

**CLINTON TOWNSHIP
BUTLER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2012-02 ORD

AN ORDINANCE OF CLINTON TOWNSHIP, BUTLER COUNTY PENNSYLVANIA, AMENDING ORDINANCE **2009-01 ORD, ZONING**; AMENDING AUTHORIZED USES IN PARTICULAR ZONING DISTRICTS; ADDING AND AMENDING GENERAL AND SPECIFIC STANDARDS FOR ARTICLE I; ADDING AND AMENDING GENERAL AND SPECIFIC STANDARDS FOR ARTICLE III; CONDITIONAL USES, AMENDING NONCONFORMING USE AND NONCONFORMING LOT STANDARDS; AND AMENDING AND ADDING RELATED DEFINITIONS IN SECTION 702.

WHEREAS, the Township of Clinton desires to ensure ongoing consistency with and implementation of Section 101 of the Clinton Township Zoning Ordinance, Community Development Goals and Objectives, and to further the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Township desires to clarify the intent of the ordinance through clear and understandable language in its Zoning Ordinance; and

WHEREAS, continual changes in the economy, transportation network, and continual review of the application of land use standards necessitates amendments to the Zoning Ordinance;

THEREFORE, upon recommendation of the Planning Commission, the Board of Supervisors of Clinton Township adopts the following amendments to the Clinton Township Zoning Ordinance:

Changes shall be indicated wherein underlined language represents language added and strikethrough format represents language removed.

SECTION I: Interpretation

The following shall be added as a subsection 105.1 under Section 105 Interpretation:

Section 105.1 – Distances

A. Lineal Feet: All distances shall be measured in lineal feet. As used herein, the term "lineal" means measured in a straight line along the ground.

B. Distances between structures: All references to distance to or from a structure shall be measured from the closest point of the structure (as opposed to the boundary line upon which the structure is located), unless specifically set forth to the contrary herein.

C. Distances from roads, streets or intersections: All references to distance to or from a road, street or intersection shall mean to the closest point of the road, street or intersection right-of-way (as opposed to the centerline) unless specifically set forth to the contrary herein.

SECTION II: Conditional Use

The following shall be added as subsection E under Section 301, Conditional Uses:

E. Conditional Uses in C, AC, and R-1 Districts. The following shall apply to conditional uses as authorized in the aforementioned districts, excluding home occupations.

1. Where the lot on which the use is proposed fronts on or bears legal access to a collector street, the Board may require the limitation of access to the collector street in order to minimize extraordinary impact to local streets.
2. Where a specific setback is not otherwise required by the respective use section within this Article, the principal use shall be set back 100 feet from adjoining properties zoned as C, AC, or R-1. The setback shall include buffer yards as may be required by this Article. The Board of Supervisors, in concert with the conditional use approval, may approve the reduction of the required bufferyards and reduction of the aforementioned setback by up to 50%, but not less than the applicable setback otherwise required in the respective zoning district, provided that the Board finds that such reduction will not be adverse to the public health, safety, and welfare in consideration of the following:
 - a. The proximity of dwellings on adjoining properties.
 - b. Topography of the site.
 - c. Intensity of the use proposed.
 - d. Compatibility of nonresidential adjoining uses on adjoining property.
3. Noise. The Board may require the applicant to submit a noise study where ongoing operations of the proposed use, including but not limited to principal or accessory activities and events, compressors, or operation of machinery or equipment associated with the proposed use where noise associated with the preceding is not customarily associated with principal uses permitted as of right within the respective zoning district.
 - a. The study shall establish by generally accepted testing procedures, the continuous seventy-two hour ambient noise level at the nearest property line or fifty feet from the nearest dwelling, whichever point is closer to the affected dwelling. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test the applicant may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.
 - b. The study shall evaluate the necessity of sound mitigation devices. Where such devices are necessary to address sound levels that would otherwise exceed the aforementioned noise level standards, the study shall propose and detail the installation of sound mitigation devices sufficient to ensure that sound does not exceed the average ambient noise level established by more than 5 decibels for more than 10 minutes within any one hour; or that such does not exceed the levels required by §414 when applied to oil and gas operations.
 - c. The applicant shall execute an agreement with the Township in a form acceptable to the Township Solicitor in which a schedule of noise tests are performed at the expense of the applicant and in which the applicant agrees to modify installed sound mitigation devices in a manner necessary to ensure that the sound level does not exceed the authorized level.

SECTION III: Mini Storage Facilities.

Section 305(B) shall (relating to mini storage units) be restated as follows:

~~In addition to the required side and rear yards, an additional ten (10) foot buffer yard shall be required. This buffer yard is to be planted in evergreen trees to provide a visual buffer to~~

surrounding properties. Type I Screening, in accordance with Section 411.2 of this Ordinance, shall be required. Front yard areas shall be landscaped with a mix of lower shrubs, grass and trees.

SECTION IV: ~~Gas and Oil Drilling~~ SECTION DELETED FROM CONSIDERATION AT THIS TIME.
Section 314, shall be deleted in its entirety and listed as "reserved."

SECTION V: Sexually Orientated Businesses

Section 326(A) shall be restated as follows:

- A. The proposed business does not lie, as measured in lineal feet from the nearest boundary point of the property of the proposed use to the nearest boundary point of the property of the listed use, within one thousand five hundred (1,500) feet of:

SECTION VI: Correctional Facility/Halfway House

Section 327(B) shall be restated as follows:

- B. The proposed business does not lie, as measured in lineal feet from the nearest boundary point of the property of the proposed use to the nearest boundary point of the property of the listed use, within one thousand five hundred (1,500) feet of:

SECTION VII: Non-Conforming Uses

Section 402 (relating to non-conforming uses) shall be restated as follows:

402.1: A nonconforming use may be continued, but shall not be changed unless to a conforming use except as permitted by the Board of Supervisors through conditional use application and approval. ~~Upon receipt of satisfactory evidence of the pre-existing nature of any nonconforming use, the Zoning Officer shall issue a zoning certificate to the owner of said nonconforming use.~~

402.3: In the event that any nonconforming use voluntarily ceases, for whatever reasons, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance. However, a landowner may request an extension of the preceding period as a conditional use provided that successive extensions do not exceed one calendar year each and that the applicant presents evidence that demonstrates the applicant's intent to maintain and continue the establishment in its preexisting form and scale.

402.4: Expansion of Nonconforming Uses and Structures

- A. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. ~~A nonconforming building or structure may, with the approval of the Board, be extended, enlarged or replaced if such expansion does not occupy an area greater than fifty percent (50%) more than the structure occupied prior to such expansion, enlargement or reconstruction. Furthermore, such structures must meet the minimum yard regulations and height restrictions of the district in which the structure is located, and must meet all off street parking and loading requirements of this Ordinance.~~ use may be expanded through conditional use approval by the Board of Supervisors up to 50% of the gross floor area occupied by the establishment, including accessory uses thereto, as existing at the time of adoption of this Ordinance or subsequent amendment rendering the use nonconforming. The expansion shall be limited to that necessary to maintain the economic viability of the use or establishment given existing industry trends, standards, and required components of production of services and/or goods.
- B. A nonconforming principal structure which is nonconforming in whole or in part due to encroachment into a minimum front yard may be expanded or an accessory structure may be constructed provided that the addition or accessory structure is constructed no closer to the front lot line than said structure and that remaining yard requirements are met.

402.8: A landowner may request registration of a nonconforming use. Unless deemed as abandoned in accordance with this Section, upon presentation of satisfactory evidence demonstrating the preexisting nature of a legal use on the applicant's property that is rendered nonconforming by the standards of this Ordinance and subsequent amendments thereto; the Zoning Officer shall issue a Zoning Certificate as a registration of said use as a nonconforming use.

SECTION VIII: Existing lots of record

Section 403 (relating to non-conforming lots) shall be restated as follows:

Existing-Lots-of-Record

Non-Conforming Lots

~~403.2 No provisions of this Zoning Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Zoning Officer, upon request, may grant a reduction in requirement for side yards and rear yards for lots of record, which lack required lot width and/or required lot area. However, in no event may such yards be reduced by more than fifty percent (50%) required by the lot regulations for its district without approval of the Township Board of Supervisors.~~

Where a nonconforming lot is nonconforming with respect to either lot area and/or minimum lot width, each side yard and rear yard required in the respective district in which the lot is located shall be reduced in accordance with the following:

- A. One foot for every two feet of lot width that is less than the minimum required lot width of the applicable zoning district with a reduction of up to half of the respective minimum yard required.
- B. A proportional reduction equal to the proportion or percentage that a nonconforming lot is deficient with respect to minimum required lot area currently applied within the respective zoning district (Minimum Lot Area minus actual lot area, then divided by the minimum lot size) up to half of the minimum yard required.
- C. The greater of the preceding shall apply. In no case shall the aforementioned reduction exceed half or fifty percent of the minimum yard required.

403.3 Nonconforming Lots and Lot Line Revisions. Where two or more nonconforming lots are the subject of a subdivision in accordance with the Clinton Township Subdivision and Land Development Ordinance that proposes movement of lot lines creating no additional lots, the following shall apply:

- A. Lots Nonconforming with Respect to Lot Area. The area of any nonconforming lot may be decreased to the extent that the areas of one or more lots within the proposed subdivision plan are increased provided that the resulting lot area of said lot shall not be less than any lot to which area is proposed to be transferred.
- B. Lots Nonconforming with Respect to Lot Width. The lot width of any nonconforming lot may be decreased to the extent that the widths of one or more lots within the proposed subdivision plan are increased provided that the resulting lot width of said lot shall not be less than any lot to which width is proposed to be transferred.

SECTION IX: Temporary Structures

The following shall be added as a final paragraph under Section 406, Temporary Structures:

Temporary housing furnished on site to house workers required to live on site during the construction process of a nonresidential principal use shall be authorized as a principal use in all districts in accordance with the following standards. A plan indicating location of said housing and verifying properly approved sewage disposal in accordance with Ordinance 2011-06, the Clinton Township Holding Tank Ordinance, shall be furnished to the Zoning Officer. Housing shall meet all requirements of the PA Uniform Construction Code. Notwithstanding screening requirements,

housing shall meet the setbacks applied to single family detached dwellings within the residential district in which the site is located or shall meet the setbacks applied to accessory buildings within the IP or LB Districts.

SECTION X: Signs.

Section 409.5 (relating to signs) shall be restated as follows:

409.5 Zoning District Sign Standards: Each lawful non-residential principal use may have a combination of freestanding, roof, or wall signs meeting the standards of the following table. For the C, AC, and R-1 Districts, aggregates shall be calculated on a per lot basis. For the LB and IP Districts, aggregates may be based upon separate tenancy.

SECTION XI : DEFINITIONS

Said definitions shall be added in alphabetical order within Section 702, Definitions:

Building or Setback Line – imaginary line parallel to, or concentric with, the nearest road right-of-way line the front lot line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.

Collector Streets: Streets classified as "collector streets" by the Clinton Township Subdivision and Land Development Ordinance and/or adopted township construction standards.

Flag Lot- See §4.07.A.2.a of the Clinton Township Subdivision and Land Development Ordinance 2009-02, as amended.

Frontage- The width of a lot measured on the street line between side lot lines.

Gross Floor Area (GFA) – ~~the total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use.~~ The sum of the horizontal area of all floors of a principal structure as measured between the interior faces of walls housing a particular establishment, including but not limited to storage areas, internal hallways, and restrooms within the area occupied by said establishment.

Local Streets: Streets classified as "local streets" by the Clinton Township Subdivision and Land Development Ordinance and/or adopted township construction standards.

Lot Area – The dimensions of a lot expressed in square feet or acres. For the purposes of this Ordinance, minimum lot area shall not include: All lands within the rights-of-way of planned or existing public streets or highways, or Flag Lot Access Strips.

Lot, Corner – a lot at the point of intersection of and abutting on two (2) or more intersecting streets. ~~Corner lots must meet the front yard setbacks from all intersecting streets, and generally may meet the side yard setbacks for all other lot lines.~~

Lot Line, Front – The lot line, all or a portion of which adjoins a street right-of-way line, extending the entire width of the lot. In the case of an existing lot which does not adjoin a street or a flag lot, the front lot line shall be the line through which vehicular access is provided via private right of way or from the terminus of the flag lot access strip, regardless of which way the dwelling faces.

Lot Line, Rear - That lot line which is generally opposite the front lot line.

Lot Line, Side - Any lot line which is not a front lot line or rear lot line. In the case of a corner lot, each lot line other than front lot lines shall be considered a side lot line.

Lot Width – The width of the lot measured by the length of the building line, as determined by the required depth of the Front Yard, or the length of a parallel line at a location no greater than 150% of required Front Yard depth, whichever is greater.

Principal Building or Use - A use or building or structure housing a dwelling unit, dwelling units, or use that comprises the key or essential functions necessary or central to the form of business conducted by an establishment or customarily associated with a dwelling unit on a particular premises. Each dwelling unit or establishment shall be considered a principal use. Therefore, a principal building may house multiple dwelling units or establishments and therefore multiple principal uses.

Setback Line- line parallel to, or concentric with the lot line from which it is applied, including the building line.

Use - The specific purposes for which land or a building is designed, arranged, intended, or for which it is occupied or may be occupied or maintained.

Yard, Front – a yard between an adjacent right-of-way the front lot line and the building line and extending for the full width of the lot.

SECTION XII: Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION XIII: Repealer

This Ordinance shall not repeal Ordinance 2009-01ORD except to the extent specifically set forth herein above.

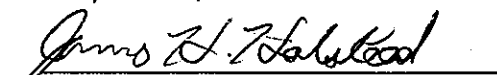
SECTION XIV: Effective Date

The effective date of this Ordinance shall be five (5) days after the enactment.

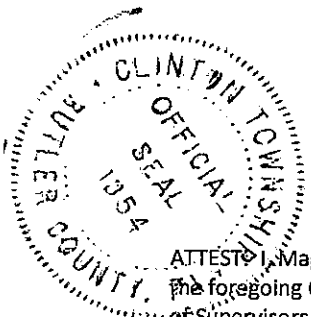
ORDAINED AND ENACTED this Ninth day of October, 2012.

CLINTON TOWNSHIP SUPERVISORS:

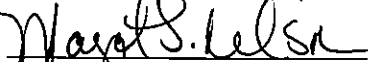

Mary Zacherl, Chairman


James H. Halstead, Vice-Chairman


Edward J. Boyd, Supervisor



ATTEST: I, Maggie Nelson, Secretary of the Township of Clinton, certify that the foregoing Ordinance 2012-02 ORD, was adopted at the meeting of the Board of Supervisors of the Township of Clinton held on October 9, 2012.


Maggie Nelson, Secretary
(Township Seal)