

**0COUNTY OF LYCOMING
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 2021-02

AN ORDINANCE

OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LYCOMING, COMMONWEALTH OF PENNSYLVANIA, AMENDING LYCOMING COUNTY ZONING ORDINANCE WITH THE LANGUAGE CONTAINED WITHIN ATTACHMENT A OF THIS DOCUMENT. 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 Board of County Commissioners directed the County Planning and Community Development Director to process a text amendment package within Lycoming County Zoning Ordinance; and

WHEREAS, the Lycoming County Planning Commission by public action at its regularly scheduled monthly meeting on April 15, 2021, recommended passage of the amendments to d the Lycoming County Zoning Ordinance; and

WHEREAS, as required by the Pennsylvania Municipalities Planning Code, the Board of County Commissioners held a public hearing on the proposed amendment on June 15, 2021; and

NOW, THEREFORE, be it enacted and ordained by the Commissioners of the County of Lycoming, as follows:

SECTION 1:

The Lycoming County Zoning Ordinance is hereby amended as follows:

(1). Section 3240H is amended to allow Shopping Center Uses across multiple tracts and to provide supplemental controls which will require agreements for access and maintenance and require building code review and comment.

(2). Section 11400.F is added to allow extensions or enlargements of existing non-conforming municipal uses or structures to be approved by the Zoning Administrator so long as they do not create any new non-conformity.

(3). Division 14300 is amended to define Common Party Walls as a wall common to but dividing contiguous buildings.

SECTION 2:

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 3:

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or parts of ordinances, insofar as the same shall be inconsistent herewith, shall be and the same are expressly repealed.

SECTION 4:

This Ordinance shall be valid and effective for all purposes at noon on the ____ day of June 2021.

Duly enacted by the Board of Commissioners of the County of Lycoming, Commonwealth of Pennsylvania, in lawful session assembled this _____ day of June 2021

COUNTY OF LYCOMING

ATTEST:

Scott Metzger, Chairman

Matthew McDermott, Chief Clerk

Tony R. Mussare, Vice Chairman

Richard Mirabito, Secretary

Attachment A:

Updates to the Lycoming County Zoning Ordinance

3240H Shopping Center

1. Definition

A shopping center is defined as a combination of commercial retail stores, offices, and establishments providing business and services, ~~and~~ restaurants, ~~entertainment, and similar uses~~. These uses may be contained in a single building, ~~or in a group of buildings within the same tract which utilize shared parking,~~ or in a group of buildings within the same tract, or multiple tracts, with common party walls, covered canopies, or other structural members to form one continuous structure. As such, the ownership group(s) may utilize shared parking and must have common arrangements for maintenance of the structure and associated grounds.

2. Supplemental Controls

- a. *For instances where there are multiple owners of a portion(s) of a structure divided by common party walls, minimum yard setbacks listed in the non-residential bulk standards listed in Section 4230 of this ordinance shall not apply to these common areas – otherwise those standards shall be applied in their full force and effect.*
- b. *Where structures, facilities, or other infrastructure are jointly utilized by multiple ownership entities a recordable document(s) must be presented which includes, but not limited to the following matters:*
 - 1) *A reciprocal easement agreement for access, ingress, egress, and maintenance of the structure;*
 - 2) *declaration of relevant covenants; and,*
 - 3) *conditions or restrictions that addresses shared parking, access, landscaping and maintenance.*
- c. *Where a party wall separates two distinct lots under separate ownership or leaseholds or an existing building with a party wall is subject to a subdivision or land development where the party wall will become the boundary line between two distinct lots, a zoning/development permit is required and shall be subject to building code review and comment to determine if the application will meet existing building code requirements or additional information and permitting needed to meet existing building code requirements.*
 - 1) *The municipal building codes agency shall be provided up to 10 days to provide comment regarding the zoning application.*
 - 2) *In accordance with Section 10140 of this Ordinance, the zoning/development permit will not be considered complete until building codes has provided comment regarding the proposed zoning application.*
 - 3) *Approval of the zoning permit shall be conditioned on building code approval where determined necessary by the municipal building codes agency and a certificate of*

occupancy may not be issued until building code approval is provided to the Zoning Administrator.

DIVISION 11400 EXTENSIONS OR ENLARGEMENTS OF NON-CONFORMING USES AND STRUCTURES

- A. Extensions or enlargements of non-conforming uses shall be permitted in accordance with the maximum permitted floor area percentage (FAP) and maximum impervious surface percentage (ISP) of the zoning district in which the non-conforming use is located (refer to Division 4200 for the FAP and ISP standards), provided that:
 - 1. The non-conforming structure or use is not located within the floodway of a 100-year floodplain.
 - 2. The expansion may be approved provided the additions or alterations extend no further into the required yard setback than the existing non-conforming structure.
 - 3. In the case of a non-conforming use, be immediately adjacent to the existing non-conforming use.
- B. A non-conforming use shall not be extended to displace a conforming use.
- C. Nothing in this Article shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces and involving no structural alteration or enlargement of such structure.
- D. Extensions or enlargements of less than two-thousand (2,000) square feet to an existing non-conforming use or structure may be authorized by the Zoning Administrator via a Zoning/Development Permit.
- E. Extensions or enlargements of two-thousand (2,000) square feet or greater to an existing non-conforming use or structure must be approved by the Zoning Hearing Board prior to issuance of a Zoning/Development Permit.
- F. *Notwithstanding the language of Subsections D and E hereinabove, extensions or enlargements of an existing non-conforming municipal use or structure may be authorized by the Zoning Administrator via a Zoning/Development Permit provided the proposed extension or enlargement does not create any new non-conformity, meaning that the request would otherwise comply will all requirements of this Ordinance.*

Add the following to Division 14300, Definitions:

Common Party Walls: *A wall common to but dividing contiguous buildings; such a wall may, or may not contain openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof.*