
Number Street

Phone: _____

PROPERTY OWNER (if other than applicant): _____

Name: _____

Address: _____
Number Street

Phone: _____

PROPERTY: _____

Address: _____
Number Street

EXACT LEGAL DESCRIPTION: _____

_____ Present Zoning District: _____

(A plot plan of property drawn to scale must be attached to this notification.)

Date purchased: _____ Present use: _____

Month/Day/Year _____

Lot size: width _____ depth _____ Proposed use: _____

area _____ sq.ft. _____

Date of previous application if any _____

The above-named applicant requests a 2nd year extension of the one year nonconforming status based on the following situation:

____ A nonconforming structure or building destroyed by any means - may be reconstructed in a manner which does not increase its nonconformity within a one-year period (Section 8.11.2.2 of Zoning Ordinance)

____A structure housing a nonconforming use is destroyed by any means - the same use may be resumed within a one-year period (Section 8.11.3.5 of Zoning Ordinance)

____A nonconforming use is abandoned or discontinued - may be resumed within a one-year period (Section 8.11.3.6 of Zoning Ordinance)

Date of Destruction of Nonconforming Structure or Use or Date of Abandonment of Nonconforming Use:_____

Date of Expiration of Nonconforming Status (1 Year Following Date of Destruction or Abandonment):_____

Date of Expiration of One Year Extension:_____

Reasons for Extension Request:_____

Approval of Extension Request Granted by Zoning Officer:

Signature of Zoning Officer Date

APPENDIX C

**STORMWATER MANAGEMENT REQUIREMENTS
EXCERPTED FROM COLUMBIA COUNTY
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

APPENDIX C
Excerpts from
Columbia County Subdivision and Land Development Ordinance

407 STORMWATER MANAGEMENT

The management of stormwater from a site, both during and after any subdivision or land development, shall be accomplished in accordance with the standards and requirements of the PA Stormwater Management Act (Act 167-1978). The provisions in this Section are intended to provide protection against uncontrolled stormwater run-off, and to assure that downstream property owners and water courses are not adversely affected by increases in stormwater run-off resulting from a subdivision or land development.

A. General Requirements

1. A Stormwater Management Plan meeting the criteria outlined in this Section shall be prepared by a registered professional engineer or other qualified individual, as approved by the Commission, for all subdivision or land development proposals where:
 - a. streets or other related improvements are proposed which will increase the total impervious area of the tract;
 - b. slopes of the site or adjacent areas could contribute to accelerated stormwater run-off as the lot(s) within the proposed subdivision are developed; or,
 - c. areas of poor drainage or stormwater run-off problems are known to exist within, directly adjacent to, or immediately down gradient from the proposed subdivision.
2. All subdivision and land development proposals shall meet the requirements of the Stormwater Management regulations in effect in the applicable municipality, or in the absence of such regulations, shall meet the requirements of any Watershed Stormwater Management Plan in effect or hereinafter enacted.
3. Stormwater Management Plans shall be submitted to the Planning Commission along with preliminary or final subdivision or land development plans, as appropriate. A copy of the Plan shall then be

submitted to the Columbia County Conservation District and Commission Engineer for review and concurrence prior to approval of the proposed subdivision or land development. All such Plans shall meet the minimum standards suggested by the County Conservation District and/or Commission Engineer.

B. Plan Requirements

1. A Stormwater Management Plan for a proposed subdivision or land development shall include a brief description of the following:
 - a. existing drainage patterns and stormwater run-off characteristics of the site, including any existing drainage or stormwater run-off problems and facilities;
 - b. the anticipated impact that future development of the property will have on existing stormwater run-off and drainage patterns; and,
 - c. the type of structural and nonstructural improvements planned to control post-development stormwater run-off.
2. The proposed location of both structural and nonstructural improvements shall be shown on the subdivision plot plans. The Planning Commission may also require the subdivider to provide topographic contour information at such intervals as may be deemed appropriate on the plot plan in order to better evaluate the proposed stormwater management techniques.
3. Separate, detailed specifications, including cross-sections, profiles, etc. shall be submitted for all proposed structural stormwater management improvements, such as detention basins, etc.
4. The subdivider shall also submit a proposal for ownership and maintenance of all proposed stormwater management facilities within his subdivision or development, in accordance with the following provisions.
 - a. Where the subdivider proposes to dedicate such improvements to the municipality and the municipality has agreed to accept the ownership and maintenance responsibilities thereof, a deed which dedicates the land to be

used for the stormwater management improvement to the municipality shall be submitted to the Planning Commission as a part of the Stormwater Management Plan. If approved by the Commission, the deed of dedication shall be recorded with the final subdivision plan.

- b. Alternatively, where no municipal participation is anticipated, an Ownership and Maintenance Agreement, specifying ownership and assigning maintenance responsibilities for the proposed improvements to either the developer or among property owners within the subdivision, shall be recorded with the final subdivision plan and referenced in the deeds for each property within the subdivision.

c. Design Standards

1. Stormwater management facilities shall be designed so that the peak rate of run-off from any development or subdivision shall be no greater than the peak rate of run-off from the site in its pre-development condition. For the purposes of this Ordinance, the pre-development condition shall be considered as grassland in all cases. The Commission Engineer may however waive or modify these requirements based upon the conditions of the site.
2. All drainage and stormwater management facilities shall be designed to adequately handle surface run-off and carry it to a suitable outlet. Such facilities shall be designed in accordance with the Rational Method of Design developed by the American Society of Civil Engineers Manual No. 37 or the U.S. Department of Agriculture Soil Conservation Service Technical Release No. 55, Urban Hydrology for Small Watersheds or other technical methodology acceptable to the Commission Engineer.
3. Stormwater run-off shall not be concentrated onto adjacent properties unless approval is given by the property owner and the applicable municipality. When storm drainage is to be directed into an adjacent municipality, all provisions for accommodating such drainage shall be submitted to the governing body of that municipality for review.
4. Where existing storm sewers are reasonably accessible and of adequate capacity, subdivisions and land developments shall connect to the existing

system, subject to approval of the authority or municipality having jurisdiction over the existing system.

5. Where a subdivision or land development is traversed by a water course, drainageway, channel or stream, a drainage easement conforming substantially with the line of such water course shall be provided. The drainage easement shall be such width as will be adequate to preserve the unimpeded flow of natural drainage; or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainageway; or for the purpose of protecting such water course for the purpose of stormwater management or installation of a storm sewer. Any change proposed in the existing drainageway shall be subject to the approval of the Department of Environmental Resources.