

**CLINTON COUNTY  
PENNSYLVANIA**



**ZONING ORDINANCE**

**Colebrook Township  
East Keating Township  
Gallagher Township  
Grugan Township  
Logan Township  
Noyes Township  
West Keating Township**

ADOPTED BY THE CLINTON COUNTY  
COMMISSIONERS

**August 25, 2016**

Prepared By:  
Clinton County Planning Commission  
232 East Main Street  
Lock Haven, PA 17745

**Board of Commissioners**

**Robert B. "Pete" Smeltz, Jr.**  
Chairman  
**Jeffrey A. Snyder**  
Vice Chairman  
**Paul W. Conklin**  
Commissioner



**Larry E. Coploff, Solicitor**  
**Jann Meyers, Chief Clerk**  
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**RESOLUTION NO. 19 OF 2016**

**ADOPTION OF ORDINANCE NO. 2 OF 2016 – CLINTON COUNTY ZONING ORDINANCE**

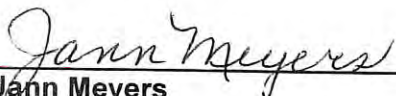
**WHEREAS**, the Clinton County Planning Commission recognized deficiencies and shortcomings with the current County Zoning ordinance; and

**WHEREAS**, the Planning Commission has developed a new county zoning ordinance to regulate and determine the uses of land in Colebrook, East Keating, Gallagher, Grugan, West Keating, Logan, and Noyes Townships ; and


**WHEREAS**, the proper public participation, reviews, and notifications have been completed;

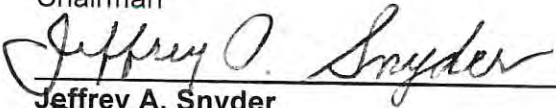
**NOW THEREFORE BE IT RESOLVED**, that the Clinton County Board of Commissioners do hereby adopt the new Clinton County Zoning Ordinance, as recommended by the Clinton County Planning Commission, and in the form hereto attached.

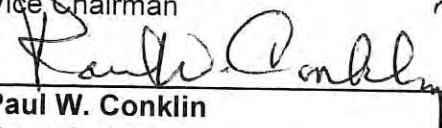
**ADOPTED BY** the Clinton County Board of Commissioners at their meeting on August 25, 2016.

  
**Jann Meyers**  
Chief Clerk

**CLINTON COUNTY COMMISSIONERS**

  
**Robert B. "Pete" Smeltz, Jr.**  
Chairman

  
**Jeffrey A. Snyder**  
Vice Chairman

  
**Paul W. Conklin**  
Commissioner



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**PART 1**  
**TITLE, AUTHORITY AND PURPOSE**

**101 SHORT TITLE**

This Ordinance shall be known and cited as the "Clinton County Zoning Ordinance of 2015" and is intended to serve as a comprehensive amendment of the Clinton County Zoning Ordinance enacted by the County Commissioners on November 23, 1994, and amended on May 27, 1998, September 2, 2010, and December 12, 2014.

**102 AUTHORITY AND JURISDICTION**

The PA Municipalities Planning Code (P.L. 1329, Act 170, as reenacted December 21, 1988, and as subsequently amended) provides that the County Commissioners may implement comprehensive plans or accomplish any of the purposes of the Planning Code by enacting a zoning ordinance.

The requirements and ordinances contained herein shall have full force in the following jurisdictions, all of which are municipalities of Clinton County:

Colebrook Township  
East Keating Township  
Gallagher Township  
Grugan Township  
Logan Township  
Noyes Township  
West Keating Township

The Board of Commissioners of Clinton County Pennsylvania, under the authority cited above, do hereby ordain that this Zoning Ordinance is enacted in order to promote and protect the health, safety, morals, and general welfare of the residents of these municipalities and the County, and shall take effect immediately upon enactment.

**103 GENERAL PURPOSES**

The zoning regulations and districts herein set forth were developed in accordance with an overall program for the County, with consideration being given to the character of the area; each municipality's various parts, and the suitability of the various parts for particular uses and structures. As such, the regulations were designed to:

- A. promote, protect and facilitate: the public health, safety, morals and the general welfare; coordinated and practical community development, and proper density of population; emergency management preparedness and operations, airports and national defense facilities; the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as the preservation of the natural, scenic and historic values in the environment and preservation of forests, woodlands, aquifers and floodplains;
- B. prevent the overcrowding of land, blight, danger and congestion in travel and transportation,

- loss of health, life or property from fire, flood, panic or other dangers;
- C. preserve prime agriculture and farmland considering topography, soil type and classification, and present use;
  - D. provide for the use of land within the county for residential housing of various dwelling types encompassing all basic forms of housing;
  - E. accommodate reasonable overall community growth, including population and employment growth, and provide opportunities for development of a variety of residential dwelling types and nonresidential uses;

#### **104 COMMUNITY DEVELOPMENT OBJECTIVES**

This Zoning Ordinance provides a legal basis and framework for future development in the seven municipalities it covers. The 2014 Clinton County Comprehensive Plan called for efforts to standardize zoning ordinance formats among county municipalities. The format chosen for use herein was based on, and is in close alignment with, the zoning ordinance of six other municipalities: Woodward, Allison, Bald Eagle, and Castanea Townships, Lock Haven City, and Flemington Borough. These municipalities are part of the Central Clinton County Council of Governments (COG).

The following list of goals, taken from the 2014 Clinton County Comprehensive Plan, forward the priorities of the County Commissioners and Planning Commission regarding future development. They are organized into categories of Economic Development; Cultural Resources; Housing; Land Use; Natural Resources; Community Facilities, Services, and Utilities; Transportation; and Recreation and Tourism.

- Ensure conformance of new development to the Land Use Section of the 2014 Comprehensive Plan.
- Encourage flexibility in housing development, such as traditional neighborhoods, conservation design, and cluster housing
- Encourage protection of productive agricultural soils
- Encourage preservation of historic structures and landmarks
- Encourage the creation of forest-urban buffer zones for fire safety
- Guide new development away from sensitive natural resource areas
- Consider impacts of Marcellus Shale industry development; follow best practices of the PA Wilds Design Guide Oil and Gas Supplement
- Guide business to industrial parks and commercially zoned areas
- Retain community character in new development
- Inhibit sprawl

#### **105 DISCLAIMER OF MUNICIPAL LIABILITY**

This Ordinance is not intended to create nor assume liability on the part of Clinton County or any officer or employee thereof for any fire, flood or other damage that may result from reliance on this Ordinance or from any administrative decisions lawfully made there under. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when designing or constructing structures

approved pursuant to these regulations. Furthermore, issuance of a Zoning Permit shall not constitute a representation, guarantee, or warranty of any kind by the County as to the accuracy of information provided by the applicant as part of a Permit application.

#### **106 CONFLICT WITH OTHER LAWS**

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes stated herein. Where the provisions of this Ordinance impose greater restrictions than those of any other statute, ordinance or regulation, the provisions of this Ordinance shall prevail, except as may be otherwise provided by such statute, ordinance or regulation. Where however, the provisions of any other statute, ordinance or regulation impose greater restriction than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail. (See also Part 14 for additional interpretation, repealer, and severability clauses.)

## **PART 2 DEFINITIONS**

### **201 INTERPRETATIONS**

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "person" shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word "lot" shall include the words "plot" and "parcel"; the term "shall" is mandatory, the word "may" permissive; and the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

### **202 DEFINITIONS**

**ABANDONED:** The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings; or the replacement of the nonconforming use or structure.

**ABUTTING:** 1) Physically touching or bordering on another lot, use, or district boundary; or 2) Sharing a common boundary line. (See also ADJOINING.)

**ACCESS DRIVE:** A permanent service-way, other than a street, which provides vehicular access from a street or public road to a lot; such as a driveway.

**ACCESSORY BUILDING:** A subordinate building or portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

**ACCESSORY USE:** A use customarily incidental and subordinate to the principal use of a building and located on the same lot with such principal use of a building.

**ACT 38:** Agriculture, Communities and the Rural Environment Act, which was enacted and became effective July 6, 2005. The Act is also known as the ACRE Law.

**ACT 247:** The Pennsylvania Municipalities Planning Code, as amended. The law, passed on July 31, 1968, is the enabling legislation which permits municipalities in Pennsylvania to prepare and enact comprehensive development plans, zoning ordinances and other land use controls.

**ADJOINING:** For the purposes of this Ordinance, the term "adjoining" shall be defined as the sharing of all or part of a common lot line with another lot or parcel of land. (See also ABUTTING.)

**ADULT ENTERTAINMENT ESTABLISHMENT:** Adult book stores, adult theaters, adult cabarets, adult massage parlors, and similar establishments providing entertainment of a sexual nature. (See also Section 515.)

- A. Adult Book Store: An establishment which has a substantial or significant portion of the its stock in trade as books, video tapes or compact discs, magazines or other periodicals which provide entertainment of a sexual nature.
- B. Adult Cabaret: A club, bar, tavern, restaurant, or other establishment which features go-go

dancers, strippers, male or female impersonators, or similar entertainers whose performance is of a sexual nature.

- C. Adult Drive-In Theater: An establishment showing sexually explicit motion picture films to patrons who remain seated in their automobiles or motor vehicles.
- D. Adult Massage Parlor: An establishment where massages of a sexual nature are offered or furnished.
- E. Adult Mini-Motion Picture Theater: An enclosed building with a capacity of fewer than 50 persons used for showing sexually explicit motion picture films to patrons.
- F. Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used for showing sexually explicit motion picture films to patrons.
- G. Adult Other: Any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**AGENT**: Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated County official for the purpose of obtaining approval thereof.

**AGRI-BUSINESS**: An independent business, not subsidiary to an agricultural operation, which is related to the processing or sale of agricultural products or supplies, or the sale and/or repair of agricultural equipment.

**AGRICULTURAL BUILDING**: A detached accessory structure, whether fully or partially enclosed, intended to provide housing, shelter, enclosure or support for animals, farm equipment, farm supplies or produce, grain, feed, etc. Such building shall be incidental and accessory to the type of farming activities conducted upon the property containing the building or on other properties owned or leased by the same farmer, and shall not be used for residential purposes. (See also STABLE.)

**AGRICULTURAL OPERATION**: 1) The management and use of farming resources for the production of crops, livestock or poultry. 2) An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products, and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, or livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**AGRICULTURE**: The use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures used for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. (See also AGRI-BUSINESS, ANIMAL OR POULTRY HUSBANDRY, FARM, and FARM-RELATED BUSINESS.)

**AISLE**: The traveled way by which cars enter and depart parking spaces.

**ALLEY**: A permanent service way providing a secondary means of access to abutting lots, not intended for general traffic circulation.

**ALTERATION**: As applied to a building or structure, an alteration shall be defined as a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another. For the

purposes of this Ordinance, alteration shall not be defined to include general maintenance or other repair activities. (See also STRUCTURAL ALTERATIONS.)

AMENDMENT: 1) The process set forth by the PA Municipalities Planning Code for changing or altering the provisions of this Ordinance or the boundary of any zoning district shown on the zoning map. (See Part 12); or 2) the actual change or alteration proposed for the zoning ordinance text or map.

ANIMAL EQUIVALENT UNIT (AEU): One thousand pounds live weight of livestock or poultry animals, regardless of the actual numbers of individual animals comprising the unit. (See the PA Nutrient Management Act, PSU Agronomy Fact Sheet # 54 or other associated agriculture industry guidance documents for a listing of standard animal weights.)

ANIMAL HOSPITAL: An establishment where animals are given medical or surgical treatment and may be boarded for short-term care incidental to their treatment.

ANIMAL HUSBANDRY, COMMERCIAL: For the purposes of this Ordinance, animal husbandry shall be defined as an agricultural operation involving the raising or keeping of livestock and/or poultry for capital gain or profit or with the intent of selling any livestock or poultry products as a commercial enterprise, including custom butchering, which does not meet the animal density thresholds set forth in the Nutrient Management Regulations for a CAO or CAFO. (The housing or raising of livestock or poultry or household pets for personal use or enjoyment pursuant to regulations of this Ordinance shall not be considered animal or poultry husbandry. See also Section 521.)

ANTENNA: Any arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

ANTENNA HEIGHT: The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured to include the height of the building upon which the antenna and its structure is situated.

APPLICANT: A landowner, equitable owner, or developer, as hereinafter defined, who has filed an application for development, including his or hers, personal representatives, successors and assigns.

APPLICATION FOR ZONING PERMIT: An application, required to be filed and approved by the County Planning Commission prior to the start of construction or development.

AQUIFER: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

AREA: The surface included within a set of lines.

- A. Area, Lot: The area contained within the property lines of individual parcels of land shown on a plan, excluding any area within a street right-of-way, but including the area of any easement.
- B. Area, Buildable: That portion of a lot bounded by the required front, side and rear yards.
- C. Area, Site: The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

ATHLETIC FIELD, RECREATION: Developed or undeveloped open spaces which are provided by individuals or organizations for the use of specified individuals or organizations sharing common relationships or associations for the purpose of outdoor sports play and activities. Such uses shall

include only baseball, football, soccer, track, field hockey, lacrosse, softball, volleyball, track and field, or rugby and shall not include any other outdoor sports, including, but not limited to, archery, firing ranges or any sport or activity involving mechanized or motorized instruments, vehicles or other apparatus.

**AUTOMOTIVE REPAIR GARAGE:** A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm machinery or equipment, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. (See also Section 513.)

**AUTOMOTIVE SALES FACILITY:** Any building or land area used for the display and sale of new or used automobiles or other motor vehicles, including warranty repair or associated work.

**AUTOMOTIVE SERVICE STATION:** Any land, building, or place of business where gasoline or any motor vehicle fuel or oil or other lubricating substances, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered. (See also Section 513.)

**BANK:** See FINANCIAL INSTITUTION.

**BARBER OR BEAUTY SHOP:** An establishment providing personal grooming services that may include hair cutting, coloring, facial, nail grooming, and ancillary uses such as tanning salons. (See also HOME OCCUPATION and PERSONAL SERVICE BUSINESS.)

**BED AND BREAKFAST ESTABLISHMENT:** An establishment, dwelling, or part thereof, in which individual rooms are offered for temporary lodging purposes by the owner or operator for limited periods of time. Breakfast or other meals may also be provided for overnight guests as a part of the lodging fee. (See also Section 511.)

**BERM:** A natural or man-made mound of earth in excess of two (2) feet in vertical height used to shelter or buffer properties from adjoining uses, roadways or noise.

**BIOLOGICAL DIVERSITY AREAS:** Geographic areas defined and listed in the March 1993 (updated 2002), CLINTON COUNTY HERITAGE INVENTORY as Biological Diversity Areas (BDA). A Biological Diversity Area may consist of:

1. Special Species Habitat: An area that includes natural or human influenced habitat that harbors one or more occurrences of plants or animals recognized as state or national species of special concern. Examples: A forested stream valley that supports a threatened plant population. A stream that provides habitat for a rare animal.
2. High Diversity Area: An area found to possess a high diversity of species of plants and animals native to the county. Example: A relatively large tract that provides a variety of habitats.
3. Community/Ecosystem Conservation Area: An area that supports a rare or exemplary natural community (assemblage of plants and animals), including the highest quality and least disturbed examples of relatively common community types. Example: A marsh land that supports a wetland community found in no or few other sites in the county.

**BLOCK:** A unit of land bounded by streets or a combination of streets and public land, rights-of-way, waterways or other barrier to the community of development, which area is normally somewhat

square or rectangular in shape.

**BOARD OF COMMISSIONERS:** The elected governing body of Clinton County.

**BUFFER YARD:** Yard space, either landscaped or planted, provided between high intensity activities and residential uses. (See also Section 606.)

**BUILDING:** A structure having walls and a roof which is used for the shelter, housing or enclosure of persons, animals, or property. The word "building" shall include any part thereof. Included shall be all mobile or manufactured homes and trailers to be used for human habitation.

- A. **Building, Accessory:** A detached, subordinate structure located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.
- B. **Building, Principal:** A building in which the principal use of the site is conducted.
- C. **Building, Attached:** A building which has one (1) or more walls in common with an adjacent building.
- D. **Building, Detached:** A building which has no common walls and is surrounded by open space on the same lot.

**BUILDING COVERAGE:** The percentage of this plot or lot area covered by the principal and accessory buildings, including porches, patios, decks, carports and breezeways, but excluding swimming pools, and unenclosed parking or loading areas. (See also Section 605 E.)

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the finished grade of the ground surrounding the building to the highest point of the roof, excluding chimneys, spires, and similar projections which may be attached to the building. (See also Section 604.)

**BUILDING LINE:** The required setback (front, side, or rear) of a building from a property line.

**BUILDING SETBACK LINE:** A line established by the required minimum front yard setback from the street right-of-way or front lot line for buildings and/or structures. The building setback line shall be the point at which minimum lot width is measured.

**CAMPGROUND:** A tract or tracts of ground, or portion thereof, used for the purpose of providing two (2) or more spaces for recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space. Such facility may also include a recreational vehicle park. For the purposes of this Ordinance, a campground shall be considered to be an outdoor commercial recreation use. (See also Section 525.)

**CAFO:** See CONCENTRATED ANIMAL FEEDING OPERATION.

**CAO:** See CONCENTRATED ANIMAL OPERATION.

**CARPORT:** A roofed accessory structure usually attached to its principal building which provides space for the parking or storage of one or more vehicles. Said structure is covered by a roof, supported by columns or posts, and is enclosed on not more than three (3) sides.

**CARTWAY:** The surface of a street or alley available for vehicular traffic or the area between curbs.

**CAR WASH:** An area of land and/or a structure with machine- or hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles



and where no repairs or sales of petroleum fuel or lubricants are performed. A car wash facility may or may not include accessory uses such as auto detailing.

**CEMETERY:** Property used for the interring of the dead.

**CERTIFICATE OF COMPLIANCE:** The certificate required by this Ordinance which indicates that all work authorized by the project's Zoning Permit has been satisfactorily completed, or in a case involving no construction, a proposed new use is in compliance with the terms of this Ordinance. (See also Section 1303.)

**CERTIFICATE OF NONCONFORMANCE:** A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure or lot as of the effective date of this Ordinance, thereby authorizing its right to continue until it is eliminated or abandoned. (See also Sections 1001 G. and 1002 C.)

**CHANGE OF USE:** An alteration of a building or a change of use existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

**CHIMNEY:** Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor furnace.

**CHURCH OR PLACE OF WORSHIP:** A building or structure, or group of buildings or structures, which by design and construction is primarily intended for conducting organized religious or worship services, and uses customarily accessory or incidental thereto. For the purposes of this Ordinance, uses such as schools, child nursery or day care facilities, social halls or similar places of assembly associated with the church or place of worship shall require separate consideration and approval by County officials.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines. (See also Section 605 D.)

**CLINIC, MEDICAL OR DENTAL:** For the purposes of this Ordinance, a medical or dental clinic shall be defined as an establishment housing two (2) or more physicians, dentists, psychologists, social workers, or similar health care providers, where patients are received for examination or treatment, but where no surgery is performed and no patients are lodged overnight.

**CLINIC, VETERINARY:** For the purposes of this Ordinance, a veterinary clinic shall be defined as an establishment housing one (1) or more veterinarians where animals are examined and treated, but where no boarding related to such treatment is provided. (See also ANIMAL HOSPITAL.)

**CLUBS OR FRATERNAL ORGANIZATIONS:** An organization catering exclusively to members and their guests in premises or buildings for social, recreational, or administrative purposes, which are not conducted for profit. For purposes of this Ordinance, such clubs shall not include adult entertainment. Clubs may include, but need not be limited to, service organizations, fraternal organizations, as well as social, athletic, or similar groups.

**CLUSTER DEVELOPMENT:** A design technique that concentrates building in specific areas on a site to allow the remaining land to be used for agriculture, recreation, common open space, and preservation of environmentally sensitive areas.

**COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land

and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**COMMON WALL:** A wall on an interior lot line or a wall adapted for joint service between two (2) buildings; i.e. a party wall.

**COMMUNICATIONS ANTENNA:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including, without limitation, omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including, without limitation, ham or citizen band radio antennas.

**COMMUNICATIONS EQUIPMENT BUILDING:** An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

**COMMUNICATIONS TOWER:** A structure other than a building such as a monopole, self-supporting or guyed tower, designed and used to support "Communications Antenna".

**COMMUNICATIONS TOWER HEIGHT:** The vertical distance measured from the ground level to the highest point on the tower, including antennas mounted on the tower.

**COMPOSTING, ACCESSORY USE:** The term includes storage, collection, transportation, and/or use of manure, agricultural waste, food processing waste, screenings and sludges on land where the materials will improve the condition of the soil, the growth of crops or in the restoration of the kind for the same purposes. The term also includes storage arrangement, transportation, and disposal of manure, agricultural waste, food processing waste, screenings, and sludges accumulated on-site for purpose of disposal as long as the waste is not considered to be residual or hazardous wastes according to the standards set by the Pennsylvania Department of Environmental Protection (DEP). This use is customarily incidental and subordinate to the principal use and is located on the same parcel with such principal use.

**COMPOSTING, PRINCIPAL USE:** The collection, storage, transportation and disposal of agricultural wastes, food processing wastes, screenings, sludges, manure, and biological decomposable materials from mainly, but not necessarily entirely off-site sources for the purpose of resale after the composting processes have been completed as long as the waste is not considered to be residual or hazardous wastes according to the standards set by DEP. This use is clearly the principal purpose for which a building, other structure and/or land is used, occupied or maintained under the Zoning Ordinance.

**COMPREHENSIVE PLAN:** The complete plan for future development of Clinton County, Pennsylvania, as adopted by the Board of Commissioners in 2014.

**COMPRESSOR STATION/PROCESSING PLANT:** A permanent structure with equipment, tanks and site disturbance used to process and/or compress gas that is used as a midstream operation supporting oil and gas production.

**CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO):** A concentrated animal operation with greater than 300 AEU's; any agricultural operation with greater than 1,000 AEU's; or

any agricultural operation defined as a large CAFO under the United States Code, Title 40 CFR 122.23 (relating to concentrated animal feeding operations.) See also Section 521B.

**CONCENTRATED ANIMAL OPERATIONS (CAO):** Agricultural operations with eight (8) or more animal equivalent units (AEU's) where the animal density exceeds two (2) AEU's per acre on an annualized basis. (See also Section 521B.)

**CONDOMINIUM:** A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**CONSERVATION AREAS:** Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest.

**CONSTRUCTION:** See NEW CONSTRUCTION.

**CONTRACTOR'S SHOP AND YARD:** A building or group of buildings and space used for the storage of construction equipment and/or building materials. Such uses may also include equipment repair facilities and office space associated with the contractor's operation. (See also Section 520.)

**CONVERSION APARTMENT:** A dwelling or other building existing at the effective date of this Ordinance which is converted for residential occupancy by more than one (1) family. The specific number of permitted dwelling units shall be as set forth in Part 4, the District Regulations, of this Ordinance. (See also Section 504.)

**COUNTY:** Clinton County, Pennsylvania.

**CULTIVATION:** See LAND CULTIVATION.

**CURATIVE AMENDMENT:** A specific process provided in the PA Municipalities Planning Code whereby an individual land owner or the municipality may propose an amendment to cure or overcome a perceived invalidity of a zoning ordinance. See Section 1210.

**DAY CARE CENTER:** A public or private facility enrolling more than 12 young children where tuition, fees, or other forms of compensation for the care of the children is charged and which is licensed, inspected, and approved to operate as a child day care center by the PA Department of Public Welfare. For the purposes of this Ordinance, such facilities may also provide care for adult, elderly or handicapped persons. (See also Section 510 and FAMILY DAY CARE HOME AND GROUP DAY CARE HOME.)

**DECISION:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the affected municipality lies.

**DECK:** A structure with or without sides projecting from the front, side or rear wall of a building. For the purpose of the Ordinance, a deck is considered a part of the principal building and is not permitted to extend into any required yards. (See also PATIO and PORCH.)

**DENSITY:** The number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

**DETERMINATION:** Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following: 1) the Board of Commissioners; 2) the Zoning Hearing Board; or 3) the Planning Commission, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance or Planned Residential Development Ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**DEVELOPER:** Any landowner, agent of such landowner, or tenant with the permission of the landowner, who makes or causes to be made a subdivision or land development.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of mobile homes or manufactured housing; streets, and other paving; utilities; filling, grading, and excavation; mining; dredging or drilling operations; storage of equipment or materials; and the subdivision of land.

**DEVELOPMENT PLAN:** The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.

**DISTRICT:** A zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

**DOMESTICATED ANIMAL:** A relatively docile animal kept by humans for work or food or as a pet, especially one of a breed notably different from the wild form.

**DRILLING:** The drilling or re-drilling of a well or the deepening of an existing well.

**DRILLING EQUIPMENT:** The derrick or drilling rig, all parts and appurtenances to such structure, and every piece of apparatus, machinery, or equipment used, erected, or maintained for use in connection with Oil and Gas Operations.

**DRIVEWAY:** A minor vehicular service-way providing access between a street and a parking area or garage within a lot or property.

**DUPLEX:** See DWELLING, TWO-FAMILY.

**DWELLING:** A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

- A. Dwelling, Apartment: A single dwelling unit located within a multi-family dwelling structure or within a residence converted for additional residential use. (See also ACCESSORY RESIDENTIAL USE and CONVERSION APARTMENT.)
- B. Dwelling, Single-Family Detached: A dwelling structure containing one (1) dwelling unit from ground to roof, having independent outside access and open space on all sides, except for a mobile home as defined herein. (See also MOBILE HOME.)
- C. Dwelling, Single-Family Attached: A single dwelling unit from ground to roof with independent outside access and a portion of one or two walls in common with one or more adjoining dwelling unit(s); i.e. a row or townhouse unit. (See also Section 505.)

- D. Dwelling, Two-Family: A dwelling structure containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar; i.e. a duplex.

DWELLING UNIT: One or more rooms in a dwelling structure designed for use by one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles, lodging facilities, rooming or boarding houses, or personal care or nursing homes shall not be considered as dwelling units for the purposes of this Ordinance.

EASEMENT: A defined right of use or privilege granted for a limited use of land, usually for a public or quasi-public purpose.

ENCLOSED USE: A use which is located entirely within a building or structure.

ESSENTIAL SERVICES: Uses, not enclosed within a building, necessary for the preservation of the public health and safety, including but not limited to, the erection, construction, alteration or maintenance of underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or similar equipment used by public utilities or government agencies, excluding communications antennas and towers as defined herein, and equipment buildings or wind or other energy production facilities.

FAMILY: An individual person, two (2) or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four (4) persons who are not related by blood, marriage, or adoption living together in an individual dwelling unit as a single housekeeping unit.

FAMILY DAY CARE HOME: A family residence where care is provided for no more than six (6) children unrelated to the resident household and which is registered by the PA Department of Public Welfare to provide such care. For the purposes of this Ordinance, a family day care home shall be considered to be a home occupation.

FARM: For the purposes of this Ordinance, a farm shall be defined as a parcel of land which is used for agricultural purposes or activities, excluding the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels. (See also AGRICULTURE, KENNEL, RIDING ACADEMY, and STABLE.)

FARM BUILDING: See AGRICULTURAL BUILDING.

FARM-RELATED BUSINESS: For the purposes of this Ordinance, a farm-related business shall be defined as a commercial enterprise conducted on a farm which is related to or supportive of an on-going agricultural operation located on the same tract of ground. (See also Section 528.)

FENCE: Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. For the purposes of this Ordinance, a fence shall be considered to be a structure and shall therefore require a Zoning Permit prior to its placement or erection. (See also Section 605 C.)

- A. Fabricated Materials Fence: Any structure or wall, regardless of composition of material, except for a natural living fence, which is constructed and installed to act as a visual barrier, a physical outdoor barrier or as a line of demarcation between lots.
- B. Natural Living Fence: A barrier of natural living vegetation, including shrubs, hedges, trees or other plant materials, shall only be considered to be a fence if 50% or more of the horizontal dimension of such materials or growth provides a visual screen or obstruction to vision. (See also SCREEN PLANTING.)

**FILL:** 1) Any act by which earth, sand, gravel, rock or other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of a stripped surface and shall include the conditions resulting therefrom; 2) The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; or 3) The material used to make a fill which is in turn used to elevate or floodproof a building or structure.

**FINANCIAL INSTITUTION:** For the purposes of this Ordinance, a financial institution shall include, but need not be limited to, a bank, credit union, loan company, or other lending institution, including drive-in windows, automated teller machines, and similar night deposit facilities.

**FIRE STATION:** Any building or structure, or portion thereof, used for the purpose of housing or storing firefighting equipment and gear. Such facilities may also include company meeting rooms, administrative offices, and public service space.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD, 100-YEAR:** A flood that, on the average, is likely to occur once every 100 years, i.e. that has a one percent chance of being equaled or exceeded in any given year.

**FLOOD PLAIN:** 1) A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation; or 2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODPROOFING:** Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents.

**FLOOR AREA:** The area of a structure covered by floors.

- A. **Floor Area, Gross:** The sum of the gross horizontal areas of all of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles, basement or cellar floor areas where this area is not used for business or dwelling purposes, but including the area of all covered or enclosed porches, decks, patios and terraces.
- B. **Floor Area, Habitable:** Any floor area within a dwelling unit which is usable for living purposes, including area for working, sleeping, eating, cooking, and recreation, or a combination thereof. Stairways, hallways, bathrooms, and floor area used only for storage purposes, such as closet, attic, or unimproved basement space, or unenclosed or unheated porches shall not be considered habitable floor area, nor shall any space where the floor-to-ceiling height is less than five (5) feet.

**FOREST MANAGEMENT ACTIVITIES:** See FORESTRY.

**FORESTRY:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

**FUEL, LIQUID:** Any liquid substance used as fuel to produce energy or provide heating, usually released through combustion.

**FUNERAL HOME:** A building used for the preparation of the deceased for burial and the display of

the deceased and ceremonies connected therewith before burial or cremation. For the purposes of this Ordinance, a funeral home shall not include a cemetery, a mausoleum or any similar entombment, but may include crematoriums when operated in conjunction with the funeral home and located therein. (See also MORTUARY.)

**GARAGE:** A building or structure used for the parking and storage of vehicles. (See also AUTOMOTIVE REPAIR GARAGE.)

- A. Garage, Private: An accessory building or an accessory portion of a principal building designed or used for the parking or storage of motor vehicles; provided however; that no business, occupation or service is conducted for profit therein, and no more than one (1) space therein may be leased to a nonresident of the property.
- B. Garage, Public: A building or group of buildings used primarily for the parking or storage of motor vehicles, available to the general public for compensation.

**GARDEN SHOP:** A retail business establishment specializing in sale of seeds, plants, flowers, shrubs, or small or ornamental trees, and related products and utensils.

**GAS STORAGE RESERVOIR:** That portion of a subsurface geological stratum into which gas is or may be injected for storage purposes or to test suitability of the stratum for storage.

**GAS STORAGE RESERVOIR PROTECTIVE AREA:** The area surrounding a gas storage reservoir boundary, but within 2,000 linear feet of the storage reservoir boundary, unless an alternate area shall be designated by the Department of Environmental Protection, which is deemed reasonably necessary to afford protection to the reservoir.

**GOVERNMENT OR MUNICIPAL BUILDING:** A facility housing State, County or Township agencies, including administration offices, storage facilities, and other related or incidental uses or structures. For the purposes of this Ordinance, such facilities shall also include police or fire stations, community centers or grange halls.

**GRADE:** The degree of rise or descent of a sloping surface.

- A. Grade, Street: The elevation of the centerline of an existing or proposed street; the percentage of slope.
- B. Grade, Finished: The final elevation of the ground surface after development, including lawns, walks and roads.

**GREENHOUSE:** A building whose sides and roof are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment. (See also PLANT NURSERY.)

**GROCERY STORE:** A retail establishment primarily selling food or groceries as well as other household goods or merchandise; i.e. a supermarket.

**GROUP DAY CARE HOME:** A residence where day care is provided for between seven (7) and 12 children unrelated to the resident household, which is licensed and inspected by the PA Department of Public Welfare to provide such care. For the purposes of this Ordinance, such use may be either a principal or accessory use (see applicable District Regulations) and may also provide care for adult or elderly persons. (See also Section 510.)

**GROUP HOME:** For the purposes of this Ordinance, a group home shall be defined as a residence

occupied by eight (8) or fewer persons (excluding staff) unrelated by blood, marriage, adoption or guardianship who live together as a group family household, excluding student housing. Such homes shall include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped or challenged persons, battered women and children, and specialized treatment facilities providing less than primary health care. Group homes providing space for more than eight (8) residents, excluding staff, shall be considered to be institutional residences. (See also 508 and INSTITUTIONAL RESIDENCE.)

**HAZARDOUS MATERIALS:** Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being.

**HISTORIC STRUCTURE:** Any structure that is:

- A. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register.
- B. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. by an approved state program as determined by the Secretary of the Interior; or,
  2. by the Secretary of the Interior in states without approved programs.

**HOME OCCUPATION:** An accessory use or service-oriented occupation operated for gain or profit conducted entirely within the operator's residence, which is carried on by the inhabitant(s) thereof, and is clearly secondary to the use of the dwelling for residential purposes and does not change the character thereof. (See also Section 527.)

**HOMEOWNERS ASSOCIATION:** A formally constituted non-profit association or corporation made up of the property owners and/or residents of a fixed area; may take permanent responsibility for costs and upkeep of semiprivate community facilities.

**HOTEL:** A building or structure containing rooms intended or designed to be used, rented or occupied for sleeping purposes by overnight guests, where such rooms have no independent outside access, and where provision may be made for dining room or restaurant facilities, or meeting or conference rooms within the building. (See also MOTEL.)

**HOUSEHOLD PETS:** For the purposes of this Ordinance, household pets shall be defined as domesticated animals, including dogs, cats and other similar animals that are housed in a private residence as personal companions.

**IMPERVIOUS SURFACE:** 1) Any surface which reduces or prevents the absorption of stormwater into previously undeveloped land; or 2) The percentage of a lot that does not absorb precipitation. For the purposes of this Ordinance, all buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, or similar materials shall be considered impervious surfaces. (See also Section 605 F.)

**INDUSTRIAL USES:** For the purposes of this Ordinance, industrial uses shall be defined as: 1) those enclosed, low impact manufacturing, assembly and processing activities which meet the performance standards set forth in Section 517 J.; 2) enclosed warehousing and storage facilities; 3) wholesale



businesses; and 4) contractor or carpentry shops, machine shops, or similar operations. (See also MACHINE SHOP, MANUFACTURING, WAREHOUSE FACILITY, and WHOLESALE BUSINESS.)

**INSTITUTIONAL RESIDENCE:** Establishments primarily engaged in the provision of residential, social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self-care, but where medical care is not a major element. These uses include, but are not limited to, group foster homes; residential alcohol and drug rehabilitation centers with incidental health care; children's boarding homes; halfway homes for persons with social or personal problems, except halfway homes for delinquents, offenders and other adjudicated individuals, and not including training schools for delinquent and other adjudicated individuals; homes for destitute individuals; homes for the deaf or blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes for nine (9) or more residents, excluding staff. Residents of these facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category, with the exception of personal care homes as defined herein. Such facilities may also require licensing by the PA Department of Public Health, Department of Welfare, or other State agencies. (See also Section 508.)

**JUNK:** Any discarded part or material, including, but not limited to, scrap metal, paper, rags, glass, containers, tires, junked or abandoned motor vehicles, trailers, machinery and equipment, and other salvageable materials. For purposes of this Ordinance, the term "junk" shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

**JUNK YARD:** Any outdoor establishment, place of business, or use of land which is maintained, used or operated for storing, keeping, buying or selling junk or junked or abandoned motor vehicles (including auto salvage operations), with or without dismantling, processing, sale, or other use or disposition of the same. (See also Section 518.)

**KENNEL:** For the purposes of this Ordinance, a kennel shall be defined as an establishment where more than five (5) dogs, cats or other domesticated animals in excess of six (6) months of age are housed, groomed, bred, boarded, trained or sold. In addition, all requirements of the PA Dog Law, administered by the PA Department of Agriculture, shall be met before establishing a kennel in the County.

**LAND CONSERVATION AREA:** See CONSERVATION AREA.

**LAND CULTIVATION:** The tilling or cultivation of soil for crop or tree farming.

**LAND DEVELOPMENT:** Any of the following activities: 1) the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features; or 2) a subdivision of land.

**LANDFORM:** See BERM.

**LANDOWNER:** The legal or beneficial owner(s) of land, including the holder of an option or contract to purchase (whether or not such option is subject to any condition), a lessee, if he is

authorized under the lease to exercise the right of the land owner or other person having a proprietary interest in the land.

LANDSCAPING: Grass and other plantings such as trees, shrubs and/or bushes.

LIVESTOCK: For the purposes of this Ordinance, livestock shall be defined to include cows, pigs, goats, horses, sheep, llamas, emus, ostriches, and other similar types of animals with hooves, whether split or not.

LOADING SPACE: An off-street space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

- A. Lot Area: See "AREA, LOT".
- B. Lot, Corner: A lot with two adjacent sides abutting on streets.
- C. Lot Depth: The mean horizontal distance from the front lot line of a lot to its opposite rear lot line.
- D. Lot, Double Frontage: A lot which extends from one street along its front lot line to another street along its rear lot line, with frontage on both streets.
- E. Lot, Flag: A lot not fronting on or abutting a public roadway except through a narrow strip of ground or private right-of-way not less than 50 feet in width.
- F. Lot, Reverse Frontage: A double frontage lot extending between and having frontage on an arterial or collector street and on a local street, with vehicular access restricted to the latter, usually due to physiographic constraints or safety considerations.
- G. Lot Width: The distance measured between the side lot lines at the required front building setback line; in a case where there is only one side lot line, between such line and the opposite lot line.

LOT LINES: The property lines bounding the lot.

- A. Lot Line, Front: The line separating the lot from a street right-of-way; or, where a lot has no road frontage, the lot line opposite the rear lot line.
- B. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- C. Lot Line, Side: Any lot line other than front or rear lot line.

LOT OF RECORD: A lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Clinton County, PA.

LUMBER YARD: A business establishment primarily engaged in the sale of lumber and related products to contractors or the general public.

MACHINE SHOP: A workshop, manufacturing facility, or other enclosed industrial operation where machines are built, repaired or assembled. For the purposes of this Ordinance, such facilities shall be considered limited industrial uses.

MANUFACTURED HOUSE OR HOME: See MOBILE HOME.

MANUFACTURING: The act of producing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

MANURE MANAGEMENT PLAN: A site-specific plan identifying the practices, technologies, standards and strategies to be implemented to manage the impact of manure on the environment, written according to the standards of PA DEP's Manure Management Manual.

**MARKET VALUE:** The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

**METERING STATION:** A permanent structure with equipment, tanks and site disturbance that is used as a midstream operation along a pipeline, for the purpose of metering or measuring the flow and/or volume of gas.

**MINING:** The extraction of minerals from the earth or waste or stock piles, or from pits or banks, including but not limited to: strip, drift, auger and open pit mining, dredging, quarrying, leaching, box cutting, and activities related thereto. See MINERAL EXTRACTION OPERATIONS.

**MINERALS:** Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, anthracite and bituminous coal, coal refuse, peat, limestone and dolomite, sand, gravel, rock, stone, earth, fill, slag, iron or zinc ore, vermiculite, clay, and crude oil and natural gas.

**MINERAL EXTRACTION OPERATION:** The commercial extraction of natural minerals from the earth. See also MINING. For administrative purposes, oil and gas operations shall not be considered to be mineral extraction operations. (See also Section 519.)

**MINOR REPAIR:** The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but no including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beams or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements, nor shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

**MOBILE HOME:** A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include manufactured housing, park trailers, travel trailers, recreational vehicles, and other similar units placed on a site for a period of time exceeding 180 consecutive days.

**MOBILE HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PAD:** That part of an individual mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures and connections.

**MOBILE HOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more manufactured homes, or park trailers, travel trailers, recreational vehicles, or other similar units for a period of time exceeding 180 consecutive days. (See also Section 507.)

**MORTUARY:** A place for the storage of human bodies prior to their burial or cremation.

**MOTEL:** A building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests, where each unit has independent outside access and where provision may be made

for limited cooking in individual rooms. (See also HOTEL.)

**MUNICIPALITY:** Colebrook, East Keating, Gallagher, Grugan, Logan, Noyes, and West Keating Townships.

**NATURAL GAS:** Any gaseous substance, either combustible or non-combustible (including coal-bed methane gas, liquid hydrocarbons and their constituents, whether hydrocarbon or non-hydrocarbon) found in any formation or strata below the surface of the land.

**NATURAL HERITAGE INVENTORY:** A published study and classification of Clinton County's natural diversity areas and their protection. Adopted February 9, 1994 by the Clinton County Board of Commissioners, updated in 2002.

**NEIGHBORHOOD RETAIL BUSINESS:** A retail store, shop or establishment of a limited scale designed to provide service to a local neighborhood and oriented to pedestrian or limited vehicular traffic, including general stores, antique or gift shops, personal service businesses, sandwich shops, cafes, garden shops, or similar types of operations.

**NEW CONSTRUCTION:** The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured homes), structure, and/or improvements (such as streets, utilities, etc.).

**NO-IMPACT HOME-BASED BUSINESS:** A business or commercial activity administered or conducted as an accessory use in a residential dwelling located in a Residential District which is clearly secondary to the use of the residence as a dwelling and which meets the no-impact criteria set forth in Section 527 of this Ordinance. (See also HOME OCCUPATION.)

**NONCONFORMING LOT:** A lot which does not conform to the minimum width, depth, or other dimensional requirements specified for the district in which it is located (Part 4), including those lots which existed prior to the enactment of this Ordinance. (See Section 1002 for applicable provisions.)

**NONCONFORMING STRUCTURE:** A structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Ordinance, including those structures which lawfully existed prior to the enactment of this Ordinance or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs. (See Section 1001 for applicable provisions.)

**NONCONFORMING USE:** A use of a building or land which does not comply with the applicable use regulations (Part 4) of this Ordinance or amendment, including those uses which lawfully existed prior to the enactment of this Ordinance or amendment. (See Section 1001 for applicable provisions.)

**NURSERY SCHOOL:** A private institutional establishment providing educational and child care services for children up to 5 years of age where tuition, fees, or other forms of compensation is charged for the service. For the purposes of this Ordinance, a nursery school may be an independent principal use or may be operated as an accessory use in conjunction with a church, day care center, or other similar institutional establishment. (See also DAY CARE CENTER.)

**NURSING HOME:** A state-licensed institutional establishment which provides full-time convalescent or skilled nursing and/or medical care. Such facilities shall not provide surgical, obstetrical, or other services generally provided by a hospital or medical center. (See also Section 509 and PERSONAL CARE HOME.)

**NUTRIENT MANAGEMENT PLAN:** A written, site-specific plan identifying the practices, technologies, standards and strategies to be implemented to manage the impact of nutrients generated from CAFOs or CAOs located or to be located on the site. This plan must be written by a certified nutrient management specialist to meet Nutrient Management Act 38 standards and approved by the County Conservation District.

**ODOR MANAGEMENT PLAN:** A written, site-specific plan identifying the practices, technologies, standards and strategies to be implemented to manage the impact of odors generated from animal housing or manure management facilities located or to be located on the site.

**OFF-STREET LOADING AREA:** See **LOADING SPACE**.

**OFF-STREET PARKING SPACE:** See **PARKING AREA** and **PARKING SPACE**.

**OIL AND GAS DEVELOPMENT:** Any digging or boring of a new well for oil, gas or other hydrocarbons, including the injection of gas, water or any other fluid or substance into the earth, and further including any related exploration, production, storage, gathering, transportation, compressing, treating or processing activities.

**OIL AND GAS OPERATIONS** (See Section 533): The term includes the following:

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

**OIL AND GAS SITE:** The area occupied by the drilling equipment and/or other facilities and structures necessary for or incidental to the drilling, production, storage, compressing, metering, treating or processing of oil and gas.

**OPEN SPACE:** Space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

- A. Open Space, Public: Any land area set aside, dedicated, designated or reserved for public enjoyment.
- B. Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the residents of the development and which may include complimentary structures and improvements as are necessary and appropriate, but shall not include streets, off-street parking areas, and areas set aside for public facilities or utilities.

**PARCEL:** See **LOT**.

**PARKING AREA:** Any public or private land area designated and used for parking of vehicles including parking lots, garages, private driveways, or legally designated areas of public streets. For the purposes of this Ordinance however, parking areas shall be not include space on any street or other public way.

**PARKING SPACE:** An off-street area on a lot or in a parking area, designed or used for the parking of one (1) motor vehicle, having direct, useable access to a street or road. (See also Part 9.)

**PARK OR PLAYGROUND:** A public, semi-public, or private park or park-type facility which provides outdoor recreational enjoyment and activity, either for free or on a fee basis. Such facilities may include tennis or basketball courts, baseball or other athletic fields, swimming, hiking and picnic areas, and playgrounds, and may also include buildings and accessory structures. Activities may be organized to include day camps, leagues, or other groups or may be strictly independent.

**PASTURE:** Ground with grass or other vegetation which is used for grazing by domesticated animals.

**PATIO:** A level, surfaced area directly adjacent to a principal building which has an average elevation of not more than 30 inches above the grade of the site, and is without walls and a roof. A patio may be constructed of any materials. For the purposes of this Ordinance, a patio shall be considered a part of the principal building and shall not extend into any required yards. (See also DECK and PORCH.)

**PERMITTED USE:** A principal use allowed in a zoning district, subject to the applicable district regulations, and approved by the Zoning Officer.

**PERSON:** An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**PERSONAL CARE CENTER:** A building or structure, licensed by the Commonwealth of Pennsylvania, in which food, shelter and personal assistance and/or supervision by full time, professional resident staff are provided for a period exceeding 24 hours for nine (9) or more adults who are not relatives of the operator, who do not require the services in or of a “nursing home” but who do require assistance or supervision in matters such as dressing, bathing, diet, financial matters, evacuation of a residence in the event of an emergency or medication prescribed for self administration. For the purposes of this Ordinance, personal care centers may also be known as assisted living facilities and shall be considered to be institutional/commercial uses. (See also Section 509.)

**PERSONAL CARE HOME:** A residential building or structure, licensed by the Commonwealth of Pennsylvania, in which food, shelter and personal assistance and/or supervision by full time, professional resident staff are provided for a period exceeding 24 hours for up to eight (8) adults who are not relatives of the operator, who do not require the services in or of a “nursing home” but who do require assistance or supervision in matters such as dressing, bathing, diet, financial matters, evacuation of a residence in the event of an emergency or medication prescribed for self administration. For the purposes of this Ordinance, personal care homes shall be considered to be institutional/residential uses. (See also Section 509.)

**PERSONAL SERVICE BUSINESS OR SHOP:** For the purposes of this Ordinance, a personal service business or shop shall be defined as a small-scale retail business providing direct service or

care to a patron or client, including, but need not limited to, a barber or beauty shop, a tailor or dress-making shop, a music or art studio, upholstery or shoe repair facility, or similar establishment of a related nature.

**PERSONAL STORAGE WAREHOUSE:** A warehouse facility where separate storage spaces, of varying sizes, are available for lease or rental to the general public, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy of, nor commercial sales conducted from, such storage areas. (See also Section 514.)

**PEST CONTROL PLAN:** A written, site-specific plan identifying the practices, technologies, standards and strategies to be implemented to manage fly and rodent problems generated from animal housing or manure management facilities located or to be located on the site.

**PLANNED RESIDENTIAL DEVELOPMENT:** An area of land, controlled by a land owner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, and required open space to the regulations established in any one zoning district. A Planned Residential Development may include and shall be limited to:

- A. Dwelling units in detached and/or attached structures;
- B. Those non-residential uses deemed to be appropriate for incorporation in the design of the Planned Residential Development.
- C. Subject to the requirements of Section 611.

**PLANNED SEASONAL DEVELOPMENT:** A Planned Residential Development that is also subject to the requirements of Part 7.

**PLANNING COMMISSION:** The Planning Commission of Clinton County, Pennsylvania.

**PLANT NURSERY:** Land and/or greenhouses used to raise flowers, shrubs, trees and plants for sale.

**PLAT:** A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

**PORCH:** A covered or uncovered structure projecting from the front, side or rear wall of a building. For the purpose of the Ordinance, a porch is considered a part of the principal building and shall not extend into any required yards. (See also DECK and PATIO.)

**POULTRY:** Domesticated birds kept for eggs or meat.

**PREMISES:** Any lot, parcel or tract of land and any building constructed thereon.

**PRINCIPAL BUILDING:** A structure in which the principal use of the site is conducted.

**PRINCIPAL USE:** The main use of land or structures, as distinguished from a secondary or accessory use.

**PROFESSION:** For the purposes of this Ordinance, a profession shall be defined to include any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advertising, guiding, or teaching them and in serving their interest or welfare in the practice of the art founded on it. The work implies

attainment in professional knowledge as distinguished from mere skill and the application of such knowledge to use for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

**PROFESSIONAL OFFICE:** The office of a member of a recognized profession, including but not limited to, a real estate or insurance agent, a physician or dentist, an attorney, accountant, architect, or engineer. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is clearly secondary to the residential use of the dwelling.

**PROPERTY LINE:** A recorded boundary of a lot; provided however, that any property line that abuts a street or other public or quasi-public way shall be measured from the edge of the full right-of-way of such street or public way.

**PUBLIC HEARING:** A formal meeting held pursuant to public notice by the County Commissioners, Planning Commission, or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**PUBLIC MEETING:** A forum held pursuant to notice under the Act of July 3, 1978 (P.L. 388, No. 84), known as the Sunshine Act.

**PUBLIC NOTICE:** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

**PUBLIC USE:** Includes public and semi-public uses of a welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal and county buildings, essential public utilities that require enclosures within a building; non-profit recreational facilities; easements for alleys, streets, and public utility rights-of-way; and radio and television transmission facilities.

**RECREATIONAL VEHICLE:** A vehicle which is: 1) built on a single chassis; 2) not more than 400 square feet, measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable by a light-duty truck; 4) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and 5) is fully licensed, inspected and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

**RECREATIONAL VEHICLE (RV) PARK:** Any site upon which two (2) or more recreational vehicles are, or are intended to be located. (See also Section 525 and CAMPGROUND).

**RECREATION USE, OUTDOOR COMMERCIAL:** A commercial, outdoor recreation facility, including a golf course, golf driving range, a miniature golf course, campground or recreational vehicle park, ski area or resort, church or service-club affiliated camp, and similar facilities. (See also Section 524.)

**RECYCLING CENTER:** A facility that is not a junk yard and in which recoverable resources, such as newspapers, glassware, plastic containers, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.



**RECYCLING COLLECTION POINT, PUBLIC:** Any place that serves as a collection point for the temporary storage of refuse items, such as bottles, cans, and newspapers, from which resources are recovered at another location. These collection points are often referred to as Recycling Drop-off Centers. (See also Section 543.)

**REPORT:** Any letter, review, memorandum, compilation or similar writing made by anybody, board, officer or consultant other than a Solicitor to any board, body, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a decision or determination shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies therefrom shall be provided at cost of reproduction.

**RESTAURANT:** A retail establishment where food and drink is prepared and served, primarily within the principal building, with or without alcohol sales. In some instances, the food is consumed on-site and in other cases it is taken out.

**RETAIL BUSINESS:** A commercial enterprise or place of business engaged in selling goods and merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods. (See also Section 512 and WHOLESALE BUSINESS.)

**RIDING ACADEMY:** An establishment where horses are kept for riding, jumping, or showing for compensation or incidental to the operation of a club, association, ranch or similar group. (See also STABLE.)

**RIGHT-OF-WAY:** 1) A specific type of easement being limited to use for passage over another person's land; i.e. an easement for vehicular or public utility passage; or 2) A strip of land acquired by reservation, dedication, prescription, or condemnation which is occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary sewer or storm sewer line, or other similar use.

**ROAD:** Any thoroughfare, whether public or private, located in whole or in part within the townships of Clinton County covered by this ordinance. The word "road" may be used interchangeably with the word "street".

**ROAD CENTER LINE:** The center of the surveyed road right-of-way, or where not surveyed, the center of the traveled cartway.

**ROAD GRADE:** The officially established grade of the road upon which a lot fronts, or in its absence the established grade of roads upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the road at such midpoint shall be taken as the road grade.

**ROAD CLASSIFICATION:** For the purpose of this Ordinance, the following definitions are employed:

1. **Major Arterial:** A road whose function is to provide for the movement of high volumes of through traffic subject to necessary control of entrances, exits and curb use.
2. **Minor Collector:** A road or street which provides for the movement of large volumes of traffic

between arterials and local roads and direct access to abutting properties.

3. Local: A road whose function is to provide for local traffic movement and direct access to abutting properties.
4. Private or Non-Public: All streets which are not public including, but not limited to, streets maintained by private agreements, by private owners or for which no maintenance responsibility has been established; and including all private driveway easements or right-of-ways for access.

**ROADSIDE STAND**: A temporary or permanent booth, stand or shelter located along a roadway (but off the road right-of-way) from which farm, plant nursery or greenhouse products primarily grown or raised on the premises are offered for sale to the general public. (See also Section 522.)

**ROOF**: 1) The cover of any building or structure, including the eaves and similar projections; or 2) An overhead structure used for protection or shielding from the sun, rain or other elements of weather.

**SANITARY LANDFILL**: A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities and approved by the PA Department of Environmental Protection.

**SAWMILL**: A business establishment equipped with machinery for cutting lumber or timber into boards or related products and/or the facilities for wholesale or retail sale of such products. For the purposes of this Ordinance, portable sawmills operated for private, personal use shall not be considered saw mills, but rather shall be addressed as accessory uses.

**SCHOOL**: An establishment or facility, or part thereof, which is designed, constructed, or used for public or private education or instruction in any branch of knowledge. For the purposes of this Ordinance, such facilities shall not include halfway homes or training facilities for delinquents, offenders, and other adjudicated individuals, nor other detention facilities providing residential or "live-in" services. (See INSTITUTIONAL RESIDENCE.)

**SCREENING**: The provision of a visual shield or barrier between adjacent properties, structures, or uses, which may consist of vegetative plantings or fences, or a combination thereof. (See also Section 607.)

**SCREEN PLANTING**: The use of vegetative plants, such as trees or shrubs, as a barrier to visibility, glare and noise between adjacent properties. Such plantings shall adhere to the requirements of Section 607 of this Ordinance and shall be broken only at points of vehicular or pedestrian access or utility easements. (See also FENCE, NATURAL LIVING.)

**SEASONAL DWELLING**: A permanent building or structure intended for occasional occupancy, including buildings intended as camps, cottages, lodges, hunting cabins, vacation homes and similar seasonally used dwellings. (See also Section 523.)

**SETBACK**: The required minimum horizontal distance between a structure and a street line or property line. (See also BUILDING SETBACK LINE.)

**SEWAGE FACILITY**: Any sewer, sewage system, sewage treatment plant or parts thereof, designed, intended, or constructed for the collection, conveyance, treatment or disposal of liquid wastes,

including industrial wastes.

- A. Sewage Facility, Off-Lot: Any approved system or part thereof in which sanitary sewage is collected from buildings and piped by means of a sewerage system to a sanitary sewage treatment plant. Such a system must be designed in accordance with Department of Environmental Protection (DEP) standards and be permitted by the Bureau of Water Quality of the DEP. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.
- B. Sewage Facility, On-Lot: Any approved system or part thereof designed to serve a single dwelling or building in which sewage is collected in a septic tank, holding tank or similar container located on the same lot and is untreated except for bacterial action occurring within such tank and is disposed of either through a drain field connected to the tank or by hauling to a sewage treatment plant.
- C. Sewage System, Community: A sewage facility, whether publicly or privately owned, for the collection of sewage from two (2) or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site. (See also Sewage Facility, Off-Lot.)
- D. Sewage System, Individual: A sewage facility, whether publicly or privately owned, located on a single lot and serving one (1) equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil of the site or into the waters of the Commonwealth or by means of conveyance of retaining tank wastes, to another site for final disposal. (See also Sewage Facility, On-Lot.)

**SEWER**: A public or private utility system designed to collect, centrally treat and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Protection regulations. (See also Sewage System, Community and Sewage System, Individual.)

**SHOPPING CENTER**: A group of two (2) or more retail stores planned and designed to function as a unit, and having off-street parking as an integral part of the facility. (See also Section 516.)

**SIGHT DISTANCE**: 1) The length of street, measured along the centerline, which is continuously visible from any point four (4) feet above the centerline; 2) That area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerlines; or 3) The amount of distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner. (See also CLEAR SIGHT TRIANGLE and 605D.)

**SIGN**: Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any government or government agency, or any civic, charitable, religious, patriotic or similar group. (See also Part 8 of this Ordinance.)

- A. Billboards or Advertising Sign Boards: A sign or board which attracts the attention of motorists or pedestrians to a product, place or activity that exists or occurs at a location other than the location upon which the sign is situated, excluding official notices or road signs of a governmental body or other directional signs; i.e. an off-premises sign.
- B. Business Identification Sign: A sign or board which attracts motorists or pedestrians to a business, product, service or activity that is sold, produced, or conducted on the same premises upon which the sign is located; i.e. an on-premises sign.
- C. Business or Industrial Complex Identification Sign: A sign which identifies the name of a business or industrial complex, i.e. a shopping center, office building complex, industrial park, or similar multi-tenant commercial or industrial facility. The names of individual businesses or operations located within such complex may also be displayed on such signs.
- D. Freestanding Sign: A self-supported sign resting on the ground or supported by means of poles

or standards placed in or on the ground. Such signs may be designed to be portable or may be permanently affixed to the ground.

- E. Parallel Wall Sign: A type of wall sign which is attached parallel to the face of its supporting wall, and which does not project more than 12 inches from such wall.
- F. Permanent Sign: A sign which is permanently affixed to the ground or the wall of a building, excluding standard real estate or similar signs.
- G. Portable Sign: A sign which is not permanently affixed to a building or structure or to the ground, which is designed to be easily moved or relocated for reuse; i.e. a temporary sign.
- H. Projecting Wall Sign: A type of wall sign with its horizontal plane attached at right angles to its supporting wall and which projects more than 12 inches from such wall.
- I. Temporary Sign: Any sign which is not permanently affixed to the ground or to the wall of a building.

**SIGN AREA**: The entire face of a single side of a sign, including all advertising surface, trim and border area, but excluding all supporting framework or bracing.

**SIGN HEIGHT**: The vertical distance measured from the average finished grade of the site beneath the sign to the highest point of the sign or sign structure, whichever is greater.

**SLOPE**: 1) The face of an embankment or cut section; or 2) The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; i.e. a ratio determined by dividing the vertical distance between two (2) points (change in elevation) by the horizontal distance measured between the same two (2) points.

**SOLID WASTE**: Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials.

**SPECIAL EXCEPTION USE**: A use permitted in a certain zoning district as provided for in the District Regulations, Part 4, which must be approved by the Zoning Hearing Board as set forth in Section 1104-1113 of this Ordinance. Special exception approval may not be granted for uses other than those expressly listed in Part 4, the District Regulations.

**STABLE**: A building in which one or more horses are raised or boarded, whether or not for compensation, hire, or sale. (See also RIDING ACADEMY.)

- A. Stable, Private: An accessory building in which horses are raised or kept for personal use, and not for hire, remuneration or sale.
- B. Stable, Public: A building in which horses are raised or boarded for hire, remuneration or sale.

**STAGING FACILITY**: A facility or location on a permitted site for the storage of equipment and vehicles used to support oil and gas development activities at other permitted sites.

**STORAGE**: 1) A place or space for storing goods, parts, personal property, materials, etc.; or 2) The accumulation or storing of items or personal property.

**STREET**: See ROAD.

**STREET LINE**: The dividing line between the street right-of-way and the lot, also known as the right-of-way line.

**STRUCTURAL ALTERATIONS**: Any change or adjustment made to a building affecting the overall area occupied by that structure or that will change the supporting members, bearing walls,

beams, girders, or interior walls of the structure. Such alterations generally require Zoning and Building Permits.

**STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, communications antennas and towers, fences and signs, but excluding poles, playground equipment, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank that is principally above ground, as well as a mobile or manufactured home. (See also Section 532.)

- A. Structure, Accessory: A structure detached from a principal structure located on the same lot and customarily incidental and subordinate to the principal building, structure, or use.
- B. Structure, Principal: The main or primary structure on a given lot.

**SUBDIVISION:** The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SWIMMING POOL:** A body of water in an artificial container used or intended to be used for swimming by children and/or adults.

- A. Swimming Pool, Private: Any seasonal or permanent swimming pool located outside of an enclosed building, whether in or above the ground, containing or normally capable of containing, water to a depth at any point of 24 inches or more. (See also Section 526 A.)
- B. Swimming Pool, Public or Semi-Public: Any open or enclosed swimming facility, open to the public for amateur and professional swimming or recreational bathing, whether or not a fee is charged for admission or for the use thereof, or pools provided in conjunction with commercial lodging facilities, mobile home parks, residential developments and open to lodgers or residents respectively. (See also 526 B.)

**TEMPORARY STRUCTURE:** A non-permanent structure or building which is located on a lot for a specified duration. Some temporary structures may only be permitted for short periods of time, while others may be authorized for longer periods. (See also Section 532.)

**TEMPORARY USE:** A short-term use or special activity, including but not limited to, carnivals, circuses, outdoor cultural, religious, amusement, or sporting events, or oil and gas operations.

**TOWNHOUSE:** See DWELLING, SINGLE-FAMILY ATTACHED.

**TRANSFER STATION:** A lot or structure, or part thereof, used primarily for the collection and/or storage of garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agriculture and residential activities.

**TRAVEL TRAILER:** See RECREATIONAL VEHICLE.

**UNCONVENTIONAL FORMATION:** A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

**UNCONVENTIONAL WELL:** A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

**UNIFORM CONSTRUCTION CODE:** The statewide building code adopted by the PA General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party, or the PA Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC) of 2006 (or the latest edition thereof) by reference as the standard applicable to construction within the Commonwealth, including floodplain construction.

**USE:** The specific purpose or activity for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

- A. Use, Accessory: A use subordinate to the principal use of a building, structure, or land located on the same lot and serving a purpose customarily incidental to the principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.
- B. Use, Principal: The primary purpose for which a lot is occupied or utilized.
- C. See also SPECIAL EXCEPTION USE

**UTILITY SUPPLY FACILITIES:** Facilities, buildings and/or structures constructed and maintained by public utility companies, municipal or governmental agencies, or public service corporations, which are necessary for the provision of utility services to the general public. Such facilities shall include, but need not be limited to, electrical or telephone substations, water or sewage treatment plants, reservoirs, pump stations, or other similar facilities. For the purposes of this Ordinance however, utility supply facilities shall NOT include commercial communications antennas or towers nor wind energy facilities. (See also COMMUNICATIONS ANTENNA, COMMUNICATIONS TOWERS, WIND ENERGY FACILITIES, COMMERCIAL and Sections 530 and 531.)

**VARIANCE:** A modification of the provisions of this Ordinance which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. (See Section 1102-1104 for additional details and criteria to be utilized when a variance is requested.)

**WAREHOUSING FACILITY:** A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation, and those facilities available to the general public. (See also PERSONAL STORAGE WAREHOUSE.)

**WATERCOURSE:** A channel or conveyance of surface water having a defined bed and banks, whether artificial or natural, with intermittent or perennial flow.

**WATER FACILITY:** Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

- A. Water System, Non-Public: All water systems which are not public water systems.
- B. Water Facility, Off-Lot: Any approved system in which potable water is supplied to a dwelling or other building from a central water source which is not located on the lot with the dwelling or building, including both public and nonpublic water systems.
- C. Water Facility, On-Lot: A well or other approved system designed to provide potable water to a dwelling or other building located on the same lot as the source.
- D. Water System, Public: A water system as defined by the PA Department of Environmental Protection which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

**WATER REUSE STORAGE FACILITY:** Tanks of any construction (metal, fiberglass, concrete, etc.) and impoundments used for the storage of water that has been used and is being re-used in drilling operations. This excludes impoundments for fresh water storage.

**WETLANDS:** Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturate soil conditions, including swamps, marshes, bogs, and similar areas. The term includes, but is not limited to, the U.S. Forest Service Wetlands Inventory of PA, the PA Coastal Zone Management Plan, the U.S. Fish and Wildlife National Wetlands Inventory, and a wetland area designated by a river basin commission.

**WHOLESALE BUSINESS:** An establishment or place of business primarily engaged in selling merchandise to retailers or to industrial, commercial, institutional, or professional business users, or to other wholesalers. (See also **RETAIL BUSINESS**.)

**WIND ENERGY FACILITIES, PERSONAL:** A wind turbine or turbines situated on a lot to provide wind energy to an individual home, office, business, industry or agricultural use located on the same lot. The wind energy generated by such turbine(s) is not to be provided or sold to others off-site in the power grid. All personal wind energy facilities shall follow the rules of net metering under the State policy. (See also **WIND TURBINE** and Section 531.)

**WIND TOWER:** The structure upon which a wind turbine is positioned. For the purposes of this Ordinance, the height of a wind tower shall be defined as the fixed height of the tower only, not including the nacelle, rotor or turbine blades.

**WIND TURBINE:** A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

**WIND TURBINE HEIGHT:** The distance measured from the surface of the wind tower foundation to the highest point of the turbine rotor plane, including building-mounted turbines.

**WORKFORCE HOUSING FACILITY:** One or more lodging units providing housing for more than two workers who are not related to the landowner by blood, marriage, or adoption, and that are intended to be used for a limited period of time. A workforce housing facility may also be known/referred to as a man camp, crew camp, work camp, or crew housing facility. Workforce housing facilities may include the use of skid units, travel trailers, recreational vehicles, campers, mobile homes, or any combination of these.

**YARD:** An open space which lies on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

- A. **Yard, Front:** An open space extending the full width of the lot between the principal building or structure and the street right-of-way line or front lot line, unoccupied and unobstructed from the ground upward.
- B. **Yard, Rear:** An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.
- C. **Yard, Side:** An open space extending from the front yard to the rear yard between the principal building or structure and the side lot line, unoccupied and unobstructed from the ground upward.
- D. **Yard, Required:** The minimum area or open space required by this Ordinance to be provided between any front, side or rear property line and a principal or accessory building(s) or structure(s) on the lot.

ZONING HEARING BOARD: The Zoning Hearing Board of Clinton County, Pennsylvania.

ZONING MAPS: The official Zoning Maps of Colebrook, East Keating, Gallagher, Grugan, Logan, Noyes, and West Keating Townships, Clinton County, Pennsylvania, together with all notations, references and amendments which may hereafter be enacted. Said maps are made a part of this Ordinance as set forth in Section 303.

ZONING OFFICER: The administrative officer duly appointed by the County Board of Commissioners and charged with the duty of enforcing the provisions of this Ordinance.

ZONING PERMIT: The permit required by this Ordinance which states the purpose for which a building, structure, or land is proposed to be used is in conformity with the use regulations, the dimensional requirements, and all other applicable provisions of this Ordinance.



## **PART 3**

### **DESIGNATION OF ZONING DISTRICTS**

#### **301 ESTABLISHMENT OF DISTRICTS**

For the purposes of implementing the objectives of this Ordinance, the covered townships of Clinton County, including Colebrook, East Keating, Gallagher, Grugan, Logan, Noyes, and West Keating, are hereby divided into the following zoning districts:

RC	Rural Center District
R	Residential District
A	Agricultural District
I	Industrial District
WC	Woodland Conservation District
RF	Rural Forest District
CS	Countryside District

#### **302 PURPOSE OF DISTRICTS**

##### **A. RC Rural Center District**

The intent of this district is to set aside areas which can support the logical growth and co-existence of low density residential and rural or agricultural or commercial type service uses in small “cross-roads” markets, such as Tylersville, Westport, Caldwell, or Haneyville. Density requirements in this zone are intended to assure that new development will be consistent with the maintenance of a rural village atmosphere. This district is not currently served by municipal sewer or water systems, nor is it anticipated that such services will be available in the future.

This district will accommodate retail and wholesale business activities serving both local residents and a broader regional market. The regulations governing this district permit shopping, service and other commercial activities, but require adequate off-street parking and loading areas, and appropriate buffer yards or screening to be provided. Regulations also require that developers make all necessary arrangements with PennDOT or local officials to safely accommodate the anticipated levels of traffic entering or exiting their sites, thereby assuring the safe and efficient movement of people and goods.

##### **B. R Residential District**

The purpose of this district is to encourage low density single-family residential development in rural areas. Public sewer and water services are generally not available in these areas, nor are they anticipated for the future. Minimum lot sizes are therefore based upon the need to safeguard the health of the residents and preserve the peaceful, rural character of these areas. Single-family attached dwellings are permitted only by Special Exception in this zoning district. Commercial and industrial activities, with the exception of home-based businesses or occupations, are discouraged.

##### **C. A Agricultural District**

The purpose of this district is to preserve and protect the rural and semi-rural open space and farming characteristics of Clinton County, to promote land cultivation and agricultural production as viable economic activities, and to ensure preservation of prime soils. The intent of such designation is to permit those lands best suited for agriculture to be utilized for that purpose and to discourage incompatible land uses from encroaching into these areas. All types of agricultural activities,

including farm-related businesses, are provided for, as are limited- or low-density residential uses.

#### D. I Industrial District

The purpose of this district is to encourage the continuity and expansion of existing industrial operations and enable possible new industrial investment. Reasonable standards are included to minimize air pollution, noise, odors, glare, heat, and potential fire and safety hazards. Other requirements ensure that adequate buffer yards and/or screening are provided between the uses in this zone and other adjoining zones. Due to the rural nature of land areas zoned in this Ordinance, heavy industrial activities requiring large-scale infrastructure (highways, roads, water, sewer) are discouraged in this district.

#### E. WC Woodland Conservation District

This district is intended to encourage the conservation of land where the economics of building and supplying public services and facilities are damaging to ecologically sensitive lands, and to recognize the environmental value of the County's wooded areas. This zone includes large tracts of forested land, steep slopes, certain wetlands, special protection waters designated by the PA DEP, and biological diversity areas designated by the Clinton County Natural Heritage Inventory. The regulations of this district are intended to limit development of steep slopes; preserve natural drainageways; protect water supply and wildlife habitat areas; and encourage uses which will enhance the County's environmental protection objectives.

#### F. RF Rural Forest District

This district is intended to permit a variety of low-density and principally residential and recreational uses that are in keeping with the hilly, wooded, non-developed areas of the county. Activities that relate to forest, low-level agriculture and outdoor uses are permitted in this district.

#### G. CS Countryside District

The Countryside (CS) District is designed to permit residential development at densities consistent with the maintenance of a rural, countryside character. It is intended to encourage the preservation of the natural habitats and scenic values of the WC District, with a less restrictive lot size. It also serves as a transitional district between conservation areas/farmland and more densely settled residential areas. The permitted uses and structures and lot, yard and open space requirements in this district are consistent with the WC District and will not significantly disrupt conservation, agricultural or forestry uses.

### **303 ZONING MAPS**

The locations and boundaries of the Zoning Districts are hereby established as shown on the Official Zoning Map for each covered municipality, which is made a part of this Ordinance (Part 15) together with all future notations, references and amendments.

No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in Section 1201 of this Ordinance. The final authority as to the status of zoning districts shall be the Official Zoning Map. Any changes made to the zoning districts shall be made on the Official Zoning Map promptly after the amendment has been approved by the County Commissioners. All such changes shall be recorded on the Map's Revision Block and shall include the date of the amendment, a brief description of the change, and the initials of the individual making the change.

### **304 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

#### **A. Designation of District Boundaries**

The district boundary lines are intended to generally follow or be parallel to the centerline of streets, highways, railroad rights-of-way, existing lot lines, municipal boundary lines, or streams or may be designated on the Official Zoning Map by a specific dimension from a road centerline or other boundary as indicated. In the WC or CS district, a boundary line may be the edge of a wetland, watershed or other natural area as defined by the Clinton County Natural Heritage Inventory.

#### **B. Interpretation of District Boundary Locations**

Where uncertainty exists with respect to the actual location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its interpretation with respect thereto; provided however, that no boundary shall be changed by the Zoning Hearing Board. If the true location of the boundary cannot be determined by interpretation of the Zoning Hearing Board, a request for corrective action shall be filed with the County Commissioners.

#### **C. Extension of District Regulations for Severed Lots**

Where a district boundary line divides a contiguous lot (a lot not bisected by a public street or road) which was in single ownership at the time of enactment of this Ordinance or amendment thereto, the Zoning Hearing Board may permit the extension of the regulations for either district into the remaining portion of the lot for a distance not to exceed 50 feet beyond the district line, provided that they determine that such extension is consistent with the purposes of this Ordinance.

## **PART 4 DISTRICT REGULATIONS**

### **401 APPLICATION OF DISTRICT REGULATIONS**

The regulations set forth in this Part for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as may be hereafter provided.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
  
- B. No building or other structure shall hereafter be erected or altered to:
  - 1. exceed the height or bulk;
  - 2. accommodate or house a greater number of persons or families, except as permitted in a residential conversion;
  - 3. occupy a greater percentage of lot area; or
  - 4. have narrower or smaller rear yards, side yards, front yards or other open space

than is required by this Part, or in any other manner be contrary to this Ordinance.

- C. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements herein specified for the district in which it is located.
  
- D. The commencement of any of the uses or activities listed in this Part (the District Regulations) shall require the issuance of a Zoning Permit from the County Zoning Officer, except as may be exempted in Part 13 of this Ordinance.

### **402 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS**

The specific use regulations and dimensional requirements pertaining to each district are contained on the charts that follow, namely Sections 403 – 409. Permissible USES AND STRUCTURES are presented in the first three columns of the chart for each district. Applications for activities listed as Permitted Principal and Permitted Accessory Uses and Structures may be approved by the Zoning Officer upon finding that the proposed use meets the Ordinance requirements. Activities listed as Special Exception Uses and Structures must be reviewed and approved by the County Zoning Hearing Board. (See Appendix D of this Ordinance for an illustration of the Special Exception procedures, and Section 1104 B. for specific details of the process.)

Specific LOT, YARD and OPEN SPACE REQUIREMENTS are presented in the final three columns of each district chart. Applications for uses which do not meet the dimensional requirements for the district in which they are to be located, may be submitted to the Zoning Hearing Board for variance consideration. (See Appendix C of this Ordinance for an illustration of the variance procedure, and Section 1104 A. for specific details of the process.)

The USE REGULATIONS are also presented by category of use in the TABLE OF USES which can be found in Appendix A of this Ordinance and general dimensional requirements are presented in the TABLE OF GENERAL DIMENSIONAL REQUIREMENTS which can be found in Appendix B.

**SECTION 403  
RC – RURAL CENTER DISTRICT**

**Uses and Structures**

<b>Permitted Principal Uses &amp; Structures (Zoning Officer)</b>	<b>Permitted Accessory Uses &amp; Structures (Zoning Officer)</b>	<b>Special Exception Uses &amp; Structures (Zoning Hearing Board)</b>
<p>Single-family detached dwellings. (See 503)</p> <p>Two-family dwellings (duplexes; see 503)</p> <p>Athletic field recreational uses.</p> <p>Professional offices/office centers. (See 542)</p> <p>Horticultural activities, including plant nurseries, greenhouses, and/or orchards.</p> <p>Forestry or forest management.</p> <p>Parks or playgrounds.</p> <p>Government or municipal buildings.</p> <p>Mobile homes on individual lots (See 506).</p> <p>Churches or places of worship.</p> <p>Communications Antennas mounted on existing tower or building, or communications equipment buildings.</p> <p>Rural retail shopping centers. Financial institutions, hotels, motels, restaurants, businesses serving food and beverages, retail stores, personal service shops, garden shops/roadside stands.</p> <p>Bed and breakfast establishments. (See 511)</p> <p>Funeral homes and mortuaries.</p> <p>Machine shops, lumber yards, personal storage warehouses.</p> <p>Nursing homes, group/family day care homes, and personal care homes.</p>	<p>Uses and structures customarily incidental to an approved principal use.</p> <p>Essential services.</p> <p>Private swimming pools. (See 526)</p> <p>Temporary roadside stands. (See 522)</p> <p>Home-based businesses or occupations. (See 527)</p> <p>Personal wind energy facilities. (See 531)</p> <p>Signs (See Part 8)</p> <p>Off-street parking and/or loading areas (See 902 and 903)</p>	<p>Single-family attached dwellings (See 505)</p> <p>Group homes. (See 510)</p> <p>Daycare centers or nursery schools.</p> <p>Automotive filling stations, sales or repair facilities; car washes.</p> <p>Liquid fuel storage and distribution.</p> <p>Clubs, lodges and fraternal organizations.</p> <p>Mini warehouse facilities.</p> <p>Recycling collection points.</p> <p>Conversion apartments (up to 2 dwelling units – see 504)</p> <p>Animal hospitals, kennels and veterinary facilities.</p> <p>Cemeteries.</p> <p>Outdoor commercial recreation uses (See 524)</p> <p>Public or private schools.</p> <p>Utility supply facilities. (See 529)</p> <p>Mobile home parks.</p> <p>Planned Residential Developments.</p>

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**SECTION 403**  
**RC – RURAL CENTER DISTRICT**

**Lot, Yard, and Open Space Requirements**

Minimum Lot Requirements (See Section 602)	Minimum Yard Requirements (Setback) (See Section 603)	Maximum Height Limitations (See Section 604)
<p><u>Minimum Lot Area for Principal Structure or Use:</u>  <u>Residential Uses:</u> 1 acre (43,560 sq ft) per dwelling unit  <u>All Other Principal Uses:</u> 1 acre, except as provided below.  <u>Outdoor Commercial Recreation Uses:</u> 2 acres  <u>Public or Private Schools:</u> 2 acres</p> <p>Regardless of the minimums provided above, all lots shall meet the PA Sewage Facilities Act and all other state and local sewage and water regulations.</p> <p><u>Minimum Lot Width</u> (measured at building setback line): 100 feet  <u>Minimum Lot Depth</u> – 75 feet  <u>Maximum Building Coverage:</u> 20%</p>	<p><u>Front Yard:</u> 20 feet from edge of street right of way. Corner lots shall be construed as having two yards.</p> <p><u>Side Yards:</u></p> <p><u>Principal Structures:</u> 10 feet each side. (25 feet for commercial structures if abutting residential use)</p> <p><u>Accessory Structures:</u> 10 feet each side.</p> <p><u>Rear Yard:</u></p> <p><u>Principal Structures:</u> 20 feet. (25 feet for commercial structures if abutting residential use)</p> <p><u>Accessory Structures:</u> 10 feet.</p>	<p><u>Principal Structures:</u> 35 feet or three stories, whichever is less.</p> <p><u>Accessory Structures:</u> 25 feet.</p>

**SECTION 404  
R – RESIDENTIAL DISTRICT**

**Uses and Structures**

<b>Permitted Principal Uses &amp; Structures (Zoning Officer)</b>	<b>Permitted Accessory Uses &amp; Structures (Zoning Officer)</b>	<b>Special Exception Uses &amp; Structures (Zoning Hearing Board)</b>
<p>Single-family detached dwellings. (See 503).</p> <p>Two-family dwellings. (See 503)</p> <p>Conversion apartments (up to 2 dwelling units). (See 504)</p> <p>Bed and breakfast establishments.</p> <p>Personal service businesses.</p> <p>Parks, Playgrounds, or athletic field recreation uses.</p> <p>Government or municipal buildings, including police or fire stations.</p> <p>Churches or places of worship.</p> <p>Forestry or forest management.</p> <p>Family day care homes (up to 12 clients).</p> <p>Group day care homes.</p> <p>Communications antennas mounted on existing public utility buildings or towers.</p> <p>Communications equipment buildings.</p> <p>Mobile homes on individual lots (see 506).</p>	<p>Uses and structures customarily incidental to an approved principal use.</p> <p>Essential services.</p> <p>Private swimming pools. (See 526)</p> <p>Temporary roadside stands. (See 522)</p> <p>Home-based businesses or occupations. (See 527)</p> <p>Personal wind energy facilities. (See 531)</p> <p>Signs. (See Part 8)</p> <p>Off-street parking and/or loading areas. (See 902 and 903)</p>	<p>Day care centers or nursery schools, incl. church-related. (See 510)</p> <p>Bed and breakfast/guest houses. (See 511)</p> <p>Group homes/institutional residences. (See 508)</p> <p>Planned Residential Developments</p> <p>Single-family attached dwellings (see 505)</p> <p>Personal care homes. (See 509)</p> <p>Retirement community developments or nursing homes.</p> <p>Professional offices.</p> <p>Recycling collection points.</p> <p>Public or private schools.</p> <p>Cemeteries.</p> <p>Utility supply facilities. (See 529)</p> <p>New free-standing communications equipment transmission towers.</p>

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**SECTION 404  
R – RESIDENTIAL DISTRICT**

**Lot, Yard and Open Space Requirements**

Minimum Lot Requirements (See Section 602)	Minimum Yard Requirements (Setback) (See Section 603)	Minimum Height Limitations (See Section 604)
<p><u>Minimum Lot Area Per Principal Structure or Use:</u></p> <p><u>Single-Family Detached Dwellings and Conversion Apartments:</u></p> <p><u>On-Lot Water and Sewerage</u> – 1 acre (43,560 sq ft) per dwelling unit, except</p> <p><u>Off-lot Water and On-lot Sewerage</u> – 30,000 sq ft</p> <p><u>On-lot Water and Off-lot Sewerage</u> – 30,000 sq ft</p> <p><u>Off-lot Sewer and Water</u> – 20,000 sq ft</p> <p><u>Churches or Places of Worship</u> – 1 acre.</p> <p><u>Public or Private Schools</u> – 1 acre.</p> <p>Regardless of the minimums provided above, all lots shall meet the requirements of the PA Sewage Facilities Act and all other state and local sewage and water regulations.</p> <p><u>Minimum Lot Width</u> (measured at building setback line):</p> <p><u>On-Lot Sewerage and Water</u> – 150 feet.</p> <p><u>Public Sewer and/or Water</u> – 100 feet.</p> <p><u>Minimum Lot Depth at setback:</u> 125 feet.</p> <p><u>Maximum Building Coverage:</u> 35%</p>	<p><u>Front Yard:</u> 25 feet from edge of street right-of-way. Corner lots shall be construed to have two front yards.</p> <p><u>Side Yards:</u> Not less than 10 feet from property line.</p> <p><u>Principal Structures:</u></p> <p><u>On-Lot Sewerage and Water</u> – 15 feet</p> <p><u>Off-Lot Sewer and/or Water</u> – 10 feet</p> <p><u>Accessory Structures</u> – 8 feet each side.</p> <p><u>Rear Yard:</u></p> <p><u>Principal Structures</u> – 20 feet</p> <p><u>Accessory Structures</u> – 10 feet</p>	<p><u>Principal Structures</u> – 35 feet or three stories, whichever is less.</p> <p><u>Accessory Structures</u> – 20 feet.</p>



**SECTION 405  
I – INDUSTRIAL DISTRICT**

**Uses and Structures**

<p align="center"><b>Permitted Principal Uses &amp; Structures (Zoning Officer)</b></p>	<p align="center"><b>Permitted Accessory Uses &amp; Structures (Zoning Officer)</b></p>	<p align="center"><b>Special Exception Uses &amp; Structures (Zoning Hearing Board)</b></p>
<p>Automotive filling stations, car washes; auto repair/and or body shops.</p> <p>Contractor's shops and yards; machine shops.</p> <p>Enclosed manufacturing, processing and packaging operations.</p> <p>Warehousing or enclosed storage facilities; personal storage warehouses.</p> <p>Essential services.</p> <p>Forestry or forest management.</p> <p>Wood products manufacturing.</p> <p>Lumber yards or building material supply stores.</p> <p>Mining under 10,000 tons per year. (See 519)</p> <p>Communications antennas mounted on existing towers, buildings or other structures, free-standing antennas, and communications buildings.</p> <p>Oil and gas operations.</p> <p>Recycling centers.</p> <p>Funeral homes and mortuaries.</p>	<p>Uses and structures customarily incidental to an approved principal use.</p> <p>Essential services.</p> <p>Administrative offices.</p> <p>Accessory warehousing or storage associated with an approved principal use.</p> <p>Signs. (See Part 8)</p> <p>Off-street parking and/or loading areas (See 902 and 903)</p>	<p>Junk yards or auto salvage operations. (See 518)</p> <p>Public utility service centers.</p> <p>Utility supply facilities. (See 529)</p> <p>Adult entertainment establishments (commercial stores).</p> <p>Chemical plants and storage facilities.</p> <p>Composting as a principal use.</p> <p>Junkyards.</p> <p>Liquid fuel storage and distribution.</p> <p>Mining over 10,000 tons/year. (See 519)</p> <p>Planing mills/sawmills.</p> <p>Sanitary landfills and transfer stations.</p>

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**SECTION 405**  
**I – INDUSTRIAL DISTRICT**

**Lot, Yard and Open Space Requirements**

Minimum Lot Requirements (See Section 602)	Minimum Yard Requirements (Setback) (See Section 603)	Maximum Height Limitations (See Section 604)
<p><u>Minimum Lot Area per Principal Structure or Use:</u> 2 acres</p> <p><u>Minimum Lot Width at Setback:</u> 100 feet</p> <p><u>Minimum Lot Depth at Setback:</u> 100 feet</p> <p><u>Oil and Gas Operations:</u> See Section 608.</p> <p>Regardless of the minimums provided above, all lots shall meet the PA Sewage Facilities Act and all other state and local sewage and water regulations.</p>	<p><u>Front Yard:</u> 25 feet</p> <p><u>Buildings:</u> 25 feet</p> <p><u>Parking Areas:</u> 25 feet from edge of street right-of-way. No parking may be permitted within the required setback area.</p> <p><u>Side Yard:</u></p> <p><u>Buildings:</u> 25 feet, or 50 feet when abutting residential use.</p> <p><u>Parking Areas:</u> 25 feet from right-of-way lines.</p> <p><u>Rear Yard:</u></p> <p><u>Buildings:</u> 25 feet</p> <p><u>Parking Areas:</u> 10 feet. No parking may be permitted within the required setback area.</p>	<p>No limitation.</p>

**SECTION 406**  
**A – AGRICULTURAL DISTRICT**  
**Uses and Structures**

<p align="center"><b>Permitted Principal Uses &amp; Structures</b> <b>(Zoning Officer)</b></p>	<p align="center"><b>Permitted Accessory Uses &amp; Structures</b> <b>(Zoning Officer)</b></p>	<p align="center"><b>Special Exception Uses &amp; Structures</b> <b>(Zoning Hearing Board)</b></p>
<p>Land cultivation. (See 521)</p> <p>Agricultural Operations, as defined in Section 2, excluding concentrated animal operations or concentrated animal feeding operations. (See 521)</p> <p>Horticultural activities, including plant nurseries, greenhouses and/or orchards.</p> <p>Single-family detached dwellings and two-family dwellings (duplexes). (See 503).</p> <p>Mobile homes on individual lots. (See 506)</p> <p>Bed and breakfasts/guest homes. (See 511)</p> <p>Government or municipal buildings, including community centers or grange halls.</p> <p>Seasonal dwellings.</p> <p>Family and group daycare homes.</p> <p>Forestry or forest management activities.</p> <p>Mining under 10,000 tons per year. (See 519)</p> <p>Communications antennas mounted on an existing public utility transmission tower, building or other structure, and communications equipment buildings. (See 530). Also communications towers, antennas, and buildings.</p> <p>Oil and gas operations.</p>	<p>Uses and structures customarily incidental to an approved principal use.</p> <p>Agri-business.</p> <p>Essential services.</p> <p>Accessory warehousing or storage.</p> <p>Private swimming pools. (See 526)</p> <p>Temporary or permanent roadside stands. (See 522)</p> <p>Home-based businesses or occupations. (See 527)</p> <p>Farm-related businesses. (See 528)</p> <p>Personal wind energy facilities. (See 531)</p> <p>Signs. (See Part 8)</p> <p>Off-street parking and/or loading areas. (See 902 and 903)</p>	<p>Mining over 10,000 tons per year. (See 519)</p> <p>Sawmills, contractor's shops and yards. (See 520 and 541)</p> <p>Professional offices, public uses.</p> <p>Campgrounds, commercial and private.</p> <p>Retirement communities.</p> <p>Rural retail shopping centers.</p> <p>Commercial daycare centers or church-related daycares.</p> <p>Veterinary clinics, animal hospitals, kennels, stables, or riding academies.</p> <p>Concentrated animal operations or concentrated animal feeding operations. (See 521B)</p> <p>Public or private schools and churches or places of worship; clubs.</p> <p>Cemeteries.</p> <p>Mobile home parks. (See 507)</p> <p>Athletic field recreation uses. (See 524)</p> <p>Utility supply facilities. (See 529)</p> <p>Oil and gas operations.</p> <p>Recycling collection points.</p>

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**SECTION 406**  
**A – AGRICULTURAL DISTRICT**

**Lot, Yard, and Open Space Requirements**

Minimum Lot Requirements (See Section 602)	Minimum Yard Requirements (Setback) (See Section 603)	Maximum Height Limitations (See Section 604)
<p><u>Minimum Lot Area per Principal Structure or Use:</u></p> <p><u>Agricultural Uses</u> – 1 acre, except as provided below.</p> <p><u>Raising Livestock or Poultry</u> – 2 acres.</p> <p><u>Agri-businesses and Sawmills</u> – 2 acres.</p> <p><u>Commercial Animal Husbandry</u> – 5 acres.</p> <p><u>Concentrated Animal Operations or Concentrated Animal Feeding Operations</u> – 10 acres.</p> <p><u>Residential Uses:</u></p> <p><u>Single-Family Detached Dwellings</u> – 1 acre</p> <p><u>Mobile Home Parks</u> – 2 acres.</p> <p><u>All Other Principal Uses</u> – 1 acre, except as provided otherwise below.</p> <p><u>Athletic Field Recreation Uses</u> – 2 acres.</p> <p><u>Oil and Gas Operations</u> – See Section 608.</p> <p>Regardless of the minimums provided above, all lots shall meet the requirements of the PA Sewage Facilities Act and all other State and local sewage and water regulations.</p> <p><u>Minimum Lot Width and Minimum Lot Depth at Setback</u> – 150 feet.</p> <p><u>Maximum Building Coverage:</u> 35%</p>	<p><u>Front Yard:</u> 35 feet from edge of street right-of-way. Corner lots shall be construed to have two front yards.</p> <p><u>Side Yards:</u></p> <p><u>Principal Structures:</u> 15 feet each side.</p> <p><u>Accessory Structures:</u> 10 feet each side.</p> <p><u>Rear Yard:</u></p> <p><u>Principal Structures:</u> 25 feet.</p> <p><u>Accessory Structures:</u> 10 feet, and a minimum of 8 feet from any rear lot line.</p> <p><u>Agricultural Uses:</u></p> <p><u>Animal Housing and Unenclosed Storage</u> – See Section 521A.</p> <p><u>Concentrated Animal Operations or Concentrated Animal Feeding Operations</u> – See Section 521B.</p> <p><u>Oil and Gas Operations</u> – See Section 608.</p>	<p><u>Principal Structures:</u></p> <p>35 feet or 2 ½ stories, whichever is greater.</p> <p><u>Accessory Structures:</u></p> <p>25 feet or 2 stories, whichever is greater.</p> <p><u>Agricultural Structures:</u></p> <p>No maximum.</p>

**SECTION 407  
RF – RURAL FOREST DISTRICT**

**Uses and Structures**

<b>Permitted Principal Uses &amp; Structures (Zoning Officer)</b>	<b>Permitted Accessory Uses &amp; Structures (Zoning Officer)</b>	<b>Special Exception Uses &amp; Structures (Zoning Hearing Board)</b>
<p>Agricultural uses (See Section 521)</p> <p>Forestry or forest management.</p> <p>Family and group daycare homes.</p> <p>Personal service businesses.</p> <p>Mining under 10,000 tons per year. (See 519)</p> <p>Seasonal dwellings.</p> <p>Single-family detached dwellings. (See 503)</p> <p>Mobile homes on individual lots. (See 506)</p> <p>Bed and breakfast establishments/guest homes.</p> <p>Two-family dwellings (duplexes; see 503).</p> <p>Oil and gas operations.</p> <p>Communications antennas mounted on existing public utility transmission towers, buildings, or other structures, and communications equipment buildings</p> <p>Communication towers, antennas, and buildings.</p>	<p>Uses and structures customarily incidental to an approved principal use.</p> <p>Essential services.</p> <p>Private swimming pools. (See 526)</p> <p>Temporary roadside stands. (See 522)</p> <p>Home-based businesses or occupations. (See 527)</p> <p>Farm-related businesses. (See 528)</p> <p>Personal wind energy facilities. (See 531)</p> <p>Off-street parking and/or loading areas. (See 902 and 903)</p>	<p>Animal hospitals, kennels and veterinary Facilities.</p> <p>Bed and breakfasts/guest homes.</p> <p>Group homes.</p> <p>Campgrounds, commercial and private, including RV parks.</p> <p>Churches; cemeteries.</p> <p>Clubs; professional offices.</p> <p>Commercial and church-related daycare centers and nursery schools.</p> <p>Mobile home parks.</p> <p>Mining over 10,000 tons per year. (See 519)</p> <p>Sawmills and lumber yards.</p> <p>Utility supply facilities.</p> <p>Recycling Collection Points.</p> <p>Retirement Community.</p> <p>Rural Retail Shopping Center.</p>

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**SECTION 407**  
**RF – RURAL FOREST DISTRICT**

**Lot, Yard, and Open Space Requirements**

Minimum Lot Requirements (See Section 602)	Minimum Yard Requirements (Setback) (See Section 603)	Minimum Height Limitations (See Section 604)
<p><u>Minimum Lot Area for All Uses within the District:</u> 1 acre (43,560 sq ft)</p> <p><u>Minimum Lot Width at Setback:</u> 150 feet.</p> <p><u>Minimum Lot Depth at Setback:</u> 150 feet.</p> <p><u>Maximum Building Coverage:</u> 35%</p> <p>Regardless of the minimums provided above, all lots shall meet the PA Sewage Facilities Act and all other state and local sewage and water regulations.</p>	<p><u>Front Yard</u> - 35 feet from edge of street right-of-way. Corner lots shall be construed to have two front yards.</p> <p><u>Side Yards:</u> <u>Principal Structures</u> - 15 feet each side. <u>Accessory Structures</u> – 8 feet each side.</p> <p><u>Rear Yard:</u> <u>Principal Structures</u> – 25 feet <u>Accessory Structures</u> – 8 feet</p> <p>Buildings housing livestock (including dog kennels): 50 feet from a public right-of-way 200 feet from a residential structure or use other than the owner's.</p> <p><u>Oil and Gas Operations</u> – See Section 608.</p>	<p><u>Principal Structures:</u> 35 feet or three stories, whichever is less.</p> <p><u>Accessory Structures:</u> 25 feet</p> <p><u>Agricultural Structures:</u> No maximum</p>

**SECTION 408**  
**WC – WOODLAND CONSERVATION DISTRICT**  
**Uses and Structures**

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)
<p>Public or private land conservation areas, including wildlife or nature preserves or state game or forest lands.</p> <p>Raising livestock or poultry and animal husbandry, excluding concentrated animal operations or concentrated animal feeding operations. (See 521)</p> <p>Family daycare homes.</p> <p>Bed and breakfast establishments. (See 511)</p> <p>Land cultivation.</p> <p>Horticultural activities, including plant nurseries, greenhouses and/or orchards.</p> <p>Forestry or forest management activities.</p> <p>Oil and gas operations.</p> <p>Mining under 10,000 tons per year. (See 519)</p> <p>Single-family detached dwellings. (See 503)</p> <p>Mobile homes on individual lots. (See 506)</p> <p>Seasonal dwellings. (See 523)</p> <p>Communications antennas mounted on existing public utility transmission towers, buildings, or other structures; communications equipment buildings; Communications towers, antennas, and buildings.</p>	<p>Uses and structures customarily incidental to an approved principal use.</p> <p>Essential Services.</p> <p>Home-based businesses or occupations. (See 527)</p> <p>Personal wind energy facilities. (See 531)</p> <p>Off-street parking and/or loading areas. (See 902 and 903)</p>	<p>Planned seasonal developments.</p> <p>Outdoor commercial recreation uses, including campgrounds and RV parks. (See 524 and 525)</p> <p>Mining over 10,000 tons per year. (See 519)</p> <p>Farm-related businesses. (See 528)</p>

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**SECTION 408**  
**WC – WOODLAND CONSERVATION DISTRICT**

**Lot, Yard and Open Space Requirements**

Minimum Lot Requirements (See Section 602)	Minimum Yard Requirements (Setback) (See Section 603)	Minimum Height Limitations (See Section 604)
<p><u>Minimum Lot Area Per Principal Structure or Use:</u></p> <p><u>Single-Family Detached and Seasonal Dwellings: Mobile Homes</u> – 10 acres per dwelling unit.</p> <p><u>All Other Principal Uses</u> – must conform to the provisions of Sections 503, 506 and 507.</p> <p><u>Minimum Lot Width</u> – 150 feet.</p> <p><u>Maximum Building Coverage</u> - 20%</p>	<p><u>Front Yard</u> - 30 feet from edge of street right-of-way.</p> <p><u>Side Yards:</u></p> <p><u>Principal Structures</u> - 25 feet each side.</p> <p><u>Accessory Structures</u> – 20 feet each side.</p> <p><u>Rear Yard:</u></p> <p><u>Principal Structures</u> – 30 feet</p> <p><u>Accessory Structures</u> – 20 feet</p> <p><u>Oil and Gas Operations</u> – See Section 608.</p>	<p><u>Principal Structures</u> – 35 feet or 2 ½ stories, whichever is greater.</p> <p><u>Accessory Structures</u> – 25 feet or 2 stories, whichever is greater.</p> <p><u>Agricultural Structures</u> – No maximum.</p>



**SECTION 409**  
**CS – COUNTRYSIDE DISTRICT**  
 Uses and Structures

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)
<p>Public or private land conservation areas, including wildlife or nature preserves or state game or forest lands.</p> <p>Raising livestock or poultry and animal husbandry, excluding concentrated animal operations or concentrated animal feeding operations. (See 521)</p> <p>Family daycare homes.</p> <p>Bed and breakfast establishments. (See 511)</p> <p>Land cultivation.</p> <p>Horticultural activities, including plant nurseries, greenhouses and/or orchards.</p> <p>Forestry or forest management activities.</p> <p>Oil and gas operations.</p> <p>Mining under 10,000 tons per year. (See 519)</p> <p>Single-family detached dwellings. (See 503)</p> <p>Mobile homes on individual lots. (See 506)</p> <p>Seasonal dwellings. (See 523)</p> <p>Communications antennas mounted on existing public utility transmission towers, buildings, or other structures; communications equipment buildings; communications towers, antennas, and buildings.</p>	<p>Uses and structures customarily incidental to an approved principal use.</p> <p>Essential Services.</p> <p>Home-based businesses or occupations. (See 527)</p> <p>Private swimming pools (See 526)</p> <p>Personal wind energy facilities. (See 531)</p> <p>Off-street parking and/or loading areas. (See 902 and 903)</p>	<p>Outdoor commercial recreation uses, including campgrounds and RV parks. (See 524 and 525)</p> <p>Farm-related businesses. (See 528)</p>

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**SECTION 409  
CS - COUNTRYSIDE DISTRICT**

**Lot, Yard and Open Space Requirements**

Minimum Lot Requirements (See Section 602)	Minimum Yard Requirements (Setback) (See Section 603)	Minimum Height Limitations (See Section 604)
<p><u>Minimum Lot Area Per Principal Structure or Use:</u></p> <p><u>Single-Family Detached and Seasonal Dwellings: Mobile Homes</u> – 5 acres per dwelling unit.</p> <p><u>All Other Principal Uses</u> – must conform to the provisions of Sections 503, 506 and 507.</p> <p><u>Minimum Lot Width</u> – 150 feet.</p> <p><u>Maximum Building Coverage</u> - 20%</p>	<p><u>Front Yard</u> - 30 feet from edge of street right-of-way.</p> <p><u>Side Yards:</u> <u>Principal Structures</u> - 25 feet each side. <u>Accessory Structures</u> – 20 feet each side.</p> <p><u>Rear Yard:</u> <u>Principal Structures</u> – 30 feet <u>Accessory Structures</u> – 20 feet</p> <p><u>Oil and Gas Operations</u> – See Section 608.</p>	<p><u>Principal Structures</u> – 35 feet or 2 ½ stories, whichever is greater. <u>Accessory Structures</u> – 25 feet or 2 stories, whichever is greater. <u>Agricultural Structures</u> – No maximum.</p>

## **PART 5 SUPPLEMENTARY USE REGULATIONS**

### **501 PURPOSE AND APPLICABILITY**

The purpose of this Part is to supplement the District Regulations contained in Part 4 with additional controls and requirements applicable to certain specific uses. Therefore, in addition to those standards outlined in Part 4, the following regulations shall pertain to the identified uses.

### **502 USES NOT PROVIDED FOR (SPECIAL EXCEPTIONS)**

Whenever, under this Ordinance, a lawful use is neither specifically permitted nor prohibited, and an application is made to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a Special Exception Use. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards set forth in Part 11 of this Ordinance; provided however, that this provision shall not be invoked to permit as a Special Exception Use any lawful use which could create undue nuisance or serious hazard, or otherwise violate the Special Exception Use criteria. In addition, the proposed use may only be permitted if:

- A. the use is similar in character to and compatible with the other uses permitted in the zone where the subject parcel is located; and
- B. the use is NOT permitted in any other zone under the terms of this Ordinance; and
- C. the use does not 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 health, safety, and welfare of the neighborhood where it is to be located.

The Clinton County Zoning Officer has the right and authority to perform or have performed by an independent party a relevant investigation or study to assure public safety, health and welfare and require the cost to be borne by the applicant.

### **503 DWELLING UNITS**

All dwelling units, including single-family detached and single-family attached units, hereafter erected shall adhere to the following requirements:

- A. General Requirements
  - 1. Building Codes. Every dwelling unit hereafter erected, created or altered shall conform to the applicable requirements of the PA Uniform Construction Code, PA Act 45 of 1999, or as may hereafter be amended.
- B. Foundation Requirements
  - 1. Dwelling Units. Every dwelling unit shall be placed upon and firmly anchored to a

permanent foundation. (See Sub-Part 2 below for foundation requirements for mobile homes.) Such foundation shall consist of no less than masonry construction or footers set well below the frost line, or other technique or methodology of demonstrated capability approved by the County Zoning Officer and Building Code Official. The foundation shall be designed to support the maximum anticipated loads for the intended structure and/or use, and no unnecessary open space shall be left between the dwelling unit and foundation, except for windows and other openings as might be necessary for floodproofing purposes. In no case shall any dwelling unit be placed or erected on jacks, loose blocks or other similar temporary materials.

2. Mobile Homes. All mobile homes shall be placed on and anchored to foundations sufficient to meet the requirements of the PA Uniform Construction Code. In addition, all mobile homes shall be installed in accordance with the instructions of the mobile home manufacturer and shall be inspected and approved by the appropriate municipal building code official.

#### C. Gross Floor Area Requirements

In the absence of more restrictive codes, every single-family dwelling unit (whether attached or detached, including townhouse units, apartment units, mobile homes or manufactured housing) shall contain a minimum of 600 square feet of gross floor area.

#### D. Single-Family Attached Dwellings

Single-family attached dwellings shall be defined as a single structure designed for and constructed to contain three (3) or more dwelling units and shall be permitted as a Special Exception in RC and R Districts. Every such structure shall meet the requirements of Article VI, Section 602.4 of the County Subdivision and Land Development Ordinance and the requirements outlined in Section 505 of this Ordinance.

Application for single-family attached dwellings shall include a Stormwater Management Plan in accordance with Section 513 of the County Subdivision and Land Development Ordinance.

#### E. Individual Residential and Seasonal Dwellings in the Woodland Conservation District

Individual residential and seasonal dwellings that are not part of a Planned Residential and Seasonal Development as described in Section 7 are permitted in the WC and CS Districts, subject to the following requirements:

1. The minimum lot size is ten (10) acres per dwelling. However, one (1) seasonal dwelling may be permitted on a lot of less than ten (10) acres if the lot existed prior to the effective date of this Ordinance, and there are no existing dwellings on the lot.
2. There shall be only one principal building per lot. All other buildings and uses shall be limited to accessory uses which are clearly incidental and subordinate in size and mass to the principal use.
3. Temporary living arrangements for seasonal dwellings shall not be allowed for more than one hundred eighty (180) days per year. Temporary living arrangements using recreational vehicles as defined in Part 2 of this Ordinance shall not be allowed.
4. All living arrangements, whether temporary or permanent, shall comply with the Municipal Privy Ordinance which includes soil suitability testing and approval by the Sewage Enforcement Officer.
5. Individual dwelling units located in the District shall comply with applicable provisions of

the County Subdivision and Land Development Ordinance. If an inconsistency is found, the stricter requirement shall apply.

F. Residential Development in the Agricultural District

Single-family dwelling units shall be located so as to utilize the least agriculturally productive land feasible in order to minimize interference with agricultural production.

1. Land shall be considered of low quality for agricultural use if:
  - a. The land cannot feasibly be farmed due to existing features of the site such as rock outcroppings, surface rock that inhibits plowing, heavily wooded areas or slopes in excess of fifteen (15) percent;
  - b. The land consists of Soil Classes III, IV, or V; or
  - c. Identified as such by the County Conservation District.
2. The minimum lot size per dwelling shall be one (1) acre.
3. Prime farmland, Soil Classes I and II, shall not be used for residential development except in the case where:
  - a. the size or shape of the parcel will not permit efficient use of farm machinery, or;
  - b. no other land on the tract can be used for residential development.
4. In any case, the maximum number of units which can be located on prime farmland shall not exceed one (1) single family residence for every ten (10) acres.

**504 CONVERSION APARTMENTS**

The conversion of any dwelling so as accommodate a greater number of dwelling units or households, shall be permitted only within those zoning districts and as specified in the District Regulations, Part 4. Further, all such conversions shall meet the requirements outlined below.

- A. The lot area and bulk requirement upon which a conversion apartment is located shall meet the minimum lot area and bulk requirement for the zoning district in which it is to be located.
- B. Conversions may only be authorized for structures which were erected prior to the adoption of this Ordinance. Conversions shall be limited to one (1) building or structure per lot.
- C. The maximum number of dwelling units resulting from conversion shall be three (3).
- D. All conversion dwelling units shall meet the gross floor area requirements set forth in Section 503 C. of this Ordinance.
- E. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the conversion. Where connection to a public or community sewage system cannot be made, certification, from the appropriate Township Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing sub-surface system or a sewage permit for the installation of a new system shall be submitted as part of an application for such a use.

- F. No structural alterations designed to increase the gross floor area dimensions of the original structure shall be made in order to achieve the conversion, except as may be necessary to assure adequate emergency egress is provided or to improve handicapped accessibility.
- G. The yard, off-street parking, and other applicable requirements of this Ordinance shall be met.
- H. Additional entrances, when required, shall be placed on the side or rear of the building. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall, and in no case be located on a front or side wall facing a street. The conversion dwelling shall maintain the façade and appearance of a single dwelling unit.
- I. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
- J. A floor plan shall be included with the application. A lot plan shall also be included in the application which identifies off-street parking and other lot improvements.
- K. Twenty-five (25) percent of the lot area shall be reserved and maintained as common open space for residents of the dwelling units.

## **505 SINGLE-FAMILY ATTACHED DWELLING STRUCTURES**

Single-family attached dwelling structures (i.e. townhouses) may be permitted by Special Exception only in the RC and R Districts. Every application for such a use shall also meet the requirements outlined below.

### **A. Minimum Tract Area and Maximum Density Requirements**

1. The minimum gross area required for each tract containing a single-family attached dwelling structure shall be as specified in the District Regulations, Part 4. For the purposes of this Ordinance, there shall be a maximum of six dwelling units per structure.
2. Where individual dwelling units of a single-family attached dwelling structure and the land on which the structure is located are proposed to be subdivided and conveyed as separate lots, the following dimensional requirements shall be met. In such cases, the applicant shall submit sufficient documentation along with the subdivision plans which demonstrate that satisfactory arrangements have been made regarding the ownership and maintenance of all common ground or open space not proposed for conveyance. (See also Section 505 E.8 below.)
  - a. RC and R Zones. 2,850 square feet per dwelling unit.
3. Where individual dwelling units of a single-family attached dwelling structure are to be conveyed independently of any land area, the applicant shall demonstrate that all other requirements of the Uniform Condominium Act will be met.
4. Where title to individual dwelling units of a single-family attached dwelling structure is proposed to be conveyed, all dwelling units contained in the structure shall be part of the proposal.

### **B. Minimum Tract Width Requirements**

The minimum width required for a tract containing a single-family attached dwelling structure may vary with each application depending upon the number of units being proposed in each structure. In no case however, shall the width of the tract be less than the minimum lot width

required for a single-family detached dwelling in the district where such structure is located. Each dwelling unit of a townhouse structure shall maintain the minimum width set forth in the District Regulations for the district in which it is to be located.

#### C. Minimum Yard Requirements (Setback)

The minimum yard requirements for each tract containing a single-family attached dwelling structure shall be as specified in the District Regulations, Part 4.

#### D. Gross Floor Area Requirements

Each dwelling unit located in a single-family attached dwelling structure shall meet the gross floor area requirements set forth in Section 503 C. of this Ordinance.

#### E. Design Standards

Proposals for single-family attached dwelling structures shall be designed to meet the following standards.

1. Maximum Structure Length. No single-family attached dwelling structure shall exceed 180 feet in length.
2. Traffic Access. No individual dwelling unit of a single-family attached dwelling structure may access directly onto a public street. All such units shall access public roadways via an approved private street, driveway or common parking area. All new streets, access drives, and parking areas shall be designed and constructed in accordance with the applicable street standards set forth in the Clinton County Subdivision and Land Development Ordinance.
3. Off-Street Parking Spaces. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit contained in a single-family attached dwelling structure. One (1) additional off-street parking space shall also be provided for each dwelling unit in the structure for visitor parking.
4. Grading and Landscaping. Where excavation or grading is proposed, or where existing trees, shrubs, or other vegetative cover is to be removed, plans shall be prepared by the developer and submitted to the County which illustrate that all erosion and sedimentation control requirements will be met. And, where adjacent to existing single-family detached dwellings or non-compatible land uses, buffer yards and/or screening as required in Sections 606 and 607 of this Ordinance shall be provided by the developer.
5. Drainage Facilities. All drainage and/or stormwater management standards set forth in the Clinton County Subdivision and Land Development Ordinance shall be met. (See also Section 605 F. of this Ordinance.)
6. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted to the County for approval as a part of the plan submission process.
7. Sewage and Water Facilities. Sewage and water facilities for single-family attached dwelling structures shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection and as follows.
  - a. Sewage Facilities. A public or community sewerage system or a private package sewage treatment facility shall be utilized to provide sewage service for such developments.
  - b. Water Supply. Where a public water supply system of satisfactory quantity, quality and pressure is reasonably accessible to the proposed development and there is a willingness on the part of the system owner to serve the proposed development, connection shall be

made to this system and its supply shall be used exclusively. Where a public water supply system is not available, a private water supply system shall be designed by the developer to provide service for the development.

The developer shall provide sufficient documentation to the County, along with his development plans to indicate that such facilities are presently available and will be extended to serve his development or that he has obtained the necessary approvals to construct them.

8. Common Open Space Ownership and Maintenance. The developer shall submit a plan to the County indicating the arrangements to be made for ultimate ownership of and maintenance responsibilities for any common open space/land area associated with the single-family attached dwelling structure (including access drives and driveways). Such plans shall be submitted to the County for approval as a part of the plan submission process. Where no conveyance of land area is proposed, the developer shall submit a copy of his plan for the maintenance of all common open space areas associated with the structure for the County's approval.

Where more than one (1) single-family attached dwelling structure is proposed to be located on a single tract of ground, a minimum of ten (10) percent of the gross area of the development shall be reserved by the developer as common open space for the use of all residents of the complex. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. This area shall also be easily accessible to all units. Applicants for such developments shall submit a proposal indicating the ultimate ownership and maintenance responsibilities for all common open space areas to the County for review and approval as part of the plan submission process. Copies of all approved arrangements shall be included in each deed or lease for a unit in such a development.

#### F. Building Relationships

Where more than one (1) single-family attached dwelling structure is proposed for a single tract of ground, the following minimum standards shall apply.

1. Minimum Tract Area Requirements. A minimum of two (2) contiguous acres of land shall be provided for each development containing more than one (1) single-family attached dwelling structure.
2. Arrangement of Buildings. Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.
3. Emergency Access. Building groups must be arranged in order to be accessible by emergency vehicles.
4. Distance Between Buildings.
  - a. The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.
  - b. The side of any building shall be no closer to the side, front, or rear of any other building than 30 feet.
5. Distance Between Buildings and Driveways.
  - a. No driveway or parking lot shall be closer than 15 feet to the front of any building, nor ten (10) feet to the side or rear of any building, except that space may be provided for



loading and unloading which is closer to the building it is intended to serve than is herein provided.

- b. In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.

## **506 MOBILE HOMES ON INDIVIDUAL LOTS**

A mobile home shall be permitted on an individual lot in any District permitting single-family residences. When reviewing permit applications for such mobile houses, the Zoning Officer shall utilize the following criteria and may require additional information to be submitted where it is necessary in order to adequately protect the health, safety, and welfare of County residents.

- A. Every lot to be used for the placement of an individual mobile home shall have a gross area at least equal to the minimum lot size of the District in which it is located. In addition, the unit must be situated on the lot to meet the applicable minimum setback line requirements.
- B. All mobile homes shall be placed upon one of the following types of foundations:
  1. Permanent Foundation. A permanent foundation shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and the foundation, except for windows or other openings as might be necessary for purposes such as floodproofing.
  2. Stand or Pad. A pad or stand, properly graded, placed and compacted so as to be durable and adequate to support maximum anticipated loads during all seasons may be utilized.
- C. Every mobile home shall be firmly anchored to its foundation prior to the unit being occupied. The mobile home foundation shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadman" eyelets embedded in concrete or runways, screw augers or arrow head anchors. The anchoring system shall be designed to resist a wind velocity of at least ninety (90) miles per hour.
- D. Each mobile home shall have a continuous wall around its entire perimeter in accordance with one of the following methods:
  1. Permanent Walls. A permanent wall may be constructed of concrete or masonry and shall extend from the unit floor system to concrete footing below the subgrade frost line; i.e. the extension of a permanent foundation.
  2. Skirting. If a masonry wall is not used, each mobile home shall be encircled with skirting designed to complement its appearance. Skirting shall include materials which have been prefabricated for this specific purpose. Bales of hay or plywood shall not be allowed.
- E. Access to crawl space created by the installation of a wall shall be provided by means of a door or panel capable of being locked.
- F. Every unit to be used as a dwelling unit must contain a minimum of six hundred fifty (650) square feet of habitable floor area.
- G. Every unit which is to be placed in the Floodplain must comply with all provisions contained in the appropriate Municipal Floodplain Ordinance.

## **507 MOBILE HOME PARKS**

Mobile home parks are permitted as a Special Exception use only in the A and RF Districts. All proposed mobile home parks and extensions to existing parks shall also meet the requirements outlined in Section 614 as well as the standards set forth in Article VII of the Clinton County Subdivision and Land Development Ordinance.

Every mobile home placed in an approved mobile home park, including replacement units, shall obtain a Zoning Permit prior to its placement in the mobile home park. In addition, each unit, including replacement units, must obtain a Certificate of Compliance, as required by this Ordinance AND an Occupancy Permit from the Township Building Code Official, prior to being used as a dwelling unit. All additions proposed for mobile homes located in mobile home parks shall also require a Zoning Permit prior to being initiated. Zoning Permits for replacement units which do not exceed the length or width of the prior unit or which can be placed on the lot to meet all setback requirements may be authorized by the County Zoning Officer. Where however, the replacement unit will not meet all setback requirements, Permit authorization must be obtained from the County Zoning Hearing Board.

## **508 GROUP HOMES OR INSTITUTIONAL RESIDENCES**

Group homes or institutional residences may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. Applications for such uses, whether new construction or a conversion, shall also meet all applicable State regulations, as well as the requirements outlined below.

- A. The lot upon which the group home or institutional residence is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Residents of a group home shall maintain a single household unit with shared use of rooms, and shall share mealtimes and housekeeping responsibilities. There shall however be a no more than two (2) persons per bedroom.
- C. Accommodations in a group home shall be provided for no more than eight (8) residents, excluding staff, at one time. For the purposes of this Ordinance, group homes providing accommodations for more than eight (8) residents shall be considered to be institutional residences. Applications for group homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.
- D. Adult supervision shall be provided at the group home or institutional residence on a 24-hour basis.
- E. Applicants for group homes or institutional residences shall indicate the type of care, counseling or treatment to be provided at the site. In each instance, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.
- F. Residents of such facilities shall remain in residence for a period of at least three (3) months, and a change of residents shall not routinely occur, except in the case of death, extended illness, disability or similar circumstances, or by court order.

- G. Evidence shall be provided with the application for a group home or institutional residence indicating that all applicable state certification and/or licensing requirements have been met. Revocation or suspension of the State Permit shall constitute an automatic revocation of the County Zoning Permit.
- H. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection and/or the applicable public or community Sewer and Water Boards or Authorities.
- I. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.
- J. Arrangements for the collection, storage and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the County for approval as part the application for such a use.
- K. Signs advertising the facility shall meet the requirements of Part 8 of this Ordinance.
- L. The off-street parking requirements set forth in Part 9 and all other applicable provisions of this Ordinance shall also be met.

#### **509 PERSONAL CARE HOMES, NURSING HOMES OR PERSONAL CARE CENTERS**

Personal care homes, nursing homes or personal care centers may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. All applications for such uses, whether new construction or a conversion, shall also meet the requirements outlined below.

- A. The lot upon which the nursing or personal care facility is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. There shall be no more than two (2) persons per bedroom in a personal care home, and adult supervision shall be provided on a 24-hour a day basis.
- C. Nursing homes and personal care centers shall meet all applicable state codes regarding patient space requirements, and medical or nursing personnel shall be available on a 24-hour a day basis.
- D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection and/or the applicable public or community Sewer and Water Boards or Authorities. In addition, for the purposes of this Ordinance, nursing homes and personal care centers must be served by public or community sewer facilities.
- E. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.
- F. Signs advertising the facility shall meet the requirements of Part 8 of this Ordinance.
- G. The off-street parking requirements set forth in Part 9 and all other applicable provisions of

this Ordinance shall also be met.

### **510 DAY CARE HOMES, COMMERCIAL DAY CARE CENTERS, NURSERY SCHOOLS, CHURCH-RELATED EDUCATIONAL OR DAYCARE FACILITIES, AND GROUP DAY CARE HOMES**

All applications for such uses, whether new construction or a conversion, shall meet the requirements of the zoning district in which they are permitted as well as those outlined below.

- A. Outdoor recreation areas shall be provided in accordance with the applicable State regulations. Such areas shall be completely enclosed with a fence, wall, or natural barrier at least six (6) feet in height which is located no less than 10 feet from the edge of any adjoining street right-of-way. A dwelling or other accessory building may also be used as part of the required enclosure.
- B. Passenger drop-off and pick-up areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
- C. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection and/or the applicable public or community Sewer and Water Boards or Authorities.
- D. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.
- E. Signs advertising the facility shall meet the requirements of Part 8 of this Ordinance.
- F. The off-street parking requirements set forth in Part 9 and all other applicable provisions of this Ordinance shall also be met.

#### **Church-related Educational or Daycare Facilities**

Within the A, RF and R Districts, church-related educational and daycare facilities are permitted as a special exception, subject to the following requirements:

- A. All educational or daycare uses shall be accessory, and located upon the same lot as a house of worship.
- B. If education or daycare is offered below the college level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjoining residentially-zoned properties. All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
- C. Enrollment shall be defined as the largest number of students and/or children under daycare supervision at any one time during a seven-day period.
- D. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to

cross traffic lines on or adjacent to the site.

- E. All educational or daycare uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying District.

### **Commercial Child Daycare Centers and Nursery Schools**

A commercial daycare center or nursery school is one in which care is provided for seven (7) or more children at any one time, where the child care areas are not being used as a family residence. Such use is permitted as a special exception in the A, RF and R Districts, subject to the following additional requirements:

- A. All facilities require approval or licensure, as specified by the Pennsylvania Department of Public Welfare and the Pennsylvania Department of Labor and Industry.
- B. The minimum yard, setback and lot width requirements for other permitted uses in the applicable zoning districts shall be met.
- C. Sewer and water services shall be provided in accordance with the County Subdivision and Land Development Ordinance.
- D. No commercial daycare center shall be constructed within one-half (0.5) mile radius of any other daycare center.

### **Group Day Care Homes**

A group home is intended to accommodate special persons and is permitted as a special exception in the RF and R districts, subject to the following requirements:

- A. The number of persons living in such a group home shall be four (4) or more and shall include at least one (1) on-site support staff member who shall not be included in the maximum number.
- B. All group home structures should have the appearance of single family or other traditionally residential structures.
- C. All group homes shall meet the minimum yard, setback and lot width requirements for detached dwellings in the applicable Zoning District.
- D. A group home must be sponsored and operated by a group, organization or corporation licensed by either the County or the State. Proof of licensing shall be submitted with applications for the group home use. Proof of compliance with all applicable County or State regulations shall be furnished to the County Zoning Officer within three (3) months of the granting of the zoning permit.
- E. Sewer and water services shall be provided in accordance with the County Subdivision and Land Development Ordinance.
- F. No group home shall be constructed within a one-half (0.5) mile radius of any other group home.

## **511 BED AND BREAKFAST ESTABLISHMENTS**

Bed and breakfast establishments are permitted as a special exception in any district which permits single-family dwelling units. They must follow all zoning regulations for that district, subject to the following additional requirements:

- A. The operator of the facility shall reside on the lot.
- B. No more than six (6) guest rooms may be provided. Nor more than two (2) adults and three (3) children may occupy one guest room.
- C. The use of any amenities provided by the facility such as a swimming pool or tennis court shall be restricted to the guests.
- D. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon refreshments only.
- E. Satisfactory evidence shall be provided to the County by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health and PA Department of Labor and Industry).
- F. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the PA Department of Environmental Protection and/or the applicable community sewer and water requirements.
- G. Arrangements for the collection, storage and disposal of solid wastes generated by the facility shall be made by the applicant and submitted to the County for approval as part of the application for such use.
- H. There shall be no advertising visible outside the premises to attract guests other than a single, non-illuminated sign which shall not exceed twelve (12) square feet. No external alterations, additions, or changes to the exterior structure shall be permitted except as required by the PA Department of Labor and Industry.
- I. The off-street parking requirements set forth in Part 9 and all other applicable provisions of this Ordinance shall also be met.

## **512 RETAIL BUSINESSES**

Retail businesses, including all those commercial and business establishments set forth in the District Regulations, may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. In addition, every proposed retail business shall meet the requirements outlined below as well as the standards set forth in the Clinton County Subdivision and Land Development Ordinance. Additional documentation may be required where it is deemed necessary by the County to protect the health, safety and welfare of its residents.

- A. Applications for new retail businesses shall include a site plan, drawn to scale, showing the tract of ground on which the use is situated and the location of all buildings or structures existing or proposed for the site, and other data and documentation sufficient to determine that the proposed use will meet the following standards.

1. Retail businesses shall have no detrimental effect on the character of the area or neighborhood where they are proposed to be located. All applications for such uses shall include details regarding the proposed use of externally broadcast music, public address systems, public announcements, paging, and similar activities.
  2. All retail uses shall provide adequate sewage disposal facilities and a safe water supply.
  3. Outdoor lighting associated with the proposed establishment shall be mounted and shielded to effectively eliminate direct or reflective glare on adjacent properties and on public streets.
  4. Buffer yards and/or screening shall be provided as required in Sections 606 and 607 of this Ordinance, unless required otherwise by the regulations of this Part.
  5. All signs used to advertise retail activities shall meet the requirements of Part 8 of this Ordinance.
  6. Off-street parking and loading areas shall be provided in accordance with the requirements of Sections 901 and 902 of this Ordinance. Access to all proposed retail uses shall meet the requirements of Section 903.
  7. Arrangements for the collection, storage and disposal of solid wastes generated by the commercial use shall be made by the applicant and submitted to the County for approval as part of the application for the retail activity. Such arrangements shall indicate the type of screening to be used to conceal waste storage facilities used by the retail operation.
  8. Applications for retail businesses shall also include an indication of the activity's proposed hours of operation.
  9. No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be detected at or beyond the property line of the lot containing the commercial activity.
  10. Retail businesses engaged in the sale of alcohol shall provide evidence that they comply with the requirements of the Pennsylvania Liquor Control Board.
- B. Applicants proposing to change from one commercial use to another in an existing building shall apply to the Zoning Officer for a Zoning Permit before changing use. All such applicants shall provide sufficient information to the Permit Officer indicating that the issues raised in Sub-Section A. above will be adequately addressed.
- C. No perpetual outside displays or retail sales shall be permitted for commercial uses, except where such display is a necessary part of the use. No merchandise shall be placed on any sidewalk except as part of a periodic sidewalk sale.

### **513 AUTOMOTIVE SERVICE STATIONS, REPAIR GARAGES, AND/OR BODY WORK AND PAINTING FACILITIES**

Automotive service stations, repair garages, and/or body work and painting facilities are permitted by Special Exception in the RC district. All applications for such uses shall meet the criteria established in Section 512 of this Ordinance for retail uses, as well as the standards outlined below, and all applicable State or federal laws. See also Section 616.

- A. No automotive service station or repair shop shall be located within 300 feet of any school, playground, hospital, nursing home, church or other place of public assembly.
- B. All associated repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building.

- C. Vehicles being stored on-site for more than 5 working days shall be kept within a building or shall be screened from view as set forth in Section 607 of this Ordinance. No such storage area shall exceed three (3) times the size of the garage area in which repairs are being conducted. Storage of vehicles (whether capable of movement or not) for more than a one (1) month period is prohibited.
- D. Signage shall be limited to one attached sign no larger than twenty (20) square feet and/or one (1) perpendicular hanging sign no larger than twelve (12) square feet and one free-standing sign no larger than twelve (12) square feet set back at least twenty (20) feet from the adjoining road right-of-way. In the event the financial establishment is located at an intersection, two (2) such signs shall be permitted.
- E. Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the PA Department of Labor and Industry and PA Department of Environmental Protection regulations and is designed to contain all noise, vibrations, dust, and odor generated by the operation.
- F. Arrangements for the collection, storage and disposal of all waste generated by an automotive facility shall be made by the applicant and submitted to the County for approval as part of the application for such use.

#### **514 STORAGE FACILITIES AND OUTDOOR STORAGE REQUIREMENTS**

##### **A. Mini Warehouses**

Commercial personal storage warehouses are permitted in the RC District as a special exception. All applications for such uses shall meet the criteria established in Section 512 of this Ordinance for retail uses, as well as the standards outlined below.

1. There shall be no commercial or residential use conducted from or occurring within such facilities.
2. No outdoor storage shall be permitted at mini-warehouse sites, and sites shall be kept free of junk and debris at all times.
3. No explosives, toxic, radioactive or flammable materials shall be stored in the warehouse units.
4. Maximum number of units: 40
5. Maximum square feet per unit: 3000

##### **B. Outdoor Storage of Materials and Equipment**

1. Commercial Equipment Storage & Parking. Commercial equipment including, but not limited to, trucks of two-ton capacity or more, construction equipment and machinery, and other commercial or industrial materials, equipment and supplies shall not be parked overnight or stored in any residential district.
2. Recreational Vehicle Storage. Recreational vehicles, as defined by this Ordinance, may be parked and stored within a district in any carport or enclosed building or may be parked outdoors provided the vehicle is at least three (3) feet from any lot line. No such equipment shall be used for living, sleeping or housekeeping purposes.
3. On-Lot Storage of Vehicles. No vehicle without current license and inspection, trailer,



boat or similar vehicle shall be parked or stored outside in any district unless within an enclosed building or carport. No such equipment shall be used for living, sleeping or housekeeping purposes.

C. Travel Trailer Occupancy and Storage Requirements

Travel trailers equipped with holding tank facilities and that are not connected to a permitted sewage treatment system (public sewer, in-ground holding tank, absorption bed system) shall not remain on a lot that does not contain a residential structure for more than thirty (30) consecutive days.

Travel trailers not equipped with holding tank facilities and that are not connected to a permitted sewage treatment system (public sewer, in-ground holding tank, absorption bed system) shall not remain on a lot that does not contain a residential structure for more than ten (10) consecutive days.

**515 ADULT ENTERTAINMENT ESTABLISHMENTS**

Adult entertainment establishments or facilities are permitted as a Special Exception use only in the I District. All applications for such uses shall meet the criteria established in Section 512 of this Ordinance for retail uses as well as the standards outlined below, and all applicable State or local requirements.

A. No adult entertainment establishment may be situated or located within:

1. 500 feet of the boundary of any Residential District or residential property line;
2. 500 feet of the property line of any church, school, day care center, theater, park, playground, or other areas where minors congregate;
3. 1,000 feet of the property line of any establishment licensed by the PA Liquor Control Board to dispense alcoholic beverages;
4. 1,000 feet of a restaurant, eating establishment or grocery store; nor within
5. 2,000 feet of the property line of any other adult entertainment establishment.

B. Advertisements, displays, or other promotional materials for adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.

C. All building openings, entries, exits or windows for adult entertainment establishments shall be located, covered or screened in such a manner so as to prevent a view into the interior from any street, sidewalk or other public place. In the case of any adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area.

D. Screening shall be provided on both sides and to the rear of the establishment in accordance with the requirements of Section 607 of this Ordinance.

E. Business identification signs shall include no promotional advertisement or displays. Signage shall be limited to one attached sign no larger than twenty (20) square feet. Signage may be lighted by a covered and recessed fixture located at the top or base of the sign.

F. No person under the age of 18 shall be permitted within an adult commercial store or sold

any pornographic material.

## **516 SHOPPING CENTERS**

Small retail shopping centers are permitted in the RC district and as a special exception in the A and RF districts. All applications for such uses shall meet the criteria established in Section 512 of this Ordinance for retail uses, the standards outlined below, as well as the requirements set forth in the Clinton County Subdivision and Land Development Ordinance.

- A. Rural shopping centers must have a minimum site area of five (5) acres. Such facilities may include small-scale retail shops, personal service businesses, grocery stores, theaters, financial institutions, restaurants or other eating establishments. In addition, medical, dental or other professional offices and indoor recreational or entertainment activities may also be permitted, although such uses must occupy less than 50% of the total facility.
- B. Building coverage for shopping centers shall not exceed 50% of the total site area for new construction. Proposals for conversion of an existing building shall be evaluated by the County on a case-by-case basis.
- C. The proposed development shall be constructed in accordance with an overall plan and shall be designed in a single architectural style with appropriate landscaping.
- D. Shopping centers shall be set back a minimum of 100 feet from all adjoining street rights-of-way and 50 feet from side and rear property lines where such facility involves new construction. No parking, loading, or service areas shall be located closer than 25 feet to any property line. (See also Sub-Section E. below.) Proposals for conversion of an existing building shall be evaluated on a case-by-case basis.
- E. A landscaped buffer, at least 75 feet in width, shall be provided along the side or rear of any shopping center or shopping mall site which abuts a Residential District or residential area. Such buffer yard shall be located within the shopping center tract, and may include side or rear setbacks, but may not include any parking, loading, or service areas. It shall contain at least five (5) trees per 100 lineal feet, of at least two (2) inch caliper and staked at the time of planting. Other buffer requirements of Section 606 shall also be met.
- F. Adequate provision shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the shopping center, in accordance with Part 9 of this ordinance.

## **517 INDUSTRIAL STANDARDS**

Industrial operations may be permitted only where specified in the District Regulations, Part 4. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the Clinton County Subdivision and Land Development Ordinance. Additional documentation may also be required where it is deemed necessary by the County to protect the health, safety and welfare of its residents.

- A. Industrial or manufacturing operations shall abut on or provide direct access to a street or highway which is capable of accommodating the anticipated levels and types of industrial and employee traffic. Where access is proposed onto a state highway, a copy of the applicant's PennDOT-issued Highway Occupancy Permit shall be provided to the County as

part of the industrial plan submission.

- B. Every industrial operation must be contained within a building, except as may be authorized otherwise for a specific type of industrial activity.
- C. Adequate sewage and water facilities shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection. The developer shall provide sufficient documentation along with development plans to indicate that such service will be provided.
- D. Arrangements for the collection, storage and disposal of all solid wastes generated by the operation shall be made by the developer and submitted to the County for approval as a part of his application for such a use. Where determined appropriate, the County may request review of the proposed arrangements by the PA Department of Environmental Protection prior to granting approval.
- E. All accessory warehousing and storage facilities associated with industrial uses shall be contained within an enclosed building or shall be shielded from view by a fence and/or screen plantings. No storage shall be located within any setback or required yard area.
- F. Buffer yards and/or screening shall be provided as required by Sections 606 and 607 of this Ordinance.
- G. All signs proposed for industrial uses shall meet the standards set forth in Part 8 of this Ordinance.
- H. Off-street parking and loading areas shall be provided in accordance with Part 9 of this Ordinance.
- I. Accessory sales or retail outlets selling items produced in the manufacturing operation may be permitted in conjunction with an approved principal use. Where such retail facilities are to be established, additional off-street parking spaces shall be provided to satisfactorily accommodate the commercial activity.
- J. Compliance with the following minimum performance standards, in addition to all applicable local, State or Federal codes or regulations (including DEP's air, water and noise pollution control standards) shall be required. The developer shall present sufficient documentation with his application for the industrial use to indicate that each of the applicable performance standards will be met.
  - 1. Sound. The volume of sound inherently and recurrently generated shall be controlled so as not to cause a nuisance to adjacent uses.
  - 2. Vibration. No vibrations shall be discernible beyond the property lines of the industry.
  - 3. Odor. No emission of odorous gas or other odorous matter shall be permitted in such quantity as would be readily detectable along or beyond the lot lines of the industrial operation without the use of instruments.
  - 4. Toxic or Noxious Matter. No discharge of any toxic or noxious matter in such quantity as would be detrimental or dangerous to public health, safety, comfort or welfare, or would cause injury or damage to property, businesses, or the surrounding natural environment shall be permitted.
  - 5. Glare. No direct or reflected glare shall be detectable at any point along or beyond the

- property lines of the industry.
6. Heat. No direct or reflected heat shall be detectable at any point along or beyond the property lines of the industry.
  7. Dust and Fly Ash. No solid or liquid parts shall be emitted in such quantities as would be readily detectable at any point along or beyond the property lines of the industry or as would produce a public nuisance or hazard.
  8. Smoke. No smoke shall be emitted in such quantity as would become a nuisance.
  9. Fire, Explosion, and Chemical Hazards. In all activities involving, and in all storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire, explosion, leaks or spills, and appropriate firefighting and fire suppression equipment and devices standard in the industry, or as may be required by the Occupational Safety and Hazards Administration (OSHA). Burning of industrial waste materials in open fires shall be prohibited at all times.
  10. Radio Waves or Electrical Disturbances. No activities shall be permitted which emit radio waves or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

### **518 JUNK YARDS OR AUTO SALVAGE OPERATIONS**

Junk yards or auto salvage operations are permitted only in the I district. Such facilities must follow the district regulations as well as the following requirements:

- A. Such uses shall be conducted within a building or shall be entirely enclosed with a fence or wall not less than eight (8) feet in height and made of a suitable, permanent material. In addition, a buffer yard of 50 feet shall be provided around the entire perimeter of the facility to maintain adequate separation between the junk yard and adjacent uses. No part of this buffer yard may be used for the storage of any materials or parts associated with the operation. All buffer areas shall also be screened in accordance with the requirements set forth in Section 607 of this Ordinance.
- B. No junk material, accessory structure, related activity or other enclosure shall be stored, placed, located or conducted within 50 feet of any public street right-of-way, body of water, stream or wetland, or any adjoining property line. No weeds or scrub-growth over eight (8) inches in height shall be permitted to grow within this setback area. And, where determined appropriate by the Zoning Officer, the applicant may be required to prepare and submit a Soil Erosion and Sedimentation Control Plan for his facility.
- C. The deposit or storage for more than one hundred twenty (120) days of two (2) or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or of two (2) or more wrecked or broken vehicles, or the major parts of two (2) or more such vehicles, shall be deemed to make the lot a junk yard.
- D. No material shall be placed in any junk yard in such a manner that is capable of being transferred out of the junk yard by wind, water, or other natural causes.
- E. The boundaries of any junk yard shall at all times be clearly delineated.
- F. All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be kept within fully enclosed buildings.

- G. The land area used for junk yard purposes shall not be less than five (5) acres and shall not be exposed to public view from any public street or road by virtue of its location on a hillside or location on a plateau below street level.
- H. All junk materials shall be placed so that they are incapable of being transported off the premises by wind, water, or other natural causes.
- I. All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled to a height exceeding eight (8) feet.
- J. All gasoline and oil shall be drained from junked vehicles prior to being accepted at the facility. All hazardous or toxic materials, including freon and antifreeze shall be drained from appliances prior to their acceptance at the facility.
- 1. No burning shall be carried on in any junk yard. Fire shall be prevented and hazards avoided by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained), by the provision of adequate aisles at least fifteen (15) feet for escape and firefighting, and by other necessary measures.
- K. All junk yards shall be maintained in such a manner to avoid causing public or private nuisances; causing any offensive or noxious odors; or causing the breeding or harboring of rats, flies, or other vermin that could be hazardous to public health.

## **519 MINERAL EXTRACTION OPERATIONS**

Mineral extraction operations over 10,000 tons per year, including the commercial excavation of sand, gravel, clay, shale, rock or other natural mineral deposit as may be defined by State or Federal regulations, may be permitted as a special exception in the A, RF, I, and WC districts. All such operations shall comply with PA Department of Environmental Protection's and applicable Federal permit requirements and evidence of such compliance must be submitted with any application for a mineral extraction operation. In addition, the following standards shall be met. (Where however, the requirements of this Ordinance conflict with any state or federal law or regulation, such state or federal regulation shall prevail.)

- A. Mineral extraction operations shall abut on or provide direct access to a street or highway capable of accommodating heavy trucks and employee traffic. Truck access to any excavation site shall be arranged to minimize danger to traffic and nuisance to surrounding properties. Where access to a state highway is proposed, a copy of the applicant's PennDOT-issued Highway Occupancy Permit shall be provided to the County as a part of the extraction plan submission.
- B. A copy of the applicant's Soil Erosion and Sedimentation Control Plan, reviewed and approved by the County Conservation District, or other designated agency, shall be submitted to the County Planning Department to indicate what precautions are to be taken to avoid erosion and sedimentation problems where excavation is proposed. All exposed ground surfaces shall be stabilized or protected with a vegetative cover to prevent erosion, unless other erosion control techniques are approved as part of the above-referenced Plan.
- C. Screen plantings, buffering, and/or fencing shall be provided along the perimeter of the excavation site as may be required by State or Federal regulations. Where not specifically

regulated by State or Federal standards, a buffer yard of 150 feet and screening in accordance with Section 607 of this Ordinance shall be provided. In addition, in the case of open excavation, a fence, at least eight (8) feet in height, shall completely surround the excavated area, except at approved points of ingress and egress. Points of ingress and egress shall have a gate(s) which shall be locked to prevent unauthorized access when the facility is not in operation.

- D. Where not specifically regulated by State or Federal standards, no extraction activities, stockpiling or storage of extracted material shall be located within the required buffer (see C. above), nor less than 500 feet from a Residential District or 300 feet from any stream, body of water or designated wetland area. Further, no stockpiles may exceed 50 feet in height above the original ground surface. All reasonable precautions shall be taken to prevent any materials deposited on stockpiles from being washed, blown, or otherwise transported off the site by natural forces.
- E. Where permitted, rock crushers, batching or mixing plants, or other grinding, polishing or cutting machinery shall be setback a minimum of 150 feet from all property lines and public rights-of-way. Such facilities shall not exceed 65 feet in height and shall be subject to such additional conditions and safeguards deemed necessary by the Zoning Hearing Board to protect the public health, safety and welfare.
- F. Applicants for a zoning permit will provide a description of how dust and mud will be controlled during operations.
- G. Truck access shall minimize danger to traffic and avoid nuisance to surrounding properties.
- H. The applicant shall submit a copy of the state or federally mandated post-closure site restoration plans to the County as a part of the application for a mineral extraction operation.
- I. The applicant shall provide evidence that all required governmental approvals have been granted prior to the issuance of a Zoning Permit. In the event the mining operation is found to be in violation of any governmental regulations which require the operation of the facility to cease, such action shall cause the Zoning Permit to be forfeited. In this case, no resumption of facility operations shall take place unless and until the applicant obtains approval of a new Zoning Permit application.

## **520 CONTRACTOR'S SHOPS AND YARDS**

Contractor's shops and yards may be permitted only in those zoning districts and as specified in the District Regulations, Part 4, and shall be subject to the following requirements.

- A. All construction, fabricating and fitting activities shall be conducted within an enclosed building or structure.
- B. Buffer yards and/or screening shall be provided around the perimeter of all such activities, including storage yards, meeting the requirements of Sections 606 and 607 of this Ordinance. Further, storage yards may not be located within any setback or required yard area.
- C. All precautions shall be taken to minimize potentially noxious, hazardous or nuisance occurrences from the facility. Applicants for such uses shall show that their potential facility

will meet the minimum performance standards set forth in Section 517 J. above.

- D. Any and all outdoor lighting shall be mounted and shielded to avoid causing glare on adjacent properties or lots.
- E. All signs proposed for such facilities shall meet the standards set forth in Part 8 of this Ordinance.
- F. Off-street parking and loading areas shall be provided in accordance with the requirements of Part 9 of this Ordinance.

## **521 AGRICULTURAL USES**

Irrespective of the specific uses listed or permitted in any of the County's zoning districts, existing agricultural programs shall be permitted and encouraged as an interim use until such time as the property owner sells or transfers his property interests to persons, agents or others interested in developing a use in conformance with the District Regulations set forth in Part 4. All agricultural uses initiated after the effective date of this Ordinance shall however be subject to the following safeguards and regulations.

### **A. General Agricultural Use Regulations**

The following general regulations shall apply to all agricultural uses regardless of the zoning district in which they may be located.

1. Private gardens shall be permitted in all zoning districts.
2. Commercial animal husbandry may be permitted as a principal and/or accessory use only in the A, WC, and CS Districts. (See also Sub-Section B. below regarding Concentrated Animal Operations (CAO) and Concentrated Animal Feeding Operations (CAFO). The housing or raising of livestock or poultry as farm pets or for domestic purposes pursuant to the requirements of this Ordinance shall not be considered animal husbandry. Household pets are exempt from these regulations.)
3. Agricultural operations that use or produce manure that are not a CAO or CAFO shall comply with the PA Department of Environmental Protection's requirements applicable to such operations, including the requirements specified in 25 PA Code, Section 91.36 and the manuals and guides referenced in that Section, or as may hereafter be amended.
4. Buildings in which livestock or poultry are to be housed (temporarily or permanently) shall be set back at least 100 feet from all property lines and no less than 25 feet from the right-of-way of a public street, except as may be provided otherwise in 25 PA Code, Section 91.36. All other agricultural buildings shall be set back in accordance with the standards established in the District Regulations, Part 4. (See also Sub-Section B. below regarding Concentrated Animal Operations and Concentrated Animal Feeding Operations.)
5. No outdoor feedlot, agricultural compost, manure or other similar unenclosed storage shall be located closer than 100 feet to any dwelling (other than the owner's residence), nor closer than 50 feet to any stream, water body, or designated wetland area, except as may be provided otherwise in 25 PA Code, Section 91.36. (See also Sub-Section B. below regarding Concentrated Animal Operations and Concentrated Animal Feeding Operations.)
6. Nothing contained in this Ordinance shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure in accordance with the

requirements of the PA Nutrient Management Act.

**B. Concentrated Animal Operations and Concentrated Animal Feeding Operation Regulations**

Concentrated animal operations (CAO's) and concentrated animal feeding operations (CAFO's) may be permitted only in the A District. All new or expanded CAO's and CAFO's shall require Special Exception Use approval from the County Zoning Hearing Board prior to the issuance of a Zoning Permit. In addition, all applications for CAO's and CAFO's shall meet all applicable requirements set forth in the County Subdivision and Land Development Ordinance and shall satisfy the following criteria.

1. All concentrated animal operations and concentrated animal feeding operations shall meet the requirements set forth in the PA Nutrient Management Regulations and Act 38 of 2005, the ACRE legislation, for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards pertaining to nutrient application, manure management, and manure storage facilities. Nothing in this Section or Ordinance is intended, nor shall be applied or interpreted, to attempt to regulate those aspects of CAO's and CAFO's which are specifically regulated by the PA Nutrient Management Act, Act 38 of 2005, and/or the Agricultural Security Law.
2. All applications to the County for new or expanded concentrated animal operations and/or concentrated animal feeding operations initiated after the effective date of this Ordinance shall include the following information:
  - a. a detailed, written description of the type and size of operation being proposed;
  - b. a site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence);
  - c. a copy of the applicant's Nutrient Management Plan, reviewed and approved by the County Conservation District, designated Nutrient Management Specialist, or other appropriate agency;
  - d. a copy of the applicant's Odor Management Plan, reviewed and approved by the County Conservation District, designated Odor Management Specialist, or other appropriate agency or individual; and
  - e. a copy of the applicant's Pest Control Plan.
3. At a minimum, buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall be erected at least 100 feet from all property lines and dwellings (other than the owner's residence). Where however, more restrictive setback requirements are established in the Nutrient Management Regulations, then those standards shall apply.
4. No manure storage facilities shall be permitted to be located within a flood plain. See Section 532.
5. There shall be no occupancy or use of any facilities related to or associated with a CAO or CAFO until all required approvals and permits have been issued.

**522 ROADSIDE STANDS**

A permanent or temporary structure or building used for the display and sale of farm products produced or raised on the premises shall be permitted as an accessory use in the A, RC, R, and RF districts. All applications for such uses shall also meet the standards outlined below.



- A. Temporary stands shall not exceed 400 square feet in size and shall be removed from the site during the season(s) when they are not in use for the sale or display of products.
- B. Where a temporary roadside stand is established, a minimum of five (5) off-street parking spaces, located outside of the adjoining street right-of-way, shall be provided. The standards set forth in Section 901, TABLE 1, of this Ordinance shall apply to all permanent facilities.
- C. Temporary stands and temporary signs shall be set back at least 20 feet from the edge of the adjoining street right-of-way and at least 50 feet from any intersection. Permanent stands shall meet the setback requirements set forth in the District Regulations for structures in the district where they are to be located.
- D. All signs used to advertise such facilities shall meet the requirements set forth in Part 8 of this Ordinance and shall be removed when the temporary stand is removed.
- E. Accessory roadside stands shall be limited to the sale of farm, nursery, or greenhouse products.

### **523 SEASONAL DWELLINGS**

Seasonal dwellings may be permitted only in those zoning districts and as specified in the District Regulations, Part 4. All applications for such uses shall also meet the requirements outlined below.

- A. Every lot to be utilized for a seasonal dwelling shall meet the minimum area and yard requirements set forth in the District Regulations, Part 4.
- B. Every seasonal dwelling or shall be provided with adequate sewage disposal and water supply systems subject to the applicable rules and regulations of the PA Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been issued shall be submitted to the County as part of an application for such a use.
- C. No seasonal dwelling shall be converted to a permanent, full-time dwelling unit unless the same conforms to all applicable County codes and ordinances. Where seasonal structures are proposed for conversion to full-time occupancy, all foundation and gross floor area requirements contained in Section 503 C. of this Ordinance shall be met and adequate sewage and water supply systems must be provided.
- D. Where such uses are proposed to be located within a flood plain, requirements of the individual municipal Flood Plain Ordinance shall be met. See Section 532.
- E. No more than one (1) permanent seasonal dwelling shall be erected or placed on one lot, unless such structures are part of an approved land development.

### **524 OUTDOOR COMMERCIAL RECREATION USES**

Outdoor commercial recreation uses, including golf courses, golf driving ranges, sporting clays or skeet shooting ranges, ski resorts, and similar activities, may be permitted only in those districts and as specified in the District Regulations, Part 4. Applications for such uses shall also meet the requirements outlined below. (See also Section 525 below for campground regulations.)

- A. A plan showing the proposed facilities and/or design of the recreational facility shall be provided by the applicant with his Zoning Permit application.
- B. All buildings, structures, and/or active recreation facilities shall be located at least 50 feet from all property lines and shall be screened in accordance with the standards set forth in Section 607 of this Ordinance.
- C. Sewage disposal facilities, when proposed, shall be provided by the applicant in accordance with the standards of the PA Department of Environmental Protection and applicable local sewage regulations.
- D. Arrangements for the collection, storage and disposal of all solid wastes generated by the facility shall be made by the applicant and submitted to the County for approval as part of the application process.
- E. Off-street parking facilities shall be provided in accordance with the requirements of Part 9 of this Ordinance.
- F. Outdoor security lighting provided for the facility shall be installed and shielded to eliminate direct glare on adjacent properties or upon public streets.
- G. No public address system shall be permitted, except where such system will be inaudible at all property lines.
- H. The proposed hours, rules, and security arrangements for the facility shall be included with the application for the use. Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood or area in which the facility is to be located.
- I. Where the proposed activity involves a use which presents a potentially hazardous situation, such as a trap, skeet, or sporting clays range, additional safeguards or precautions shall be taken by the applicant to ensure the safety of the public. In all such instances, the County Commissioners shall review the precautions being proposed and shall determine their adequacy before granting approval to the proposed use.

## **525 CAMPGROUNDS**

Commercial campgrounds (including recreational vehicle parks) and private campgrounds (including cottage developments) shall only be permitted as a special exception use in the A and RF districts and are subject to their requirements. Every application for such use shall also meet the requirements outlined below as well as the standards set forth in the Clinton County Subdivision and Land Development Ordinance, Articles III and IV.

### **A. General Requirements**

- 1. All campgrounds are subject to County permitting procedures, PA Department of Environmental Protection permitting procedures, and the additional permitting requirements applicable for campgrounds located in floodplain areas. (See Section 532.)
- 2. All campgrounds shall have a gross tract area of no less than fifteen (15) acres.
- 3. No accessory structures, including sheds, storage buildings, offices, porches, etc. shall be placed on camping spaces located in floodplain areas.

## B. Requirements for Commercial Campgrounds

1. Minimum Camping Space Size. Each camping space shall contain a minimum of 2000 square feet. The minimum width shall not be less than 40 feet.
2. Number of Units per Space. No more than one (1) recreational vehicle shall be located on each camping space. (Tents shall not be governed by this limitation.)

## C. Requirements for Private Camps and Cottage Developments

1. Campgrounds shall be designed for intermittent recreational use, not to exceed one hundred eighty (180) days during any calendar year. There shall be no year-round residential occupancy of any unit.
2. No mobile homes or recreational vehicles shall be permitted.
3. Cottages shall be clustered, but the maximum overall density shall not exceed one (1) cottage for every two (2) acres.

## D. Setbacks, Buffer Yards and Screening Requirements

1. Park Perimeter Buffer Yard. All camping spaces and auxiliary park structures shall be located at least 40 feet from the campground boundary lines, including public rights-of-way. Where screening, either man-made or of natural plantings, meeting the requirements of Section 607, is provided along the perimeter, the minimum buffer yard may be reduced to 25 feet.
2. Minimum Distance Between Camping Units. Individual camping units shall be separated by a minimum of 15 feet. (Tents shall not be governed by this limitation.)
3. Camping Space Access. All camping spaces shall abut and have 40 feet of frontage on a street in the campground internal street system, with the exception of tent campsites, which shall be a maximum of two hundred fifty (250) feet from an internal driveway.
4. Campground Internal Street System Requirements. The internal street system shall be designed and constructed in accordance with Section 601.2 of the Clinton County Subdivision and Land Development Ordinance. It shall be the responsibility of the campground owner to maintain all such streets within the campground.
5. Off-Street Parking Requirements. A minimum of two (2) vehicle off-street parking spaces shall be provided for each camping space plus one (1) additional off-street parking space shall be provided for every five (5) camping spaces in the campground.
6. Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans). All grading, soil erosion and sedimentation control requirements set forth in the County Subdivision and Land Development Ordinance shall be met.
7. Drainage Facilities. All drainage and/or stormwater management standards set forth in the County Subdivision and Land Development Ordinance shall be met. (See also Section 605 H. of this Ordinance.)
8. Common Open Space Requirements. A minimum of ten (10) percent of the gross area of the campground shall be reserved by the developer/ owner as common open space for the use of all occupants of the park. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures or service lanes. At least a portion of the open space shall be set aside for recreational use. Such recreation area shall be suitable for outdoor recreation activities and shall be easily accessible to all camping spaces. Applications for all campgrounds shall include a proposal indicating the ultimate ownership and maintenance responsibilities for such common open space and recreation areas.

## E. Utilities and Park Facilities

1. Sewage and Water Facilities. The standards of the PA Department of Environmental Protection (DEP) for the provision of sewage and water facilities shall be met. Documents and approvals indicating that these standards have been met along with notations on the campground plan showing the location of water sources and restrooms shall be presented to the County by the applicant. (No Zoning Permit shall be issued for the campground until the sewage and water supply systems have been approved by DEP.) Where individual sewer hook-ups are not provided for each camping site, a DEP-approved community dump station must be provided by the developer for sewage disposal within the campground. It shall be the responsibility of the campground developer to maintain all such facilities and comply with all local sewage regulations.
2. Other Utility Systems. Where electric or other utilities are to be provided, plans, made by the developer and approved by the applicable utility company, shall be included as part of the campground plan submission.
3. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage, and disposal of solid wastes generated by the users of the campground shall be made by the developer and included as part of the campground plan submission.
4. Service and Other Campground Buildings. Service, maintenance and management buildings, bathhouses, and commercial sales buildings required for the management, servicing and maintenance of the campground are allowed provided that such buildings are used exclusively for said purposes. Their commercial character (which would attract customers other than campground residents) shall be invisible.
5. Signage. Signage shall be limited to two (2) signs which together total twenty (20) square feet of sign face.

## 526 SWIMMING POOLS

### A. Private Swimming Pools

Private swimming or bathing pools (pools used by the occupant and his/her guests) may be permitted as an accessory use in all districts except WC and I, but shall be subject to the following requirements.

1. Every outdoor private swimming pool of seasonal or permanent construction, whether above or below ground, shall be completely surrounded by a fence or wall not less than four (4) feet in height to prevent uncontrolled access. (No additional fence or wall shall be required where a minimum of four (4) feet of the walls around the entire perimeter of the pool are located above the ground; provided, that steps, ladders and other means of access to the pool are removed or secured to a minimum of four (4) feet above ground level when the pool is not in use.) All gates or doors in the fence or wall shall have self-latching or automatic locking devices.
2. Where the slope of a site within five (5) feet of a pool equals or exceeds the height of the walls of the pool fence, then an additional four (4) foot fence shall be required.
3. Where an in-ground pool is located more than two hundred fifty (250) feet from a residence on an adjoining property, a wall or fence shall not be required.
4. A dwelling or accessory structure may be used as part of the required enclosure.
5. The pool shall not be located within any required front yard, and shall be setback in accordance with the side and rear yard requirements set forth in the District Regulations for the district in which the pool is to be located. (See also Section 605 B. regarding accessory

structures.)

#### B. Public or Semi-Public Swimming Pools

Public swimming or bathing pools, including pools owned and operated by municipal governments, private organizations, or pools provided in conjunction with commercial lodging facilities, mobile home parks, or similar uses, may be permitted only as specified in the District Regulations, Part 4. Such pools shall be subject to all requirements established by the PA Department of Environmental Protection and the PA Department of Health.

### **527 HOME-BASED BUSINESSES AND OCCUPATIONS**

No-impact home-based businesses and occupations are permitted as accessory uses in all districts except Industrial. Where deed restrictions or other covenants or agreements limit or prohibit home occupations, it shall be the responsibility of those individuals whose property is governed by such restrictions to enforce the limitations. The County shall have no responsibility for said enforcement. The zoning permit shall continue in effect as long as there is no change in the nature or extent of the use. The requirements for home-based businesses and occupations are as follows:

1. The activity shall be compatible with the residential use of the property and surrounding residential uses and the premises shall at all times be kept neat and orderly.
2. The activity shall be conducted entirely within the owner's dwelling and may occupy no more than 45% of the floor area of the residence, not to exceed 400 square feet. (No maximum gross floor area standards shall apply to family day care homes.)
3. The business shall be owned and conducted by the homeowner and may employ no more than two nonresident employees other than family members residing in the dwelling.
4. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
5. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights. A nameplate not larger than six (6) square feet in area shall be permitted. It can be neither animated nor illuminated by direct light.
6. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
7. The business activity shall not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
8. The business shall not involve any customer, client, or patient traffic, whether vehicular or pedestrian, pick-up, delivery, or removal functions to or from the premises in excess of that normally associated with a residential use.
9. The business shall not involve any unsafe or illegal activity.
10. The home occupation shall be clearly secondary to the use of the principal residential nature or use of the dwelling where it is to be located.
11. Off-street parking spaces shall be provided for home occupations as set forth in Part 9 of this Ordinance.
12. The majority of all goods or products sold on the premises must be produced on the site, or must be related to a service offered on the site.
13. The home occupation shall not involve the use of commercial vehicles over two tons for the delivery of materials to and from the premises. Delivery vehicles, such as United Parcel Service trucks, may be permitted but tractor trailers and other large commercial vehicles shall be prohibited.

## 528 FARM-RELATED BUSINESSES

Farm-related businesses may be permitted only in those zoning districts and as specified in the District Regulations, Part 4, and shall be subject to the following requirements.

- A. For the purposes of this Ordinance, a farm-related business shall be defined as an accessory commercial enterprise conducted on a farm parcel which is related to and/or supportive of an on-going agricultural operation located on the same tract of ground. All such operations shall remain secondary to the principal agricultural use of the property.
- B. Farm-related businesses shall be conducted entirely within an enclosed building(s) typical of farm buildings, but may not be located within the farm residence. All buildings used for farm-related businesses shall be located in proximity to other farmstead buildings and must remain compatible with the character of the farm and the rural setting in which they are located.
- C. The farm-related business must be owned and operated by the individual who is the owner and resident of the farm on which it is located.
- D. The area devoted to production, storage and sales associated with the farm-related business shall be limited to a total of 2,500 square feet of gross floor area.
- E. No outdoor, unenclosed storage associated with a farm-related business shall become a nuisance or create a safety hazard.
- F. All signs used to advertise such facilities shall meet the requirements of Part 8 of this Ordinance.
- G. Off-street parking spaces shall be provided for each farm-related business as set forth in Part 9 of this Ordinance.
- H. Farm-related businesses may include, but need not be limited to, any of the following activities:
  - 1. Processing, storage, and/or sale of products raised or produced on the premises;
  - 2. Dairy stores;
  - 3. Custom butcher shops;
  - 4. Horticultural nurseries, greenhouses, and/or garden shops; and
  - 5. Feed or seed sales;
  - 6. Tack shops or blacksmithing operations; and
  - 7. Livestock or animal grooming services.
- I. Requests for other farm-related businesses not specified above may be submitted to the Zoning Hearing Board for consideration. Upon finding of the Board that such use complies with the criteria of this Section, other applicable codes and ordinances in effect in the County, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is to be located, such use may be approved.

## **529 UTILITY SUPPLY FACILITIES**

The provisions of this Zoning Ordinance shall not apply to any existing or proposed building or extension thereof used by any public utility corporation, if on petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed location or use of the building in question is reasonably necessary for the convenience or welfare of the public.

Utility supply facilities shall be designed and constructed to be compatible with the general character (appearance and structural material) of the other structures within the district in which they are located.

## **530 COMMUNICATIONS ANTENNAS, TOWERS, AND/OR EQUIPMENT BUILDINGS**

Communications antennas, towers, and/or receiving equipment buildings are permitted only in those zoning district and as specified in the District Regulations, Part 4. Applications for such uses shall also be subject to the standards outlined below, as well as all other applicable State or Federal regulations. Residence-mounted satellite dishes and television reception devices, and ham or citizen band radio antennas may be located in any zoning district as an accessory use and shall not be subject to further regulation by this Ordinance.

### **A. General Requirements**

1. No person or entity shall construct, install or otherwise operate a commercial communications antenna or erect a communications tower or equipment building without first securing a Zoning Permit from the County Zoning Officer, except as provided above.
2. The applicant shall provide sufficient documentation that is it licensed by the Federal Communications Commission (FCC) to operate a communications tower and/or antennas. The applicant shall also demonstrate that all antennas proposed to be mounted on such towers will comply with the applicable standards established by the FCC governing human exposure to electromagnetic radiation, and that any proposed tower will comply with all Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation, and applicable Airport Zoning regulations.
3. The applicant shall demonstrate that the proposed antennas will not cause radio frequency interference with other communications facilities located in or adjacent to the County.
4. Within 30 days after a change of ownership of any communications antenna, tower, or equipment building, the new owner shall notify the County in writing of such ownership change.
5. No provision of this Section is intended to unduly restrict or impair communications activities conducted by any FCC-licensed individual or entity. In the event that it is determined that any provision of this Section would unlawfully restrict the exercise of a license issued by the FCC, the County Commissioners shall have the power and authority to modify the terms of this Section as they apply to such license holder. Relief under this Section shall however be authorized on a case-by-case basis, and any such application shall be considered as a Special Exception Use.

## B. Building-Mounted Communications Antennas

Communications antennas may be mounted to any existing building or structure in the RC or I subject to the following standards.

1. Building-mounted communications antennas shall NOT be located on any single-family, duplex, or single-family attached dwellings, but may be attached to government or municipal buildings, water tanks, agricultural buildings, electrical transmission poles or towers, or other non-residential buildings.
2. Building-mounted antennas shall not exceed 15 feet in height above the building to which they are attached. Omni-directional or whip antennas shall not exceed a height of 20 feet and a diameter of seven (7) inches. Directional or panel antennas shall not exceed five (5) feet in height and three (3) feet in width.
3. Any applicant proposing to mount a communications antenna on a building or other structure shall submit evidence to the County from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind and other loads associated with the antennas location.
4. Building-mounted antennas shall be located on those building elevations which do not face public rights-of-way, and shall not project more than three (3) feet from the vertical face of the building to which they are attached.
5. Applicants for building-mounted antennas shall submit evidence to the County that all necessary agreements and/or easements have been secured to provide access to the building or structure on which the antenna is located.

## C. Communications Towers and Tower-Mounted Antennas

Communications towers and antennas mounted on those towers may be located in the A, WC, and CS Districts subject to the following standards.

1. Any applicant proposing construction of a new communications tower shall provide documentation to the County which demonstrates need for the tower in the proposed location. Such documentation shall include, but need not be limited to, coverage diagrams and technical reports prepared by a qualified professional engineer indicating that the proposed location is necessary to achieve the desired coverage and that co-location on an existing tower, building or structure is not possible. (See also Sub-Section C.2 below for additional co-location requirements.)
2. Any applicant proposing construction of a new communications tower shall document that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one quarter (.25) mile radius of the proposed tower site be contacted and that one (1) or more of the following reasons applies for not selecting such structure.
  - a. The proposed antennas and related equipment would exceed the structural capability of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
  - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that structure and the interference could not be prevented at a reasonable cost.
  - c. Such existing structures do not have adequate location, space, access, or height to



- accommodate the proposed equipment or to allow it to perform its intended function.
- d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from the structure exceeding applicable standards established by the FCC governing human exposure to such radiation.
  - e. A commercially reasonable agreement could not be reached with the owners of such structure.
3. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the district in which the tower is to be located. Joint use of a site shall be prohibited however, when an existing or proposed use involves the storage, distribution, or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas, or dangerous chemicals.
  4. The maximum height of any communications tower shall be 180 feet measured from the ground elevation around the tower to the highest point on the tower, including antennas mounted thereon, unless the applicant can demonstrate, to the satisfaction of the County Commissioners, that a greater height is necessary to perform the intended function.
  5. All tower applicants shall provide evidence that at least one (1) antenna contract agreement has been secured to locate on the proposed tower. In addition, the tower shall be designed to accommodate at least four (4) antennas, and shall allow for future rearrangement of antennas or the acceptance of antennas mounted at varying heights.
  6. All communications towers shall be designed and constructed in accordance with currently accepted engineering practices, taking into consideration all relevant safety factors, including but not limited to wind forces. All guy wires associated with communications towers shall be clearly marked so as to be visible at all times and shall be located within the required fenced enclosure. The applicant shall supply the County with certification from a registered professional engineer indicating that such practices will be met.
  7. Towers and antennas located thereon shall be finished with a non-reflective surface treatment. Materials used in such construction shall not detract from the appearance of the area surrounding the tower. Where possible, applicants are encouraged to design or camouflage towers as trees, farm buildings, or other natural features. (See also Sub-Section C.12 below for landscaping requirements.
  8. The site of a communications tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public. All towers shall be fitted with anti-climbing devices approved by the manufacturer for the type of installation proposed.
  9. No tower or antenna located thereon shall be illuminated except as may be required by the FAA or FCC, in which case the County may review the available lighting options and approve the design that would cause the least disturbance to surrounding uses and views.
  10. No signs shall be mounted on a communications tower, except as may be required and approved by the FCC, FAA, or other governmental agency and the County. No advertising is permitted on a tower or antenna, or other building or structure accessory thereto.
  11. The tower and any antennas located thereon shall be located, designed, and screened to blend in with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible. In addition, the base of the tower shall be landscaped to screen the foundation, base, and equipment building from abutting properties.
  12. Access to the communications tower and/or equipment building shall be provided by

means of a public street or private right-of-way or easement to a public street. Any such right-of-way or easement shall be a minimum of 20 feet in width and shall be improved to a width of at least ten (10) feet for its entire length.

13. The applicant shall submit a copy of his FCC license, together with the name, address and emergency telephone number of the operator of the communications tower, and a certificate of insurance evidencing general liability coverage in the amount of \$1 million per occurrence and property damage coverage in the amount of \$1 million per occurrence covering the tower and antennas thereon, with a \$3 million aggregate.
14. The County may require a tower removal performance bond be posted by the owner to ensure removal of the tower should it become abandoned or is no longer used to support communication antennas. When required, such bond shall be in an amount no less than 20% of the cost of the tower and shall remain with the County for the life of the tower. Any change in the status of the bond must be reported to the County by the applicant within 30 days.
15. If a communications tower remains unused for a period of 12 consecutive months, the County may consider the use abandoned and may therefore instruct the Zoning Officer to issue a notice to the tower owner to dismantle and remove the facility and associated equipment from the site within 6 months following the date of the notice. Municipal enforcement proceedings and procedures to invoke use of a tower removal bond may be initiated following the 6-month period if the tower has not been satisfactorily removed.

#### D. Communications Equipment Buildings

Communications equipment buildings may be permitted as an accessory use to any communications tower located within the County and shall be subject to the following standards.

1. Structures permitted for the housing of equipment, transformers, and other similar hardware, shall be designed and constructed to be compatible with the general character of the other structures located within the same district, and shall be subject to the setback requirements provided in the District Regulations for the district where they are to be located. Such structures shall house only that equipment necessary to provide normal maintenance and repair for the operations, and shall generally be unmanned.
2. Communications equipment buildings shall be subject to the maximum height requirements of the district in which they are to be located.

### **531 PERSONAL WIND ENERGY FACILITIES**

Personal wind energy facilities may be permitted only as specified in Part 4, the District Regulations. Every application for a personal wind energy facility shall also meet the requirements outlined below.

- A. Personal wind energy wind turbines shall be set back from all property lines no less than a distance equal to their height.
- B. No personal wind energy turbine shall exceed a maximum of 60 feet in height.
- C. All such wind turbines shall have a demonstrated survival wind speed of 140 miles per hour.
- D. No personal wind energy turbine shall exceed 7.5 kW in capacity.

- E. To avoid creating safety issues, personal wind energy turbines shall not be climbable up to 15 feet above ground surface. Further, all access doors to turbine electrical equipment shall be locked to prevent unauthorized entry.
- F. All personal wind energy facilities shall be designed, installed and inspected in accordance with the requirements of the PA Uniform Construction Code.
- G. The number of personal wind energy turbines permissible per lot shall be as follows:
 

<u>Lot Size</u>	<u>Maximum Number of Turbines</u>
< 1 acre to 5 acres	1 turbine
> 5 acres to 10 acres	2 turbines
> 10 acres	3 turbines
- H. If a personal wind energy wind turbine is unused or generates no electricity for a period of 12 consecutive months, the County may consider the turbine to be at the end of its useful life and may therefore instruct the Zoning Officer to issue a notice to the property owner to dismantle or remove the turbine and associated equipment from the site.

**532 FLOOD PLAIN MANAGEMENT**

Floodplain management is the responsibility of each of the seven municipalities governed by this Zoning Ordinance, and each municipality has in place and administers its own Flood Plain Management Ordinance. Therefore, in addition to the requirements established by this Ordinance, any activity in a designated flood-prone area will be subject to the requirements of the appropriate municipal ordinance. Both permanent and temporary structures and uses are subject to Flood Plain Management regulations.

**533 OIL AND GAS OPERATIONS**

Oil and gas sites are permitted in the A, I, WC, CS, and RF zoning districts and are subject to the zoning regulations for each district, and the supplementary regulations of Section 608. They shall also be compliant with the following requirements:

- A. Oil and gas sites shall be constructed and operated in compliance with all Federal and State regulations, statutes and environmental standards.
- B. Oil and gas sites shall be subject to the noise protection levels set forth in Section 613.
- C. Oil and gas sites shall be subject to the screening regulations set forth in Section 607.
- D. Oil and gas workforce housing facilities shall comply with all PA Department of Environmental Protection permit regulations. They shall be limited to oil and gas site development uses and shall not be converted to any other use. Upon expiration of the DEP permit, the oil and gas workforce housing facility shall be dismantled and its site restored to its original state.
- E. In all oil and gas sites where exterior lighting is needed, light pollution impacts shall be considered. Downward-directed fixtures shall be used. All exterior lighting shall be capable of being turned off and shall be in use only when human operators are present on the site.

- F. For all oil and gas projects, complete site restoration must be achieved within one year of termination of production, in accordance with PA DEP regulations.

#### **534 CAR WASHES**

Within the RC District, car washes are permitted as a special exception subject to the following requirements:

- A. No sinkhole, stream or watercourse shall be used for the draining of car wash affluent of waste water.
- B. Each washing bay shall provide an on-site stacking lane at least eight (80) feet long.

#### **535 CEMETERIES**

Within the A, RF and R Districts, cemeteries, including mausoleums, are permitted by special exception, subject to the following conditions:

- A. The minimum lot area shall be five (5) acres.
- B. The cemetery association, or operators, must provide assurances that water supplies of properties surrounding the cemetery will not be contaminated by burial activity.
- C. Burial plots or facilities shall not be permitted in flood plain areas.

#### **536 CHEMICAL PLANTS AND STORAGE FACILITIES**

Chemical plants and storage facilities shall be permitted as a special exception in the Industrial (I) District subject to the following requirements:

- A. All activities must be in compliance with applicable federal, state and local regulations.
- B. An Erosion and Sedimentation Control Plan, as described in Section 612 and approved by the County Soil Conservation District, shall be implemented to minimize the adverse impact of the activity. Additional measures determined as necessary by the County Planning Commission may be required.
- C. All activities except outdoor material storage must be conducted within an enclosed structure.
- D. All activities must be entirely fenced with opaque material at least ten (10) feet in height. A living fence may not be substituted.
- E. No activity or part thereof will be located closer than three hundred (300) feet to the lot line of any school, hospital, nursing home or dwelling unit.
- F. Setbacks on all sides must be at least three hundred (300) feet.

### **537 COMPOSTING AS A PRINCIPAL USE**

Composting as a principal use shall be permitted as a special exception in the I district subject to the following requirements:

- A. All activities must be in compliance with all applicable federal, state and local regulations.
- B. An Erosion and Sedimentation Control Plan, as described in Section 612 and approved by the County Conservation District, shall be implemented to minimize the adverse impact of the activity. Additional measures determined as necessary by the County Planning Commission may be required.
- C. All activities except outdoor material storage must be conducted within an enclosed structure.
- D. All activities must be entirely fenced with opaque material at least ten (10) feet in height. A living fence may not be substituted.
- E. No activity or part thereof will be located closer than three hundred (300) feet to the lot line of any school, hospital, nursing home or dwelling unit.
- F. Setbacks on all sides must be at least three hundred (300) feet.

### **538 KENNELS**

Within the A, RC and RF Districts, kennels are permitted by special exception subject to the following requirements:

- A. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be located within the rear yard.
- B. All animal boarding buildings that are not wholly-enclosed and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet away from all property lines.
- C. All outdoor running areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be a minimum of ten (10) feet from all property lines.
- D. All animal wastes shall be regularly and properly disposed of.
- E. The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded on the site.

### **539 LIQUID FUEL STORAGE AND DISTRIBUTION**

Operations utilizing liquid fuel storage and distribution shall be permitted as a special exception in the RC and RI Districts subject to the following requirements:

- A. No activity or part thereof shall be located closer than three hundred (300) feet to the lot line of any school, hospital, nursing home or dwelling unit, nor closer than one hundred (100) feet from a public right-of-way.

- B. The activity must be entirely fenced with opaque material at least ten (10) feet in height. A living fence may not be substituted.

#### **540 MANUFACTURING**

Manufacturing, including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products shall be a permitted use in the I District subject to the following requirements:

- A. The screen requirements of Section 607 and the sign regulations of Part 8 of this Ordinance shall be met.
- B. Three (3) off-street parking spaces for every four (4) employees on the largest shift, plus one (1) space for each company vehicle normally stored on the premises, shall be provided.
- C. Wholesale sales are permitted when linked with production of the sale items on the same premises.
- D. No toxic or chemical wastes shall be stored on the site except in a manner approved by the PA DEP and with the knowledge of the fire companies serving the area.

#### **541 PLANING MILLS/SAWMILLS**

Planing mills where wood products are sold or processed to finished items shall be permitted as a special exception in the A, RF, and RI Districts.

- A. The principal use may be combined with a lumber yard.
- B. The screening requirements of Section 607 of this Ordinance shall be met.
- C. The noise level shall not exceed sixty-five (65) decibels at property line.
- D. As a minimum, the structure containing the saws and/or planing equipment shall be located at a minimum of two hundred (200) feet from any residential property.
- E. No chemicals or creosote shall be used on the premises as an additive to the wood products in any case where the facility is located closer than two hundred (200) feet of a water course.

#### **542 PROFESSIONAL OFFICES**

Professional offices shall be permitted in the RC district and as a special exception in the A, RF and R districts subject to the following requirements:

- A. Examples of permissible professional offices include the practice of engineering, medicine and dentistry, law, accounting, and architecture.
- B. One (1) off-street parking space shall be provided for each three hundred fifty (350) square feet of office space in addition to any other uses requiring parking spaces.
- C. Access is from a primary street which has a right-of-way width of not less than thirty-two (32) feet.

### **543 RECYCLING COLLECTION POINTS**

Recycling collection points, or drop box sites, designed for the efficient disposal and collection of recyclable materials, may be established as a special exception in the A, RF, RC and R Districts, subject to the following requirements:

- A. All recyclables shall be placed in enclosed and labeled containers expressly provided for this purpose.
- B. The container, or containers, shall be setback at least twenty (20) feet from the roadway right-of-way, or thirty (30) feet from the center line of the roadway, whichever is greater. A paved apron at least ten (10) feet wide is also required.
- C. The recycling area shall have a buffer on each side, which consists of trees and shrubs.

### **544 RETIREMENT COMMUNITIES**

Within the A, RF, and R Districts, a retirement community designed to accommodate people of retirement age is permitted as a special exception, subject to the following requirements:

- A. The density, open space, minimum site area and impervious surface standards for the applicable zoning district and use shall be met.
- B. Residents must be at least fifty-five (55) years of age, with no children at home under the age of eighteen (18).
- C. Prior to final approval, the County must be satisfied with legal arrangements pertaining to age restrictions.
- D. A multi-purpose community center is permitted as part of the retirement development.

### **545 SANITARY LANDFILLS AND TRANSFER STATIONS**

Sanitary landfills and transfer stations shall be permitted as a special exception in the RI District subject to the following requirements:

- A. All activities must be in compliance with all applicable federal, state and local regulations.
- B. All activities must be entirely fenced with an opaque material at least ten (10) feet in height. A living fence shall not be substituted.
- C. Setbacks on all sides must be at least three hundred (300) feet.
- D. All access roads must be constructed to meet the requirements of the Pennsylvania Department of Transportation Form 408.

## **PART 6 SUPPLEMENTARY LOT REGULATIONS**

### **601 PURPOSE**

The provisions of this Part represent standards and regulations that shall be applied in addition to those established for the applicable zoning district. These regulations are to be used either in common in all zoning districts or are to be applied to specific use situations as stated herein.

Where the regulations identified in this part apply to subdivision and land development activities, they shall be subject to the provisions of the Clinton County Subdivision and Land Development Ordinance, Articles III and IV.

Where a conflict exists between the requirements of this part and the requirements of the zoning district in which they are located, the more restrictive provisions shall apply.

### **602 GENERAL LOT REQUIREMENTS**

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established in Part 4, the District Regulations, of this Ordinance.
- B. Every principal building hereinafter erected shall be located on a lot as defined. There shall not be more than one principal residential building and its accessory structures on one lot, except in the case of single-family attached housing developments, mobile home parks, or other land developments approved pursuant to the requirements of the Clinton County Subdivision and Land Development Ordinance.
- C. Every lot created hereafter shall be adjacent to a public street or shall have access to a public street via a private street or right-of-way approved pursuant to the requirements of the County's Subdivision and Land Development Ordinance.
- D. Lot width shall be measured at the minimum required front setback line, except that lots located on cul-de-sac turn-arounds or curves in the road or lots of unusual shape may have widths less than those required provided that the average of the front and back lot line is equal to or greater than the required lot width. In no case however, shall the front lot line have a width of less than 50 feet measured at the front setback line.
- E. No portion of a lot included in a street right-of-way shall be included in calculating the lot's area.
- F. No space applied or necessary under this Ordinance to satisfy the yard and area requirements in relation to any building or use, whether now or subsequently built or conducted, shall be counted or used as part of the required open space or area in relation to any other building or use.

### **603 YARD REQUIREMENTS**

- A. Projections



1. Chimneys, fireplace flues, air conditioner condenser units, cornices, eaves, gutters, steps, solar energy collectors, or bay windows may project into any required yard, but not more than 24 inches.
2. Porches, patios, decks, loading docks, and attached carports, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into any required yard.
3. Unenclosed fire escapes may extend no more than six feet into any required yard area.
4. Arbors, trellises, garden sheds, flagpoles, unroofed steps, unroofed terraces, awnings, movable canopies, walls, fences and other similar uninhabitable structures shall be permitted, provided they are not more than eight (8) feet in height.

#### B. Front Yards

1. Front yard setbacks shall be as set forth in Part 4, the District Regulations, and shall be measured from the edge of the adjoining street right-of-way. Where however, a lot has no road frontage, the front yard setback shall be measured from the edge of the front property line, or in the case of a "flag lot", the front yard requirement shall be measured from the edge of the longest lot line opposite the rear lot line.
2. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be the same depth as the average of the two (2) adjacent improved lots.
3. In any district, where 50% or more of the frontage of the block upon which a proposed building is to be located is already improved with buildings having front yards less than the depth required for the district, then the front yard of the unimproved lot may be the same depth as the average of the front yards for the remainder of the block.
4. Where an addition is proposed for an existing principal residential building which extends into the required front yard setback area, the addition may be authorized by the Zoning Officer so long as: the addition extends no further into the required front yard than the existing structure; it does not obstruct the clear sight triangle of an intersection; and it is no closer than ten (10) feet to the edge of the adjoining street right-of-way (or front property line where the lot has no road frontage). (See also Section 1001 D.2 of this Ordinance for extensions or enlargements proposed for nonconforming buildings or structures.)
5. Accessory buildings or structures may not be erected or located within any required front yard setback area, except for fences (as provided in Section 605 C. below), signs (as regulated in Part 8), or as may be provided otherwise in Part 5, the Supplementary Use Regulations, for specific uses. (See also Section 605 B. for additional standards pertaining to accessory buildings or structures.)
6. Off-street parking and loading areas may be located within the required front yard setback area, but only as provided in the District Regulations, Part 4.

#### C. Side Yards

1. Side yards shall be measured from the edge of the side property line or from the edge of the right-of-way of any adjoining street or alley.
2. On a corner lot, the side yard abutting the street shall have a width equal to the required front yard depth for the district in which the lot lies.
3. Where an addition is proposed for an existing, principal residential building which extends into the required side yard setback area, the addition may be authorized by the

Zoning Officer so long as: the addition extends no further into the required side yard than the existing structure; it does not obstruct the clear sight triangle of an intersection; and it is no closer than ten (10) feet to any property line nor closer than 20 feet to the centerline of any adjoining alley.). (See also Section 1001 D.2 of this Ordinance for extensions or enlargements proposed for nonconforming buildings or structures.)

4. Accessory buildings or structures may not be erected or located within any required side yard setback area, except for fences (as provided in Section 605 C. below), signs (as regulated in Part 8), or as may be provided otherwise in Part 5, the Supplementary Use Regulations, for specific uses. Where a side yard is adjacent to an alley, all accessory structures shall be set back a minimum of 20 feet from the centerline of the alley. (See also Section 605 B. for additional standards pertaining to accessory buildings or structures.)
5. Off-street parking and loading areas may be located within the required side yard setback area, but only as provided in the District Regulations, Part 4.

#### D. Rear Yards

1. Rear yards shall be measured from the rear property line or from the edge of the right-of-way of any adjoining street or alley.
2. Where an addition is proposed for an existing, principal residential building which extends into the required rear yard setback area, the addition may be authorized by the Zoning Officer so long as: the addition extends no further into the required rear yard than the existing structure; it does not obstruct the clear sight triangle of an intersection; and it is no closer than ten (10) feet to any property line nor closer than 20 feet to the centerline of any adjoining alley. (See also Section 1001 D.2 for extensions or enlargements proposed for nonconforming buildings or structures.)
3. Accessory buildings or structures may be erected or located within a rear yard, but only as set forth in Part 4, the District Regulations. No accessory buildings or structures shall however be located within a required rear yard setback area except for fences (as provided in Section 605 C. below), signs (as regulated in Part 8), or as may be provided otherwise in Part 5, the Supplementary Use Regulations, for specific uses. Where a rear yard is adjacent to an alley, all accessory structures shall be set back a minimum of 20 feet from the centerline of the alley. (See also Section 605 B. for additional standards pertaining to accessory buildings or structures.)
4. Off-street parking and loading areas may be located within the required rear yard setback area, but only as provided in the District Regulations, Part 4.

### **604 HEIGHT REGULATIONS**

- A. The maximum height regulations set forth in Part 4, the District Regulations, shall not apply to spires, belfries, cupolas, chimneys, ventilators, skylights, flag poles, utility poles, solar collectors or related equipment, and ornamental or other necessary mechanical appurtenances normally associated with homes, churches and similar establishments. Such appurtenances shall however be erected only to such height as is necessary to accomplish their intended purpose and shall not be used for human occupancy.
- B. Agricultural structures, silos, and water towers are not subject to height regulations provided that such appurtenances are erected only to such height as is necessary to accomplish their intended purpose, and in the case of structures being proposed for location adjacent to a Residential District or residential use, are set back a distance equal to their height from all property lines.

- C. Commercial communications towers may also exceed the maximum height regulations set forth in Part 4, the District Regulations, provided that they meet the height and setback provisions set forth in Section 530 of this Ordinance.
- D. Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards and criteria of the U.S. Department of Transportation, Federal Aviation Administration (FAA). Further any application for a structure designed to have a height of 75 feet or more above ground level shall include a documented review and/or approval, as applicable, from the FAA.

**605 MISCELLANEOUS REGULATIONS**

A. Two or More Principal Uses in Same Building

When two (2) or more principal uses occupy the same building (not including home-based businesses or occupations as defined in Section 527), sufficient parking spaces, lot area, open space, etc., shall be provided so that the standards pertaining to each use will be met in full, unless provided otherwise in this Ordinance OR authorized as part of a land development approved pursuant to the requirements of the County Subdivision and Land Development Ordinance.

B. Accessory Buildings or Structures

An accessory building(s) or structure(s) may be maintained in conjunction with a permitted, principal use provided that the following standards are met:

1. Accessory buildings or structures shall be set back in accordance with the yard requirements established in Part 4, the District Regulations and the supplemental requirements provided in Section 603 above.
2. An accessory structure shall be considered “attached” to and a part of a principal structure when the two structures share: 1) a common roof line; 2) a common foundation; or 3) a common wall, whether or not the connecting area is open on the sides or is fully enclosed.
3. In the R Districts, no accessory structure, utility shed, or swimming pool shall be located in front of the front building line of its principal structure.
4. A minimum of ten (10) feet shall be provided between accessory structures and between principal structures and accessory structures.
5. No manufactured housing, mobile home units, buses, van bodies, or truck trailers may be used as accessory buildings or structures, except that temporary storage trailers may be permitted in the RC and I Districts.
6. The height of all accessory buildings or structures shall be as set forth in Part 4, the District Regulations, except as may be provided otherwise in Part 5, the Supplementary Use Regulations.

C. Fences and Walls (See also Section 607 B.)

1. Fences or walls may be permitted to be located within any of the required yard setback areas, except that no fence shall be located closer than one (1) foot to the front, side or rear lot line of any property.
2. Fences or walls erected in the Residential Districts shall not exceed three (3) feet in

height when located within a required front yard, nor more than eight (8) feet in height when located within a required side or rear yard. In any other district, security fencing may be permitted up to ten (10) feet in height.

3. In no case shall a fence or wall be erected which could cause danger to traffic on a street or road (whether public or private) by obscuring a driver's view or which does not comply with the clear sight triangle requirements contained in Section 605 D. below.
4. All fences to be placed in an identified floodplain area shall also meet the floodplain management regulations set forth in the flood plain regulations of the municipality.

#### D. Clear Sight Triangle Requirements

1. No structure shall be enlarged and no obstructions or plantings measuring higher than 30 inches or hanging lower than ten (10) feet above the established grade or the street at the property line shall be permitted within the clear sight triangle of any street intersection. A clear sight triangle shall be defined as that area of unobstructed vision at a street intersection formed by lines of sight between points at a given distance from the intersection of the street centerlines. These distances shall be as follows:
  2. For the intersection of a local street and an alley or two (2) local streets, the distance from the intersection of the street centerlines shall be 50 feet.
  3. For the intersection of a local street and a collector street, the distance from the centerline intersection shall be 100 feet.
  4. For the intersection of two (2) collector streets, the distance required shall be 150 feet.

#### E. Maximum Building Coverage

The percentage of land covered by principal and accessory buildings or structures on each lot shall not be greater than is permitted in Part 4, the District Regulations, for the district in which the lot is located. For the purposes of this Ordinance, swimming pools shall be excluded from the calculation of maximum building coverage.

#### F. Maximum Impervious Surface

The percentage of the lot covered by impervious surfaces, including buildings, structures, and any area in asphalt, concrete or similar materials which will not absorb water (including parking lots, driveways, roads, and sidewalks) shall not be greater than is permitted in Part 4, the District Regulations, for the district in which the lot is located.

Where however, stormwater runoff from the roof of a building is diverted into underground detention basins or sump areas (designed and constructed in accordance with the recommendations provided in the PA Stormwater Management Best Management Practices Manual and reviewed and approved by the Clinton County Conservation District), the space occupied by such building may be considered as "pervious" for the purposes of calculating the tract's maximum impervious surface.

#### G. Outdoor Lighting

All outdoor flood lighting and spot lighting, whether on public or private premises, shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or on public streets. No moving or flashing lights shall be permitted in any zoning district.

#### H. Tree Setback Requirements

The minimum distance that any tree may be planted from an adjacent lot line within any zoning district shall be five (5) feet.

I. Air Management

1. The burning of tires, plastic, or any toxic substance is not permitted.
2. No gases, vapors or fumes shall be emitted which are harmful to persons, property, animals, or vegetation.
3. No radioactive vapors or gases shall be emitted.
4. No objectionable odors other than agricultural in origin shall be detectable beyond the property boundaries.

J. Solid Waste Management

No storage of waste materials on a lot shall be permitted in excess of 30 days. All waste materials awaiting transport shall be kept in enclosed containers and be screened from view.

K. Vibration

In all vibration-generating uses, no physical vibration shall be perceptible without the use of an instrument at the lot boundaries.

L. Heat

Any operation producing heat shall prevent any effect from the heat beyond the property lines.

M. Electromagnetic Radiation

All electromagnetic radiation shall comply with the regulations of the Federal Communications Commission.

**606 BUFFER YARDS/LANDSCAPING**

- A. Where a commercial or industrial use (commenced after the effective date of this Ordinance) abuts a residential district, a buffer yard of at least 75 feet shall be provided at the side lot line and a minimum 50 foot setback shall be provided for the rear lot line, unless provided otherwise in Part 5, the Supplementary Use Regulations. Such buffer yard shall be a part of the commercial or industrial installation and shall be parallel and adjacent to the residential district boundary.
- B. Where a commercial or industrial use (commenced after the effective date of this Ordinance) abuts another lot in the RC or I District, a buffer yard of five (5) feet shall be provided.
- C. All required buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Where required within or in place of buffer yards, screening shall be accomplished in accordance with Section 607 below.
- D. A buffer yard may be considered as part of the required yard space.

- E. No structure, storage of materials, or off-street parking and loading areas shall be permitted within any required buffer yard; however, utilities and access drives may cross such yards, but shall do so as closely to perpendicular as possible.

## **607 SCREENING**

- A. Screening requirements shall be applicable under the following circumstances:

- 1. In any instance where screening is required by this Ordinance, or deemed necessary by the County during its review of a site plan;
- 2. Where a proposed non-agricultural use abuts an Agriculture District;
- 3. Where a proposed non-residential use abuts an existing residential use;
- 4. Where any proposed residential development of four or more dwelling units, (including retirement villages, single-family attached developments, mobile home parks, and the like) abuts an existing single-family detached residential area;
- 5. Along the entire perimeter of any mobile home parks, as specified in Article VII of the County Subdivision and Land Development Ordinance.

Screening is not required if the features to be screened are set back four hundred (400) feet or more from the lot line along which screening would otherwise be required.

- B. Where required, screening may be accomplished through the use of any one or a combination of the following methods.

- 1. Screen Plantings

- a. Screen planting, also known as a natural living fence for the purposes of this Ordinance, shall be provided as set forth in Part 5, the Supplementary Use Regulations, or where determined necessary by the County Commissioners or Zoning Hearing Board, as applicable, to serve as barrier to visibility, glare, and/or noise between adjacent properties.
- b. Plant or vegetative materials, including shrubs or evergreens, used in screen plantings shall be of such species as will produce, within three (3) years, a complete visual screen six (6) feet in height and shall be of such density as is necessary to achieve the intended purpose.
- c. Proposed trees and shrubs shall be healthy, typical of their species, have normal growth habits, well-developed branches, and vigorous root systems.
- d. Screen planting shall be placed so that, at maturity, it will be no closer than five (5) feet to any street right-of-way or property line.
- e. Screen planting shall be broken only at points of vehicular or pedestrian access or utility easements. In accordance with the provisions of Section 605 D. however, a clear sight triangle must be maintained at all street intersections.
- f. Where a commercial or industrial use abuts an existing residential use or residential district, all required screen plantings shall extend the entire length of the common boundary.
- g. Where proposed shrubs are used, the maximum distance between plant centers shall be eight (8) feet.

- 2. Fences or Walls

- a. In lieu of, or in addition to, screen plantings as set forth above, the County Commissioners or Zoning Hearing Board, as applicable, may consider the use of a fence or wall as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.
- b. Fences or walls used to provide required screening shall be at least six (6) feet in height and be of such type as is necessary to achieve the intended purpose.
- c. Fences or walls used to provide required screening shall meet the requirements set forth in Section 605 C. of this Ordinance.
- d. Any fence or wall used to provide required screening shall be owned and maintained in a structurally sound condition by the property owner.

### 3. Berms or Other Natural Landforms

- a. In lieu of, or in addition to, screen plantings as set forth above, the Planning Commission or Zoning Hearing Board, as applicable, may consider the use of an earthen berm or other existing or proposed landform as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.
- b. Berms or landforms used to provide required screening shall be of such height and of such type as is necessary to achieve the intended purpose.
- c. Any berm or landform used to provide required screening shall be owned and maintained in satisfactory condition by the property owner, and may not be altered except for usual maintenance.

### C. Features to be Screened

In addition to the Zoning District boundary areas described above, the following land development features shall be screened on the lot for which development is proposed:

1. Loading and unloading areas;
2. Parking lots for seven (7) or more vehicles;
3. Storage of products or raw materials;
4. Refuse storage;
5. Mechanical equipment, vents, fans and the like.

### D. Screening Location on the Lot

1. For screening of features, screening may be located anywhere on the lot provided it effectively shields the features to be screened.
2. For a Zoning District buffer, screening shall be located at the lot perimeter representing the Zoning District boundary.
3. Screening may be interrupted for necessary driveways to the street, provided a gap in the screening is thirty (30) feet maximum.

### E. Required Width of Buffer Screen

The width of buffering screen located between divergent land uses shall respond to the degree of land use conflict. The width shall be as follows:

1. A buffer of seventy-five (75) feet width of existing or newly-planted trees is required where any proposed commercial and/or industrial uses abut the A, WC, RF or R-1

- Districts.
2. A buffer of fifty (50) feet width of existing or newly-planted trees is required where a proposed residential use abuts A, WC, CS or RF Districts. This screen shall also be required as a minimum around proposed mobile home courts. For areas requiring a screen width of fifty (50) feet or more, a tree plantation or a combination of trees and shrubs is required.
  3. A planted buffer of twenty-five (25) feet width is required between any other incongruous land uses so deemed by the County.

To meet the above screening requirements in part or in whole, existing wood lots and hedgerows should be utilized.

#### F. Performance Standards

1. The developer should consider placing improvements on the land in a manner that would lessen the extent and cost of required screening. Examples of sensitive design include the following:
  - a. Situating development in or behind existing vegetation such as woodlots or hedgerows.
  - b. Consolidating development in the smallest possible land area.
  - c. Situating development far from the lot line.
  - d. Situating development behind landform crests.
2. To assure compliance with screening requirements, the applicant shall provide a screening plan to enable the County to access whether proposed screening will create an effective buffer at necessary points. The screening plan may include any one of the following: plot plan with view analysis, landscaping and grading plan, topographic profiles and cross-sections, or photographic evidence. The screening plan shall be drawn to scale and proposed plants shall be indicated, including type, quantity, size at planting time, and spacing.

#### G. Maintenance Requirements

1. Screen planting shall be maintained permanently by the lot owner. A note on the subdivision land development or site plans shall indicate this, and be signed by the applicant. Any planted material which does not live shall be replaced within one (1) year.
2. Any fence, wall or other architectural method utilized for screening shall be maintained in a structurally sound condition, and the surfaces facing the lot line shall be maintained for an attractive appearance.
3. Any landform or existing vegetation mass approved for screening shall not be altered, except for usual maintenance.

### **608 OIL AND GAS OPERATIONS**

Oil and gas operations are permitted in the I, A, RF, CS and WC districts, subject to the following setbacks and restrictions.

- A. Oil and gas operations, excluding oil and gas pipelines, water pipelines, access roads or security facilities, may not take place within 300 feet of an existing building.



- B. No oil and gas site may be prepared or well drilled within 200 feet, or, in the case of an unconventional well, 300 feet from the vertical well bore or 200 feet from the edge of the well site, whichever is greater, measured horizontally from any solid blue lined stream, spring or body of water as identified on the most current 7 ½ minute topographic quadrangle map of the United States Geological Survey.
- C. No oil and gas site may be located within a 100-year flood plain.
- D. The edge of the disturbed area associated with any oil and gas development site must maintain a 200-foot setback from the edge of any solid blue lined stream, spring or body of water as identified on the most current 7 ½ minute topographic quadrangle map of the United States Geological Survey.
- E. No unconventional well may be drilled within 300 feet of any wetlands greater than one acre in size, and the edge of the disturbed area of any oil and gas operations site must maintain a 200-foot setback from the boundary of the wetlands.
- F. For natural gas compressor stations, the building containing the compressors must be located 750 or more feet from the nearest existing building or 200 feet from the nearest property line, whichever is greater.

**609 STREAM CORRIDORS AND SINKHOLES**

Land uses, including agricultural land uses, which occur adjacent to streams and/or sinkholes shall require an undisturbed buffer or filter strip along the stream or sinkhole. The requirement for a buffer applies to all streams and watercourses which are defined as a channel or conveyance of surface water having a defined bed and banks, whether artificial or natural, with intermittent or perennial flow.

- A. The purpose of the buffer is to intercept sediment and pollutants from project runoff occurring overland before they reach the stream, and/or sinkhole, thereby protecting local water resources and the environment.
- B. The buffer width shall be a minimum of fifty (50) feet measured from the stream bank or sinkhole to the area of the proposed soil disturbance. This buffer width shall apply to each side of the watercourse where soil disturbance is proposed. If the watercourse marks the project boundary, the buffer requirement shall apply to only one side of the stream.
- C. Where the subdivision and land development has a slope in excess of eight (8) percent, the following buffer widths shall apply to each applicable side of the watercourse:

<u>Slope</u>	<u>Buffer Width</u>
0-8%	50'
8-15%	65'
15-25%	80'
>25%	100'

- D. For calculation of slope, the site may not be averaged over its gross acreage. Only the area within one hundred (100) feet of the watercourse shall be considered for the purpose of slope calculation.

- E. If the land on each side of the stream bank has different slope characteristics, a different buffer width would be required on each side of the stream.
- F. The buffer shall consist of existing or new vegetation or a combination thereof, as in the following order or preference:
  - 1. Existing hedgerow, woodlot, brush and/or uncultivated fields which are naturally occurring along the stream.
  - 2. A combination of existing vegetation (such as above) and newly established vegetation.
  - 3. A newly established area of trees, bushes and grasses, where no vegetation existed prior to development.
- G. Streams classified as Exceptional Value or Scenic River by the Pennsylvania DEP shall have a two hundred (200) foot buffer regardless of slope.
- H. Stream encroachment work or any development within fifty (50) feet of a stream bank would require a permit from DEP and the US Army Corps of Engineers. The applicant shall provide written determination from the applicable regulatory body or a copy of the required permit prior to Final Subdivision and Land Development Plan approval.

**610 SITE PLANNING REQUIREMENTS IN THE WOODLANDS/CONSERVATION (WC) ZONING DISTRICT**

This Section is applicable to all subdivision and land development activity in the WC District involving forty-nine (49) acres or less. If such activity involves fifty (50) acres or more, the provisions of Part 7 shall apply.

- A. All applications for a zoning permit in the WC District shall include a site plan, copy of proposed deed restrictions in the form of covenants and a model deed which references the covenants. Both the approved site plan and covenants shall be recorded by the applicant at the Clinton County Recorder's Office before issuance of a zoning permit.
- B. The site plan shall locate and identify:
  - 1. Existing and proposed man-made features, including the following: buildings, accessory structures, parking areas, roads normally passable by motor vehicles, sewage disposal facilities, water supply sources, and utilities.
  - 2. Natural features including the following:
    - a. Wetlands, as shown on the National Wetlands Inventory map of the project area or identified by field assessment;
    - b. Exceptional Value and Scenic River designated streams as classified by the Pennsylvania Fish Commission;
    - c. Biological diversity areas as recorded in the Clinton County Natural Heritage Inventory;
    - d. Lakes and ponds and watercourses; Areas of slope in excess of twenty-five (25) percent of greater;
    - e. Soils characterized as unsuitable for building sites or susceptible to septic tank infiltration as classified in Interpretation of Engineering Properties of Soils found in

the Clinton County Soil Survey.

- C. No construction or other activity such as logging shall be carried out within one hundred (100) feet of the features identified above. In the case of wetlands, biological diversity areas and exceptional value and scenic river designated streams, there shall be no activity within two hundred (200) feet of the stream. In all cases, proposed land development shall be located so that there is the least possible impact on these features. Applicable State and Federal permits shall be obtained by the applicant before a zoning permit is issued.
- D. Restrictions and Covenants shall address the following:
  - 1. Any required permits and their conditions;
  - 2. Statement regarding the protection of the natural features listed above and that the owner/applicant shall not disturb the natural environment within a one hundred (100) foot setback of such features;
  - 3. Statement that the owner/applicant will be responsible for the private maintenance of driveways, access roads, sewage disposal facilities, water supply, storm drainage facilities and utilities.
  - 4. Statement that the lot owners shall be responsible for any greater level of service or maintenance than currently exists on the public roads which for purposes of this Ordinance shall only include snow/ice removal, clearing of fallen trees and power lines, stabilization of a mud condition, and repair of drainage washouts.
  - 5. Statement that the lot owners recognize the risks involved in developing in a remote area and that the County, the Commonwealth of Pennsylvania, and emergency organizations such as fire, medical, and police services shall not be liable to provide the same level of services that would otherwise be expected in a more accessible region.

## **611 PLANNED RESIDENTIAL DEVELOPMENT**

A Planned Residential Development as defined by Act 247, the Pennsylvania Municipalities Planning Code, shall be permitted as a Special Exception Use in any zoning district except the WC, CS and I districts, providing it meets the minimum standards of Part 4 and the minimum standards of the Clinton County Subdivision and Land Development Ordinance. See also Part 7.

The following are the purposes of the Planned Residential Development:

- A. To respond to the growing demand for housing of all types and design;
- B. To encourage innovations in residential and related nonresidential development and renewal so that growing demand for housing may be met by greater variety in type, design, and layout of buildings;
- C. To encourage the conservation of natural features and more efficient use of auxiliary open space;
- D. To provide greater opportunities for better housing to all citizens;

- E. To encourage a more efficient use of land and of public services and to reflect changes in the technology of land development so that economies secured may benefit those who need homes; and
- F. To provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.

## **612 EROSION AND SEDIMENTATION CONTROL AND STORMWATER MANAGEMENT PLAN REQUIREMENTS**

Given the Community Development Objectives outlined in Section 104 of this Ordinance, and the large number of biological diversity areas and streams with Exceptional Value and Scenic River designations in Clinton County, the County Zoning Officer may require an applicant for a zoning permit to submit an Erosion & Sedimentation Control (E&S) plan.

Stormwater management controls are intended to reduce the impact of storms, enhance groundwater recharge, prevent erosion, sedimentation and flooding and maintain natural drainage ways. The specific intent of these controls is that stormwater runoff from any site during and after site disturbance be no greater than that which existed prior to development.

The Chatham Run and Fishing Creek/Cedar Run watersheds within the territory covered by this Ordinance are governed by separate Act 167 Stormwater Management Plans. For any development in these watersheds, the requirements of the pertinent Act 167 Plan shall supersede the requirements given below.

- A. The E&S Plan shall be designed to adequately control, collect and dispose of stormwater drainage from the site including, if necessary, storm sewers, culverts, ditches, swales, retention ponds or and other related stormwater control facilities.
- B. Storm frequencies for 2, 5, 10, 25, 50 & 100-year events shall be evaluated and no greater runoff rate shall be permitted after development than what existed prior to development.
- C. The minimum storage capacity shall be that volume required by routing the after-development 25-year, 24 hour frequency storm released at a rate not to exceed the before-development 10-year, 24 hour discharge.
- D. Information and references regarding the design of ponds or retention basins shall be determined by using the "Standards for Water Management Basin", Centre & Clinton County Erosion and Sedimentation Control Handbook, 1974 edition, and "Standard Specifications for Ponds", US Department of Agriculture Service Manual, May, 177, Code 376, or another method approved by the Municipal and/or County Engineer.
- E. An E&S plan is required for all activities involving earth disturbance of greater than 5000 square feet. It consists of two parts: a narrative describing the project and giving the purpose and the engineering assumptions and calculations for control measures and facilities; and a map or maps describing the topography of the area and showing proposed alterations to the area and the erosion and sedimentation control measures and facilities.
  - 1. The narrative must include the following:

- a. General description of the project.
  - b. General description of stormwater handling.
  - c. General description of accelerated erosion control.
  - d. General description of sedimentation control.
  - e. Date project is to begin and expected date final stabilization will be completed.
  - f. Training and experience of person preparing the plan.
2. A map of the project area must show the following topographic features:
    - a. The location of the project relative to highways, municipalities or other identifiable landmarks.
    - b. Contours at an interval that will adequately describe the topography.
    - c. Boundary lines of the project area.
    - d. Acreage of the project.
    - e. Streams, lakes, ponds or other bodies of water within the project area and/or in the vicinity of the project.
    - f. Types, depth, slope and aerial extent of soils must be shown. Type may be specified as in a soil survey.
    - g. Other physical features including scale of map and north arrow.
  3. The proposed alterations to the area must be shown on an additional map.
    - a. Changes to land surfaces and vegetative cover.
    - b. Areas of cut and fills.
    - c. Structures, roads, paved areas, buildings.
    - d. Stormwater control facilities.
    - e. Contours of finished area at an interval that will adequately describe the final topography.
  4. The amount of stormwater runoff from the project area and the upstream watershed area must be described in narrative form. Methods of calculation, factors considered and provisions for safe stormwater handling and disposal must be included.
  5. Temporary control measures and facilities for use during earthmoving activities must be shown on a map and described in a narrative. Types, locations, and dimensions of control measures and facilities must be included along with design considerations and calculations. A schedule of staging, installation and operations of the measures and facilities must be outlined in the narrative.
  6. Permanent control measures and facilities for site restoration and long term protection must be shown on a map and described in a narrative.
  7. A maintenance program for the control facilities must be described in a narrative. The methods, frequency and ultimate disposal site for solid waste material must be considered. The facilities must be maintained for their designated operations to insure adequate performance.
  8. Sufficient detail must be shown to clearly indicate the plan's effectiveness.

Submission of an Erosion and Sedimentation Control plan to the County Zoning Officer does not alleviate the applicant's responsibility to obtain all other applicable federal, state and local permits.

## 613 NOISE PROTECTION LEVELS

- A. With the exception of the noise sources exempted in subsection “B” hereinafter, the sound level of any operation shall not exceed 75 dBA for an average 10 minute period. The sound level shall be measured with a sound level meter that conforms to the specifications published by the American National Standards Institute (ANSI). The sound level shall be measured as follows: (1) for any noise originating on privately or publicly owned property, at the nearest private property lot line; and (2) for any noise source originating on publicly owned property, at the security fence enclosing the source of the sound, or 150 feet from the source of the sound, whichever is farther from the source, or 150 feet from a non-enclosed source of sound on public property.
- B. Exemptions to noise standards. The maximum permissible sound level limits set forth above shall not apply to any of the following noise sources:
1. The operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals
  2. Sound needed to alert people about an emergency, or building, equipment, or facility security alarms.
  3. Repair or construction work to provide electricity, water or other public utilities between the hours of 6 am and 9 pm, except for clearly emergency repairs which are not restricted by time.
  4. Household power tools and lawn mowers between the hours of 6 am and 9 pm.
  5. Construction operations (including the occasional use of blasting in construction) and repairs of public facilities (including sidewalks and streets) within the hours of 6 am and 9 pm, except for clearly emergency repairs which are not restricted by time.
  6. Agricultural activities and kennels between the hours of 6 am and 9 pm.
  7. Motor vehicles traveling on state-owned streets.
  8. Public celebrations, specifically authorized by the municipal government body or a county, state, or federal government agency or body.
  9. Railroads and aircraft.
  10. Unamplified human voices.
  11. Routine ringing of bells and chimes by a place of worship or municipal clock.
  12. Operations at Oil and Gas sites. This exemption governs noise generated during temporary site development/construction activities and by drilling equipment. Noise generated by permanent equipment at compressor stations, treatment or production facilities is not exempt.

## 614 REQUIREMENTS FOR MOBILE HOME PARKS

### A. Design Standards

1. Minimum Tract Area and Maximum Density Requirements. The minimum gross area provided for each mobile home park shall be as specified in Part 4, the District Regulations. Overall density of the park shall not exceed five (5) mobile home lots per acre of gross area of the park provided that all other applicable requirements of this Ordinance can be met.
2. Mobile Home Lot Area and Width Requirements. The minimum mobile home lot shall contain no less than 7,500 square feet. The minimum width of any mobile home lot shall be not less than 60 feet.
3. Mobile Home Pad Requirements. All mobile home lots within the mobile home park

- shall be improved to provide a permanent foundation for the mobile home. Such pads shall be properly equipped to render the parcel useable and shall be maintained in satisfactory condition by the developer or park owner. At a minimum the following requirements shall be met:
- a. The pad shall be equal to the length and width of the mobile home proposed to use the lot, but in no case shall be less than 12 feet in width nor less than 60 feet in length.
  - b. The pad shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure, and shall be designed to uniformly support the mobile home in a level position. Each pad shall also be provided with anchors and tie-downs designed to meet at least industry-approved standards for wind resistance and shall be otherwise be designed and installed to meet all applicable Building Code requirements.
  - c. Each pad shall be equipped with properly designed and approved water and sewer connections, and shall be provided with approved electric service connections.
4. Mobile Home Lot Improvements. In addition to those requirements set forth above for mobile home pads, each mobile home lot shall be improved to provide an entrance patio or porch, not less than 100 square feet in size and a storage shed containing at least 150 cubic feet of storage space. All such improvements shall be maintained in satisfactory condition by the park owner or developer.
5. Mobile Home Lot Yard Requirements. Each mobile home lot shall meet the following minimum yard requirements.
- a. Setbacks from Public Streets. All mobile homes and auxiliary park buildings shall be set back at least 25 feet from the edge of any adjoining street right-of-way, including internal mobile home park streets.
  - b. Side and Rear Yard Setbacks. All mobile homes, including attached porches, patios, decks or carports, shall be set back a minimum of ten (10) feet from the side and rear lot lines of the mobile home lot.
  - c. Minimum Distance between Mobile Homes. Each mobile home, including attached porches, patios, decks or carports, shall be located at least 20 feet from any other mobile home in the park.
  - d. Minimum Distance between Mobile Homes and Auxiliary Buildings. All mobile home lots shall be located at least 25 feet from any auxiliary park building.
  - e. Park Perimeter Screening Requirements. Screen plantings or fencing may be required to be provided at various points along the perimeter of the mobile home park to separate the park from adjacent land uses. Screening may also be required to effectively conceal auxiliary park buildings from mobile home lots, park streets or public roads.
6. Grading and Ground Cover Requirements (Soil Erosion and Sedimentation Control Plans). The ground surface in the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Exposed ground surfaces in the park shall be covered with stone screenings, or other solid material, or be stabilized or otherwise protected with a vegetative cover capable of preventing soil erosion. (See also Section 605 F. of this Ordinance.)
7. Mobile Home Lot Access. All mobile home lots shall abut on and have frontage on a street of the mobile home park internal street system. (See also Section 614 A.9 below.)

In addition, at the entrance of the mobile home park, the cartway of the internal street shall be 50 feet in width for a distance of 100 feet measured from the intersection of the internal street and the edge of the cartway of the abutting roadway.

8. Off-Street Parking Requirements. A minimum of two (2) stabilized off-street parking spaces shall be provided on each mobile home lot within the mobile home park. One (1) additional off-street parking space shall be provided for each mobile home lot in the park for visitor parking.
9. Mobile Home Park Internal Street and Drainage System Requirements. Streets and drainage control systems shall be constructed in accordance with the street standards outlined in the Clinton County Subdivision and Land Development Ordinance except that street widths shall be as follows: (See also Section 605 F. of this Ordinance.)
  - a. Where parking is permitted on both sides, a minimum road cartway width of 36 feet shall be required.
  - b. Where parking is limited to one side, a minimum road cartway width of 28 feet shall be required.
  - c. Where no parking is permitted on either side of the street, a minimum road cartway width of 20 feet shall be required.
10. Common Open Space Requirements. A minimum of five (5) percent of the gross park area or 1,000 square feet per unit, whichever is greater, shall be reserved by the developer as common open space for the use of all residents of the park. At least a portion of this area shall be set aside for recreation use. Such recreation area shall be suitable for outdoor recreational activities and shall be easily accessible to all units. Applications for mobile home parks shall include a proposal regarding the ultimate ownership and maintenance responsibilities for such common open space and recreation areas.

#### B. Utilities and Park Facilities

1. Water Supply System. An adequate supply of water shall be provided by the developer for mobile homes, service buildings and other accessory facilities. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the developer shall design, install, and maintain a private water supply system according to the standards of and with the approval of the PA Department of Environmental Protection.
2. Sewage Disposal System. An adequate and safe sewage system shall be provided by the developer in all mobile home parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Mobile home parks shall be connected to public sewer systems, where possible. Where a satisfactory public sewage disposal system is not available, the developer shall design, install and maintain an approved private sewage system according to the standards of the PA Department of Environmental Protection.
3. Other Utility Systems. Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided by the developer in accordance with plans approved by the County and the appropriate utility company. Underground installation of the utility distribution and service lines is required for approval of the mobile home park proposal.
4. Service and Other Auxiliary Park Buildings. Service, maintenance and management buildings, recreation or community buildings and commercial sales buildings required for the management, servicing and maintenance of the park and for the well-being of



park residents may be permitted within the boundaries of the mobile home park. The entire area of these buildings however, shall be used for the management, servicing and maintenance requirements of the park and park residents.

5. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed mobile home park shall be made by the developer and submitted for approval as a part of the plan submission process.
6. Park Management. Each mobile home park shall have a resident manager who shall be responsible for maintaining the park in accordance with the requirements of this Ordinance and the terms and conditions of the park's approval.

C. Rules and Regulations of the Park

The developer shall submit a copy of the proposed rules and regulations to be followed by tenants of the mobile home park as a part of his application for such a use. Included shall be regulations requiring that:

1. Each mobile home shall be skirted. (Skirting shall include materials which have been prefabricated for this specific purpose or similar materials, but shall not include bales of hay, straw, interior plywood, or like materials.)
2. Garbage and trash shall be placed in appropriate receptacles.
3. Each mobile home shall be installed in accordance with all applicable Building Code requirements.

**615 ANIMAL HOSPITALS AND VETERINARY FACILITIES**

Within the A, RC and RF Districts, animal hospitals and veterinary facilities are permitted by special exception, subject to the following requirements:

- A. All animal boarding facilities that are not wholly enclosed, any outdoor animal pens, or runways shall be located within the rear yard.
- B. Any animal boarding facility that is not wholly enclosed, any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet from all property lines.
- C. All outdoor pasture/exercise areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of ten (10) feet from all property lines.

**616 AUTOMOTIVE REPAIR AND BODYWORK AND PAINTING FACILITIES**

- A. Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line, and no fuel oil, propane gas, or other similar substance may be stored within 30 feet of a street right-of-way or property line. (Additional permits may be necessary to meet State and Federal requirements regarding the location of storage tanks for such purposes.)
- B. Access driveways shall be a minimum of thirty (30) feet wide.
- C. For a bodywork and painting facility, the minimum lot width shall be not less than two hundred fifty (250) feet along each street on which the lot abuts.

- D. Access to roads shall be at least one hundred (100) feet from the intersection of any streets.
- E. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet and screened from any adjoining residential properties in accordance with Section 607.

### **617 AUTOMOTIVE SALES**

Sale of vehicles by a duly franchised new car dealership, used car sales, truck, trailer, cycle and boat rental shall be permitted as a special exception within the RC District, subject to the following requirements:

- A. Minimum lot width of not less than two hundred fifty (250) feet shall be provided along each street on which the lot abuts.
- B. Access to roads shall be at least one hundred (100) feet from the intersection of any streets.
- C. All automotive parts and similar articles shall be stored within a building.
- D. All fuel shall be stored within a building or enclosed area.
- E. Lubrication, oil changes, tire changes, and minor repairs must be performed within a building.
- F. Signage shall be limited to one attached sign no larger than twenty (20) square feet and/or one (1) perpendicular hanging sign no larger than twelve (12) square feet and one free standing sign no larger than twelve (12) square feet set back at least twenty (20) feet from the adjoining road right-of-way. In the event the financial establishment is located at an intersection, two (2) such signs shall be permitted.

**PART 7**  
**PLANNED SEASONAL DEVELOPMENTS IN THE**  
**WOODLANDS/CONSERVATION (WC) DISTRICT**

**701 PURPOSE**

The purpose of this Part is to permit developments of seasonal dwellings in the WC District in accordance with the community development objectives of this Ordinance and with the following specific purposes:

- A. Perpetuate the wild and remote character of the WC district by requiring the clustering of new development, thereby reducing development sprawl and disturbance of the natural environment; and
- B. Relate new development to the physical context of the site, such as sensitive natural features and existing man-made improvements; and
- C. Respect and conserve natural resources prevalent in this area, including biological diversity areas, headwater springs, exceptional value and high quality streams, areas of unusual natural beauty, woodland expanses and wildlife habitat.

**702 APPLICABILITY OF PROVISIONS**

Any conveyance of the land by the property owner (including but not limited to rent, lease or option) shall not exempt the applicant from compliance with the provisions of this Ordinance and the Clinton County Subdivision and Land Development Ordinance. The provisions of this Part shall apply to all applications for planned seasonal development in the WC district regardless of ownership or applicant status.

**703 CONDITIONS FOR PLANNED SEASONAL DEVELOPMENTS**

- A. Special exception applications for planned residential and seasonal developments (hereafter abbreviated as "PSD") shall not be considered or approved unless the following conditions are met:
  - 1. The PSD shall consist of an initial undivided tract of at least fifty (50) acres. Large tracts may be re-subdivided but the minimum resultant lot size shall be fifty (50) acres.
  - 2. The PSD shall lie entirely within the WC District.
  - 3. The tract of land to be developed shall be in one ownership, or in the case of multiple ownership, it shall be developed according to a single plan with common authority and common responsibility.
  - 4. All dwellings must comply with the applicable municipal sewage facilities plan.

**704 STANDARDS FOR PLANNED SEASONAL DEVELOPMENTS**

- A. Use Regulations
  - 1. A PSD may include the following uses:
    - a. Seasonal dwellings as the only principal use.

- b. Accessory uses and structures provided they are clearly incidental and subordinate to the principal use and are not located in the common open space areas.
  - c. Harvesting of forest products, but excluding any building or structures for this use on the property.
  - d. Recreational facilities intended solely for the use of residents of the development, deemed to be appropriate by the County Zoning Hearing Board.
  - e. Temporary living arrangements that include recreational vehicles such as travel trailers, truck campers and motor homes.
2. The following uses are expressly prohibited:
- a. Any commercial activity except rental of permitted seasonal dwellings, permitted mineral extraction and logging.
  - b. Temporary living arrangements including recreational vehicles as defined in Part 2 of this Ordinance, for more than one hundred twenty (120) days per year.

#### B. Density

The number of dwelling units permitted on a lot, or a tract held in common ownership, shall be determined by dividing the gross acreage by ten (10) acres per dwelling. A resulting fraction of a dwelling may be rounded up to the next whole number if the fraction is one-half (1/2) or greater. See also 705 E. below.

#### C. Area and Bulk Requirements Pertaining to all Planned Residential and Seasonal Developments.

- 1. If a dwelling unit is constructed on a lot or lease parcel subdivided from the original tract, the minimum lot size shall be two and one half (2.5) acres.
- 2. Any building shall be set back a minimum of one hundred (100) feet minimum from a lot line created within the development.
- 3. The maximum total floor area of any dwelling unit shall be seven thousand five hundred (7500) feet.
- 4. Maximum building height is thirty-five (35) feet.

#### D. Site Planning Requirements

- 1. The PSD must comply with the design standards of the Clinton County Subdivision and Land Development Ordinance.
- 2. The PSD must comply with the applicable municipal sewage facilities plan.
- 3. No construction of buildings or soil disturbance shall occur within two hundred (200) feet of streams, wetlands or lakes.
- 4. Total site disturbance shall be kept to a minimum and shall not exceed one (1) acre more than the building and access areas.
- 5. Proposed private roads and driveways serving three (3) or more dwelling units shall comply with the following requirements:
  - a. Minimum cartway width shall be sixteen (16) feet.
  - b. Minimum right-of-way width shall be thirty-five (35) feet.
  - c. Maximum road grade shall be fourteen (14) percent.
  - d. Adequate turnaround area at a road end shall be provided for emergency vehicles.

6. Provision shall be made for safe and efficient ingress and egress to and from public roads, without undue congestion or interference with normal traffic flow within the County. The developer shall be responsible for the design and construction, and the costs thereof, of any necessary traffic control device and/or highway modifications required by PennDOT or the DEP.

E. Signage

Only the following signs are permitted in a PSD:

1. A maximum of two (2) identification signs are permitted per PSD. Maximum sign face square footage for these signs combined is twenty (20).
2. Each dwelling unit may have one (1) identification sign at the end of the driveway giving it access. Maximum sign square footage is two (2).
3. Real estate signs, including signs advertising the rental or sales of premises, provided that:
  - a. The area on any one side of such sign shall not exceed four (4) square feet.
  - b. Only one (1) sign is permitted per property.
4. Trespassing signs and signs indicating the private nature of the premises. The area on any side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals on the lot of not less than one hundred (100) feet.

F. Ownership Options and Requirements

All development of land under the PSD shall be based on either of the two alternatives specified in Sections 705 and 706 below.

**705 COMMON OPEN SPACE DEVELOPMENT**

A developer and/or land owner who seeks to meet the open space provisions through the set aside of open space under a common ownership shall address the following requirements:

- A. All dwelling units must be situated in a cluster or clusters that occupy no more than forty (40) percent of the gross acreage. The dwellings may be located on individual subdivided lots or lease parcels, or they may be sited together on a large lot(s) held in one ownership.
- B. The limit of cluster shall be delineated on the PSD plan which shall show private land ownership and common open space as described below.
- C. There is no limit to the number of permitted dwelling units allowed in one cluster provided the number of dwellings do not exceed the total permitted on the site, as described in Section 703 above.
- D. There is no limit to the size in area of a cluster provided that it not exceed the allowable maximum percentage of forty (40) percent of the total gross acreage of the lease parcel or subdivision.
- E. The Zoning Hearing Board may, on consideration of innovative development design accounting for environmental issues and open space concerns, award a density bonus of up to 15% to the developer.

F. The number of clusters permitted in a PSD shall be limited as follows:

Number of dwellings permitted in the development	Number of clusters permitted in the development
1-5	1
6-10	2
11-15	3
16-20	4
21-25	5
> 26	6

G. Clusters within the same development shall have a minimum distance of five hundred (500) feet between cluster limits. If this separation distance cannot be met, then dwelling units must be consolidated in fewer clusters.

H. Clusters shall incorporate existing buildings, if possible.

I. Ownership of Common Open Space

Any of the following methods may be used to preserve, own, and/or maintain open space: developer/owner, homeowners association, dedication in fee simple, dedication of easements, or transfer to a private conservation organization.

1. Developer/Owner: The developer/landowner may continue to own outright the open space and draft a plan for the mutual use of this space by all property owners and, at the owners' sole discretion, by the public. Such intent and plans for ownership and maintenance shall be submitted to the County Zoning Hearing Board at the time the PSD is submitted for approval.
2. Homeowners Association: The open space may be held in common ownership by a homeowners' association. Such ownership shall be subject to all of the provisions for homeowners associations set forth in Article VII of the Pennsylvania Municipalities Planning Code.
3. Fee-Simple Dedication: A municipality may, but shall not be required to, accept any portion or portions of the open space provided: (1) such land shall be freely accessible to the public; (2) there shall be no cost to the municipality involved; (3) the municipality agrees to and has access to maintain such lands; and (4) the open space shall be in an acceptable condition to the municipality at the time of transfer with regard to size, shape, location and improvement.
4. Dedication of Easements: A municipality may accept, but shall not be required to accept, easements to any portion or portions of the open space. In such cases, the land remains in the ownership of the individual, or homeowners association while the easements are held in public ownership. The municipality may require this method where it deems this to be the most appropriate way of preserving land in open space.
5. Transfer to a Private Conservation Organization: With permission of the County, (which shall not be unreasonably withheld) an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the County or easements, to a private, non-profit organization, among whose purposes is to conserve open space land and/or natural resources provided that:

- a. the organization is acceptable to the County and is a bona fide conservation organization with perpetual existence;
- b. the conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
- c. a road and common open space maintenance agreement acceptable to the County is entered into by the developer and the organization.

**706 PRIVATE OWNERSHIP OF OPEN SPACE**

The landowner or developer shall have the option to sell and/or develop lots based on the private ownership of parcels in the PSD provided they meet the density requirements set forth in Section 703.

- A. The principle of open space shall be maintained and no more than forty (40) percent of the gross acreage of an individual parcel may be developed. Plans to preserve as open space the remaining sixty (60) percent of these parcels, including agreements to be executed by the buyer or user to insure such an open space requirement, shall be submitted with the PSD application.
- B. To the greatest extent possible the private open space to be set aside by the developer and the individual lot owner or user shall be contiguous with the open space of adjoining tracts. Such massing of private open space may not be possible where the size and/or location of the parcel, the terrain, or other natural features make it impracticable. In such an event and provided he has tried to comply with the contiguous open space requirement, the landowner, and/or developer, shall communicate the particular circumstances and his selected alternative to the County Zoning Hearing Board.
- C. At his option, however, the landowner and/or developer may choose to sell or develop any number, or percentage, of the permitted number of lots if he should choose, according to the cluster and open space requirements of Section 703. In such lots the landowner or developer must conform to all provisions of Section 704.

**707 LOCATION, DESIGN AND LAYOUT OF COMMON OPEN SPACE**

- A. The open space shall be maintained permanently in a natural vegetative state, except for: forestry uses; firewood cutting; limited view openings; construction of necessary access roads; utility corridors; and improvement of wildlife habitat.
- B. No buildings are permitted in the common open space.
- C. Location of common open space shall incorporate as much as possible water resources or other unique features.

**708 DEED RESTRICTIONS AND COVENANTS**

Deed restrictions, in the form of covenants running with the property, shall be recorded with the Clinton County Recorder of Deeds. All deeds shall refer to the covenants. Proof of such recorded restrictions shall be submitted to the County prior to issuance of any permits. Such restrictive covenants shall address the following issues:

- A. Building shells shall be completed within one (1) year of commencement of construction during which period temporary living arrangements are permitted. Following the one (1) year period, the County may grant up to two (2) six-month extensions. A Zoning Permit must be secured and conspicuously posted at the site during this period.
- B. Soil disturbance shall be prohibited within two hundred (200) feet of watercourses, wetlands or lakes.
- C. Total site disturbance shall be limited to one (1) acre in addition to the building square footage area, and access areas.
- D. Common open space lands shall remain free of buildings and the natural environment of the open space shall be preserved.
- E. The cost and responsibility of maintaining common open space shall be borne by the property owner or designated organization. If the open space is not properly maintained, the County may assume responsibility and maintenance in accordance with Article VII of the Pennsylvania Municipalities Planning Code.
- F. Provisions for establishing private rights-of-way for the use of:
  - 1. Lot owners, their guests, heirs and assigns;
  - 2. Emergency response;
  - 3. Inspection of premises by County Zoning Officer and Municipal Sewage Enforcement Officer.
- G. The location and extent of utility installation shall be the sole responsibility of the applicable utility and property owner.
- H. Each property owner shall keep his lot free of trash and junk and shall maintain structures in a good state of repair.
- I. Temporary living arrangements including recreational vehicles as defined in Part 2 of this Ordinance are allowed for a maximum of one hundred twenty (120) days per year.



## **PART 8 SIGN REGULATIONS**

### **800 GENERAL**

The following regulations shall apply to all Zoning Districts.

- A. Permits to construct, install and maintain signs shall be obtained from the County Zoning Officer.
- B. Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations relating to the erection, alteration, or maintenance of signs.
- C. Signs shall not contain moving parts nor use flashing or intermittent illumination. The source of light shall be steady and stationary.
- D. No sign shall be placed in a position, or have illumination that it will cause any danger to pedestrians or vehicular traffic.
- E. Floodlighting of any sign shall be arranged so that the source of light is not visible nor glare is detected from any property line or vehicular access, and that only the sign is illuminated.
- F. No sign other than official traffic signs shall be erected within the right-of-way lines of any street.
- G. Every sign must be constructed of durable material and be kept in good condition. Any sign which is allowed to become dilapidated shall be removed by the owner, or upon failure of the owner to do so, by the
- H. County at the expense of the owner or lessee. The County Zoning Officer shall make such determination as to state of repair. All violations shall be corrected within ninety (90) days of receiving notice of violation.
- I. No sign shall be erected or located as to prevent free ingress to or egress from any window, door, fire escape, sidewalk or driveway.
- J. No sign shall be erected which emits smoke, visible vapors or particles, sound or odor.
- K. No sign shall be erected which uses an artificial light source, or reflecting device, which may be mistaken for a traffic signal.
- L. No sign shall be erected containing information which implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.
- M. No sign shall be placed on any tree except political signs, yard or garage sale signs, hunting and trespassing signs. Any political, yard or garage sale signs must be removed no later than five (5) days after the cessation of the posted event.
- N. The distance from ground level to the highest part of any freestanding sign shall not exceed eight (8) feet in residential districts.

- O. No free-standing sign shall be located within the street right-of-way.
- P. Signs shall not project above the maximum building height permitted in any District in which they are located.
- Q. Signs necessary for the identification, operation, and protection of public utilities, may be erected within the street right-of-way when authorized by the County Zoning Officer for a special purpose and for a specified time.
- R. Only parallel signs are permitted in areas of limited yard setback.
- S. All signs erected along the right-of-way of a state highway shall be in accordance with the regulations of Pennsylvania Department of Transportation.

### **801 SIGNS PERMITTED IN THE R DISTRICT**

- A. Official traffic signs.
- B. Identification signs, bulletin or announcement boards for schools, churches, hospitals, or similar institutions, and for clubs, lodges, farms, estates, or similar uses, provided that:
  - 1. No more than two such signs shall be erected on any frontage to any one property.
  - 2. The area on one side of any such sign shall not exceed twelve (12) square feet.
- C. Professional, home occupation, or name sign indicating the name, profession, or activity of the occupant of a dwelling, provided:
  - 1. The area of any one side of any such sign shall not exceed six (6) square feet.
  - 2. One such sign shall be permitted for each permitted use or dwelling.
  - 3. Signs indicating a permitted non-residential use shall be erected on the property where that use exists.
  - 4. The sign shall not be illuminated or animated.
- D. Real estate signs, including signs advertising the rental or sale of premises, provided that:
  - 1. The area on any one side of any such sign shall not exceed six (6) square feet.
  - 2. A sign shall be located on the property to which it refers.
  - 3. Such signs shall be removed within fourteen (14) days upon the sale of the premises.
  - 4. Not more than one such sign shall be placed on any one street frontage.
- E. Temporary signs of contractors, architects, special events, and the like, provided that:
  - 1. Such signs shall be removed within fourteen (14) days upon completion of the work or special event.
  - 2. The area of such signs shall not exceed six (6) feet.
  - 3. Such signs shall be located on the applicable property.
- F. Signs advertising an existing non-conforming use, provided that:
  - 1. The area on one side of such sign shall not exceed six (6) square feet.
  - 2. The sign shall be erected only on the applicable premises.

- 3. No more than one such sign shall be erected on any one street frontage.
- G. Signs necessary for the identification and protection of public utility corporation facilities, provided that the area of one side of such sign shall not exceed four (4) square feet.
- H. Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that the area on one side of any such sign shall not exceed two (2) square feet.
- I. Trespassing signs and signs indicating the private nature of the premises. The area of any one side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals of not less than one hundred (100) feet along any street frontage.
- J. Sign denoting the name of a subdivision or development, provided that:
  - 1. The area on one side of such sign shall not exceed twenty-four (24) square feet.
  - 2. The sign shall be erected only on the premises on which the subdivision or development is located.
  - 3. No more than one such sign shall be erected on any one street frontage.
- K. Free-standing signs, provided that no more than one (1) free-standing sign, exclusive of all directional signs, shall be allowed on any one property.

**802 SIGNS PERMITTED IN THE RC AND RI DISTRICTS**

- A. Any sign permitted under Section 801 of this Part.
- B. Commercial signs, provided that:
  - 1. The total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed twenty (20) square feet, except in the case of a tract or building housing more than one commercial use.
  - 2. In the case of a building, or tract of land housing more than one use, one permanent directory or identifying sign for the building or tract may be erected. The area on one side of said sign shall not exceed forty (40) square feet. In addition, for each use located within that building, or on the same lot, one wall-mounted sign shall be permitted. The area of such sign shall not exceed twelve (12) square feet, and may be attached to that portion of the building housing in use.
  - 3. No more than two separate signs shall face any one street frontage for any one use except in the case of a tract containing a directory sign.
- C. Directional signs, provided that the area on one side of a directional sign shall not exceed two (2) square feet.
- D. Free-standing signs, provided that:
  - 1. No more than one (1) free-standing sign exclusive of all directional signs shall be allowed on any one property.
  - 2. The area on one side of a free-standing sign shall not exceed thirty-two (32) square feet, exclusive of all directional signs.

### **803 SIGNS PERMITTED IN THE A AND RF DISTRICTS**

- A. Any sign permitted under Section 801 of this Part.
- B. Commercial signs, provided that the total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed sixteen (16) square feet.

### **804 EXISTING SIGNS**

- A. Existing signs may be continued provided that all such signs shall conform to the General Requirements as set forth in Section 800 of this Part.
- B. Any sign existing at the time of the passage of this Ordinance that does not conform with the regulations of the District in which such sign is located shall be considered a nonconforming use and may continue in such use in its present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign shall be brought into conformity with this Ordinance.

### **805 BILLBOARDS**

Within the RC and RF Districts, billboards are permitted by special exception beside state highways 120 and 664 in Clinton County subject to the following criteria:

- A. No billboard shall be located within one thousand (1000) feet of another billboard.
- B. All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
- C. All billboards shall be set back at least fifty (50) feet from any road right-of-way lines.
- D. All billboards shall be set back at least one hundred (100) feet from any land within the R District.
- E. No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
- F. No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height.

**PART 9**  
**TRAFFIC CONTROL, INTERNAL CIRCULATION, LOADING AND**  
**OFF-ROAD PARKING**

**900 ACCESS AND TRAFFIC CONTROL**

To minimize traffic congestion and hazard, control road access and encourage orderly development of street frontage, the following regulations shall apply:

- A. Every building erected or altered shall be on a lot adjacent to a public road or have access to a public road via an approved private road.
- B. Unless clearly impractical or inappropriate, lots which abut two (2) or more roads shall have direct access only to the road of lesser functional classification.
- C. Where lots are created having frontage on expressways, arterial, and collector roads any proposed development road pattern shall also provide frontage to local roads within the subdivision.
- D. Each use with less than one hundred (100) feet of road frontage shall not have more than one ingress and egress lane to such road. No use with one hundred (100) feet or more of road frontage shall have more than two (2) accessways to any one road for each three hundred (300) feet of road frontage. A common access point for two (2) or more uses is encouraged, where practical, to minimize vehicular access points along roads classified other than local roads.
- E. All driveways to any public road shall be located a minimum of forty (40) feet from any intersection of road centerlines.
- F. Provision shall be made for safe and efficient ingress and egress to and from public roads, without undue congestion or interference with normal traffic flow. The developer shall be responsible for the design and construction, and the costs thereof, of any necessary traffic control device and/or highway modifications required by the County, Township or the Pennsylvania Department of Transportation.
- G. The maximum width of driveway entrances and exits onto a public road, measured at the road line and within the road right-of-way, shall be fourteen (14) feet for one-way driveways and twenty-eight (28) feet for two-way driveways. The radius of the edge of the driveway apron shall not exceed twenty-five (25) feet.
- H. For seasonal homes located in the WC District, this Section shall be superseded by Section 7.

**901 INTERNAL CIRCULATION**

The following regulations shall apply to single-family attached residential, commercial and industrial uses, unless otherwise specified:

- A. Design of Access Aisles and Drives

1. Internal drives and service areas shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Egress to the road shall be in a forward direction.
2. Accessways, parking areas and loading areas shall have clearly defined parking bays and circulation designated by markings, curbs, and/or landscaped islands, so that patrons shall not impede traffic as a result of any confusion as to location of entrances and exits.
3. All interior drives and accessways shall be paved with an approved all-weather surfaces, and shall be graded, properly drained and maintained in a good condition. Interior drives shall have a maximum grade of eight (8) percent.
4. Minimum interior drive cartway widths (with no abutting parking):

**TABLE 1**

Use	Two-Lane, Two-Way Drives	One-Lane, One-Way Drive
Single-family attached residential	20 feet	12 feet
Commercial/office	22 feet	12 feet
Industrial	26 feet	15 feet

5. Common or shared access driveways to parking and loading areas are permitted and encouraged provided landowners submit an agreement of maintenance responsibility.

**B. Fire Lane Easements**

Any use or building located more than six hundred (600) feet from a road shall provide a dedicated fire lane easement consisting of an unobstructed right-of-way width of thirty (30) feet.

**902 LOADING AND UNLOADING**

In connection with any use, building or structure which requires the receipt or distribution of materials by trucks or similar vehicles, there shall be provided a sufficient number of off-street loading and unloading berths in accordance with the following requirements:

**A. Location**

Loading and unloading areas shall not be located between the building setback line and street line, and loading facilities shall be screened in accordance with Section 607.

**B. Space Allowed**

1. Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof.
2. Loading and unloading space shall be at least twelve (12) feet wide with fourteen (14)

feet of vertical clearance, and shall have an adequate maneuvering area.

C. Surface

Loading and unloading areas shall have an all-weather surface.

**903 OFF-STREET PARKING**

A. Applicability

1. Off-street parking facilities shall be provided whenever:
  - a. A building is constructed or a new use is established.
  - b. An existing building or its use is changed so as to require more parking facilities.
2. Off-street parking facilities existing at the effective date of this Ordinance shall not be reduced to an amount less than that required under this Ordinance for a similar new building or use.

B. Use

1. Off-street parking shall be an accessory use solely for the parking of patrons, occupants and/or employees.
2. No motor vehicle repair work of any kind except emergency service shall be permitted within parking lots.

C. Location

1. All parking spaces shall be on the same lot as the principal building except as herein described. Parking spaces may be located within a structure or in the open.
2. The parking spaces may be located elsewhere than on the same lot when authorized by the Zoning Hearing Board, subject to some portion of the off-street parking area being within three hundred (300) feet of an entrance, regularly used by patrons.
3. For all residential dwellings, the parking spaces shall be within one hundred (100) feet of the dwelling unit they serve.
4. No parking or paved area shall directly abut a street.

D. Size and Design of Parking Lot

1. In the layout of parking lots, standard parking dimensions shall be utilized.
2. Up to one-third (1/3) of the total parking spaces may be designed for compact vehicles.
3. Parking lots shall be screened in accordance with Section 607.
4. Parking lots shall be illuminated at night.
5. Parking lots shall have an all-weather surface.
6. Parking lots shall have a minimum slope of one (1) percent and a maximum slope of five (5) percent. Stormwater run-off shall not be directed across pedestrian walkways or other lots.

E. Handicapped Parking

The following shall apply to commercial, industrial, office, institutional, and educational

uses:

1. If the total number of required parking spaces exceeds twenty (20), a minimum of two (2) percent of the total number of parking spaces, but not less than two (2) parking spaces, shall be designed for physically handicapped persons.
2. Said spaces shall be most accessible and approximate to the building or buildings which the parking spaces shall serve.
3. Each space or group of spaces shall be identified with a clearly visible marking displaying the international symbol or access.
4. Each space shall be twelve (12) feet wide and shall abut a level, paved surface.

## **904 SPECIFIC PARKING REQUIREMENTS**

Specific parking requirements for various uses in each District shall be as follows:

### **A. Parking for Residential Uses**

1. Townhouses and two-family dwellings: two (2) parking spaces per dwelling unit.
2. Residential conversion units: two (2) spaces per dwelling unit.
3. Mobile homes: two (2) spaces per dwelling unit.

### **B. Parking for Public and Semi-Public Uses**

1. Places of worship or other public auditorium: one (1) parking space for every three (3) seats provided for assembly.
2. Nursing and convalescent homes: one (1) parking space for every three (3) beds plus one (1) space for each employee on the largest shift.
3. Clinic and medical five (5) patient spaces per doctor and one (1) space for each staff member.
4. Daycare centers: one (1) space for each employee and an off-street loading and unloading area to accommodate one (1) space for each six (6) children cared for in the center.
5. Parks and playgrounds which include spectator seating: one (1) parking space for every three (3) seats.

### **C. Parking for Commercial Uses**

1. Retail stores and commercial uses: one (1) parking space for every three hundred (300) square feet of floor space used for sales purposes and one (1) space for each employee.
2. Supermarkets and dairy stores: one (1) parking space for every two hundred (200) square feet of floor space used for sales purposes and one (1) space for each employee.
3. Eating and drinking establishments: one (1) parking space for every two and one-half (2 1/2) seats for patron use and one (1) space for each employee.
4. Drive-in and fast-food restaurants: one (1) space for every ten (10) square feet of floor area and one (1) space for each employee.
5. Bowling alleys: five (5) parking spaces for each pair of lanes and one (1) space for each employee.
6. Skating rinks: one (1) space for every one hundred (100) square feet of skating area and one (1) space for each employee.
7. Billiard and pool rooms: two (2) spaces per billiard or pool table and one (1) space for each employee.
8. Miniature golf and driving ranges: one (1) space per hole and one (1) space for each employee.



9. Golf courses: six (6) spaces per hole and one (1) space for each employee.
10. Animal kennels: one (1) parking space for every three (3) kennel runs and one (1) space for each employee.
11. Office buildings and professional offices: one (1) parking space for each two hundred (200) square feet of floor area or fraction thereof.
12. Motels, hotels and tourist homes: one (1) parking space for each unit and one (1) space for each employee on the largest shifts.
13. Barber and beauty shops: two (2) parking spaces per shop plus one and one-half (1 1/2) spaces per chair.
14. Shopping centers: one (1) parking space for each three hundred fifty (350) square feet of gross floor area or fraction thereof.
15. Home-based businesses or occupations: two (2) parking spaces for each dwelling unit, one (1) space for each non-resident employee.
16. Gasoline service stations and car washes: one (1) parking space for each employee on the largest shift.

#### D. Parking for Industrial Uses

The total parking area shall be twenty-five (25) percent of the building's gross floor area. Space shall also be provided for visitors and handicapped.

## **PART 10 NONCONFORMITIES**

### **1001 NONCONFORMING USES AND STRUCTURES**

Any nonconforming use or structure legally existing at the time of adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold or maintained even though it does not conform to the regulations of the district in which it is located, except as provided below. The Zoning Officer may identify and register the nonconforming uses and structures existing as of the effective date of this Ordinance, to provide written assurance of the right to continue the use.

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued or abandoned. (See Section 1002 below for nonconforming lots.)

#### **A. General Application of Provisions**

Nothing contained herein shall require any change in plans, construction, or designated use of a building or structure which complies with existing laws or for which a Zoning Permit was granted and/or where the construction shall have started before the date of adoption of this Ordinance or applicable amendment thereto.

#### **B. Abandonment**

If any nonconforming use, or building or structure occupied by a nonconforming use, is deemed abandoned (as defined in Section 202), the future use of such building, structure or land shall be in conformity with the District Regulations of this Ordinance.

#### **C. Repairs, Restoration and Reconstruction**

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use. If the building is damaged by fire, flood, or other natural causes, it may be reconstructed, restored, or used as before provided that:

1. Work shall commence within one (1) year of the damage.
2. Reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Zoning Hearing Board.
3. If the nonconformity is located within the 100 year floodplain, new construction shall comply with all of the requirements contained in the applicable municipal floodplain ordinance.

#### **D. Extensions and Enlargements**

1. A nonconforming use of a building or structure may be extended through-out the interior of the building provided that no structural alterations are made therein. Prior to the initiation of any such activity, however, approval shall be obtained from the Zoning Officer and all applicable Zoning Permit and Building Code requirements shall be met.
2. Exterior structural alterations proposed to extend or enlarge a nonconforming building or structure or a building or structure occupied by a nonconforming use shall be submitted to the Zoning Hearing Board for consideration. The Hearing Board may

approve such application provided that:

- a. the extension or enlargement does not extend the structure or use beyond the remainder of the lot or parcel as it existed at the effective date of this Ordinance, nor extend the structure or use by more than a cumulative total of 50% of the gross floor area occupied by such use at the time it became nonconforming, regardless of ownership;
- b. in the case of a nonconforming use, the extension is attached or contiguous to the existing building or structure containing the nonconforming use;
- c. the extension or enlargement conforms to the yard, height, and other requirements of the district in which it is located;
- d. adequate off-street parking can be provided in conformance with the requirements of Part 9 of this Ordinance to serve both the original use plus the extension or enlargement; and
- e. such nonconforming structure is not located in the WC or CS District.

In reviewing applications for extension or enlargement, the Zoning Hearing Board shall give due consideration to the welfare of the community in its entirety and may attach such reasonable conditions and safeguards as they deem appropriate to implement the purposes of this Ordinance.

3. For nonconforming uses whose normal operations involve nonstructural expansion (i.e. quarries, junk yards, cemeteries, etc.), expansion shall be permitted by right up to 25% of the volume of area of the nonconformity which existed at the effective date of this Ordinance. For expansion beyond 25%, approval must be obtained from the Zoning Hearing Board. Prior to the initiation of any expansion however, a Zoning Permit shall be obtained from the Zoning Officer.
4. Any nonconforming building or structure, or building or structure occupied by a nonconforming use, which is moved for any reason, must meet all requirements of the district in which it is to be located.

#### E. Change of Use

1. The change of a nonconforming use of a building, structure or land to a nonconforming use of the same or a more restricted classification may be approved by the Zoning Hearing Board provided that the applicant can show that the proposed change will be no more objectionable in external effect than the existing nonconforming use with respect to:
  - a. traffic generation and congestion, including truck, passenger car, and pedestrian movement;
  - b. noise, smoke, dust, fumes, vapor, gases, heat, odor, glare or vibration;
  - c. outside, unenclosed storage, and waste collection and disposal; and,
  - d. appearance, character, and nature of the neighborhood or area.
2. Whenever a nonconforming use of a building or land has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use.

#### F. Application to Agricultural Structures

The regulations governing nonconformities set forth in this section shall not apply to agricultural structures when such structures are a part of an active agricultural use. It is not

the intent of these regulations to create hardships for on-going agricultural activities.

G. Certification

Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming use or structure on or before the effective date of this Ordinance, the Zoning Officer shall issue a Certificate of Nonconformance for such nonconformity. Any applicant aggrieved of the process for obtaining said Certificate or of any decision rendered therefrom, may file an appeal with the County Zoning Hearing Board.

**1002 NONCONFORMING LOTS**

Any nonconforming lot legally existing at the time of the adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued and/or maintained even though it does not conform to the regulations of the district in which it is located. It is not the intent of this Ordinance to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.

A. Discontinuance/Lot Changes

Any nonconforming lot which is discontinued or becomes conforming through its addition to adjacent land shall not hereafter be changed back to a nonconforming lot.

B. Existing Undeveloped Lots of Record

In the case of an undeveloped lot of record which lawfully existed at the effective date of this Ordinance which cannot accommodate a principal building or structure and meet the requirements for the district in which it is located, a permissible, principal building or structure may be placed on the parcel provided that:

1. the owner does not own adjoining land which could be combined to form a conforming or less nonconforming lot;
2. each side yard is not less five (5) feet in an R District; not less than 15 feet in an A, WC, or CS District; and the yard requirements of all other districts are met in full;
3. the rear yard is not less than ten (10) feet in an R District; and not less than 15 feet in the A, WC, or CS District; and the yard requirements of all other districts are met in full;
4. the front yard conforms to the minimum distance required;
5. where needed, the site has an approved sewage disposal system or an appropriate sewage permit; and,
6. provided that the site and its intended use comply with all other applicable provisions of this Ordinance.

C. Certification

Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming lot on or before the effective date of this Ordinance, the Zoning Officer shall issue a Certificate of Nonconformance for such nonconformity. Any applicant aggrieved of the process for obtaining said Certificate or of any decision rendered therefrom,

may file an appeal with the County Zoning Hearing Board.

**1003 DELINQUENT PROPERTIES**

If the Municipality or County acquires title to any property by reason of tax delinquency and such property is not redeemed and is sold as provided by law, the future use of such property shall be in conformity with all provisions of this Ordinance.

**PART 11**  
**RESPONSIBILITIES OF THE ZONING HEARING BOARD:**  
**SPECIAL EXCEPTIONS AND VARIANCES**

**1100 CREATION AND MEMBERSHIP**

The County Commissioners shall appoint a County Zoning Hearing Board, consisting of three (3) County residents. Of the initial appointees to this Board, one (1) shall be designated until the first day of January following the date of this Ordinance, one (1) until the first day of the second January thereafter, and one (1) until the first day of the third January thereafter. Their successors in office shall be appointed on the expiration of their respective terms to serve three (3) years. The members of the Board shall be removable for cause, by the County Commissioners, upon written charges and after public hearing, if the member shall request it in writing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

The County Commissioners may appoint by resolution at least one (1) but no more than three (3) residents of the County to serve as alternate members of the board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of this Section, an alternate shall be entitled to participate in all proceedings and discussions of the board at the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the board, but shall not be entitled to vote as a member of the board unless designated as a voting alternate member pursuant to this Section.

**1101 REMOVAL OF MEMBERS**

Any County Zoning Hearing Board member may be removed for malfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of County Commissioners, taken after the member has received fifteen (15) days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

**1102 ORGANIZATION OF ZONING HEARING BOARD**

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the County and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Council once a year.

## **1103 POWERS AND DUTIES**

- A. The Zoning Hearing Board shall hear and decide on all matters referred to it or upon which it is required to pass under this Ordinance.
- B. The County Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer in the administration of this Ordinance.
- C. The County Zoning Hearing Board shall hear requests for variances from the requirements of this Ordinance where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance provided the following findings are made where relevant in a given case:
  - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the circumstances or conditions generally created by the provisions of the County Zoning Ordinance in the neighborhood or district in which the property is located;
  - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the County Zoning Ordinance and that the authorization of variance is therefore necessary to enable the reasonable use of the property;
  - 3. That such unnecessary hardship has not been created by the appellant;
  - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
  - 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the County Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Act 247 as amended and the County Zoning Ordinance.

- A. The County Zoning Hearing Board shall hear and decide requests for special exceptions in those cases where this Ordinance indicates a special exception may be granted subject to compliance with the standards and criteria prescribed. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of the Ordinance.
- B. The County Zoning Hearing Board may conduct a hearing and take evidence on a substantive challenge and amendment to this Ordinance filed by a landowner. The Zoning Hearing Board may further make findings of fact relative to the challenge, and cause to be made a record or transcript, which may serve as the basis for further action. The Zoning Hearing Board shall not make recommendations or render an opinion in such matters, and has no authority to alter, change, or otherwise grant relief in such cases.

## **1104 PROCEDURES**

- A. Variances
  - 1. The landowner shall file a written request for a variance with the Zoning Officer along

with all maps, plans and text which may be relevant to the request. Said request shall be accompanied by a fee specified by the Board of Commissioners.

2. The Zoning Officer shall transmit the request and any information received therewith, along with the file on said issue forthwith to the Zoning Hearing Board.
3. Upon receipt of a request for variance, the Zoning Hearing Board shall establish a time and place to hear said request within sixty (60) days.
4. The Zoning Hearing Board shall render a written decision and inform the applicant of said decision within forty-five (45) days of the final hearing date.
5. Hearings by the Zoning Hearing Board shall be conducted in accordance with Section 908 of Act 247, the Pennsylvania Municipalities Planning Code as amended.

**B. Special Exceptions**

1. The landowner shall file a written request for the granting of a special exception along with all maps, plans and text which may be necessary to explain the development proposed and its conformance with the standards and criteria of this Ordinance with the Zoning Officer. Said request shall be accompanied by a fee specified by the Board of County Commissioners.
2. The Zoning Officer shall transmit the request and background data forthwith to the Zoning Hearing Board.
3. The Zoning Hearing Board shall schedule a public hearing with public notice within sixty (60) days of said request.
4. The Zoning Hearing Board shall render a written decision and inform the applicant of said decision within forty-five (45) days of the final hearing date unless, upon mutual consent of the Board and applicant, it is agreed to continue the proceedings.
5. The Zoning Hearing Board shall make its decision in accordance with Section 913 of Act 247, the Pennsylvania Municipalities Planning Code as amended.

**C. Appeal of the Zoning Officer's Decision**

1. Appeals arising from the Zoning Officer's decision on a specific provision of this Ordinance shall be handled in the same manner as a variance request.

D. When the landowner is notified of the decision of the Zoning Hearing Board granting a variance or special exception, the landowner must effectuate the Board's decision within six (6) months of said notification; otherwise, said notification becomes null and void and filing of a subsequent request for a variance or special exception will be necessitated.

**1105 TIME LIMITATIONS**

Any person aggrieved by the rendering of a decision by the Board of County Commissioners or County Zoning Officer shall have thirty (30) days in which to file an appeal or request for review with the County Zoning Hearing Board from the date of said decision.

**1106 APPEALS TO THE ZONING HEARING BOARD**

Appeals to the County Zoning Hearing Board may be made by any one person or by any County official or agency aggrieved or affected by any decision of the Zoning Officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board and Act 247 as amended, by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds thereof.



The Zoning Officer shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal shall state:

- A. The name and address of the owner or the appellant.
- B. The name and address of the owner of the real estate to be affected by such proposed change.
- C. A brief description and location of the real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the section of this Ordinance under which the variance or exception requested may be allowed and reasons why it should be granted.

Upon receiving an appeal, the Board shall fix a reasonable time and place for a public hearing thereon and shall give the notice as follows:

- A. By advertising at least one (1) week before the hearing, at least one (1) time in a newspaper of general circulation within the County.
- B. By mailing due notice of at least six (6) days prior to the date of the hearing to the parties of interest.
- C. By mailing due notice thereof to the County Commissioners, the County Planning Commission, the Zoning Officer, and such other persons who make timely requests for the notice.

### **1107 PUBLIC HEARING**

The County Zoning Hearing Board shall conduct a public hearing on such appeal at which hearing any party may appear in person or by agent or attorney, and all of said parties so affected shall be given an opportunity to be heard. All proceedings shall be conducted in accordance with Article IX of Act 247. Decisions or findings of the Board shall be rendered in accordance with Article IX of Act 247, as amended.

### **1108 APPEALS FROM THE BOARD RULINGS**

Any person aggrieved by any decision of the Zoning Hearing Board or any taxpayer may appeal to the County Court of Common Pleas under the procedure set forth in Article IX of Act 247, as amended.

### **1109 EFFECT OF BOARD'S DECISION**

If the variance is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within three (3) months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized; and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause the Board may, upon application in writing stating the reasons therefore, extend either the three (3) months or twelve (12) months period.

Should the appellant or applicant fail to obtain the necessary permits within said three (3) months period or having obtained the permit should he fail to commence work thereunder within such three (3) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.

Should the appellant or applicant commence construction or alteration within said three (3) months period, but should he fail to complete such construction or alteration within said twelve (12) month's period, the Board may upon ten (10) days notice in writing, rescind or revoke the granted variance, or the issuance of the permit or permits, or the other action authorized to the appellant or applicant, if the Board finds that a good cause appears for the failure to complete within such twelve (12) months period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescinding of the action is justified.

### **1110 SPECIAL EXCEPTIONS**

For any use permitted by special exception, a special exception must be obtained from the County Zoning Hearing Board. Unless otherwise specified or specifically extended by the County Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a zoning permit within six (6) months of the date of the authorization of the special exception.

### **1111 REFERRAL TO PLANNING COMMISSION**

Where the County Zoning Ordinance has stated special exceptions to be granted or denied by the County Zoning Hearing Board pursuant to the express standards and criteria, the County Zoning Hearing Board shall hear and decide request from such special exceptions in accordance with such standards and criteria. All applications for a special exception shall be referred to the County Planning Commission who shall make a study thereof and recommendation thereon to the Board within thirty (30) days from the date of the receipt of said application by the County Planning Commission.

### **1112 REFERRAL TO COUNTY ZONING HEARING BOARD**

The County Zoning Hearing Board may grant a special exception if the use meets all standards and criteria in this Ordinance and the following general provisions:

- A. Purpose - The purpose of the proposed use must be consistent with the County's community development objectives.
- B. Compatibility - The proposed use shall be in the best interest of properties in the general area.
- C. Suitability - The proposed use shall be suitable for the population served, frequency of use, adequacy of space, and amount of traffic generated.
- D. Serviceability - Assurance shall be made as to the adequacy and availability of utility services such as sanitary and storm sewers, water, trash and garbage collection and disposal.
- E. Accessibility - The proposed use shall provide adequate ingress and egress, interior

circulation of both pedestrians and vehicles.

- F. Water Supply - The applicant must establish that there is an adequate water supply in accordance with Section 5.10 of the Clinton County Subdivision and Land Development Ordinance.
- G. Drainage - The applicant must establish compliance with drainage requirements of Section 5.12 and Section 5.13 in the Clinton County Subdivision and Land Development Ordinance.
- H. Sewage - The applicant must establish that adequate provisions will be made to dispose of the sewerage consistent with the rules of the Pennsylvania DEP.
- I. In granting a special exception, the Zoning Hearing Board may attach other reasonable conditions and safeguards it deems necessary to meet the purposes of this Ordinance.

The applicant shall have the duty of presenting evidence supporting the required findings. The burden of persuasion shall be upon the applicant as to the requirements herein.

The County Zoning Hearing Board has the right to perform or have performed by a professional consultant relevant investigations or studies to assure the public safety, health and welfare, and require the costs to be borne by the applicant.

Parties before the County Zoning Hearing Board who object to the special exception application shall have the duty of presenting evidence on the general effect of a proposed special exception if the objecting parties desire the County Zoning Hearing Board to consider the following issues:

- A. That the grant of the special exception shall materially increase traffic congestion in the roads and highways, or cause or encourage commercial or industrial traffic to use residential streets, so as to pose a substantial threat to the health and safety of the community;
- B. That adequate water, sewage, storm drainage, fire and police protection and other public requirements cannot be provided for the use;
- C. That overcrowding of land or undue congestion of population will result;
- D. That the use of adjacent land and buildings will be discouraged and the value of the adjacent land and buildings will be impaired by the location, nature and height of buildings, walls and fences.
- E. That the proposed use will adversely affect the health, safety or welfare of the general public.

Parties before the County Zoning Hearing Board who object to the special exception application shall have the duty of presenting evidence on the general policy concerns arising from the proposed special exception if the objecting parties desire the Zoning Hearing Board to consider the following issues:

- A. That the location of the use, including location with respect to the existing or future streets giving access to it, is not in harmony with the orderly and appropriate development of the zoning district in which the use is to be located;
- B. That the nature and intensity of the operations involved are not in harmony with the orderly

and appropriate development of the zone in which the use is to be located;

- C. That the overall effect thereof shall not be in harmony with the County Comprehensive Plan.

Mere allegations by objecting parties of an adverse impact on general policy concerns shall not be considered evidence. Objecting parties desiring findings to be made on any of the matters set forth in this subsection must present into evidence facts which support a finding of an adverse impact on general policy concerns. Upon presentation of such evidence by objecting parties, the applicant shall have the opportunity to present rebutting evidence on these issues. In the event that the objecting parties have properly raised any issue under this subsection, the burden of persuasion shall be upon the objecting party.

The County Zoning Hearing Board shall make findings in writing within the time period allowed under the applicable provisions of the Pennsylvania Municipalities Planning Code and this Ordinance.

### **1113 CONDITIONS FOR GRANTING A SPECIAL EXCEPTION**

In granting a special exception, the County Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, considered necessary to implement the purposes of this Ordinance, including conditions which are more restrictive than those established for other uses in the same district and may require among others and where appropriate the following:

- A. Interior drives and an automobile parking arrangement that prevents blockage of vehicles entering or leaving the site and minimal conflicts between pedestrian/ vehicular and vehicular/vehicular points of intersection or contact and/or landscape barriers.
- B. Areas for loading and unloading delivery trucks and other vehicles and for the servicing of shops by refuse collection, fuel and other service vehicles and shall be so arranged that they may be used without blockage or interference with the use of accessway of automobile parking facilities.
- C. Screened storage of any proposed outside materials and screened separation between mixed uses in conformance with this Ordinance.
- D. Landscaping of any part or portion of the site which is not used for building, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas to:
  - 1. Restrict blowing trash;
  - 2. Retain and absorb surface water runoff;
  - 3. Deter improper and unsafe access to the site by the public.
- E. Any proposed display of signs which does not constitute a hazard to public safety by reason of location, content, coloring, or manner of illumination or by any other display method so as to obstruct or detract vision at drive or free ingress and egress from a site, window, fire escape or door.
- F. Adequate easements or rights-of-way for drainage and utilities.

- G. Positive drainage away from the buildings and proper surface water drainage so as to prevent ponding or the erosion and flooding of abutting properties and street.
- H. Appropriate stormwater and soil erosion and sedimentation measures must be taken.
- I. Protection and mitigation measures to assure the integrity of individual or public water systems.

#### **1114 REQUIREMENTS FOR SUBDIVISION AND LAND DEVELOPMENT APPROVAL**

Within six (6) months of receiving special exception approval from the Clinton County Zoning Hearing Board, the landowner, where required to do so, shall apply for land development plan approval as stipulated in the Clinton County Subdivision and Land Development Ordinance.

**PART 12**  
**RESPONSIBILITIES OF THE COUNTY COMMISSIONERS:**  
**AMENDMENTS**

**1201 RESPONSIBILITIES OF THE BOARD OF COUNTY COMMISSIONERS**

The County Commissioners may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change or repeal this Ordinance including the Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Planning Commission for its recommendations and shall be specifically found by the County Commissioners to be in accordance with the spirit and intent of the formally adopted portions of the County Comprehensive Plan before final action is taken.

- A. When an amendment, supplement, change or repeal is initiated by the County Planning Commission, the proposal shall be presented to the County Commissioners who shall then proceed in the same manner as with a petition to the County Commissioners which has already been reviewed by the Planning Commission.
- B. When an amendment, supplement, change or repeal is initiated by the County Commissioners, it shall submit the proposal to the County Planning Commission for review and recommendations.
- C. A petition for an amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the Zoning Officer and shall be signed by at least one record owner of the property in question, whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition.

**1202 REFERRAL TO COUNTY PLANNING COMMISSION**

After receipt of the petition by the County, said petition shall be presented to the County Planning Commission, for review and recommendations for at least forty (45) days prior to the public hearing. A report of said review, together with any recommendations shall be given to the County Commissioners in writing within forty-five (45) days from the date of said referral. If the County Planning Commission shall fail to file such a report within the time and manner specified, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement, change or repeal.

**1203 PUBLIC HEARING**

The County Commissioners shall fix a time and place for a public hearing on the proposed amendment and shall public notice of the hearing in the manner prescribed by Act 247, as amended.

At the time and place specified, the County Commissioners shall conduct a hearing on said petition to amend, supplement, change or repeal the Zoning Ordinance or Zoning Map, and shall thereafter within a period of ninety (90) days either reject the proposed change or enact an ordinance implementing the proposed change.

**1204 AUTHENTICATION OF OFFICIAL ZONING MAP**

Whenever there has been a change in the boundary of a Zoning District or the reclassification of the Zoning District adopted in accordance with the above, the change on the official map shall be made, and shall be duly certified by the County and shall thereafter be refiled as part of the permanent

records of the County.

### **1205 AMENDMENTS**

The Board of Commissioners by Ordinance, may, upon recommendation of the County Planning Commission, or upon petition and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, District boundaries or classifications of property established by this Ordinance.

### **1206 CITIZEN REQUEST FOR AMENDMENT TO TEXT OR MAP**

Requests for changes in the County Zoning Ordinance may be made by owners of land zoned by the County or by their authorized agents and shall be filed with the County Zoning Officer on forms prescribed by him/her. Applications shall contain all information necessary to assure a full and accurate presentation of facts including:

1. The applicant's name and address and that of his representative, and the interest of every person represented in the application.
2. Verification by at least one of the owners attesting to the truth and correctness of facts and information presented.
3. A plan showing the extent of the area to be rezoned, if this be the nature of the request, and showing the streets bounding the area, the use and zone classification of abutting districts, and the names and addresses of property owners of land within two hundred (200) feet of the area.
4. A statement of the circumstances in the proposed and abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.

The Zoning Officer shall review the application to determine whether it conforms with the requirements listed above. If satisfactory, the Zoning Officer shall immediately submit the application to the Planning Commission for review and approval. Upon approval, it shall be submitted to the Board of Commissioners, who shall follow the procedures enumerated in Section 1208.

### **1207 PLANNING COMMISSION REQUESTS FOR AMENDMENT TO TEXT OR MAP**

Amendments to the Zoning Ordinance text or map may be initiated by the Planning Commission according to procedures enumerated in Section 1104 submitted to the Board of Commissioners, who shall follow the procedures described in Section 1208.

### **1208 PROCEDURES OF THE BOARD OF COMMISSIONERS**

The Clinton County Board of Commissioners shall adhere to the following procedures when amending the Zoning Ordinance:

#### **A. Preparation of Amendments**

The Board of Commissioners may request the Planning Commission to prepare amendments to the Zoning Ordinance using the same procedure set forth in Act 247, the Pennsylvania Municipalities Planning Code as amended.

#### **B. Referral to the County Planning Commission**

For any amendment not prepared by the Planning Commission, the Board of Commissioners shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the public hearing on such proposed amendment to afford the Planning Commission an opportunity to submit recommendations.

#### C. Public Hearing

After receiving requests for amending the Zoning Ordinance and after receiving the recommendations of the Planning Commission, the Board of Commissioners shall hold a public hearing and cause notice to be given in the manner prescribed in Section 1212.

#### D. Revision of Amendment

If, after the public hearing held upon the amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Board of Commissioners shall hold another public hearing in the manner prescribed in Section 1107 before proceeding to vote on the amendment.

#### E. Voting on Amendment

The Board of Commissioners shall consider the recommendations of the Planning Commission and testimony presented at the public hearing. The Board of Commissioners shall vote on the proposed amendment within ninety (90) days of the last public hearing.

#### F. Notice of Decision

The applicant and others so requesting shall receive notice of the decision of the Board of Commissioners through the Zoning Officer.

### **1209 PROCEDURES OF THE PLANNING COMMISSION**

The Planning Commission shall follow the procedures set forth below for amending the Zoning Ordinance:

#### A. Preparation of Amendments

At the request of the Board of Commissioners, or on its own initiative, the Planning Commission:

1. Shall prepare the text and map of the proposed zoning amendments as well as make any necessary studies.
2. May hold a public meeting or meetings pursuant to public notice.
3. Shall present to the Board of Commissioners the proposed zoning amendment, with recommendations and explanatory materials.

#### B. Review of Amendments

In the case of an amendment other than that prepared by the Planning Commission, the Commission shall review each such amendment submitted to it by the Board of Commissioners. It shall consider whether or not such proposed amendment would be consistent with and desirable in the furtherance of the community development objectives on



which the Zoning Ordinance is based. The Planning Commission shall submit its recommendations prior to the public hearing scheduled by the Board of Commissioners.

## **1210 PROCEDURES UPON CURATIVE AMENDMENTS**

A landowner who desires to challenge on substantive grounds the validity of the Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Commissioners with a written request that his challenge and proposed amendment be heard and decided as provided for in Section 1206.

The Board of Commissioners shall commence a public hearing thereon within sixty (60) days of the request as provided in Section 1212.

The curative amendment shall be referred to the Planning Commission and notice of public hearing thereon shall be given. The public hearing shall be conducted similarly as those conducted by the Zoning Hearing Board, except that all references therein to the Zoning Hearing Board shall, for the purpose of curative amendments, be references to the Board of Commissioners.

## **1211 PROCEDURES UPON MUNICIPAL CURATIVE AMENDMENTS**

- A. The Clinton County Board of Commissioners, by formal action, may declare its Zoning Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Commissioners shall:
  1. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
    - a. References to specific uses which are either not permitted or not permitted in sufficient quantity.
    - b. Reference to a class of use or uses which require revision.
    - c. Reference to the entire ordinance which requires revisions.
  2. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Commissioners shall enact a curative amendment to, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Part 12 to cure the declared invalidity of the Zoning Ordinance.
- C. Upon the initiation of the procedures, the Board of Commissioners shall not be required to entertain or consider any landowner's curative amendment filed under Section 1206 nor shall the Zoning Hearing Board be required to give a report, subsequent to the declaration and proposal based upon grounds which are identical to or substantially similar to those specified in the resolution.
- D. Upon completion of the procedures as set forth, above, no rights to a cure pursuant to the provisions of Section 1210 and 1211 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.

- E. The Board of Commissioners having utilized the procedures as set forth above, may not utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Zoning Ordinance, provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the County by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Board of Commissioners may utilize the provisions of this Section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

## **1212 PUBLIC HEARINGS**

Before voting on the enactment of an amendment, the Board of Commissioners shall hold a public hearing thereon pursuant to public notice as follows:

- A. Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the County where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing; and
- B. A public notice of a proposed zoning ordinance or amendment shall be published once each week for two (2) successive weeks, the first notice to appear not less than fourteen (14) days nor more than thirty (30) days before the date fixed for the hearing, in a newspaper of general circulation in the County.

## **1213 PUBLICATION AND AVAILABILITY BEFORE ENACTMENT**

Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section.

The vote on the enactment of zoning ordinances and amendments by the Board of Commissioners shall be within ninety (90) days after last public hearing.

- A. Public Notice shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
- B. The proposed ordinance or amendment shall be published once in a newspaper of general circulation not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - 1. A copy shall be supplied to the newspaper of general circulation at the time the public notice is published.
  - 2. An attested copy of the proposed ordinance shall be filed in the County Planning Commission.
- C. In the event substantial changes are made in the proposed ordinance or amendment, before voting upon enactment, the governing body shall, at least ten (10) days prior to enactment, re-advertise the changes in a brief summary.

## **1214 DISTRIBUTION AFTER ENACTMENT**

Within thirty (30) days after enactment, a copy of the Zoning Ordinance or Amendment shall be forwarded to the County Planning Commission.

## **PART 13 ADMINISTRATION AND ENFORCEMENT**

### **1301 THE ZONING OFFICER**

The provisions of the County Zoning Ordinance shall be enforced by an agent to be appointed by the County Commissioners who shall be known as the County Zoning Officer.

The County Zoning Officer shall have all the duties and powers conferred by the County Zoning Ordinance in addition to those reasonably implied for that purpose. He/She shall not issue a zoning permit in connection with any contemplated erection, construction, alterations, repair, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms with the requirements of this Zoning Ordinance, with all other ordinances of the County, and with the laws of the Commonwealth of Pennsylvania. He/She shall:

- A. Receive and process applications, and issue zoning permits for the erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign, and/or land designated in this Ordinance.
- B. At his/her discretion examine, or cause to be examined, all buildings, structures, signs, and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and/or use before issuing any permit. Thereafter, he/she may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign and/or change, a final inspection shall be made and all violations of the approved plans or zoning permit shall be noted and the holder of the zoning permit shall be notified of the discrepancies.
- C. Keep a record of all applications received, all zoning permits issued, reports of inspections, notices, and orders issued, and the complete recording of all pertinent factors involved.

### **1302 ZONING PERMITS**

It shall be unlawful to commence the excavation for or the construction or alteration of any buildings, until the County Zoning Officer has issued a zoning permit for such work. No zoning permit shall be required for construction or alterations when the fair market value of the work is less than one thousand dollars (\$1,000.00). No zoning permit shall be required for repairs to or maintenance of any building, structure or grounds provided such repairs do not change the use or otherwise violate the provisions of this Ordinance.

### **1303 CERTIFICATE OF COMPLIANCE**

It is unlawful to commence a use or occupy a newly constructed structure until the County Zoning Officer has issued a Certificate of Compliance. Prior to the issuance of a Certificate of Compliance, the County Zoning Officer will conduct a final inspection to assure compliance with the approved plan or permit. No Certificate of Compliance will be issued until all applicable provisions of the Ordinance are met.

### **1304 FORM OF APPLICATION**

Application for a zoning permit shall be made by the owners or lessees of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization of the owner or the qualified person making an application, that the proposed work is authorized by the owner. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

The application shall contain a general description of the proposed work, use and occupancy of all parts of the building, structure, or sign and such additional information as may be required by the Zoning Officer. The application for the zoning permit shall be accompanied by a plot plan of the proposed building, structure, or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing construction, and the distances of the same from the existing lot lines.

### **1305 ISSUANCE OF ZONING PERMITS**

Upon receiving the application, the Zoning Officer shall examine it within five days after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject the application in writing, stating the reasons for rejection. He shall inform the applicant of his right to appeal to the County Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the County Zoning Ordinance and all laws and ordinances applicable thereto, a zoning permit shall be issued.

### **1306 EXPIRATION OF ZONING PERMIT**

The zoning permit shall expire one (1) year from the date of issuance; provided, however, that the permit may be extended by the County Zoning Officer every six months for a period not to exceed an additional one (1) year.

### **1307 REVOCATION OF PERMIT**

The County Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance

### **1308 FEES**

No zoning permit to begin work for any activity covered by this Ordinance shall be issued until the fees, in accordance with the schedule of fees set by resolution of the County Commissioners, shall be paid to the County Zoning Officer. Such fees may be amended hereafter by subsequent resolution of the Commissioners. The payment of fees under this section shall not relieve the applicant or holder of the zoning permit from payment of other fees that may be required by this Ordinance, or any other ordinance or law.

### **1309 COMPLIANCE WITH ORDINANCE**

The zoning permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of this Zoning Ordinance, except as

stipulated by the County Zoning Hearing Board.

### **1310 COMPLIANCE WITH PERMIT AND PLOT PLAN**

All work or uses shall conform to the approved application and plans for which the zoning permit has been issued as well as the approved plot plan.

### **1311 ENFORCEMENT, PENALTY AND REMEDY**

The construction, erection, replacement, alteration, repair, extension, replacement and/or use of any structure, building, sign, and/or land or the change of use, area of use, percentage of use or extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a zoning permit, are hereby declared to be violations of this Zoning Ordinance.

The County Zoning Officer shall serve a written notice of violation or order on the person responsible for the violation and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. However, in no case shall the person so served abandon the premises in such a condition so as to create a hazard or menace to the public safety, health or welfare.

If the notice of violation is not complied with within a period of five (5) days, the County Zoning Officer shall institute any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign and/or land in violation of the provisions of this Zoning Ordinance.

For any and every violation of the provisions of this Ordinance, the owner, lessee, general agent, contractor of a building or land where such violation has been committed or shall exist, and the owner, lessee, general agent, contractor or any person, including the officers of a corporation, who commits, takes part in or assists in any such violation, shall upon being found liable therefor in a civil enforcement proceeding, before a District Judge of the County having jurisdiction, pay a judgment of not more than five hundred dollars (\$500.00), plus court costs. Each day's continuance of the offense shall constitute a new offense.

All fines and penalties imposed by this Ordinance shall be recoverable by summary proceedings before a District Judge of the County having jurisdiction, and all fines and penalties so recovered shall be paid to the County for the general use of the County.

The imposition of the penalties herein prescribed shall not preclude the County Solicitor from instituting appropriate action to prevent unlawful erection or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy of any structure, building, sign, land and/or premises or to stop an illegal act, conduct, business, use or occupancy of a structure, building, sign and/or land in or about any premises.

### **1312 ENFORCEMENT NOTICE**

- A. If it appears to the County that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the County shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement

notices regarding that parcel, any to any other person requested in writing by the owner of record.

- C. An enforcement notice shall state at least the following:
  - 1. The name of the owner of record and any other person against whom the County intends to take action.
  - 2. The location of the property in violation.
  - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
  - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - 5. That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
  - 6. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.
  
- D. In any appeal of an enforcement notice to the zoning hearing board the County shall have the responsibility of presenting its evidence first.
  
- E. Any filing fees paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the County if the zoning hearing board, or any court in a subsequent appeal, rules in the appealing party's favor.

**PART 14**  
**MISCELLANEOUS PROVISIONS AND ENACTMENT**

**1401 INTERPRETATION, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the County. The Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the County, provided that where this Ordinance imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinance, the provisions of this Ordinance shall control, except as may be provided otherwise by such rule, regulation, or ordinance.

**1402 REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, including the Clinton County Zoning Ordinance (enacted 1994) and all amendments subsequently made thereto. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

**1403 SEVERABILITY AND VALIDITY**

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the County Commissioners, that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

**1404 ENACTMENT AND EFFECTIVE DATE**

ENACTED AND ORDAINED into an Ordinance on the 25th day of  
August, 2016, by the Board of Commissioners, Clinton County, Pennsylvania.

**CLINTON COUNTY BOARD OF COMMISSIONERS**

**Robert B. Smeltz, Jr., Chairman**

  
\_\_\_\_\_

**Jeffrey A. Snyder, Vice Chairman**

  
\_\_\_\_\_

**Paul Conklin, Commissioner**

  
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PAGES 145-152 ZONING MAPS  
POSTED SEPARATELY

## APPENDIX A TABLE OF USES

This quick reference table is not meant to be all inclusive. For a complete listing of uses allowed for each zoning district, see Part 4, District Regulations.

RC Rural Center District  
R Residential District  
RF Rural Forest District  
I Industrial District  
A Agricultural District  
WC Woodland Conservation District  
CS Countryside District  
P Permitted Use  
SE Special Exception Use

USES	DISTRICTS						
	RC	R	RF	I	A	WC	CS
<u>Residential</u>							
Bed and breakfast establishments	P	P	P	-	P	P	P
Conversion apartments	SE	P	-	-	-	-	-
Family daycare homes	SE	SE	SE	-	P	P	P
Mobile homes on individual lots	P	P	P	-	P	P	P
Mobile home parks	SE	-	SE	-	SE	-	-
Single-family detached dwellings	P	P	P	-	P	P	P
Single-family attached (townhouses)	SE	SE	-	-	-	-	-
Two-family dwellings; i.e. duplexes	P	P	P	-	P	-	-
<u>Institutional</u>							
Animal hospitals	SE	-	SE	-	SE	-	-
Cemeteries	SE	SE	SE	-	SE	-	-
Churches or places of worship	P	P	SE	-	SE	-	-
Clubs or fraternal org. facilities	SE	-	SE	-	SE	-	-
Day care centers or nursery schools	SE	SE	SE	-	SE	-	-
Government or municipal buildings	P	P	-	-	P	-	-
Group day care homes	P	P	-	-	P	-	-
Institutional residences (group homes)	SE	SE	SE	-	-	-	-
Medical or dental offices or clinics	P	SE	SE	-	SE	-	-
Nursing homes	P	SE	-	-	-	-	-
Personal care centers	P	SE	-	-	-	-	-
Personal care homes	P	SE	-	-	-	-	-
Schools, public or private	SE	SE	-	-	SE	-	-
Utility supply facilities	SE	SE	SE	SE	SE	-	-
Veterinary offices or clinics	SE	-	-	-	SE	-	-

**USES**

**DISTRICTS**

	<b>RC</b>	<b>R</b>	<b>RF</b>	<b>I</b>	<b>A</b>	<b>WC</b>	<b>CS</b>
<u>Commercial</u>							
Adult entertainment establishments	-	-	-	SE	-	-	-
Agri-business	-	-	SE	-	P	-	-
Automotive sales facilities	SE	-	-	-	-	-	-
Auto service stations/repair garages	SE	-	-	P	-	-	-
Banks or financial institutions	P	-	-	-	-	-	-
Bars or taverns	P	-	-	-	-	-	-
Business or professional offices	P	SE	SE	-	SE	-	-
Car washes	SE	-	-	P	-	-	-
Communications structures	P	P	P	P	P	P	P
Funeral homes or mortuaries	P	-	-	P	-	-	-
Grocery stores or convenience markets	P	-	SE	-	SE	-	-
Kennels	SE	-	SE	-	SE	-	-
Lodging facilities, commercial	P	-	-	-	-	-	-
Lumber yards	P	-	SE	P	-	-	-
Personal service businesses	P	P	P	-	-	-	-
Personal storage warehouses	P	-	-	P	-	-	-
Restaurants	P	-	SE	-	SE	-	-
Retail business establishments	P	-	SE	-	SE	-	-
Roadside stands/garden shops	P	-	-	-	P	-	-
Sawmills	-	-	SE	SE	SE	-	-
Shopping centers, rural retail	P	-	SE	-	SE	-	-
<u>Industrial</u>							
Contractor's shops and yards	-	-	-	P	SE	-	-
Junk yards or auto salvage operations	-	-	-	SE	-	-	-
Machine shops	P	-	-	P	-	-	-
Mining < 10,000 tons/year	-	-	P	P	P	SE	SE
Mining > 10,000 tons/year	-	-	-	SE	SE	-	-
Oil and gas operations	-	-	P	P	P	P	P
<u>Agricultural</u>							
Animal husbandry, commercial	-	-	-	-	P	P	P
Raising of livestock or poultry	-	-	P	-	P	P	P
Concentrated animal operations	-	-	-	-	SE	-	-
Forestry or forest management	P	P	P	P	P	P	P
Horticultural activities	P	-	P	-	P	P	P
Land cultivation	-	-	P	-	P	P	P
Orchards	P	-	P	-	P	P	P
Plant nurseries or greenhouses	P	-	P	-	P	P	P
Stables or riding academies	-	-	SE	-	SE	-	-

**USES**

**DISTRICTS**

	<b>RC</b>	<b>R</b>	<b>RF</b>	<b>I</b>	<b>A</b>	<b>WC</b>	<b>CS</b>
<u>Recreational</u>							
Athletic field recreational uses	P	P	P	-	SE	-	-
Campgrounds or RV Parks	-	-	-	-	SE	SE	SE
Outdoor commercial recreation uses	SE	-	-	-	-	SE	SE
Parks or playgrounds	P	P	P	-	-	-	-
Seasonal dwellings	-	-	-	-	P	P	P
Wildlife or nature preserves	-	-	-	-	-	P	P
Planned seasonal developments	-	-	-	-	-	SE	-
<u>Accessory</u>							
Accessory residential uses	P	P	P	-	P	P	P
Accessory warehousing or storage	-	-	-	P	P	-	-
Bldg-mounted or co-located antennas	P	P	P	P	P	P	P
Essential services	P	P	P	P	P	P	P
Family day care homes	P	P	P	-	P	P	P
Farm-related businesses	-	-	P	-	P	SE	SE
Home occupations	P	P	P	-	P	P	P
Incidental uses and structures	P	P	P	P	P	P	P
No-impact home-based businesses	P	P	P	-	P	P	P
Off-street parking and loading	P	P	P	P	P	P	P
Personal wind energy facilities	P	P	P	-	P	P	P
Roadside stands (temporary)	P	P	P	-	P	-	-
Signs	P	P	P	P	P	-	-
Swimming pools	P	P	P	-	P	-	P

## APPENDIX B

### TABLE OF GENERAL DIMENSIONAL REQUIREMENTS

(See also “Lot, Yard and Open Space Requirements” in Part 4 for each zoning district, and  
“Supplementary Use Regulations” in Part 5 for dimensional standards for specific uses.)

<b>Zone</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width<sup>1</sup></b>	<b>Minimum Front Yard Setback<sup>2</sup></b>	<b>Minimum Side Yard Setback: Principal Structure/Accessory Structure</b>	<b>Minimum Rear Yard Setback: Principal Structure/Accessory Structure</b>	<b>Maximum Height: Principal Structure/Accessory Structure</b>	<b>Maximum Building Coverage</b>
RC	1 acre = 43,560 sq ft (SF)	100 ft	20 ft	10/10 ft	20/10 ft	35/25 ft	20%
R	<u>On-lot septic and water:</u> 1 acre (SF) <u>Public sewer and/or water:</u> 20,000 sq ft (SF)	150 ft 100 ft	25 ft 25 ft	15/10 ft 10/10 ft	20/10 ft 20/10 ft	35/20 ft 35/20 ft	35% 35%
RF	1 acre (SF)	150 ft	35 ft	15/8 ft	25/8 ft	35/25 ft	35%
I	See Section 405						
A	1 acre (SF)	150 ft	35 ft	15/10 ft	25/10 ft	35/25 ft	35%
WC	10 acres (SF)	150 ft	30 ft	25/20 ft	30/20 ft	35/25 ft	20%
CS	5 acres (SF)	150 ft	30 ft	25/20 ft	30/20 ft	35/25 ft	20%

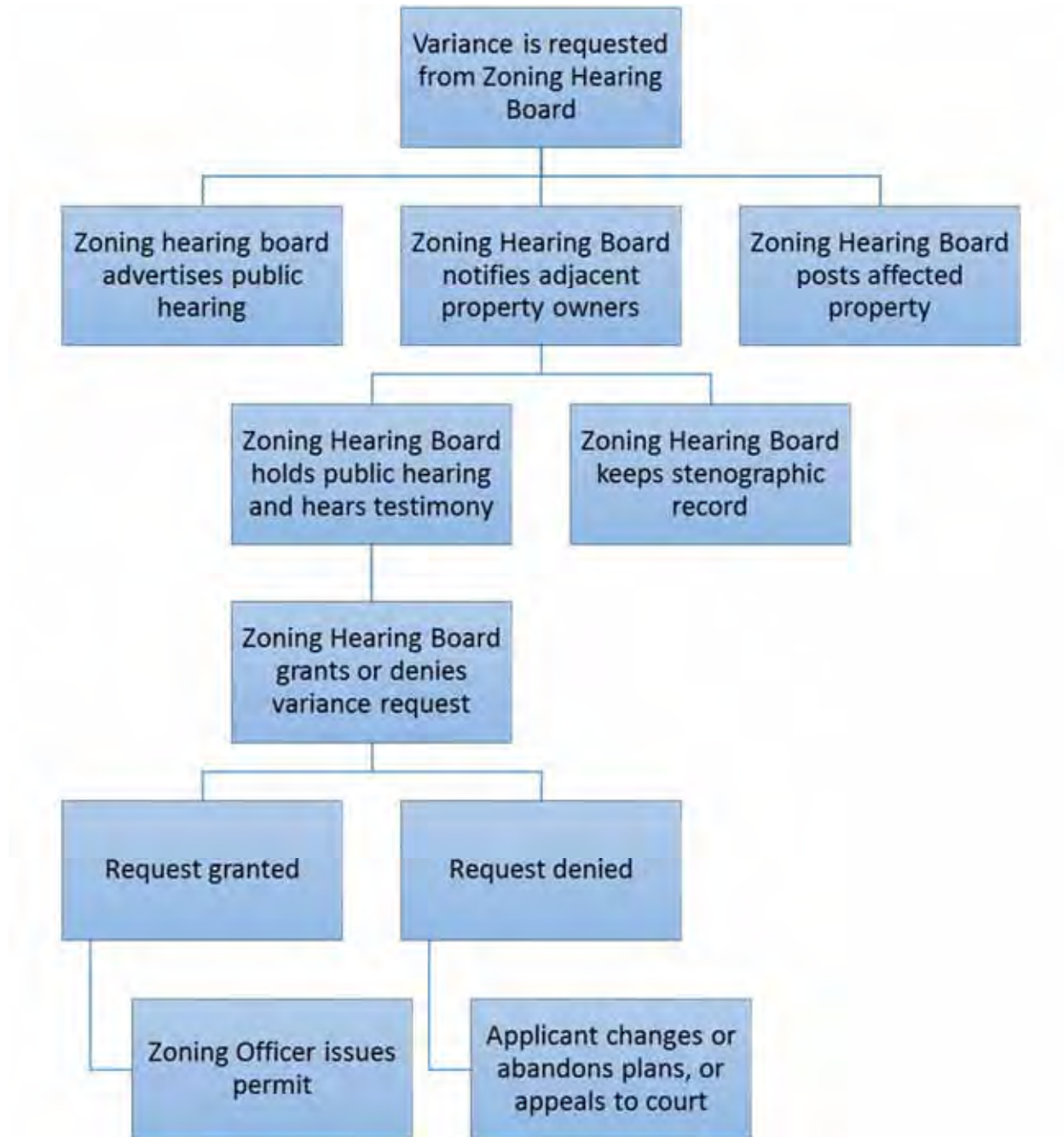
SF = single family

<sup>1</sup> Measured at minimum building setback line.

<sup>2</sup> Measured from edge of street right-of-way.

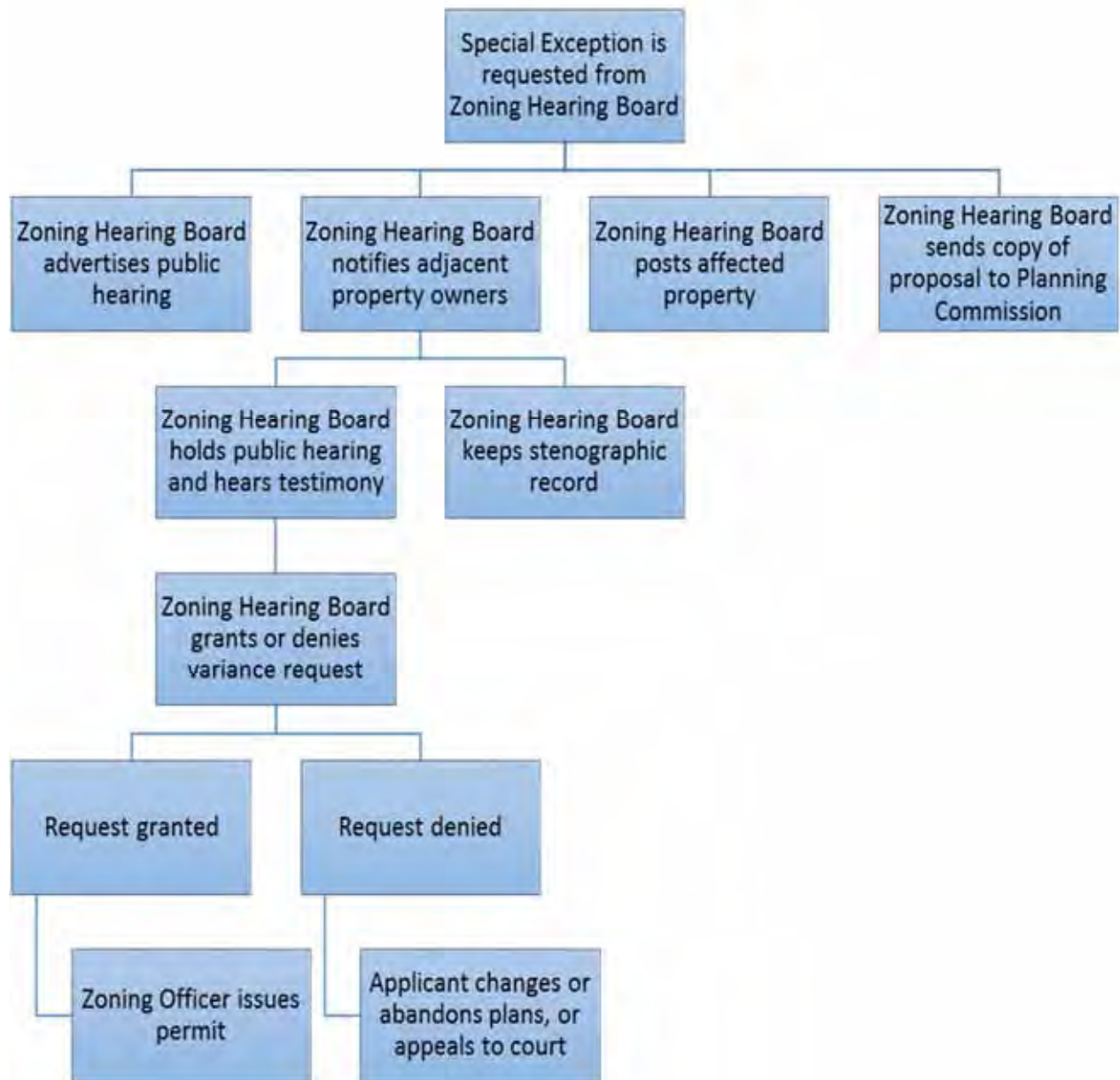
## APPENDIX C VARIANCE PROCEDURE

When a zoning permit application is submitted, the Zoning Officer determines that the proposal either conforms or does not conform to the Ordinance. If it conforms, a permit will be issued. If it does not conform, the applicant may make design changes and resubmit to obtain a permit, or request a variance.

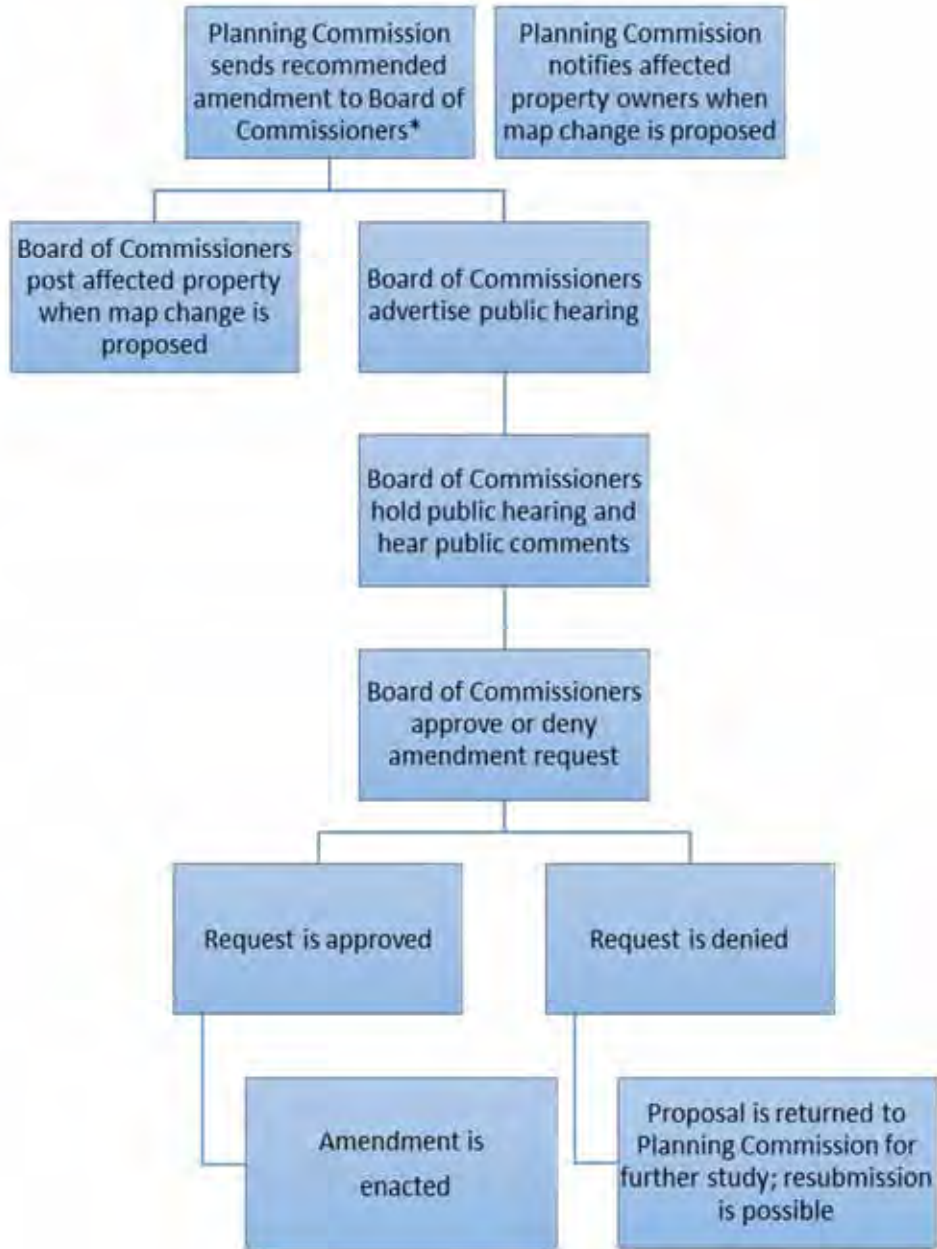


## APPENDIX D SPECIAL EXCEPTION PROCEDURE

When a zoning permit application is submitted, the Zoning Officer determines that the proposal either conforms or does not conform to the Ordinance. If it conforms, a permit will be issued. If the Zoning Officer determines the proposal requires Special Exception Authorization, the applicant may request a Special Exception.



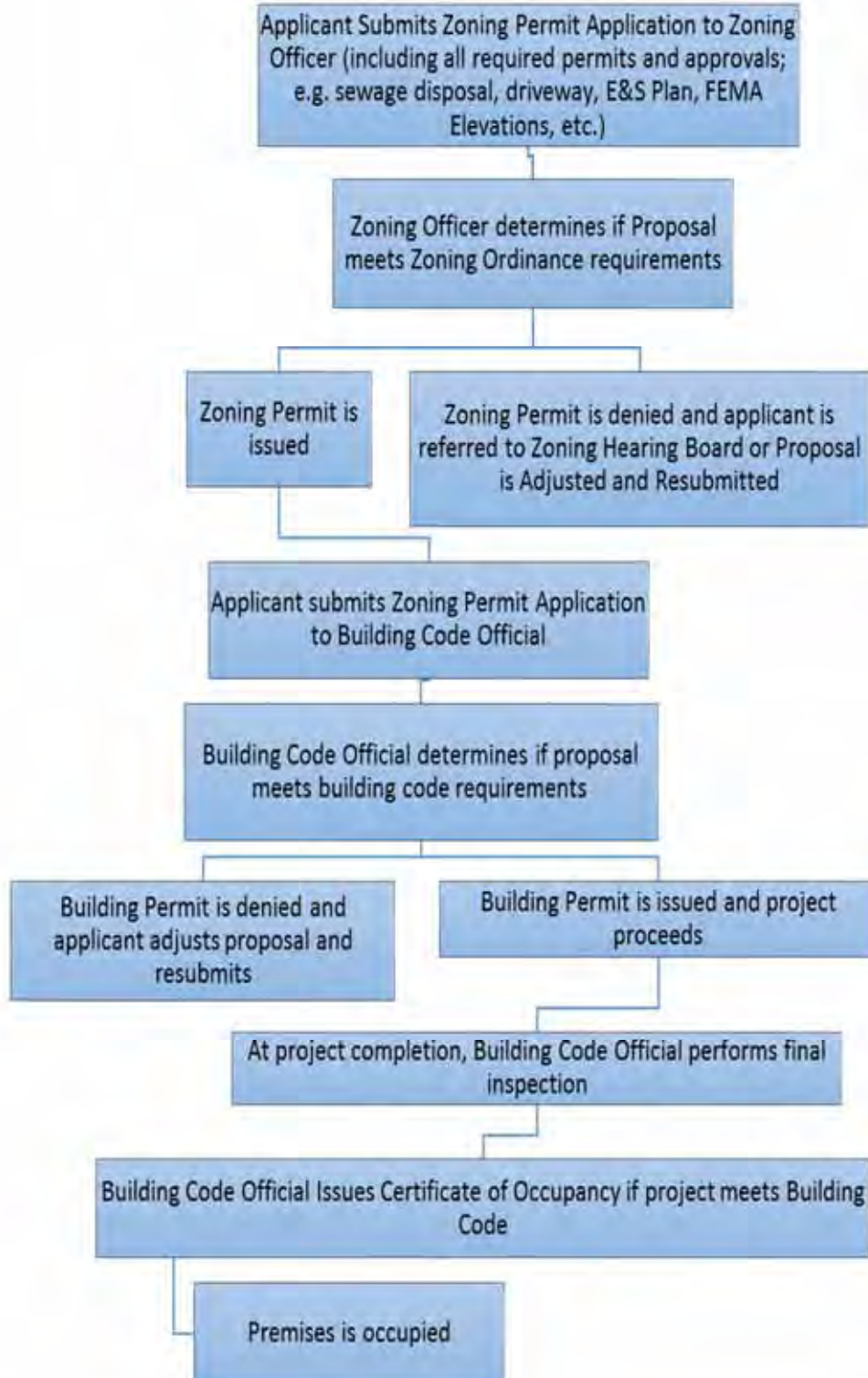
## APPENDIX E PROCEDURE FOR AMENDING THE ZONING ORDINANCE OR MAP



\*If the amendment is prepared by a party other than the Planning Commission, then the Board of Commissioners must send the proposal to the Planning Commission for their review and recommendation at least 30 days prior to the public hearing.



**APPENDIX F  
GENERAL PROCEDURE FOR ZONING PERMIT APPLICATIONS**



## Ordinance No. 2 of 2017

### AN ORDINANCE AMENDING SECTION 302 A, SECTION 403, AND APPENDIX A OF THE 2016 CLINTON COUNTY ZONING ORDINANCE

WHEREAS, it has come to the attention of the Clinton County Commissioners that certain sections of the 2016 Clinton County Zoning Ordinance (the “Ordinance”) may be interpreted as being inconsistent with the Agricultural Communities and Rural Environment (ACRE) Law, 3 Pa. C.S.A. § 101 *et seq.*;

WHEREAS, Part 3, Section 302(A) of the Ordinance contains provisions that may be interpreted as being inconsistent with ACRE;

WHEREAS, Part 4, Section 403 contains provisions that may be interpreted as being inconsistent with ACRE; and

WHEREAS, Appendix A, Table of Uses contains allowable uses that may be interpreted as being inconsistent with ACRE; and

WHEREAS, the Clinton County Commissioners desire to amend the Ordinance so as to remove all uncertainty and to ensure consistency of the Ordinance with ACRE;

NOW, THEREFORE BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Commissioners of Clinton County, Pennsylvania, to amend the 2016 Clinton County Zoning Ordinance as follows:

**Section 1.** Part 3, Designation of Zoning Districts, Section 302(A), RC Rural Center District. is hereby amended to delete the words “or agricultural,” “Tylersville,” and “Caldwell,” from the first paragraph, such that it shall now read as follows:

A. RC Rural Center District

The intent of this district is to set aside areas which can support the logical growth and co-existence of low density residential and rural or commercial type service uses in small “cross-roads” markets, such as Westport or Haneyville. Density requirements in this zone are intended to assure that new development will be consistent with the maintenance of a rural village atmosphere. This district is not currently served by municipal sewer or water systems, nor is it anticipated that such services will be available in the future.

This district will accommodate retail and wholesale business activities serving both local residents and a broader regional market. The regulations governing this district permit shopping, service and other commercial activities, but require adequate off-street parking and loading areas, and appropriate buffer yards or screening to be provided. Regulations also require that developers make all necessary arrangements with PennDOT or local officials to safely accommodate the anticipated levels of traffic entering or exiting their sites, thereby assuring the safe and efficient movement of people and goods.


**Section 2.** Part 4, District Regulations, Section 403 is amended to delete the following permitted uses: Horticultural activities, including plant nurseries, greenhouses, and/or orchards.

**Section 3.** Appendix A, Table of Uses is amended to delete the following as permitted uses in the RC District: Horticultural activities; Orchards; Plant nurseries or greenhouses.

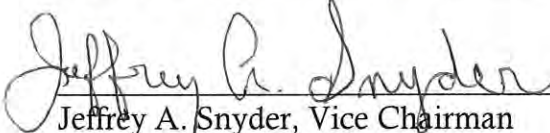
ENACTED this 23rd day of February, 2017.

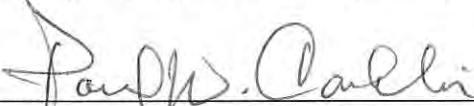
**Attest:**

**Clinton County Board of Commissioners**

  
Jann R. Meyers, Chief Clerk

  
Robert B. "Pete" Smeltz, Chairman

  
Jeffrey A. Snyder, Vice Chairman

  
Paul W. Conklin, Commissioner

ORDINANCE NO. 2 of 2019

**AN ORDINANCE AMENDING SECTION 535 OF THE 2016 CLINTON COUNTY ZONING ORDINANCE TO REDUCE THE MINIMUM LOT SIZE FOR CEMETERIES AND ADD A PROVISION TO PROTECT WATER SUPPLY**

WHEREAS, the Clinton County Commissioners desire to amend the 2016 Clinton County Zoning Ordinance so as to reduce the minimum lot size for cemeteries and to add a provision to protect water supply.

NOW, THEREFORE BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Commissioners of Clinton County, Pennsylvania, to amend the 2016 Clinton County Zoning Ordinance as follows:

**Section 1.** Part 5, Supplementary Use Regulation, Section 535 is hereby amended to be as follows:

**535 CEMETERIES**

Within the A, RF, RC and R Districts, cemeteries, including mausoleums, are permitted by special exception, subject to the following conditions:

- A. The minimum lot area shall be two (2) acres.
- B. The cemetery association, or operators, must provide assurances that water supplies of properties surrounding the cemetery will not be contaminated by burial activity. The minimum distance between drinking water supply and the cemetery boundary shall be one-hundred (100) feet.
- C. Burial plots or facilities shall not be permitted in flood plain areas.


**Section 2.** This Ordinance shall become effective as provided by law.

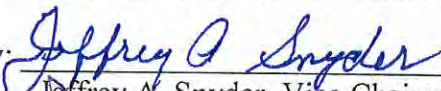
ENACTED this 18th day of April, 2019.

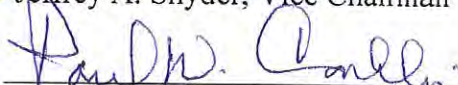
ATTEST:

  
Jann R. Meyers, Chief Clerk

CLINTON COUNTY BOARD OF COMMISSIONERS

By:   
Robert B. "Pete" Smeltz, Chairman

By:   
Jeffrey A. Snyder, Vice Chairman

By:   
Paul W. Conklin, Commissioner

## Ordinance No.   1   of 2021

### AN ORDINANCE AMENDING PARTS 2, 4, 6, AND APPENDIX A OF THE 2016 CLINTON COUNTY ZONING ORDINANCE

WHEREAS; The Clinton County Commissioners (“Commissioners”) desire to amend the Ordinance so as to provide definitions and provisions for utility scale and accessory scale solar power generating equipment and installations; and

WHEREAS; The Clinton County Planning Commission has undertaken a thorough study and forwarded its recommended definitions and provisions to the Commissioners; and

WHEREAS, the recommended amendments have been forwarded to all seven covered municipalities for review and comment, and all seven have submitted or waived their review comments, and their comments have been considered and incorporated; and

WHEREAS, the recommended amendments affect Parts 2, 4, 6, and Appendix A; and

NOW, THEREFORE BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Commissioners of Clinton County, Pennsylvania, to amend the 2016 Clinton County Zoning Ordinance as follows:

**Section 1.** Part 2, Section 202, Definitions, is amended to add the following definitions:

**Accessory Solar Energy (ASE) System:** An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical or thermal power and supply electrical or thermal power primarily for on-site use. An ASE consists of one or more freestanding, ground-mounted, or roof-mounted solar arrays or modules or solar-related equipment, and is primarily intended to reduce on-site consumption of utility power or fuels.

**Principal Solar Energy (PSE) System:** A commercially operated solar energy system that is principally used to convert solar radiation to electricity to supply electricity to off-site customers, including, but *not limited to*, a Solar Energy Farm.

**Solar Energy Farm:** A PSE system which exists solely to generate energy for sale back into the energy grid system, rather than being consumed on site.

**Section 2.** Part 4, Sections 403 through 409, are each amended to add “Accessory Solar Energy Systems (see 618)” under “Permitted Accessory Uses and Structures.”

Part 4, Sections 405 Industrial District, Section 406 Agricultural District, Section 407 Rural Forest District, and Section 409, Countryside District, are each amended to add "Principal Solar Energy Systems" under "Special Exception Uses & Structures."

**Section 3.** Part 6 is amended to add Section 618 as follows:

**618 SOLAR ENERGY SYSTEMS**

- A. Principal Solar Energy (PSE) systems are permitted as a Special Exception Use in the RF, I, A, and CS Districts, subject to the following regulations.
1. No tree removal, road building, or ground preparation related to a PSE project shall be undertaken prior to a Special Exception Use permit being granted by the Clinton County Zoning Hearing Board.
  2. Evidence must be furnished that project complies with all local, state and federal environmental regulations as well as safety regulations for electricity production facilities.
  3. An impact statement shall be furnished detailing how environmental, cultural, and viewshed impacts will be avoided and how these measures will be maintained.
  4. No PSE may be sited within 300 feet of an existing residential structure.
  5. No PSE may be sited on land conserved under the Pennsylvania Farmland Preservation Program.
  6. PSEs are subject to the height requirements of Section 604.
  7. PSEs are subject to the miscellaneous requirements of Sections, 605 C, D, F, H, K, L, and M, and 609.
  8. Outdoor lighting shall not be permitted.
  9. In forested areas, where tree removal will be conducted to accommodate a PSE, a 50-foot forested buffer strip shall be left standing between the PSE and any public road, or any private road not controlled by the property owner.
  10. Prior to a Special Exception Hearing, the PSE developer shall provide the municipality a draft copy of the site layout and any access plans involving municipally owned roads. The Zoning Hearing Board will consider the municipality's comments at the Special Exception Use hearing.
  11. A six foot firebreak area shall surround the exterior fence in forested locations.
  12. A combined management and decommissioning plan must be submitted with the land development application. As a minimum, it should contain:
    - a) Owner contact information
    - b) A description of how the equipment will be inspected and maintained.
    - c) A description of how the vegetation will be maintained, including in the fire setback area.

- d) A description of how and when the equipment will be removed at end of life, and how and when the site will be returned to its original state.
13. Any expansion of an existing PSE shall be treated as an original development and must satisfy the same planning and permitting requirements as the original development.

B. Accessory Solar Energy (ASE) systems are permitted as an Accessory Use in all zoning districts, as long as they meet the criteria for the intended districts, and comply with state and federal regulations governing their construction and use.

**Section 4.** Appendix A, Table of Uses is amended to add Accessory Solar Energy Systems as a permitted accessory use in all zoning districts.


Appendix A, Table of Uses is further amended to add Principal Solar Energy Systems as an Industrial Use permitted by Special Exception in the RF, I, A, and CS Districts.

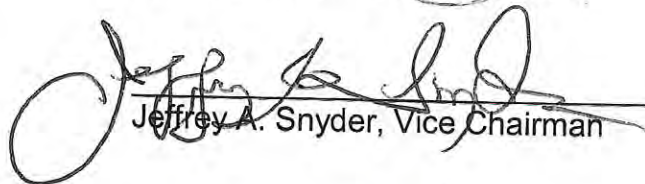
ENACTED this 4th day of November, 2021.

**Attest:**

**Clinton County Board of Commissioners**

  
Jann R. Meyers, Chief Clerk

  
Miles D. Kessinger, III, Chairman

  
Jeffrey A. Snyder, Vice Chairman

  
Angela Harding, Commissioner

## Ordinance No. 3 of 2022

### AN ORDINANCE AMENDING PART 2, SECTION 202 AND PART 6, SECTION 618 OF THE 2016 CLINTON COUNTY ZONING ORDINANCE, AS AMENDED

WHEREAS; The Clinton County Commissioners desire to amend the Clinton County Zoning Ordinance to include decommissioning provisions for Principal Solar Energy System developments; and

WHEREAS; The Clinton County Planning Commission has reviewed, approved, and forwarded these recommended provisions to the Commissioners; and

WHEREAS, the recommended amendment has been forwarded to all seven covered municipalities for review and comment, and all seven have submitted or waived their review comments, and their comments have been considered and incorporated; and

WHEREAS, the recommended amendment affects Part 6 of the Ordinance;

NOW, THEREFORE BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Commissioners of Clinton County, Pennsylvania, to amend the 2016 Clinton County Zoning Ordinance as follows:

**Part 2, Section 202, Definitions** is amended to add the following definition:

**SOLAR DECOMMISSIONING BOND:** A surety bond that the County will require the owner of a Principle Solar Energy (PSE) system to purchase, as a condition of issuance of a construction permit. Such bond will guarantee the availability of funds sufficient to carry out the full decommissioning of the PSE after its use has been discontinued or abandoned.

**Part 6, Section 618, Subparagraph A** is amended to add the following provisions:

14. Each PSE and all solar-related equipment shall be removed within 12 months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of same.

15. The PSE owner is required to notify the County Planning Department immediately upon cessation or abandonment of the operation. The PSE shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 consecutive months.

16. The PSE owner shall then have 12 months in which to dismantle and remove the PSE, including all solar-related equipment or appurtenances, including, but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original, without re-introduction of invasive species. If the owner fails to dismantle and/or remove the PSE and restore the land within the established time frame, Clinton



County may complete the decommissioning and land restoration at the owner's expense, including Court costs and attorney's fees.

17. At the time of issuance of the construction permit for the PSE, the owner shall provide financial security in the form of a Solar Decommissioning Bond, sufficient to secure the expense of dismantling and removing said PSE and restoring the land to its original condition as specified in subparagraph A16 above.

18. The PSE owner shall, at the request of the County, provide information concerning the amount of energy generated by the PSE in the last 12 months.

ENACTED this 30<sup>th</sup> day of June, 2022.

**Attest:**

**Clinton County Board of Commissioners**

Jann R. Meyers  
Jann R. Meyers, Chief Clerk

Miles D. Kessinger, III  
Miles D. Kessinger, III, Chairman

Jeffrey A. Snyder  
Jeffrey A. Snyder, Vice Chairman

Angela Harding  
Angela Harding, Commissioner