

BOROUGH OF CLARKS SUMMIT

LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 2017-01

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:

ITEM 1 - AMEND AND ADD CERTAIN DEFINITIONS.....	1
ITEM 2 - ADD §502.4 - LOT COVERAGE AND PERVIOUS SURFACES.....	1
ITEM 3 - AMEND PART 1 OF THE SCHEDULE OF DEVELOPMENT STANDARDS	2
ITEM 4 - AMEND PART 2 OF THE SCHEDULE OF DEVELOPMENT STANDARDS	3
ITEM 5 - AMEND PART 4 OF THE SCHEDULE OF DEVELOPMENT STANDARDS	3
ITEM 6 - AMEND PART 5 OF THE SCHEDULE OF DEVELOPMENT STANDARDS	4
ITEM 7 - AMEND PART 6 OF THE SCHEDULE OF DEVELOPMENT STANDARDS	5

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 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 R1 DISTRICT						
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)*	120	120	120	120	120	120

→ITEM 4 - 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.)

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	$40 - (\text{lot size in sq ft} - 5,000)/750$	20
MULTI-FAMILY DWELLINGS - §603.2			

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

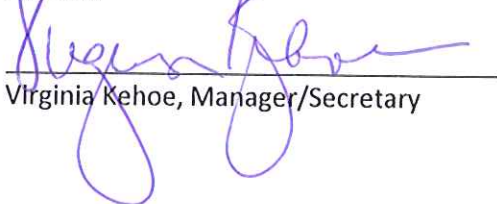
This Ordinance shall become effective immediately upon adoption.

ADOPTION

ORDINANCE ORDAINED AND ENACTED this 2nd day of August, 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 2nd day of August, 2017

By: 
Herman Johnson, Mayor

