

Lycoming County

The following has legal force and effect only if this should be adopted by the county

Brown Township, Sugar Hill
Waffle Township, Liberty

Friendship, Community
Ship, Woodland

If the provision is applicable

Shanty Township
Friendship

COUNTY OF LYCOMING
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2011-1

AN ORDINANCE

OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LYCOMING, COMMONWEALTH OF PENNSYLVANIA, AMENDING LYCOMING COUNTY ZONING ORDINANCE ENACTED DECEMBER 31, 1991, AS AMENDED, ENTITLED, AS AMENDED, "LYCOMING COUNTY ZONING ORDINANCE"; AMENDING THE TEXT OF THE COUNTY ZONING ORDINANCE SECTIONS 3120, 3250, 3340, 4210, 5130, 6410, AND 14300 PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES OR RESOLUTIONS INsofar AS SAME SHALL BE INCONSISTENT HERewith AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the Lycoming County Planning Commission by action at a meeting held December 16, 2010, recommend the proposed zoning text amendment; and

WHEREAS, the Board of Commissioners held a public hearing on February 10, 2011; and

WHEREAS, the Board of Commissioners believes that the zoning text amendment request is consistent with the Comprehensive Plan and the Community Development Goals as set forth in the Lycoming County Zoning Ordinance.

NOW, THEREFORE, The Board of Commissioners of the County of Lycoming hereby enacts as follows:

SECTION 1:

The Lycoming County Zoning Ordinance Section 3120 is amended by adding within Use Table 3120, new uses of 3250C.1 Oil and Gas Staging Facility; 3250C.2 Oil and Gas Compressor, Processing, Metering Facility; 3250D.1 Oil and Gas Water reuse Facility; and 3250E.1 Oil and Gas Development, as shown in the Permitted Uses Table section excerpted below. At the end of Use Table 3120 add Areas designated as "Special Exception" are a permitted use contingent upon satisfaction of criteria set forth in this ordinance as per division 10300 as administratively determined by the County Zoning Hearing Board. Note: Additions noted with **bold type** in section below.

SECTION 3120 PERMITTED USES

Table 3120

Permitted Uses Zoning District* [* = district abbreviations]

GENERAL USE

	<i>Agriculture</i> AG	<i>Res. protection</i> RP	<i>Countryside</i> CS	<i>rural center</i> RC	<i>Estate</i> SE	<i>Suburban estate</i> SM	<i>Urban mixed use</i> CR	<i>Regional commercial</i> I	<i>Industrial</i> NP	<i>neighborhood preservation</i>
Industrial (Section 3250, pg. 40)										
A. Ag Processing	S	N	S	N	N	N	N	P	N	
B. Sawmills	S	N	S	N	N	N	N	P	N	
C. Light Industry	N	N	S	S	N	N	S	P	N	
C.1 Oil and Gas Staging Facility	P	P	P	N	S	S	P	P	N	
C.2 Oil and Gas Compressor, Processing, Metering Facility	P	P	S	N	S	S	S	P	P	N
D. Heavy Industry	N	N	N	N	N	N	N	S	N	
D.1 Oil and Gas Water Reuse Storage Facility	P	P	P	N	S	S	P	P	N	
E. Extraction	N	N	S	N	N	N	N	S	N	
E.1 Oil and Gas Development	P	P	P	N	S	S	S	P	P	N
F. Disposal	N	N	N	N	N	N	N	S	N	
G. Junk Yards	N	N	N	N	N	N	N	S	N	

P=Permitted by right in this district with Zoning Permit

N=Not permitted in district

S=Permitted in this district only with a Special Exception. Areas designated as "Special Exception" are a permitted use contingent upon satisfaction of criteria set forth in this ordinance as per division 10300 as administratively determined by the County Zoning Hearing Board.

SECTION 2:

The Lycoming County Zoning Ordinance Section 3250 is amended with new Section 3250C.1 to read as follows:

3250C.1 Oil and Gas Staging facility

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

1. Definition

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

2. Supplemental Controls

NOT APPLICABLE AT THIS TIME

3. Criteria applied to the Zoning Districts that permit the use by Special Exception.

- a. Special Exception Procedures stipulated in Division 10300 of this Ordinance
- b. Information in Section 3250E.1.6 as required by the Zoning Hearing Board.

SECTION 3:

The Lycoming County Zoning Ordinance Section 3250 is amended with new Section 3250C.2 to read as follows:

3250C.2 Oil and Gas Compressor, Processing, Metering Facility

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

1. Definition

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

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

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

2. Supplemental Controls

- a. The compressors are required to be enclosed in a building with doors.
- b. The building and roofing color is required to blend with the community character of the site.
- c. A written commitment to the County from the applicant that the site will be restored within one year following the termination of production.

3. Criteria applied to the Zoning Districts that permit the use by Special Exception.

- a. Special Exception Procedures stipulated in Division 10300 of this Ordinance
- b. Information in Section 3250E.1.6 as required by the Zoning Hearing Board.

SECTION 4:

The Lycoming County Zoning Ordinance Section 3250 is amended with new Section 3250D.1 to read as follows:

3250D.1 Oil and Gas Water Reuse Storage Facility

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

1. Definition

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

2. Supplemental Controls

- a. The criteria of Zoning Ordinance Section 3250D 1. as heavy industry and sub-section 3250D 2.b. for above ground tanks, and any equipment that will contain frack water.
- b. Complete site restoration within one year following the termination of production in accordance with PA DEP regulations.
- c. Impoundments that are used solely for fresh water storage do not require a zoning permit.

3. Criteria applied to the Zoning Districts that permit the use by Special Exception.

- a. Special Exception Procedures stipulated in Division 10300 of this Ordinance
- b. Information in Section 3250E.1.6 as required by the Zoning Hearing Board."

SECTION 5:

The Lycoming County Zoning Ordinance Section 3250 is amended with adjustment to Section 3250E to read as follows:

3250E Extraction

1. Definition

[SIC 10, 12 and 14] This category includes extraction uses such as mining and quarrying of sand, clay, dolomite, shale, gravel, topsoil, or similar materials, including borrow pits (excavations for removing material for filling operations) which exceed two-thousand (2,000) tons in a one (1) year period. For borrow pits of less than two-thousand (2,000) tons, see Section 3300D.9.

SECTION 6:

The Lycoming County Zoning Ordinance Section 3250 is amended with new Section 3250E.1 to read as follows:

3250E.1 Oil and Gas Development

1. Definition

[SIC 13] The oil and gas development use includes the process of perforating the earth's surface and rock layers to extract fossil fuels, natural gas or oil, for energy production and all associated equipment, structures and construction at the drilling site including the well pad, access roads, hydraulic fracturing, production, pipelines, tanks, meters, and temporary work crew and supervisor trailers for exploration and production at a single well pad, including multiple wells at a single well pad, and all subsequent site reclamation activities which follow the production phase.

2. Purpose

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

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

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

3. Procedure

The reuse of a well pad is encouraged. Following written notification to the Zoning Administrator and prior to the issuance of a Certificate of Occupancy, the permit will remain valid and effective for previously permitted uses but

shall not allow a change in use or a new use without a new permit. Any change to the support or ancillary equipment including accessory structures that does not materially alter the site, shall not require a new permit but will require a notification to the Zoning Administrator.

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

- a. Seismic Testing does not require a zoning permit.
- b. A Zoning/Development Permit shall be obtained for each well pad.
- c. Within 14 days of receipt of the information described in Section 3250E.1.4. and the required fee, the Zoning Administrator or his or her designee shall issue a Zoning/Development Permit placard. The applicant shall post this placard at the nearest point of public access to the site.
 - i. For well pad sites located in districts listed as "S" on the use table Section 3120, the County Zoning Hearing Board process is applicable and will require more than 14 days to complete a permit action.
- d. When multiple wells are located on the same well pad, a separate permit for each well is not required. However, written notification must be provided to the Zoning Administrator at least 14 days, but no more than 90 days, prior to drilling of each well not already identified in a Zoning/Development Permit.
- e. Installation, operation and maintenance of oil and natural gas pipelines, including water lines and reused water pipelines related to oil and gas development (even when initially installed from the surface), subsurface horizontal drilling boreholes and associated subsurface production pipe, casing, cement, are permitted uses by right in all zoning districts.. Application for and issuance of a zoning permit for pipeline installation in any zoning district is not required, except where installation of such facilities crosses over and disturbs the surface of a state or municipal public road per Section 10120A 6.
- f. A Certificate of Occupancy is not required, but may be requested by the applicant. In response, the Zoning Administrator will issue a Certificate of Occupancy once all reclamation activities are completed.

4. Information Specifications

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

- a. A narrative describing the proposed drilling use, including:
 - i. the approximate number of acres to be disturbed for development;
 - ii. the proposed number of wells, including the DEP permit number(s) for any or all wells if available at the time of submittal and provided when issued later; and
 - iii. a description of how damage to public roads adjacent to the tract will be addressed.
- b. A map showing the well pad, planned access road, allowable drilling area, and planned permanent improvements.
- c. A site address determined by the County 911 addressing program at the time of application for emergency and safety services and information needed to gain access in the event of an emergency
- d. A statement that the development will be constructed and operated in compliance with all Federal and State permitting requirements.
- e. A copy of any permits issued at the time of submittal, including any DEP permits and any applicable PENNDOT or municipal highway occupancy or driveway permits.
- f. A copy of letter notifying the affected municipality(ies) Board of Supervisors, or Borough Council of intent to seek a Zoning/Development Permit.

5. Supplemental Controls

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

- a. Vehicular access to any natural gas well, oil well or well pad shall minimize danger to traffic and nuisance to surrounding properties.
 - i. Vehicular access to a natural gas well, oil well or well pad solely via a residential street is discouraged.
 - ii. Vehicular access to a natural gas well, oil well or well pad via a collector street is encouraged.

iii. Driveway slope requirements of Section 7204 may be exceeded when the applicant submits information acceptable to the County Zoning Administrator establishing, where applicable, that literal compliance with the driveway slope requirement is shown to be unreasonable, would cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results. An approval requirement when exceeding the driveway slope requirement shall include a security gate installed at the driveway entrance and a leveling area of sixty (60) feet in length at the driveway entrance with the road, if determined feasible by the Zoning Administrator.

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

- i. Drilling and placing associated structures and equipment are not permitted in the floodway of the regulated floodplain.
- ii. Earth moving activities that do not materially change the contour of the land are permitted for the purpose of pipeline installation.
- iii. Drilling, associated structures, equipment, development and disturbance in the remainder of the regulated floodplain are strongly discouraged. Upon reasonable justification submitted by the applicant that the only suitable place on the property controlled by the applicant to access the gas or oil is from a site area located in the flood fringe segment of the Regulated (or 100-Year) Flood Plain, a Zoning/Development Permit may be issued by the Zoning Administrator, provided:
 - 1) There is compliance with the Section 5160 of this Ordinance.
 - 2) There is compliance with Section 10130 H of this Ordinance.
 - 3) Following the submission of a flood evacuation plan.
- iv. A closed loop system for drill cuttings is preferred within the 100 year flood fringe (Zoning Ord. Sect. 5160).

c. Safety.

- i. Oil and Gas drilling activities and associated equipment shall comply with all applicable federal and state safety standards.
- ii. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.
- iii. During drilling and hydraulic fracturing, all equipment shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons.
- iv. During drilling and hydraulic fracturing, a guard station with 24 hour staffing at the entrance to the site is permitted in lieu of fencing.

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

e. Height. The height of the drilling rig and facilities on site such as drying tanks, etc. are exempt from the height limits found in this Zoning Ordinance. Permanent structures whether principal or accessory must comply with the height regulation contained in Section 4230 of this Ordinance as an "Other Industrial" use.

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

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

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

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

3) The following named trails from the adopted County Recreation, Park & Open Space/Greenway Plan: The Pine Creek Rail Trail, Black Forest Trail, Loyalsock Trail, and Mid-State Trail. Please refer to map.

4) Designated scenic overlooks.

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

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

7) From property line of publicly owned land.

ii. All other setbacks for structures, buildings, and production equipment shall comply with Section 4230 Non-Residential Bulk Standards as an "Other Industrial" use.

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

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

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

g. Fence and Screening Standards.

- i. Fences shall not be required on drill sites during initial drilling, completion or re-working operations as long as 24-hour on-site supervision is provided.
- ii. During drilling and hydraulic fracturing a secured entrance gate on the access road with arrangements for appropriate access to emergency management personnel shall be required and all gates are to be kept locked when the employees, sub-contractors are not on the premises.
- iii. Applicant must provide the County Communications Center necessary information to access the well pad in case of an emergency.
- Screening. When site pads are being constructed care should be taken to maintain as much natural screening as possible. Existing trees and respective root systems should not be disturbed whenever possible.

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

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

i. Agreements with Municipalities. When an Agreement exists between the applicant and the municipality(ies) (township or borough where the use will be located), said agreement shall be submitted to the County Zoning Administrator prior to the issuance of the Certificate of Occupancy.

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

6. Criteria applied to the Zoning Districts that permit the use by Special Exception.

In addition to the Special Exception Procedures found in Division 10300 of this Ordinance, the Zoning Hearing Board shall require the applicant to provide the following:

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

Mitigation plan
(but that it only
applies to the
areas where permitted
by special exception)

- b. The chain link fencing to be installed shall be dark green or black coated steel wire. A sample standard follows for guidance:
- i. The fence shall be at least six (6) feet in height.
 - ii. Support posts shall be set in concrete and imbedded into the ground to a depth sufficient to maintain the stability of the fence. Temporary fence posts shall not be required to be set in concrete.
 - iii. The chain link fence shall have a minimum thickness of eleven (11) gauges.
 - iv. Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have minimum thickness of one-fourth by three-fourths inch.
 - v. All chain link fences shall be equipped with at least one (1) gate. The gate shall meet the following specifications:
 - 1). Each gate opening shall be not less than twelve (12) feet wide and be composed of two (2) gates, each of which is not less than six (6) feet wide, or one (1) sliding gate not less than twelve (12) feet wide. If two (2) gates are used, gates shall latch and lock in the center of the span.
 - 2). The gates shall be of black or dark green chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as the chain link fence.
 - 3). The gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when no one is working on the site.
- c. Noise standards. Sound disturbance during the drilling gas and oil exploration stage shall be addressed as follows. The applicant shall install sound attenuation, with mitigation devices to address sound levels that would exceed the noise level standards when located near facilities such as schools, and churches, and critical facilities such as medical providers, fire and emergency stations. The applicant shall demonstrate compliance with the noise standards contained in Section 5130 Noise Protection Levels for all permanent phases of the use.
- d. Buffer yards set forth in Section 6400 only apply to Special Exception uses.

SECTION 7:

The Lycoming County Zoning Ordinance Section 3340K, is amended to delete the entire Section K. After deletion, to be noted deleted, keeping the section numbers intact.

SECTION 8:

Adjust Table 4210 of Section 4210 pertaining to the RP district to read as follows:

**TABLE 4210
Non-Residential Intensity Standards**

Zoning District & Development Option	Maximum ISP	Maximum FAP
RESOURCE PROTECTION (RP)		
Industrial Uses	40%	10%
All other uses	10%	5%

SECTION 9:

Amend Section 5130C by adding new: 11. Oil and Gas Development.

SECTION 10:

Amend Table 6410 by adding: Gas Compressor, Processing, and Metering to Class V; and adding Gas and Oil Development, Staging Facility and Water Reuse Facility permitted by Special Exception to Class VI

SECTION 11:

The Lycoming County Zoning Ordinance Section 14300 is amended by adding new definitions as follows:

Allowable Drilling Area: The area within the well pad that is approved for wells to be drilled.

Completion of drilling, re-drilling and re-working: The date the work is complete for the drilling, re-drilling or re-working and the crew is released by completing their work or contract or by their employer.

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

Derrick: Any portable framework, tower, mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil and gas, i.e. Rig.

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

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

Drilling Equipment: The derrick or rig, together with all parts of, and appurtenances to such a structure, every piece of apparatus, machinery or equipment used or erected or maintained for use in connection with drilling.

Drill Site: The premises used during the drilling or re-working of a well or wells located there and subsequent life of a well or wells or any associated use.

Exploration: Temporary geologic or geophysical activities, drilling in context with the oil and gas drilling zoning definition in this ordinance, hydraulic fracturing, including seismic surveys, related to the search for natural gas or other subsurface hydrocarbons.

Fracture Stimulation/Hydraulic fracturing (Fracking): The process of injecting water, sand, customized fracking fluid, steam, or gas into a gas well allow or to improve gas recovery.

Gas: Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

Gas Well: Any well drilled for the intent of extracting gas or other hydrocarbon from beneath the surface of the earth.

Gas Storage Well: A well located and used in a gas storage reservoir for injection withdrawal purposes or an observation well.

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

Midstream operation: Compressors, compressor stations, meters and processing plants that support more than one well pad.

Minerals: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas. It is noted that natural gas is not a mineral per se, but it is recognized as such in the PA Municipalities Planning Code (MPC.)

Observation Well: A well used to monitor the integrity and conditions in a gas storage reservoir, the reservoir protective area or strata above or below the gas storage horizon.

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

Oil and Gas Well: A hole or holes, bore or bores, that perforate the earth's surface and rock layers and extracts water and brine in the process of obtaining oil, gas or other hydrocarbons from the earth.

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

Production Well: Any gas or oil well that has been brought on line to provide the material to market after a successful exploration step.

Re-Drill: Deepening or sidetrack/horizontal drilling extending more than one-hundred fifty (150) feet from the existing well bore.

Re-Work: Re-entry of existing well within the existing bore hole or by deepening or sidetrack/horizontal operations which do not extend more than one-hundred fifty (150) feet from the existing well bore, or replacement of well liners or casings.

Seismic Testing. Testing conducted on the earth's surface or shallow subsurface for the purpose of evaluating subsurface geological conditions.

Tank: A container, covered or uncovered, used in conjunction with the drilling or production of oil and gas or other hydrocarbons for holding or storing fluids.

Well Bore: The surface location of the center of the drill hole.

Well Pad: The area used for development and production of oil and gas including buildings and structures and all activities associated with an oil and gas well after drilling activities are complete.

SECTION 12:

The Lycoming Zoning Ordinance Table of Contents is updated accordingly.

SECTION 13:

In any event that any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this ordinance, it being the intent of the County that such remainder shall be and shall remain in full force and effect.

SECTION 14:

All ordinances or parts of ordinances, insofar as the same, shall be inconsistent herewith, shall be and the same are expressly repealed.

SECTION 15:

This ordinance shall be valid and effective for all purposes on the 24th day of February 2011.

Duly enacted by the Board of Commissioners of the County of Lycoming, Commonwealth of Pennsylvania, in lawful session assembled this 24th day of February 2011.

COUNTY OF LYCOMING

Rebecca A. Burke
Rebecca A. Burke, Chairperson

Ernest P. Larson
Ernest P. Larson, Vice Chairman

Jeff C. Wheeland
Jeff C. Wheeland, Secretary

ATTEST:
Ann Gehret
Ann Gehret, Interim Chief Clerk

USES	ZONING DISTRICTS											
	RIA	R1B	R2	R3	RU	INST	CC	CBD	CS	ML	MH	O
a. Antenna that extend a maximum of 20 feet from an existing nonresidential principal building, church steeple, electric transmission tower, commercial light pole, water tower or similar structure.	S	S	S	S	X	X	X	X	X	X	X	X
b. Other type of commercial communications antenna/tower, provided any tower shall be setback a distance equal to its height from any principal dwelling or Residential District boundary or Historic District boundary.								X	X	X	X	X
(78) Electric power generating station.										C		
(79) Railroad rights-of-way.	X	X	X	X	X	X	X	X	X	X	X	X
(80) Railroad terminals, yards and repair shops.												
(h) <u>Agricultural Uses.</u>												
(81) Crop or tree farming, greenhouses and truck gardening, including the sale of products raised on the premises, provided no retail stand or other commercial structure shall be located thereon and no greenhouse heating plant located within 20 feet of any lot line.	X									X	X	X
(82) Horses, cows, sheep, goats and other livestock, except hogs, as incidental and accessory to residential usage on a lot of not less than 20,000 square feet, provided not more than one such animal over 6 months of age is permitted for every 5,000 square feet of fenced lot area not covered by the principal structure and, provided further, that no barn or stable is less than 40 feet from any lot line.	X									X		
(83) Horses, cows, sheep, goats and other livestock, except hogs, on a lot of not less than 5 acres, provided that no barn or stable is less than 40 feet from any property line.										X	X	X
(84) Poultry (including hatcheries), fowl, rodents and apiaries on a lot of less than 5 acres when housed and/or fenced not less than 15 feet from any lot line.										X	X	X
(85) Cemeteries.											C	
(86) Circuses, subject to Articles 333 and 701 of the Codified Ordinances.										X	X	X
(87) Travel trailers, subject to Article 1725 of the Codified Ordinances.												X

ZONING DISTRICTS

USES	R1A	R1B	R2	R3	RU	INST	CC	CBD	CS	ML	MH	O
(88) Sanitary landfill.											C	C
(89) Reserved.												
(90) Sewage treatment plant.											X	C
(i) <u>Accessory Uses.</u>												
(91) Accessory use or structure incidental to any permitted use such as garage, playhouse, toolshed or greenhouse.	X	X	X	X	X	X	X	X	X	X	X	X
(92) Accessory off-street parking and/or loading incidental to any permitted use in accordance with Article 1345.	X	X	X	X	X	X	X	X	X	X	X	X
(93) Accessory private parking for not more than four automobiles for the first dwelling unit and two automobiles for each additional dwelling unit provided for on the lot, including one commercial vehicle per dwelling unit if operated by the occupant of the dwelling unit.	X	X	X	X	C	X						X
(94) Accessory vehicular storage. The storage of a licensed travel trailer or boat is permitted, provided it is kept within a building or at least 50 feet from a street line and is not used as a dwelling, except such provisions shall not apply upon a lot where a legal trailer or boat sales or rental service has been established. Mobile homes shall not be stored on any lot other than where a legal mobile home sales or rental service is established.	X	X	X	X	X	X	X	X	X	X	X	X
(95) Accessory retail uses such as cafeterias, gift or variety shops, newsstands and soda bars conducted:												
a. Solely for the convenience of employees, patients, patrons or visitors on the premises wholly within the principal building and without exterior advertising or display.					C	X				X	X	
b. In conjunction with a multi-family structure.					C	C	C	C				
(96) Accessory repair and storage facilities incidental to any permitted retail sales or consumer service establishment, provided it shall not occupy more than 25 percent of the gross floor area not be within 15 feet of any street line unless separated therefrom by a solid wall.								X	X	X	X	X
(97) a. Accessory outside storage incidental to a permitted institutional, industrial or commercial use, provided:						S	S	S	S	S	S	S

1998 Replacement

USES	ZONING DISTRICTS											
	R1A	R1B	R2	R3	RU	INST	CC	CBD	CS	ML	MH	O
(i) It does not constitute a nuisance or a high hazard use as defined in the Building Code.												
(ii) It shall meet the screening requirements of Section 1344.06.												
(iii) No part of the street right-of-way, no sidewalks, no required parking areas and no part of the required front yard shall be occupied.												
(iv) An area of less than one-half the existing building coverage.												
b. Without the restrictions of a.												
(98) Accessory manufacturing incidental to a permitted retail establishment provided it shall not occupy more than 25 percent of the gross floor area nor employ any automatic machinery not be within 100 feet of any R District and further provided that at least 50 percent of the manufactured product is sold at retail on the premises.							x		x			
(99) Incidental home occupation, provided the following requirements are met:												
a. The use shall meet the definition of Section 1311.			s	s	x	s		x		x		x
b. The home occupation shall not occupy more than 15 percent of the total floor area of the dwelling unit.												
c. Haircutting and/or hairstyling shall only be permitted if such services are provided to one customer at one time, and if employees are limited to residents of the premises.												
d. No display of goods shall be visible from outside of the building.												
e. The only sign visible from outside of the building that may identify the home occupation shall be a single sign which shall not exceed 3 square feet in area, and shall be mounted flat on the building and shall not be illuminated.												
f. Two off-street parking spaces shall be required if the use will routinely involve persons visiting the premises for business purposes.												
g. The operator shall register the use with the Bureau of Codes and the City Treasurer's Office.												

ZONING DISTRICTS

USES	R1A	R1B	R2	R3	RU	INST	CC	CBD	CS	ML	MH	O
(100) Incidental keeping of not more than two nontransient boarders or lodgers by a resident family in a one-family dwelling.	x	x	x	x		x						
(101) Incidental professional offices, as defined, provided not more than 25 percent of the gross floor area of any dwelling unit is devoted to such use and not more than one person of sub-professional status is employed.			s			s	x	x				
(102) Temporary accessory use for uses or structures necessary during construction or other special circumstances of a nonrecurring nature, providing: <ul style="list-style-type: none"> a. The life of such permit shall not exceed 6 months, renewable at 3 month intervals to a maximum of 2 years, and b. Such structure or use shall be removed completely upon expiration of the permit without cost to the City. 	x	x	x	x		x	x	x	x	x	x	x
(103) Signs, subject to the provisions of Article 1346.	x	x	x	x	x	x	x	x	x	x	x	x
(104) Bed and Breakfast Inn, provided such use shall meet all of the following requirements: <ul style="list-style-type: none"> a. It shall serve a maximum of 10 total guests at one time. b. It shall not include any cooking facilities for use by guests. c. It shall not include the provision of meals to persons who are not guests or employees, unless the requirements for a restaurant are also met. d. It shall be restricted to occupancy by an individual for a maximum of 21 total days in any 60 day period. 												
(105) Vending Machines, Exterior. Vending machines exterior to a building for the commercial sale of beverages and/or snacks.												
(106) Routine Keeping of Pets; provided:	x	x	x	x	x	x	x	x	x	x	x	x

USES	R1A	R1B	R2	R3	RU	INST	CC	CBD	CS	ML	MH	O
<p>a. Types. Only those animals that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, lizards, turtles, gerbils, birds, fish and other animals routinely sold in retail pet stores, but shall not include bears, wolves, wild-dog hybrids, goats, cows, sheep or snakes that would be poisonous to humans.</p> <p>b. Nuisances. Animals or fowl shall not be kept in a manner or in number that create a serious noise or odor nuisance, a health hazard or a public safety hazard</p> <p>c. Cats and Dogs. The occupant of a dwelling unit on a residential lot of less than 1,500 square feet shall keep a maximum of 6 total dogs and cats over 4 months in age.</p>												
(107) Garage Sale.	X	X	X	X	X	X	X	X	X	X	X	X
<p>a. See definition in Article 1311. A garage sale shall not include wholesale sales, nor sales of new merchandise of a type typically found in retail stores. The use shall be clearly accessory to the principal use.</p> <p>b. No garage sales shall be held on a lot during more than a total of 4 days in any 3 consecutive months.</p> <p>c. A maximum of 3 signs may be posted, each with a maximum of 4 square feet, and such signs shall be removed within 24 hours after the sale.</p>												
(108) Telephones, Coin-Operated Exterior.						X	X	X	X	X	X	X

2007 Replacement

USES	R1A	R1B	R2	R3	RU	INST	CC	CBD	CS	ML	MH	O
a. Coin-operated telephones exterior to a building shall only be permitted as an accessory use in a nonresidential zoning district, and shall not be permitted:												
(i) as accessory to a dwelling.												
(ii) on a vacant lot.												
(iii) on a parking lot.												
(iv) within a public right-of-way.												
(v) within a Residential District.												
(109) Satellite Dish Antenna for reception of electronic signals, provided that no newly placed dish antenna in an R1A, R1B or R2 District that is visible from a street or dwelling shall have a dish diameter exceeding 4 feet.	X	X	X	X	X	X	X	X	X	X	X	X

Legend:

- x = Permitted by right (with zoning approval by the Zoning Officer)
- s = Permitted as a special exception use (with zoning approval by the Zoning Hearing Board)
- c = Permitted as a conditional use (with zoning approval by City Council)

If no letter is shown in a particular column, then that use is prohibited in that zoning district.

(Ord. 5745. Approved 4-16-1998; Ord. 6003 §§ 1 and 2. Approved 9-15-2005; Ord. 6076 §§ 1, 2 and 7. Approved 9-6-2007.)

1333.06 USES NOT SPECIFICALLY REGULATED.

If a use is not permitted by right, as a conditional use or as a special exception use by this ordinance within any zoning district in the City, the use is prohibited in the City, except the applicant may apply to the Zoning Hearing Board. After a review by the Planning Commission, the Zoning Hearing Board may permit such use if the applicant proves all of the following to the satisfaction of the Zoning Hearing Board:

- (a) That the use would clearly be less offensive in impacts and nuisances than uses permitted in that district;
 - (b) The proposed use would be compatible with the purpose of the district;
 - (c) That the use can meet the general criteria listed in Section 1319 for a special exception use; and
 - (d) That the use is not specifically prohibited in the district.
- (Ord. 5745. Approved 4-16-1998; Ord. 6076 § 6. Approved 9-6-2007.)