

Towanda Borough Ordinance No. 2013-4
An Ordinance Amending Ordinance No. 325-74 of
Towanda Borough, known as the Towanda Borough Zoning
Ordinance, providing for the regulation of Oil
and Gas Operations.

Towanda Borough hereby amends Ordinance No. 325-74 known as the
Towanda Borough
Zoning Ordinance, by adding the following:

The Borough of Towanda amends their Zoning Ordinance after the Borough obtained
from the Public Utility Commission a favorable Advisory Opinion regarding a draft of the
Zoning Ordinance prior to the enactment noting its compliance and consistency with the
Municipalities Planning Code, and Chapters 32 and 33 of Act 13 dealing with the
regulation of Oil and Gas Operations.

NOW, THEREFORE BE IT ORDAINED AND ENACTED and it is hereby ordained and
enacted as follows:

SECTION 1. PURPOSE.

The purpose of this ordinance, amending the Zoning Ordinance of Towanda Borough, is to
ensure compliance with the local ordinance uniformity standards and other requirements of the
Unconventional Gas Well Impact Fee Act ("Act 13"), which amends Title 58 (the "Oil and Gas
Act") of the Pennsylvania Consolidated Statutes; and to allow for the reasonable development of
oil and gas resources in the Borough while properly protecting the health, safety and welfare of
the residents of Towanda Borough.

SECTION 2. Administration and Enforcement

Under Article IX, Administration and Enforcement, Section 74(A) of the Code of the Borough
of Towanda hereby adds the following:

Conditional Use

1. The Towanda Borough Council shall require a Conditional Use application for the
conditional uses set forth in the body of this ordinance and may grant Conditional Use
approval for the same.
2. **USES NOT PROVIDED FOR**

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Borough Council to hear and decide such request as a conditional use. The Borough Council shall have the authority to permit the use or deny the use in accordance with the standards of governing conditional use applications set forth in the Zoning Ordinance. In addition, the use may only be permitted if:

- A. It is similar to and compatible with the other uses permitted in the zone where the subject property is located;
- B. It is not permitted in any other zone under the terms of this Ordinance; and
- C. It in no way is in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located.

A. Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Borough Secretary or their designee. Upon receipt of a Conditional Use application, the Secretary of the Borough Council shall forward a copy of the application to the Towanda Borough Planning Commission for their review and recommendation. The Planning Commission shall conduct its review and make its recommendations within 30 days of receipt of such request.

B. Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

1. The location of the tract of land;
2. The present use of the tract for which the conditional use is requested;
3. The present use of adjoining tracts;
4. The type of conditional use for which the application is made;
5. A brief description of the type and extent of the proposed activities;
6. An estimate of the total development cost of the conditional use; and,
7. The names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

C. Site Plan

All applications for Conditional Uses shall include at least six (6) copies of a site plan of the proposed development as set forth below:

The site plan shall be drawn to a scale not more than 50 feet to the inch and shall be on a sheet no smaller than 18" x 24" and no larger than 24" x 36". If the site plan is drawn in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet. The site plan shall include:

1. Title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
2. Tract boundaries showing bearings and distances;
3. Existing significant natural or man-made features of the site;
4. Existing and proposed streets, rights-of-way, easements, means of access and setback lines;
5. Existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
6. Existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
7. Proposed grading and drainage plan;
8. Proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
9. Plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,
10. Location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where minimal site improvement or development is required or proposed for a conditional use, the Borough Council may waive the requirement for submittal of certain information that they deem unnecessary for their review of the application. In all cases however, the information submitted shall be adequate for review of the conditional use request.

D. Hearing Requirements

- a. Before voting on the approval of a Conditional Use, the Borough Council shall hold a public hearing thereon, pursuant to public notice. The Borough Council shall submit each such application to the Towanda Borough Planning Commission at least thirty (30) days prior to the hearing held upon an application to provide the Towanda Borough Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the

Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application;

- b. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Towanda Borough Council shall designate by Ordinance, and to any person who has made timely requests for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provisions, by rules of the Towanda Borough Council. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing; the (governing body) may prescribe reasonable fees with respect to hearings.
- c. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs.
- d. The parties to the hearing shall be Towanda Borough Council, any person affected by the application who has made timely appearance of record before the Towanda Borough Council, and any other person, including civic or community organizations permitted to appear by the Towanda Borough Council. The Towanda Borough Council shall have the power to require that all persons who wish to be considered parties enter appearance in writing on forms provided by the Towanda Borough Council for that purpose.
- e. The President and/or Vice President of the Towanda Borough Council shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and paper, including witnesses and documents requested by the parties.
- f. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
- g. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- h. The Towanda Borough Council may keep a stenographic record of the proceedings, the applicant and the Towanda Borough Council shall share the appearance fee for a stenographer equally. The cost of the original transcript shall be paid by the Towanda Borough Council; or shall be paid by the person appealing the decision of the Towanda Borough Council if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

i. The Towanda Borough Council shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice an opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surrounds after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

j. The Towanda Borough Council shall conduct the hearing or the Towanda Borough Council may appoint any member or an independent attorney as a hearing officer. The decision, or where there is no decisions, the findings shall be made by the Towanda Borough Council. However, the appellant or the applicant, as the case may be, in addition to the Towanda Borough Council may prior to the decision of the hearing, waive decision or findings by the Towanda Borough Council and accept the decision or findings of the hearing officer as final.

E. Criteria for Conditional Uses

The Council shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance:

1. The purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
2. Whether the specific site is an appropriate location for the use, structure or condition;
3. Whether the use developed will adversely affect the neighborhood;
4. Whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
5. Whether adequate and appropriate facilities and services will be provided to ensure the proper operations of the proposed use;
6. The economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,
7. Whether satisfactory provision and arrangement has been made concerning the following:

- a. Ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency.
- b. Off-street parking and loading areas;
- c. Waste collection, storage and disposal;
- d. Utilities, with reference to location, availability and compatibility;
- e. Screening and buffering with reference to type and erosion control measures;
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,
- g. Required yards and open spaces.

F. Decisions

The Council shall render a decision or, when no decision is called for; make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of facts or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of the PA Municipalities Planning Code, this Ordinance, or other ordinance, 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. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

Notwithstanding any other generally applicable provision of the Zoning Ordinance providing for a longer period of review, including Section 173-147 set forth above, for Zoning Permit Applications relating to Oil and Gas Operations, the Borough's Review Period for Conditional Uses shall not exceed 120 days for complete submissions.

G. Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

SECTION 3

ADOPTION OF NEW ARTICLE TO ZONING ORDINANCE.

The Towanda Borough Zoning Ordinance ("Zoning Ordinance") is hereby amended to add the following new Article No. XIII: Regulation of Oil and Gas Operations

ARTICLE XIII SPECIAL PROVISIONS RELATING TO OIL & GAS OPERATIONS

Section 86

DEFINITIONS.

The following words and phrases when used in this Article XIII of the Zoning Ordinance shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

"Act 13" means Act 13 of 2012 (H.B. 1950), P.L. 87, § 1, approved Feb. 14, 2012, 58 Pa. C.S. § 2301 *et seq.*, commonly known as the "Unconventional Gas Well Impact Fee Act," which amended Title 58 ("Oil and Gas") of the Pennsylvania Consolidated Statutes to add Chapters 23, 25, 27, 32, 33 and 35, and any subsequent amendments thereto and regulations promulgated thereunder.

"Agricultural Zoning District" shall have the same meaning as such term is used in Act 13. The following Borough Zoning Districts shall for the specific purposes of this Article XIII of the Zoning Ordinance be considered "Agricultural Zoning Districts": F-P Floodplain District

"Environmental Acts" means, in accordance with Section Act 13 (58 Pa. C.S. § 3301), all statutes enacted by the Commonwealth relating to the protection of the environment or the protection of public health, safety and welfare, that are administered and enforced by the department or by another Commonwealth agency, including an independent agency, and all Federal statutes relating to the protection of the environment, to the extent those statutes regulate oil and gas operations.

"Impoundment Area" shall have the same meaning as such term is used in Act 13, including as used in 58 Pa. C.S. § 3304.

"Industrial Uses" shall have the same meaning in this Article XIII as the term "Industrial Uses" as used in Act 13, and, without limiting the foregoing, shall include the following specific uses provided for in the Towanda Borough Zoning Ordinance.

"Industrial Zoning District," shall have the same meaning as such term is used in Act 13. The following Borough Zoning Districts for the purposes of this Article XIII of the Zoning Ordinance shall be considered "Industrial Zoning Districts": M-1 Light Manufacturing District

"Natural Gas" shall have the same meaning as such term is defined in Act 13 (58 Pa. C.S. § 2301).

"Natural Gas Compressor Station" shall have the same meaning as such term is used in Act 13, including 58 Pa. C.S. § 3301-3309.

"Natural Gas Processing Plant" shall have the same meaning as such term is used in Act 13, including 58 Pa. C.S. § 3301-3309.

"Occupied Building" shall for the specific purposes of this Article XIII of the Zoning Ordinance mean, consistent with the definition of "Building" pursuant Act 13 (58 Pa. C.S. § 3203), an occupied structure with walls and roof within which persons live or customarily work.

"Oil and Gas Operations" for the specific purposes of this Article XIII of this Zoning Ordinance incorporates by reference, and has the same meaning as, the term "Oil and Gas Operations" as defined in Act 13 (58 Pa. C.S. § 3301), which provides that such term includes the following:

- 1) Well location assessment, including seismic operations, well site preparations, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;
- 2) Water or other fluid storage or impoundment areas used exclusively for oil and gas operations;
- 3) Construction, installation, use, maintenance and repair of:
 - a. Oil and gas pipelines;
 - b. Natural gas compressor stations; and
 - c. Natural gas processing plants or facilities performing equivalent functions; and
- 4) Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in paragraphs (1), (2) and (3), to the extent that:
 - a. The equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
 - b. The activities are authorized and permitted under the authority of a Federal or Commonwealth agency.

"Oil and Gas Well" or "Well" as used in this Article XIII of the Zoning Ordinance is intended to have the same meaning as the term "Well" as defined in Section 3203 of Act 13 (58 Pa. C.S. § 3203.)

"Oil and Gas Well Site" or "Well Site" as used in this Article XIII of the Zoning Ordinance is intended to have the same meaning as the term "Well Site" as used in 58 Pa. C.S. § 3304(b)(5.1).

"Owner of Building or Adjoining Lott" for the purposes of this Article XIII shall have the same meaning as such term used in Act 13 (58 Pa. C.S. § 3304(b)).

"Permanent Oil and Gas Operations" as used in this Article XIII of the Zoning Ordinance is intended to have the same meaning as the term "Permanent Oil and Gas Operations" as used in 58 Pa. C.S. § 3304(b)(3).

"Residential District" or "Residential Zoning District" shall have the same meaning as the term "Residential District" as used in Act 13. The following Borough Zoning Districts shall for the purposes of this Article XIII of the Zoning Ordinance be considered "Residential Zoning Districts": R-1 One-Family Residential District, R-2 Two-Family Residential District, R-3 Multifamily Residential District and R-4 Special One-Family Residential District.

"Review Period for Conditional uses" as used in this Article XIII of the Zoning Ordinance is intended to have the same meaning as such phrase is used in Act 13, including 58 Pa. C.S. § 3304 (b)(4).

"Well and Pipeline Location Assessment Operations" shall have the same meaning as such term is used in Act 13, including in 58 Pa. C.S. § 3304

Section 87

GENERAL REPEALER FOR CONSISTENCY WITH ACT 13.

All provisions of the Towanda Borough Zoning Ordinance that contain provisions which impose conditions, requirements or limitations on the same features of Oil and Gas Operations regulated by Chapter 32 (58 Pa. C.S. §§ 3301-3275) of Act 13, or that accomplish the same purposes as set forth in the said Chapter 32 of Act 13 are, to the extent applicable to Oil and Gas Operations and prohibited, preempted or superseded by Act 13, including as set forth in. 58 Pa. C.S. § 3302 thereof, hereby repealed.

All provisions of the Towanda Borough Zoning Ordinance that contain provisions which impose conditions, requirements or limitations on the construction of Oil and Gas Operations that are more stringent than conditions, requirements or limitations imposed on construction activities for other Industrial Uses within the Borough, to the extent such provisions are prohibited, preempted or superseded by Act 13, including as set forth in 58 Pa. C.S. § 3304 (b)(2), are hereby repealed.

All provisions of the Towanda Borough Zoning Ordinance that contain provisions which impose conditions, requirements or limitations on the heights of structures, screening and fencing, lighting or noise related to Permanent Oil and Gas Operations that are more stringent than the conditions, requirements or limitations imposed on other Industrial Uses or other land development within the particular zoning district where the Oil and Gas Operations are situated

are, to the extent such provisions are prohibited, preempted or superseded by Act 13, including as set forth in 58 Pa. C.S. § 3304 (b)(3), hereby repealed.

An provisions of the Towanda Borough Zoning Ordinance that regulate Oil and Gas Operations to the extent also regulated by Environmental Acts are, consistent with Act 13, including 58 Pa. C.S. § 3303, hereby repealed.

Section 88 SPECIFIC REPEALER FOR CONSISTENCY WITH ACT 13.

Without limiting the forgoing General Repealers in Section 87 of this Article XIII , the following specific provisions of the Zoning Ordinance are, to the extent applicable to Oil and Gas Operation, repealed:

- a. None

Section 89 CONTINUATION OF PERMISSIBLE EXISTING SETBACK PROVISIONS.

The provisions of the Towanda Borough Zoning Ordinance regulating all types of setback distances shall continue to apply in full force and effect to the extent permitted by and consistent with Act 13 other than those regarding Oil and Gas Uses regulated by or set forth in Chapter 32 (58 Pa. C.S. § 3301-3274) of Act 13 in which the provisions of Chapter 32 (58 Pa. C.S. § 3301-3274) of Act 13 shall control.

Section 90 PERMITTED OIL AND GAS USES IN ALL ZONING DISTRICTS.

The following uses shall, to the extent required by Act 13, including as set forth in 58 Pa. C.S. § 3304 (b)(1) thereof, shall be permitted uses in all Zoning Districts of the Borough:

- a) Well and Pipeline Location Assessment Operations.
- b) Oil and Gas Operations, other than (i) activities at natural Gas Impoundment Areas, Natural Gas Compressor Stations and Natural Gas Processing Plants or (ii) Wells or Well Sites

Without narrowing the foregoing, the following specific Section 13 – Article III, Section 14 – Article III, Section 15 – Article III, Section 16 – Article III, Section 17 –Article III, Section 18 – Article III, Section 19 – Article III, and Section 20 – Article III of the Zoning ordinance are amended to add to the list of permitted uses as of right for the following:

R-1 One-Family Residential District (See Article III)

R-2 Two-Family Residential District (See Article III)

R-3 Multifamily Residential District (See Article III)

R-4 Special One-Family Residential District (See Article III)

C-2 Central Business District (See Article III)

C-3 Highway Commercial District (See Article III)

M-1 Light Manufacturing District (See Article III)

F-P Floodplain District (See Article III)

The following sections are amended to include Well and Pipeline Location Assessment Operations and Oil and Gas Operations, other than (i) activities at natural Gas Impoundment Areas, Natural Gas Compressor Stations and Natural Gas Processing Plants or (ii) Wells or Well Sites:

A. R-1 One-Family Residential District in permitted use section §13(A)

B. R-2 Two-Family Residential District in permitted use section §14(A)

C. R-3 Multifamily Residential District in permitted use section §15(A)

D. R-4 Special One-Family Residential District in permitted use section §16(A)

E. C-2 Central Business District in permitted use section §17(A)

F. C-3 Highway Commercial District in permitted use section §18(A)

G. M-1 Light Manufacturing District in permitted use section §19(A)

H. F-P Floodplain District in permitted use section §20(A)

Section 91

**PERMITTED OIL AND GAS WELL USES IN ALL DISTRICTS
OTHER THAN RESIDENTIAL DISTRICT.**

To the extent required by Act 13, including as set forth in 58 Pa. C.S. §3304 (b), Oil and Gas Wells or Well Sites shall be permitted uses in all Zoning Districts of the Borough other than Residential Zoning Districts.

Without narrowing the forgoing, the following specific Sections of the Zoning Ordinance are amended to add Oil and Gas Wells or Well Sites to the list of permitted uses as of right for the following:

C-2 Central Business District (See Article III)

C-3 Highway Commercial District (See Article III)

M-1 Light Manufacturing District (See Article III)

F-P Floodplain District (See Article III)

The following sections are amended to include permitted oil and gas well uses:

- I. C-2 Central Business District in permitted use section §17(A)
- J. C-3 Highway Commercial District in permitted use section §18(A)
- K. M-1 Light Manufacturing District in permitted use section §19(A)
- L. F-P Floodplain District in permitted use section §20(A)

Section 92

**CERTAIN PROHIBITED OIL AND GAS WELL USES IN
RESIDENTIAL DISTRICTS.**

Oil and Gas Wells and Well Sites are, to the extent consistent with Act 13, including 58 Pa. C.S. §3304(b)(5.1), Prohibited Uses in the following residential districts if the Well Site cannot be placed so that the wellhead is at least 500 feet from any existing building. Such uses, if otherwise permitted, shall be considered Permitted Uses in such Residential Zoning Districts if the Well Site can be placed so that the wellhead is at least 500 feet from any existing building:

R-1 One-Family Residential District (See Article III)

R-2 Two-Family Residential District (See Article III)

R-3 Multifamily Residential District (See Article III)

R-4 Special One-Family Residential District (See Article III)

The following sections are amended to include permitted oil and gas well uses:

- A. R-1 One-Family Residential District in permitted use section §13(A)
- B. R-2 Two-Family Residential District in permitted use section §14(A)
- C. R-3 Multifamily Residential District in permitted use section §15(A)
- D. R-4 Special One-Family Residential District in permitted use section §16(A)

Section 93

**CERTAIN OIL AND GAS OPERATIONS IMPOUNDMENT
AREAS PERMITTED IN ALL ZONING DISTRICTS.**

Impoundment Areas used for Oil and Gas Operations shall be Permitted Use in the Zoning Districts in the Borough provided that the edge of any Impoundment Area shall not be located closer than 300 feet from any existing Occupied Building.

Without narrowing the foregoing, the following specific Section 13 – Article III, Section 14 – Article III, Section 15 – Article III, Section 16 – Article III, Section 17 – Article III, Section 18 – Article III, Section 19 – Article III, and Section 20 – Article III of the Zoning ordinance are amended to add to the list of permitted uses as of right for the following:

R-1 One-Family Residential District (See Article III)

R-2 Two-Family Residential District (See Article III)

R-3 Multifamily Residential District (See Article III)

R-4 Special One-Family Residential District (See Article III)

C-2 Central Business District (See Article III)

C-3 Highway Commercial District (See Article III)

M-1 Light Manufacturing District (See Article III)

F-P Floodplain District (See Article III)

The following sections are amended to include impound areas:

- A. R-1 One-Family Residential District in permitted use section §13(A)
- B. R-2 Two-Family Residential District in permitted use section §14(A)
- C. R-3 Multifamily Residential District in permitted use section §15(A)
- D. R-4 Special One-Family Residential District in permitted use section §16(A)

- E. C-2 Central Business District in permitted use section §17(A)
- F. C-3 Highway Commercial District in permitted use section §18(A)
- G. M-1 Light Manufacturing District in permitted use section §19(A)
- H. F-P Floodplain District in permitted use section §20(A)

Section 94 NATURAL GAS COMPRESSOR STATION USES.

Nature Gas Compressor Stations shall be a Permitted Use in an Agricultural Zoning District, namely the F-P Floodplain District Section §20(A) Article III, and in an Industrial Zoning District, namely the M-1 Light Manufacturing District Section §19(A) Article III and as a Conditional Use in all other Zoning Districts if the natural gas compressor building meets the following standards:

- (i) is located 750 feet or more from the nearest existing Occupied Building or 200 feet from the nearest lot line, whichever is greater, unless waived by the owner of the Occupied Building or adjoining lot; and
- (ii) the noise level does not exceed a noise standard of 60dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.

M-1 Light Manufacturing District (See Article III)

F-P Floodplain District (See Article III)

The following sections are amended to include natural gas compressor station:

- A. M-1 Light Manufacturing District in permitted use section §19(A)
- B. F-P Floodplain District in permitted use section §20(A)

R-1 One-Family Residential District (See Article III)

R-2 Two-Family Residential District (See Article III)

R-3 Multifamily Residential District (See Article III)

R-4 Special One-Family Residential District (See Article III)

C-2 Central Business District (See Article III)

C-3 Highway Commercial District (See Article III)

The following sections are amended to include natural gas compressor stations as a conditional use:

- A. R-1 One-Family Residential District in conditional use section §13(D)
- B. R-2 Two-Family Residential District in conditional use section §14(D)
- C. R-3 Multifamily Residential District in conditional use section §15(D)
- D. R-4 Special One-Family Residential District in conditional use section §16(F)
- E. C-2 Central Business District in conditional use section §17(D)
- F. C-3 Highway Commercial District in conditional use section §18(D)

Section 95

NATURAL GAS PROCESSING PLANT USES.

A Nature Gas Processing Plant shall be a Permitted Use in any Industrial Zoning District, namely the M-1 Light Manufacturing District Section §19(A) Article III, and as a Conditional Use in any Agricultural Zoning District namely the F-P Floodplain District Section §20(A) Article III, if the following conditions are met:

- (i) The natural gas processing plant building is located at the greater of at least 750 feet from the nearest existing Occupied Building or at least 200 feet from the nearest lot line unless waived by the owner of the Occupied Building or adjoining lot.
- (ii) The noise level of the natural gas processing plant building does not exceed a noise standard of 60dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.

M-1 Light Manufacturing District (See Article III)

The following sections are amended to include natural gas processing plant as a permitted use:

- A. M-1 Light Manufacturing District in permitted use section §19(A)

F-P Floodplain District (See Article III)

The following sections are amended to include natural gas processing plant as a conditional use:

- A. F-P Floodplain District in conditional use section §20(D)

Section 96

**EXPEDITED REVIEW OF ZONING PERMIT REVIEWS FOR OIL
AND GAS OPERATIONS.**

Notwithstanding any other generally applicable provision of the Zoning Ordinance providing for a longer period of review, including Section 60, for Zoning Permit Applications relating to Oil and Gas Operations, the Borough's Review Period For Permitted Uses shall not exceed 30 days for complete submissions, and the Review Period For Conditional Uses shall not exceed 120 days for complete submissions.

Section 97

NO ADDITIONAL CONDITIONS IMPOSED IN FLOODPLAIN

Any provision which imposes conditions, requirements or limitations on the same features of oil and gas operations regulated by Chapter 32 of Act 13 or that accomplish the same purposes as set forth in Chapter 32 of Act 13 are hereby superseded and shall be deemed null and void with respect to any regulation of oil and gas operations in the F-P Floodplain District Article III.

Section 98

SEVERABILITY

If any section, subsection, sentence, clause or phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

If any section, subsection, sentence, clause or phrase or portion of this conflicts with any provisions set forth in ACT 13, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 99

ADDITIONAL REPEALER.

Any ordinance, chapter, section, paragraph or sentence in any ordinance conflicting with the provisions of this ordinance is hereby repealed to the extent of such conflict.

SECTION 4

EFFECTIVE DATE:

This ordinance shall take effect ^{immediately} ~~days~~ after passage.

ENACTED AND ORDAINED BY THE BOROUGH OF TOWANDA, this 18th
day of July, 2013.

Mark Christini
Mark Christini, President
Towanda Borough Council

ATTEST

Diane M Kulick
Diane Kulick, Secretary

APPROVED THIS 18th DAY OF July, 2013.

Garrett Miller
Garrett Miller, Mayor