

BOROUGH OF CLARKS SUMMIT

LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 2016-05

AN ORDINANCE OF THE BOROUGH OF CLARKS SUMMIT TO AMEND THE BOROUGH OF CLARKS SUMMIT ZONING ORDINANCE OF JANUARY 30, 2002 (ORDINANCE 2002-01), AS AMENDED, TO:

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BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Clarks Summit, Lackawanna County, Pennsylvania, by the authority of and pursuant to the provisions of Act of July 31, 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*; that the Borough of Clark Summit Zoning Ordinance of January 30, 2002 (Ordinance 2002-01), as amended, is hereby amended as follows:

→ITEM 1 - Amend and add the following definitions in §303 to read as follows:

Amend

Impervious Surface: A surface that prevents or retards the infiltration of rain water in to the ground. Examples may include rooftops, pavement, sidewalks, driveways, compacted gravel driveways, roads and interior walkways and decks made of concrete or similar materials.

Add

Pervious Surface: A surface that promotes the infiltration of rain water in to the ground. Examples may include, lawn, soft landscape areas, wooded areas, engineered infiltration areas, pervious paving materials, etc.

→ITEM 2 - Add the following §502.4:

502.4 Lot Coverage and Pervious Surfaces

- A. Pervious surfaces proposed in the development or improvement of a lot or any increase in lot coverage on an already developed or improved lot shall be reviewed by the Zoning Officer and, if found to meet the terms of this Ordinance, approved on a case-by-case basis.
- B. The percentage of the pervious surface to be counted as lot coverage shall be based upon actual field performance data provided by the manufacturer.
- C. The Zoning Officer shall be notified three (3) business days prior to construction so that the Zoning Officer may observe the installation.
- D. Pervious surface design, installation, testing, maintenance and cleaning shall be performed in accord with generally accepted practice, manufacturer standards and any applicable professional/manufacturer association standards or required installer certification.

E. Permeability testing of engineered pervious surfaces shall be performed in the presence of the Zoning Officer and a written report shall be submitted to the Zoning Officer documenting the testing method and results. The testing shall be conducted in accord with generally accepted practice by the applicant using a person deemed qualified by the Zoning Officer. If the permeability is reduced to a level of seventy-five (75) percent or less of the initial rate, the owner shall restore the permeability to the initial rate using accepted cleaning methods or reinstallation.

Testing shall be conducted:

1. Upon completion of the installation of the pervious surface.
2. Annually for any parking areas, driveways or other areas which are used by motor vehicles excluding such areas associated with single-family and two-family dwellings.
3. Once every five (5) years for all pervious surfaces for which annual testing is not required by §502.4E2.

F. The pervious surface shall be tested for permeability in accord with a written report submitted to the Zoning Officer.

G. The maintenance of the pervious surface shall be governed by a written agreement between the landowner and the Borough in a form prescribed by Resolution of Borough Council.

H. Approved pervious surfaces shall not be replaced with any impervious surface material.

→ITEM 3 - Amend Part 1 of the Schedule of Development Standards in §404.3 to read as follows:

PART 1 - RESIDENTIAL LOT SIZES AND DENSITY								
Zoning District →	R-1	R-2	R-3	RP	CC	HC	HC1	MI
Minimum lot size (sq. ft.)								
Single-family dwellings	10,000	7,500	6,000	7,500	6,000	6,000	6,000	NP
Two-family dwellings	NP	10,000	8,000	10,000	8,000	8,000	8,000	NP
Garden apartments	NP	NP	12,000	12,000	12,000	12,000	12,000	NP
Townhouses	NP	NP	12,000	12,000	12,000	12,000	12,000	NP
Apartment buildings	NP	NP	9,000	9,000	9,000	9,000	9,000	NP
Minimum average lot size for multi-family dwellings (sq. ft. per dwelling unit) SEE ALSO §603								
Garden apartments	NP	NP	4,000	4,000	4,000	4,000	4,000	NP
Townhouses	NP	NP	4,000	4,000	4,000	4,000	4,000	NP
Apartment buildings	NP	NP	3,000	3,000	3,000	3,000	3,000	NP
Mobile home parks SEE ALSO §607								
Minimum parcel size (sg. ft.)	87,120	NP	NP	NP	NP	NP	NP	NP
Minimum site size (sg. ft.)	3,000	NP	NP	NP	NP	NP	NP	NP
Maximum # units per acre	10	NP	NP	NP	NP	NP	NP	NP
NP = not permitted								

→ITEM 4 - Amend Part 2 of the Schedule of Development Standards in §404.3 to read as follows:

PART 2 - LOT DIMENSIONS FOR SINGLE-FAMILY AND TWO-FAMILY DWELLINGS IN ALL DISTRICTS						
Where the minimum lot size required in Part 1 in sq. ft. is →→→→→→→→	6,000	7,500	8,000	9,000	10,000	12,000 or more
Minimum lot width (feet)*	50	60	70	90	100	120
Minimum lot depth (feet)*	100	100	100	100	100	100
Minimum front yard (feet)	30	30	30	30	30	30
Minimum rear yard (feet)	25	25	25	25	30	30
Minimum side yard, each (feet)	10	10	10	10	10	10
Maximum depth to width ratio	3.5 : 1	3.5 : 1	3.5 : 1	3.5 : 1	3.5 : 1	3.5 : 1
MULTI-FAMILY DWELLINGS - §603.2 MOBILE HOMES - §607	*NOTE: Minimum lot width and depth shall not be less than the stated standard. The values may be greater in order to comply with the minimum lot size requirement. See §911 for nonconforming lots.					

→ITEM 5 - Amend Part 4 of the Schedule of Development Standards in §404.3 to read as follows:

PART 4 - MAXIMUM LOT COVERAGE FOR SINGLE-FAMILY AND TWO-FAMILY DWELLINGS IN ALL DISTRICTS			
Lot size (square feet)	5,000 and under	>5,000 to <20,000	20,000 and more
Lot Coverage (% of lot)	40	40 - (lot size in sq ft - 5,000)/750	20
With infiltration*	+5%	+5%	+5%
*The total area subject to earth disturbance activities (using PA CODE guidelines for that definition) by the project is subject to infiltration of the 2-yr storm frequency and furthermore 20% of existing impervious surfaces within the disturbed area, shall be considered meadow (in good condition) for the runoff calculations. (See §502.4 for the use of pervious surfaces.)			
MULTI-FAMILY DWELLINGS - §603.2			

→ITEM 6 - Amend Part 5 of the Schedule of Development Standards in §404.3 to read as follows:

PART 5 -- NON-RESIDENTIAL USES IN R-1, R-2, R-3 AND RP DISTRICTS (WHERE PERMITTED)								
Use	Minimum Lot Size (sq. ft.)	Minimum Dimensions (feet)		Minimum Yards (feet)			Maximum Building Height	Maximum Lot Coverage (percent)
		Width*	Depth*	Front	Rear	Sides		
-Bed and breakfast establishments -Day care, child -Day care, adult -Professional offices in buildings of a residential appearance consistent with the neighborhood and excluding any sale of goods, warehousing, service establishments, banks and similar uses	same as single-family dwelling standards for the district						2.5 stories or 35 feet	Part 4 standards shall apply
-Boarding and lodging houses -College or university -Clubs/lodges, private -Dormitories -Fraternities or sororities -Nursing homes -Places of worship -Public parks and playgrounds -Public and semi-public buildings and uses -Recreational facilities, public -Schools, public -Personal care homes or centers	10,000	100 90	100	35	30	10		
-Cemeteries -Country clubs -Golf courses excluding miniature golf and golf driving ranges	43,560	100	200	40	30	15		

*Minimum lot width and depth shall not be less than the stated standard. The values may be greater in order to comply with the minimum lot size requirement.
 **The total area subject to earth disturbance activities (using PA CODE guidelines for that definition) by the project is subject to infiltration of the 2-yr storm frequency and furthermore 20% of existing impervious surfaces within the disturbed area, shall be considered meadow (in good condition) for the runoff calculations.
 (See §502.4 for the use of pervious surfaces.)

➔ITEM 7 - Amend Part 6 of the Schedule of Development Standards in §404.3 to read as follows:

PART 6 -- NON-RESIDENTIAL USES IN C-1, C-2, MI AND RU DISTRICTS									
District	Minimum Lot Size (sq. ft.)	Minimum Dimensions (feet)		Minimum Yards (feet)			Maximum Building Height (stories/feet)	Maximum Lot Coverage (percent)	
		Width*	Depth*	Front	Rear	Sides			
CC District	7,500	60	100	0	0	0**	3 / 40	40	50***
HC District	7,500	60	100	25	10	10		40	50***
HC1 District	7,500	60	100	25	10	10		40	50***
MI District Principal Permitted Uses	10,000	90	100	35	30	10		60	70***
MI District Conditional Uses	20,000	100	100	35	30	10		60	70***
RU District	as needed to meet performance standards	maximum depth to width ratio of 3.5:1		20	20	20		70	85***

NOTES:
 * Minimum lot width and depth shall not be less than the stated standard. The values may be greater in order to comply with the minimum lot size requirement.
 **The zero side yard setbacks shall apply to lots with a width of 60 feet or less. Each side yard of any lot with a width greater than 60 feet shall not be less than 10 feet.
 ***The total area subject to earth disturbance activities (using PA CODE guidelines for that definition) by the project is subject to infiltration of the 2-yr storm frequency and furthermore 20% of existing impervious surfaces within the disturbed area, shall be considered meadow (in good condition) for the runoff calculations.
 (See §502.4 for the use of pervious surfaces.)

SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Borough Council having adopted this Ordinance as if such invalid portions had not been included therein.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

ADOPTION

ORDINANCE ORDAINED AND ENACTED this 7th day of December,2017, by the Borough Council of the Borough of Clarks Summit, Lackawanna County, Pennsylvania, to be effective immediately.

By: _____
Germaine Carey, Council President

ATTEST:

Virginia Kehoe, Manager/Secretary

APPROVED this 7th day of December,2017

By: _____
Herman Johnson, Mayor