

**LEHMAN TOWNSHIP**  
**ORDINANCE NO. \_\_\_\_\_ OF 2012**

AN ORDINANCE AMENDING THE LEHMAN TOWNSHIP ZONING ORDINANCE  
OF JANUARY 12, 2008

**SECTION 1**

ARTICLE 2 – DEFINITIONS

The following terms and subject definitions for the same are hereby adopted and included within Article 2, Definitions:

**JUNKED VEHICLE:**

Any vehicle, including a trailer, which does not bear current license and inspection stickers or is incapable of being moved under its own power, or presents a hazard or danger to the public by virtue of its state or condition of disrepair. The following conditions, which are not exclusive, are examples of what may constitute a state or condition of disrepair to classify a vehicle to be a junked vehicle.

- a. rusted and/or jagged metal on or protruding from the body of a vehicle;
- b. deflated tires
- c. broken glass or windows on or in the vehicle;
- d. leaking of any fluids from the vehicle;
- e. unsecured and/or unlocked doors, hood or trunk;
- f. storage or placement of the vehicle on concrete blocks;
- g. harboring or rodents, insects or other pests

**ABANDONED VEHICLE**

An Abandoned Vehicle shall be deemed to include any vehicle, including a trailer, determined and classified to be a Junked Vehicle by the Zoning Officer which remains in such condition for a period of thirty (30) days or greater.

**EMERGENCY SERVICES FACILITY:**

A building used in the administration and preparation for carrying out all emergency service functions. Said functions shall include but not limited to the operations and training of police, fire, emergency medical, and/or EMA personal and for the storage of supplies, equipment and vehicles. Said buildings may be utilized for both routine public safety functions to protect the health, safety and welfare of the general public and for emergency/disaster response actions

**SECTION 2**

ARTICLE 2 – DEFINITIONS

The term "Watercourse," which is currently defined as follows:

WATERCOURSE:

Any natural or man-made stream, river, creek, ditch channel, canal, waterway, gully or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

IS HEREBY AMENDED TO READ AS FOLLOWS:

WATERCOURSE:

Any natural or man-made named bodies of water or tributaries.

**SECTION 3**

ARTICLE 3 – GENERAL REGULATIONS

SECTION 304, UNATTACHED ACCESSORY STRUCTURES, Section 304.2 Residential, (*Accessory Structures*) which currently reads as follows:

304.2 RESIDENTIAL

When the principal structure is residential, unattached accessory structures shall only be erected within the rear yard or side yard areas of the lot subject to the following requirements:

- (A) The maximum height shall not exceed fifteen (15) feet.
- (B) An accessory structure shall not be located less than
  - Ten (10) feet from a side lot line or the rear lot line for accessory structures that have floor area not in excess of 200 square feet.
  - Fifteen (15) feet from a side lot line or the rear lot line for accessory structures that have floor area which exceed of 200 square feet.
  - Excluding A-1 and C-1 zoning districts, an accessory residential structure shall not exceed 750 square feet of floor area.

IS HEREBY AMENDED TO READ AS FOLLOWS:

304.2 RESIDENTIAL

When the principal structure is residential, unattached accessory structures shall only be erected within the rear yard or side yard areas of the lot subject to the following requirements:

- (A) The maximum height shall not exceed twenty (20) feet.
- (B) An accessory structure shall not be located less than

- Ten (10) feet from a side lot line or the rear lot line for accessory structures that have floor area not in excess of 200 square feet.
- Fifteen (15) feet from a side lot line or the rear lot line for accessory structures that have floor area which exceed of 200 square feet.
- Excluding A-1 and C-1 zoning districts, an accessory residential structure shall not exceed 750 square feet of floor area.

#### **SECTION 4**

##### ARTICLE 3 – GENERAL REGULATIONS

SECTION 315, VISIBILITY AT INTERSECTIONS AND PRIVATE DRIVEWAYS, Section 315.3, REQUIRED SETBACK, which currently reads as follows is hereby deleted.

No part of a driveway for shall be located closer than ten (10) feet from a side property line.

#### **SECTION 5**

##### ARTICLE 3 – GENERAL REGULATIONS

Is hereby amended to include Section 328, ABANDONED VEHICLES, which shall read as follows:

#### **SECTION 328      ABANDONED VEHICLES**

- A. It shall be unlawful for any person to allow, keep, permit or otherwise continue the placement of an abandoned vehicle, as defined in Article 2, upon any public or private property within Lehman Township for a period of thirty (30) days or greater. Any abandoned vehicle on a public road or street may be removed by the Lehman Township Police Department after 48 hours. If the vehicle constitutes a safety hazard, the Police may remove the abandoned vehicle immediately.
- B. Any person in violation of the above provisions shall be subject to the enforcement procedures as set forth in Section 1404 of the Zoning Ordinance.
- C. Any person found guilty under the enforcement remedies set forth in Section 1404 of the Zoning Ordinance, who remains in violation shall be subject to the removal of the abandoned vehicle by the Township. In addition to any other fines, the owner shall be liable for the cost of removing the vehicle by a Vehicle Salvor licensed with the Bureau of Motor Vehicles of the Pennsylvania Department of Transportation.
- D. Provisions of this Section shall not apply to the following:
  - A vehicle in a garage or similar enclosed structure.

- A vehicle on the premises of a business enterprise when necessary to the operation of such business.
- A vehicle in an appropriate storage facility, unless the storage constitutes, or contributes to a safety, health or fire hazard.

## **SECTION 6**

### ARTICLE 5, ZONING DISTRICT REGULATIONS

An Emergency Services Facility as so defined in this Ordinance shall be a “Permitted Use” by right in the following Zoning Districts:

C-1	CONSERVATION DISTRICT
A-1	AGRICULTURAL DISTRICT
B-1	COMMUNITY BUSINESS DISTRICT
B-2	HIGHWAY BUSINESS DISTRICT
I-1	GENERAL INDUSTRIAL DISTRICT
S-1	SPECIAL PURPOSE DISTRICT

To effectuate the above, the following Sections of the Zoning Ordinance shall be amended to reflect the inclusion of an Emergency Services Facility as a “Permitted Use.”

- Section 501.1 PERMITTED USES - (CONSERVATION DISTRICT)
- Section 502.1 PERMITTED USES - (AGRICULTURAL DISTRICT)
- Section 505.1 PERMITTED USES - (COMMUNITY BUSINESS DISTRICT)
- Section 506.1 PERMITTED USES - (HIGHWAY BUSINESS DISTRICT)
- Section 507.1 PERMITTED USES - (GENERAL INDUSTRIAL DISTRICT)
- Section 508.1 PERMITTED USES - (SPECIAL PURPOSE DISTRICT)

## **SECTION 7**

### ARTICLE 5, ZONING DISTRICT REGULATIONS

An Emergency Services Facility as so defined in this Ordinance shall be a “Use Permitted by Special Exception” in the following Zoning Districts:

R-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-2	MULTIFAMILY RESIDENTIAL DISTRICT

To effectuate the above, the following Sections of the Zoning Ordinance shall be amended to reflect the inclusion of an Emergency Services Facility as a “Use Permitted by Special Exception.”

- Section 503.2 USES PERMITTED BY SPECIAL EXCEPTION - (SINGLE FAMILY RESIDENTIAL DISTRICT).
- Section 504.2 USES PERMITTED BY SPECIAL EXCEPTION - (MULTIFAMILY RESIDENTIAL DISTRICT).

**SECTION 8**

ARTICLE 5, ZONING DISTRICT REGULATIONS

Section 509, AREA, BULK and DENSITY REGULATIONS as attached hereto and made a part hereof as Exhibit A, is hereby repealed in its entirety.

**SECTION 9**

ARTICLE 5, ZONING DISTRICT REGULATIONS

Section 509, AREA, BULK and DENSITY REGULATIONS as attached hereto and made a part hereof as Exhibit B, is hereby adopted in its entirety.

**SECTION 10**

ARTICLE 14, ENFORCEMENT AND ADMINISTRATION

SECTION 1402, ZONING PERMIT, Section 1402 .1, ISSUANCE OF PERMIT, which currently reads as follows:

SECTION 1402      ZONING PERMIT

1402.1      ISSUANCE OF PERMIT

No building, structure or sign shall be erected, constructed, moved, added to or structurally altered, nor shall any land, structure or building be put to any use without first obtaining a zoning permit from the Zoning Officer. No application shall be submitted to or considered by the Zoning Hearing Board until the Zoning Officer has received an application for a Zoning Permit and has determined that an approval and/or review by the Zoning Hearing Board, Planning Commission or Board of Supervisors is required or requested by the applicant. No such permit shall be issued except in conformity with the provisions of this Ordinance or upon written approval from the Zoning Hearing Board in the form of a Special Exception, Variance or an Administrative Appeal, upon written approval from the Board of Supervisors in the form of a Conditional Use Permit or as otherwise provided for by this Ordinance or any Court of proper jurisdiction. Normal and routine maintenance and repairs to a structure shall be exempt from obtaining a zoning permit. Interior remodeling of a structure shall also be exempt from obtaining a zoning permit provided that such remodeling does not include structural alterations or result in a change in the use of the structure.

IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1402      ZONING PERMIT

1402.1      ISSUANCE OF PERMIT

No building, structure or sign shall be erected, constructed, moved, added to or enlarged, nor shall any land, structure or building be put to any use without first

obtaining a zoning permit from the Zoning Officer. No application shall be submitted to or considered by the Zoning Hearing Board until the Zoning Officer has received an application for a Zoning Permit and has determined that an approval and/or review by the Zoning Hearing Board, Planning Commission or Board of Supervisors is required or requested by the applicant. No such permit shall be issued except in conformity with the provisions of this Ordinance or upon written approval from the Zoning Hearing Board in the form of a Special Exception, Variance or an Administrative Appeal, upon written approval from the Board of Supervisors in the form of a Conditional Use Permit or as otherwise provided for by this Ordinance or any Court of proper jurisdiction. Normal and routine maintenance and repairs to a structure, both interior and exterior, shall be exempt from obtaining a zoning permit when said activities do not result in an increase the size of the structure and/or result in a change in the use of the structure.

### **SECTION 11**

ALL OTHER ORDINANCES, OR PARTS THEREOF, WHICH ARE INCONSISTENT OR IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH BEING INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE.

### **SECTION 12**

IF ANY ARTICLE, SECTION, SUBSECTION, PARAGRAPH, SENTENCE OR PHRASE OF THIS ORDINANCE IS FOR ANY REASON DECLARED TO BE INVALID, ILLEGAL OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, THE VALIDITY OF THE REMAINING PROVISIONS SHALL BE UNAFFECTED BY SAID DECLARATION. IT IS THE INTENTION OF THE LEHMAN TOWNSHIP BOARD OF SUPERVISORS THAT THIS ORDINANCE WOULD HAVE BEEN ADOPTED HAD SUCH UNCONSTITUTIONAL, ILLEGAL OR INVALID PART NOT BEEN INCLUDED.

THIS ORDINANCE SHALL BECOME EFFECTIVE FROM THE DATE OF ITS APPROVAL AND ADOPTION AS PROVIDED BY LAW.

ENACTED AND ORDAINED BY THE LEHMAN TOWNSHIP BOARD OF SUPERVISORS, LUZERNE COUNTY, PENNSYLVANIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012

**EXHIBIT A**  
**CURRENT SECTION 509**

**SECTION 509  
AREA, BULK AND DENSITY REGULATIONS<sup>1</sup>**

THE REGULATIONS PROVIDED HEREIN ONLY APPLY TO EXISTING LOTS OF RECORD.  
SEE ARTICLE 6, CONSERVATION DESIGN OVERLAY DISTRICT, FOR APPLICABLE STANDARDS FOR ALL LOTS PROPOSED UNDER A NEW SUBDIVISION

ZONING DISTRICT	LOT SIZE	WIDTH feet	DEPTH feet	MINIMUM <sup>1</sup>			MAXIMUM	
				FRONT YARD SETBACK feet	REAR YARD SETBACK feet	SIDE YARD SETBACK feet per side	LOT COVERAGE	BLDG. HEIGHT
C-1	3 acres	300	300	75	50	25	10%	40 feet
A-1	1 acre	100	300	50	50	25	15%	40 feet
R-1	1 acre	100	200	50	25	20	20%	35 ft or 2 1/2 stories
R-2	1 acre	100	200	50	25	20	20%	35 ft or 2 1/2 stories
B-1	1 acre	100	200	50	25	20	20%	35 ft or 2 1/2 stories
B-2	2 acres	150	200	50	25	20	20%	35 ft or 2 1/2 stories
I-1	3 acres	300	300	75	75	50	30%	55 feet
S-1	3 acres	300	300	75	75	50	20%	55 feet

- The minimum requirements may be increased for certain uses as provided for under Article 8, Conditional Uses, Article 9, Supplemental Standards or as otherwise set forth in this Ordinance.

**EXHIBIT B**  
**REVISED SECTION 509**

**SECTION 509  
AREA, BULK AND DENSITY REGULATIONS<sup>1</sup>**

THE REGULATIONS PROVIDED HEREIN ONLY APPLY TO EXISTING LOTS OF RECORD.  
SEE ARTICLE 6, CONSERVATION DESIGN OVERLAY DISTRICT, FOR APPLICABLE STANDARDS FOR ALL LOTS PROPOSED UNDER A NEW SUBDIVISION

ZONING DISTRICT	Minimum LOT SIZE	Minimum WIDTH feet	Minimum FRONT YARD SETBACK feet	Minimum REAR YARD SETBACK feet	Minimum SIDE YARD SETBACK feet per side	Maximum LOT COVERAGE	Maximum <sup>2</sup> BLDG. HEIGHT
A-1	1 acre	150	50	50	25	15%	40 feet
R-1	1 acre	150	50	25	20	20%	35 feet
R-2	1 acre	150	50	25	20	20%	35 feet
B-1	1 acre	150	50	25	20	20%	40 feet
B-2	2 acres	150	50	25	20	20%	40 feet
I-1	3 acres	300	50	50	25	30%	55 feet
25	3 acres	300	50	50	25	20%	55 feet

1. The minimum requirements may be increased for certain uses as provided for under Article 8, Conditional Uses, Article 9, Supplemental Standards or as otherwise set forth in this Ordinance.
2. Building Height: The vertical distance of a building measure from the average elevation of the proposed finished grade within twenty (20) feet of the structure to the highest point of the roof for flat roofs; to the deck line of mansard roofs and to the average height between eaves and the ridge for gable, hip and gambrel roofs, excluding chimneys