

ZONING

- C. The farm-related business must be owned or operated by the individual who is the owner or lessee of the farm on which it is located. There shall be no more than two nonresident employees engaged in the business.
- D. The area devoted to production, storage and sales associated with the farm-related business shall be limited to a total of 2,500 square feet of gross floor area.
- E. No outdoor, unenclosed storage associated with a farm-related business shall become a nuisance or create a safety hazard. All such storage shall meet the requirements set forth in §421 of this Chapter:
- F. All signs used to advertise such facilities shall meet the requirements of Part 7 of this Chapter.
- G. Off-street parking spaces shall be provided for each farm-related business as set forth in Part 8 of this Chapter.
- H. Farm-related businesses may include, but need not be limited to, any of the following activities:
 - (1) Processing, storage, and/or sale of products raised or produced on the premises.
 - (2) Dairy stores.
 - (3) Custom butcher shops.
 - (4) Horticultural nurseries, greenhouses, and/or garden shops.
 - (5) Feed or seed sales.
 - (6) Tack shops or blacksmithing operations.
 - (7) Livestock or animal grooming services.
- I. Requests for other farm-related businesses not specified above may be submitted to the Zoning Hearing Board for consideration. Upon finding of the Board that such use complies with the criteria of this Section, other applicable codes and ordinances in effect in the Township, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is to be located, such use may be approved.

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

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

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

Muncy Creek

- A. A lot area of not less than 10 acres shall be required for drilling and extraction of crude oil or natural gas.
- B. All crude oil and natural gas wells shall be located at least 500 feet from any residential structure.
- C. In any residential district, a planted buffer of at least 100 feet in depth shall be installed around the crude oil or natural gas well in order to shield the well from residential uses.
- D. Crude oil and natural gas wells shall comply with all requirements of any State or Federal agency. Revocation of any required Federal, State, or municipal approvals shall constitute an automatic revocation of the zoning permit.

100 ft

road, depth, provisions

E. As part of any application for drilling and extraction of crude and natural gas, the applicant shall also identify all State and local roads to be used within Muncy Creek Township for construction, operation, maintenance and disassembly of the operation. The Township Engineer, or a qualified third party engineer, hired by the Township and paid for by the applicant, shall document road conditions prior to initiation of the operation and again 30 days after it is complete, or as weather permits.

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

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

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

ZONING

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

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

§1102. CONDITIONAL USES.

1. Procedures for Conditional Uses.

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

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

ZONING

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

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

(Ord. 97-1A, 2/5/1997, §1101)