

**Clinton Township Zoning Ordinance
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Article One General Provisions

Section 100 Title, Authority and Purpose

100.1 Title: This Ordinance shall be known and may be cited as the **Clinton Township Zoning Ordinance**. The accompanying district map shall be known, and may be cited as, the **Clinton Township Zoning Map**.

100.2 Authority: In accordance with the authority granted to Clinton Township, Butler County, through the Pennsylvania Municipalities Planning Code (Act 247, as reenacted and amended), this Ordinance and map are intended to:

- A. Regulate the density of population;
- B. Regulate the location and use of buildings, structures and land for residential, agricultural, commercial, industrial and other purposes;
- C. Regulate the height, bulk, number of stories, size and placement of buildings and structures;
- D. Divide the Township into districts of such size, shape and area, and to establish such zoning map, as may be deemed best suited to carry out the regulations; and
- E. Establish procedures for the administration, enforcement, amendment, and relief from hardships under certain circumstances.

100.3 Purpose: These regulations are deemed necessary in order to encourage beneficial growth and protection of private property in the Township while keeping the density of development consistent with existing Township facilities and the Township's ability to develop new facilities as needed. As stated in the community development goals and objectives of the Township, the zoning ordinance is also intended to implement the Clinton-Buffalo Townships Multi-Municipal Comprehensive Plan. Consistent with the Pennsylvania Municipalities Planning Code, these regulations are also expected 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 provisions of adequate light and air, access to incident solar energy, 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; preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. Prevent 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 municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multiple-family dwellings in various arrangements, mobile homes, and mobile home parks.
- E. Accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

Section 101 Community Development Goals and Objectives

101.1 Source: The Community Development Goals and Objectives are taken directly from the adopted Clinton-Buffalo Township Multi-Municipal Plan.

101.2: The key community development goal of both Clinton and Buffalo Township is to accommodate necessary development while still protecting rural uses and features within the community. Generally, the townships will control the **location, character, and timing** of future growth and development by utilization of consistent local zoning, and policy decision such as consistent infrastructure investments. For the purpose of this Ordinance, goals are defined as broad policies the two townships wish to achieve, and objectives are more narrow means to make the goals come true. The vision of retaining a rural community, preventing high taxes and still allowing choices for landowners, as described under the Citizen Participation section of this plan, is also incorporated herein by reference.

- A. Location Goals: The townships will protect and conserve natural resources to the extent not pre-empted by state or federal law. In some cases, this may be accomplished by steering development away from sensitive resources. In other cases, good design can protect the resource within the context of development. The townships may either make infrastructure investment in selected areas, or permit the installation of public and private improvements to support more intensive growth and development in selected areas.
- B. Character Goals: The townships will discourage development that is not of a compatible nature with pre-existing development. It may accomplish this through its zoning authority, or establishing standards to mitigate potentially conflicting uses through distance, screening, buffering or other measures.
- C. Timing Goals: The townships may limit growth and development to achieve optimum timing with public or private improvements. In general, intensive development should occur first where water, sewer, and transportation infrastructure are already available. After that, development should occur where such infrastructure can be made available in a scenario where growth pays for itself.

Section 102 Defined Words

Rules for the interpretation of all defined words within this Ordinance are detailed in Article Seven. Undefined terms shall be given their plain and customary meaning.

Section 103 Compliance

No structure shall be located, erected, demolished, constructed, moved, externally altered, converted or enlarged nor shall any structure or land use be used or designed to be used except in full compliance with this Ordinance and after the lawful issuance of all permits and certifications required by this Ordinance.

Section 104 Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

Section 105 Interpretation

Whenever the provisions of this Ordinance are at variance with provisions in other parts of this Ordinance and other lawfully adopted rules, regulations, or ordinances, the more restricted requirements shall govern. However, for new subdivisions, the Township Board of Supervisors, on the advice of the Planning Commission, may permit flexible design as specified under applicable provisions of the Township Subdivision and Land Development Ordinance, as such regulations pertain to lot averaging and conservation development.

Where there is a question of standards or applicability, this Ordinance will be interpreted consistent with

Section 603.1 of the Pennsylvania Municipalities Planning Code.

Section 106 Repealer

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict. In particular, those sections of Ordinance 0-84-12, as amended which are at conflict with these provisions, are hereby repealed upon the effective date.

Section 107 Establishment of Zoning Districts

The districts described under Article Two of this Ordinance, as well as all applicable standards for use, density, yards, and the approval and consideration of development are hereby established. This Ordinance shall take effect on August 12, 2009

Section 108 Establishment of Zoning Map

A map entitled the Clinton Township Zoning Map is hereby adopted as part of this chapter. The official zoning map shall be kept on file and available for examination at the Township office. The Township shall use this official zoning map for interpretation. Informational zoning maps may be printed and distributed, but shall not be utilized for final interpretation of boundaries. All approved changes to zoning districts shall be promptly recorded on the zoning map by the Zoning Officer.

Section 109 Interpretation of District Boundaries

District boundaries that are shown between the lines of streets, streams and transportation rights-of-way shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the zoning map or by the fact that it clearly coincides with a property line he shall refuse action. The Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the zoning map and the purpose set forth in all relevant provisions of this chapter. Any territory hereafter annexed by the Township or gained through discovery, survey, or mapping error will be automatically zoned Rural Residential District until otherwise classified by the Township.

Section 110 Application of Regulations, including Government Agencies

Property owned, leased or operated by the Commonwealth of Pennsylvania, or the United States, or the Township, or any other public or governmental body or agency, shall be subject to the requirements of this Ordinance as follows:

110.1 Listing of Public Uses: Where such public or governmental uses are specifically listed, they shall be governed as indicated.

110.2 Similarity of Government and Nongovernmental Uses: Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature.

110.3 Extent of Township Powers: Governmental entities and agencies shall be exempt from the provisions of this Ordinance only to the extent that it has been determined that the Township has no power to apply its zoning regulations to the particular use of land.

110.4 Municipal Applicability: In the interest of the protection of health and safety, the Township shall be exempt from the provisions of this Ordinance in the course of municipal functions related to road maintenance and provision of infrastructure, including grading, paving, culverts bridges, directional and safety signage, pump stations, wells, and similar structures and appurtenances, in particular any applicable setback and permitting procedures. The Township shall maintain all lot, yard, and coverage standards for any municipal building or municipally owned structure.

Section 111 Compliance with Official Map Ordinance

Should the Township of Clinton adopt an Official Map as permitted by Article IV of the Pennsylvania Municipalities Planning Code; all development shall conform to such standards as required by the official map ordinance and the Municipalities Planning Code.

Section 112 Fees

112.1 The Township Board of Supervisors shall, from time to time, establish, by resolution, a schedule of fees, charges and expenses and a collection procedure for zoning permits, appeals and other matters pertaining to this Ordinance. The schedule of fees and related information may be posted in the Township offices, and may be amended only by official action by the Township Board of Supervisors.

112.2 No permit, certificate, application or variance shall be issued, nor shall any action be taken on proceedings before the Zoning Hearing Board unless, or until, such costs, charges, fees or expenses have been paid in full.

112.3 A zoning certificate shall be required for all new construction, additions or alterations affecting exterior dimensions of existing structures; and, for any structural or interior changes required for a change of the structure's use, or for any change in use.

Article Two
Establishment of Zoning Districts

Section 200 Purpose

The purpose of this Article is to establish zoning districts where compatible uses of land may be located and grouped at appropriate densities to fulfill the community development goals and objectives and implement the comprehensive plan.

Section 201 Establishment of Districts

201.1: Pursuant to Section 107 of this Ordinance, the whole of Clinton Township is hereby divided into the following classes of districts with the designations and general purpose outlined within the specific tables for each district within this Article.

201.2: For each district, a table of permitted and conditional uses is established. The permitted uses and conditional uses for each district are shown in the following tables of this chapter and are considered principal uses unless clearly noted.

201.3: Zoning certificates or permits for permitted uses shall be by the Zoning Officer, who shall determine the application against all standards for lot size, yard areas, parking, signs, and any additional applicable regulations.

201.4: Conditional uses may be granted or denied by the Board of Township Supervisors with the advice of the Planning Commission in accordance with the express standards and criteria of this ordinance. Express criteria and standards for each conditional use may be found in the reference number cited under Article Three. In granting a conditional use, the Supervisors may attach reasonable conditions as they may deem necessary to implement the purposes of this ordinance and safeguard the neighborhood. Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article Seven.

Section 202 C Conservation District

The C-Conservation District is established to ensure that planning for development near floodplains, steep slopes, wetlands and other environmental hazard areas fully integrates a cognizance of the limitations of the land.

**Table 202A
Conservation District Table of Allowed Uses**

Permitted Principal Uses	Conditional Uses
One (1) Single-Family Detached Dwelling Per Lot	Service and Repair Business (See Section 302)
Bed and Breakfast	Mining and Mineral Extraction (See Section 303)
Municipal Building	Specialized Animal Raising and Care (See Section 304)
Agriculture	Mini Storage Facilities (See Section 305)
Agricultural Services	Communications Towers (See Section 306)
Country Clubs and Lodges	Recreational Campgrounds (See Section 307)
Gas and Oil Drilling (See Section 414)	Intensive Outdoor Commercial Recreation (See Section 308)
	Sawmills (309)
Permitted Accessory Uses	Limited Retail and Service Business (See Section 310)
No-Impact Home Based Business	Veterinary Clinic (See Section 328)
Agricultural and Residential Accessory Buildings	Home Occupations (See Section 322)
Family and Group Day Care Homes	Churches or Places of Assembly (See Section 315)

**Table 202B
Conservation District: Permitted Use Lot, Height,
and Yard Standards**

Use Type/Dimension	All Permitted Uses (See Also Section 401)
Minimum Lot Area	10 Acres*
Minimum Lot Width	200 Feet
Minimum Front Yard	75 Feet
Minimum Side Yard	35 Feet
Minimum Rear Yard	50 Feet
Maximum Height	45 Feet
Maximum Coverage	15%
*See also Section 401	

Section 203 AC Agricultural Conservation District

The Agricultural Conservation District is meant to facilitate the conservation of areas of high-quality farmland. It is also meant to maximize means for farmland owners to realize income from their property for compatible uses, and to minimize the impact of incompatible development upon agricultural security within the Township.

**Table 203A
Agricultural Conservation District Table of Allowed Uses**

Permitted Principal Uses	Conditional Uses
One (1) Single-Family Detached Dwelling Per Lot	Service and Repair Businesses (See Section 302)
Bed and Breakfast	Cemeteries (See Section 311)
Agriculture	Specialized Animal Raising and Care (See Section 304)
Agricultural Services	Mini Storage Facilities (See Section 305)
Gas and Oil Drilling (See Section 414)	Communications Towers (See Section 306)
Landscaping Supply and Materials	Sawmills (See Section 309)
Municipal Building	Limited Retail and Service Business (See Section 310)
	Day Care Center (See Section 312)
Permitted Accessory Uses	Mining and Mineral Extraction (See Section 303)
No-Impact Home Based Business	Veterinary Clinic (See Section 328)
Agricultural and Residential Accessory Buildings	Home Occupations (See Section 322)
Family and Group Day Care Homes	Churches or Places of Assembly (See Section 315)

**Table 203B
Agricultural Conservation District: Permitted Use Lot, Height,
and Yard Standards**

Use Type/Dimension	All Permitted Uses* (See also Section 401)
Minimum Lot Area	5 acres*
Minimum Lot Width	200 Feet
Minimum Front Yard	75 Feet
Minimum Side Yard	35 Feet
Minimum Rear Yard	50 Feet
Maximum Height	45 Feet
Maximum Coverage	20%
<i>*See also Section 401</i>	

Section 204 R-1 Rural Residential District

The Rural Residential District is meant to provide residential opportunities for single-family dwellings and related uses in a rural setting.

**Table 204A
Rural Residential District Table of Allowed Uses**

Permitted Principal Uses	Conditional Uses
One (1) Single-Family Detached Dwelling Per Lot	Cemeteries (See Section 311)
Bed and Breakfast	Personal Care Home (See Section 313)
Municipal Building	Planned Residential Development (See Article Five)
Agriculture	Gas and Oil Drilling (See Section 314)
Golf Courses/Country Clubs	Public and Accredited Private Schools (See Section 315)
Two-Family Dwellings	Home Occupations (See Section 322)
	Public Utility Structure (See Section 330)
Permitted Accessory Uses	Churches or Places of Assembly (See Section 315)
No-Impact Home-Based Business	
Agricultural and Residential Accessory Buildings	
Family and Group Day Care Homes	

**Table 204B
Rural Residential District: Permitted Use Lot, Height,
and Yard Standards**

Use Type/Dimension	Single-Family Dwellings and Related	All Other Permitted Uses
Minimum Lot Area	1 Acre	2 Acres
Minimum Lot Width	125 Feet	150 Feet
Minimum Front Yard	75 Feet	75 Feet
Minimum Side Yard	25 Feet	25 Feet
Minimum Rear Yard	35 Feet	50 Feet
Maximum Height	35 Feet	35 Feet
Maximum Coverage	15%	30%

Section 205 LB Limited Business District

The LB Limited Business is established to provide for businesses that have lower infrastructure needs and neighborhood impacts than the IP Industrial Park District, as well as housing types that can thrive in a transitional mixed use setting, while providing for the protection of both business and residential interests.

**Table 205A
LB Limited Business District Table of Allowed Uses**

Permitted Principal Uses	Conditional Uses
One (1) Single-Family Detached Dwelling Per Lot	Personal Care Homes (See Section 313)
Bed and Breakfast	Nursing Homes or Hospitals (See Section 315)
Municipal Building	Light Manufacturing (See Section 316)
Agriculture	Truck Terminals, Wholesale Business, Warehousing (See Section 317)
Agricultural Services	Car Washes (See Section 318)
Gas and Oil Drilling (See Section 314)	Auto Sales and Service (See Section 318)
Professional Office	Equipment Sales and Rental (See Section 318)
Business Services	Day Care Centers (See Section 312)
Landscaping Supply and Materials	Multiple-Family Dwellings/Mobile Home Parks (See Section 319)
Home Occupation (See Section 412)	Corporate Offices, Research and Laboratories (See Section 320)
Permitted Accessory Uses	Limited Retail and Service Business (See Section 310)
No-Impact Home-Based Business	Public Utility Structure (See Section 330)
Accessory Buildings	Churches or Places of Assembly (See Section 315)
Family and Group Day Care Homes	Service and Repair Businesses (See Section 302)
Home Occupations	

**Table 205B
LB Limited Business District: Permitted Use Lot, Height, and Lot Standards**

Use Type/Dimension	Single-Family Dwellings and Related	All Other Permitted Uses
Minimum Lot Area	1 Acre	2 Acres
Minimum Lot Width	125 Feet	150 Feet
Minimum Front Yard	75 Feet	75 Feet
Minimum Side Yard	25 Feet	35 Feet
Minimum Rear Yard	35 Feet	50 Feet
Maximum Height	35 Feet	45 Feet
Maximum Coverage	15%	30%

Section 206 IP Industrial Park District

The IP Industrial Park District is established to provide for businesses and high-impact land uses that require significant infrastructure.

**Table 206A
IP Industrial Park District Table of Allowed Uses**

Permitted Principal Uses	Conditional Uses
Light Industry	Heavy Industry (See Section 321)
Churches or Places of Assembly	Communications Towers (See Section 306)
Hotel	Building Material and Supply Yards (See Section 323)
Municipal Building	Salvage Yards and Recycling Centers (See Section 324)
Agriculture	Sexually Oriented Business (See Section 326)
Agricultural Services	Correctional Facility/Halfway House (See Section 327)
Professional Office	Billboards (See Section 409.C)
Corporate Office	Indoor/Outdoor Commercial Recreation (See Section 308)
Research and Laboratories	Sanitary Landfill (See Section 325)
Truck Terminals, Wholesale Business, Warehousing	Flea Markets (See Section 329)
Retail Businesses and Shopping Centers of Not More Than 50,000 Square Feet Gross Floor Area	Public Utility Structure (See Section 330)
Eating Places	
Permitted Accessory Uses	
Accessory Day Care for Employees	
Agricultural Accessory Buildings	
Accessory Buildings	

**Table 206B
IP Industrial Park District: Permitted Use Lot, Height,
and Yard Standards**

Use Type/Dimension	All Permitted Uses
Minimum Lot Area	2 acres
Minimum Lot Width	150 Feet
Minimum Front Yard	75 Feet
Minimum Side Yard	25 Feet
Minimum Rear Yard	50 Feet
Maximum Height	45 Feet
Maximum Coverage	30%

Article Three Conditional Uses

Section 301 Conditional Uses

- A. The criteria for conditional uses as listed for each zoning district in Article Two are listed below. The Board of Supervisors, in granting a conditional use, may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code (MPC) and this Ordinance.
- B. Applications for conditional uses shall be made to the Zoning Officer, at a time and place established by the officer. Conditional uses shall be granted or denied by the Board of Township Supervisors after the recommendation of the Township Planning Commission. Procedures shall follow those specified in this Ordinance and the MPC. Where there is a conflict between a procedure in this ordinance, and the Pa. Municipalities Planning Code (including any future amendments to the state code), the standards of the Pa. Municipalities Planning Code shall take precedent. for all hearings, procedures, and time limitations.
- C. The zoning officer shall review all applications for conditional use to determine that they are complete and correct. A public hearing shall be scheduled within 60 days of the date of application, unless the applicant has agreed in writing. If the hearing is not completed within the initial day scheduled, each subsequent extension of the hearing shall be held within 45 days. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. And applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- D. The governing body shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found

Section 302 Service and Repair Businesses

The intent of this conditional use is to allow a small business that operates in rural areas, with appropriate safeguards. Examples may include woodworking enterprises, light repair services (such as small engine repair), and very light fabrication or assembly.

- A. For new construction, all side and rear yards are increased by fifty (50) feet in those instances where they abut residential uses.
- B. All service and repair activities, except for incidental loading and unloading, shall be conducted within a building.
- C. No service and repair business may be conducted on a lot of lesser size than ten (10) acres in the C Conservation District and five (5) acres in the AC Agricultural Conservation District. The developer shall agree to not subdivide any parcel below these stated minimums.

Section 303 Mining and Mineral Extraction

Mining may include the excavation of earth, sand, gravel, stone, coal or other minerals by surface or deep mining methods and removal of the excavated materials from the site when such activity is not a part of an approved site development plan. An application for conditional use must be approved prior to issuance of any land development plan, stormwater management plan, or other approval.

As part of the application for conditional use approval, the excavator shall submit a drawing showing:

- A. The property on which the excavation will occur, including abutting roads, property lines and boundary on the property within which the excavating will occur, including proposed phasing of the work over the life of the project;
- B. Contours at five- (5) foot intervals, indicating existing contours and proposed contours at conclusion of excavation;
- C. Solution to drainage from the site, showing means of carrying groundwater to a natural drainage way or to an approved stormwater system
- D. The registration seal of the engineer preparing the drawing when over five (5) acres in area.
- E. The excavator shall comply with all applicable regulations of this chapter, including but not limited to site grading and drainage, landscaping and buffering, and environmental standards.
- F. No landfill or dumps for garbage or other refuse or commercial or industrial by-products shall be permitted, except land application as permitted by the Pa DEP.
- G. The excavation project shall be operated as follows:
 - 1. Primary access to the site shall be controlled at one location.
 - 2. The excavator shall post the property, noting that a dangerous condition exists and warning trespassers away.
 - 3. The excavator shall take care that trucks leaving the property are not overloaded. If materials from trucks are spilled upon a public road, all such materials shall be removed from the road within four (4) hours.
 - 4. Water accumulating on the site shall be removed to a drainage way, and any contaminated water shall be treated before being allowed to enter a drainage way.
 - 5. Wash stations shall be installed for trucks leaving the site to enter a public road in order to ensure that no dust leaves the property.
 - 6. To prevent the migration of dust from surface mining to other properties, the Township may require the installation of screening, landscaping or buffer areas.
- H. The Board of Supervisors may require a bond in favor of the Township to be posted by the excavator to cover damages that may occur to Township roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one (1) year after the conclusion of the operation.

Section 304 Specialized Animal Raising and Care

While the Township recognizes the importance of these endeavors, their intensity makes them a conditional use such facilities shall:

- A. No such activity may be conducted on a lot of lesser size than ten (10) acres in the C Conservation District and five (5) acres in the AC Agricultural Conservation District. The developer shall agree to not subdivide any parcel below these stated minimums.
- B. No pens or runs shall be closer than one hundred (100) feet from neighboring lot lines.
- C. If containing runs for more than seventy-five (75) birds or mammals, provide evidence that waste products or manure will not create a malodorous nuisance.
- D. Provide evidence of meeting all applicable State codes and licenses.

Section 305 Mini Storage Facilities

These structures are also known as self-service storage facilities and consist of one or more larger buildings which are divided into small separate units. These units, often the size of a single garage, are then rented for storage, normally for personal goods. Such uses must adhere to the following regulations:

- A. There shall be no outdoor storage of any type, at any time, with the exception of motor vehicles or trailers licensed to travel the highways of the commonwealth. Such vehicles and trailers shall be stored in a manner that they are visually screened from any abutting residential use.
- B. 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. Front yard areas shall be landscaped with a mix of lower shrubs, grass and trees.
- C. The entire complex shall be surrounded by a security fence at least six (6) feet but not greater than eight (8) feet in height. Said fence shall be no closer to any lot line than ten (10) feet.
- D. There shall be no rental of space for active uses, such as gatherings or music practice.

Section 306 Communications Towers

Such towers are a conditional use in the C-Conservation, AC-Agricultural Conservation and IP-Industrial Park districts.

A. Compliance with other Regulations:

- 1. If applicable, the applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower and communication antennas. If not applicable, the Township may require evidence of any exemption.
- 2. All applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation shall be met.
- 3. All applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations shall be met.

B. Dimensional Requirements:

- 1. Towers shall be no taller than necessary to perform their intended function. The maximum height of any communications tower shall be no more than three hundred (300) feet unless preempted by airport zoning.
- 2. Communications towers 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 zoning district it is located within, but the minimum area devoted to the communications tower shall be at least two (2) acres.

C. Yard and Setback Requirements:

1. The minimum dimension between the tower base and any abutting property line shall be at least the height of the tower plus ten (10) feet.
2. No two (2) towers, existing or proposed, shall be within three thousand (3,000) feet of one another unless two (2) or more towers are placed on the same parcel or lot. The distance between any tower base and the edge of the site is at least the height of the tower closest to the edge.
3. No tower shall be located within five hundred (500) feet of a residential lot with an occupied residential dwelling.
4. All support guy wire anchors and accessory buildings shall be located within the site.
5. Any communications equipment building shall comply with the required yards and height requirements of applicable zoning district for an accessory structure.

D. Shared Use of a Tower: Before a new tower site can be approved, the developer shall demonstrate that there is no feasible existing elevated location within three thousand (3,000) feet of the proposed site, capable of supporting his/her equipment at the required height. Existing structures such as steeples, silos or water tanks may be used, as well as existing towers in lieu of a new tower. The developer shall provide letters from the owners of the elevated locations stating that they have refused the developer the use of their site or sites with reasons why the site or sites is unreasonable or unfeasible for the developer's needs, if such reason involves:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
3. 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.
4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

E. Fencing, Access, Landscaping, Lighting, and Other Standards: Pole towers will be preferred over lattice towers. A pole tower shall be considered one which is of monopod configuration with support from guy wires.

A security fence at least eight (8) feet high shall surround the entire area around the base of the tower, any accessory buildings and guy anchors on the ground.

Access to the site, if it does not abut a public road, shall be over an easement at least fifteen (15) (20) feet wide between road and site and shall be improved with a dust-free, all-weather surface to a width of at least ten (10) feet for its entire length.

Existing trees on the site shall not be removed except within the fenced area or for the access easement. An evergreen screen at least six (6) feet high shall be planted at the base of the tower and accessory buildings to screen them from the view of nearby residences.

The tower and site shall not be lighted except as may be required by the Federal Aviation Administration.

- F. Tower Design and Maintenance: The tower installation shall be designed by a registered Pennsylvania professional engineer, who shall supervise the construction at no cost to the Township, shall certify that the structure has been designed and constructed in accordance with the current *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, published by the Electrical Industrial Association/ Telecommunications Industry Association. The structure must be capable of carrying at least twice the anticipated initial load, with a safety factor of two (2), and of withstanding wind and ice loads in accordance with accepted engineering practices.

The developer shall provide a schedule for regular inspection and maintenance of the tower and site, and shall be responsible to mow the entire site that is not in woods or in agricultural or other active use.

- G. Submission Requirements: Even if a tower site is to be leased, a subdivision or land development plan shall be prepared to show the site, described by bearings and distances, within the property from which the site will be leased or sold.

Evidence of a lease agreement must be presented.

A site development plan, drawn to scale, shall also be prepared to show precisely the location of the tower on the site, fencing, support buildings on the ground, guy anchors, and access easement.

The subdivision plan shall be reviewed and if approved, recorded.

Once finalized, the applicant shall submit the name, address and emergency telephone number for the operator of the communications tower for the use of Emergency Management personnel.

The applicant shall submit a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1 million per occurrence and property damage coverage in the minimum amount of \$1 million per occurrence covering the communications tower and communications antennas.

- H. Ultimate Disposition: The developer, or current owner, shall be responsible for the removal of the tower and the returning of the site to its original condition within one (1) calendar year after if the tower is abandoned or the equipment is no longer operational. Landscaping installed during development of the site may remain in place. Each tower owner shall inform the Township of any changes in ownership or responsibility for a tower immediately after the change occurs.

Section 307 Recreational Campgrounds

Such uses are commercial in nature, normally seasonal but do have a high impact potential. They are also regulated by the Clinton Township Subdivision and Land Development Ordinance and must comply with all provisions of that ordinance relative to plan submittal and approval. Such uses shall:

- A. Provide evidence of compliance with Department of Environmental Protection Standards for water and sanitary sewer facilities.
- B. Provide evidence of approved solid waste removal.

Section 308 Commercial Recreation

These particular uses by their nature can generate noise or excessive activity adversely affecting neighboring properties. Standards shall be based upon the type of activities.

Outdoor uses shall:

- A. Have a lot of not less than six (6) acres in size.
- B. Present a plan for the use, time and duration of any outdoor speakers. Outdoor speakers may not be employed for musical performances. Outdoor speakers may not be employed for non-emergency use between the hours of 10:00 p.m. and 7:00 a.m.

Indoor uses shall:

- A. Have no outdoor speakers, with the exception of emergency public address speakers.
- B. Present evidence of compliance with Labor and Industry (PA) building regulations.
- C. If an indoor shooting range, the developer shall show adherence to best design practices, such as the National Rifle Association's NRA Range Source Book to ensure safety.

Intensive uses shall:

- A. Maintain a lot of at least one hundred (100) acres for commercial hunting operations and fifty (50) acres for all other intensive uses.
- B. No enclosure for commercial hunting shall be erected within four hundred fifty (450) feet of a neighboring residence, any neighboring agricultural building used to house livestock, a school, day care facility, or playground associated with a school. Other intensive commercial uses shall add two hundred (200) feet to all required setback areas to create a buffer zone where no intensive activities may occur.
- C. No intensive use shall directly abut a residential district, or an existing planned residential development (as defined by this Ordinance).
- D. The Board of Supervisors may limit hours of operation as a reasonable additional condition of approval.
- E. Commercial shooting ranges shall illustrate that the design and direction of all firing lanes shall not present a danger to public health and safety. The developer shall show adherence to best design practices, such as the National Rifle Association's *NRA Range Source Book* to ensure safety. Other intensive uses shall present a plan to minimize any noise created by activities through buffering, acoustic engineering or topography.
- F. Any outdoor lighting shall be shielded to prevent glare to neighboring properties, and meet the standards of the Clinton Township Outdoor Lighting Ordinance.

Section 309 Sawmills

- A. No sawmill shall be located upon a lot of less than ten (10) acres.
- B. There shall be no storage of logs or lumber within fifty (50) feet of any lot line.
- C. The location of the mill shall be at least two hundred (200) feet from a neighboring pre-existing residential structure.

Section 310 Limited Retail and Service Business

The purpose of this use is to allow smaller retail operations in a rural environment. Such uses shall:

- A. Provide all parking as required by this Ordinance on lot.
- B. All compressors shall be so enclosed as to baffle their sound from surrounding uses.

- C. All dumpsters and or garbage/trash storage areas shall be enclosed.
- D. No sign for a limited retail and service business may exceed sixteen (16) square feet.
- E. No building devoted to retail or service uses shall exceed five thousand (5,000) square feet gross floor area.
- F. Illustrate that the proposal meets the definition of a limited retail and service business by presenting information about proposed goods or services to be offered, hours of operation, and any outdoor sales or services.

Section 311 Cemeteries

The purpose of cemeteries, under this Ordinance, is to provide a proper burial ground for persons. All uses and activities must be clearly and customarily incidental to this use. Prior to the establishment of a new facility or expansion of an existing cemetery, the owner shall:

- A. File a site plan to demonstrate the design and layout of the proposed cemetery or cemetery expansion and specifically illustrating: the proposed drainage plan, the internal circulation plan, and the location of accessory building(s). This plan shall meet all applicable standards of the Clinton Township Subdivision and Land Development Ordinance
- B. Connections to existing Township streets will be no closer than fifty (50) feet to a street intersection, fifteen (15) feet to a fire hydrant, thirty (30) feet to a driveway on the same side of the street and shall avoid streets or driveways opposite proposed means of ingress and egress.
- C. Shall demonstrate compliance with applicable State laws.
- D. All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- E. All new facilities shall have a size of at least one half acre, and shall include a deeded right of way connecting the burial ground to a public road.

Section 312 Day Care Centers

Shall be allowed as a conditional use providing the following criteria are met:

- A. Any outdoor play area shall be effectively fenced from access to abutting properties or with a solid or opaque fence of at least four (4) feet in height.
- B. For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children. These will be for the safety of the children and the protection of the neighborhood. In any event, there shall be an off-street area for loading/unloading children.
- C. One (1) parking space for each employee shall be required.
- D. The operator shall secure and keep current all permits from the Commonwealth or other licensing agencies.

Section 313 Personal Care Home

The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. Personal care homes are facilities which offer food, shelter and personal assistance for a period of more than twenty-four (24) consecutive hours for four (4) or more adult residents who are not relatives of the operator and where the residents do not require hospitalization or nursing facility care. In addition, such uses shall meet the following conditions:

- A. There shall be no sign or exterior display beyond the name of the home or its use. Signs shall meet the standards of Section 409 of this Ordinance.
- B. At least one (1) additional on-lot parking space shall be provided for each two (2) guests.
- C. No home in the R-1 or LB District shall admit more than eight (8) guests/clients at any one time.
- D. Required local, county and/or state certifications shall be presented to the Board. Specifically included are to be applicable permits from the Pennsylvania Department of Welfare.

Section 314 Gas and Oil Drilling

- A. Show compliance with all applicable State and/or Federal regulations. Specifically, all needed permits from the Pennsylvania Department of Environmental Protection and copies of approved Erosion and Sedimentation Control Plans shall be presented to the Township.
- B. No drilling operation shall be conducted within any setback limits set forth by the Commonwealth of Pennsylvania or the United States Government. The developer shall provide the Township with evidence that all setbacks required by other agencies have been met.
- C. An arrangement for road bonding requirements, as applicable, shall be presented to the Township.
- D. The developer shall agree to work to share information with the Township in the event of well water deterioration or loss of supply.
- E. If materials from trucks are spilled upon a public road, all such materials shall be removed from the road within four (4) hours.
- F. The Township may require the installation of landscaping or some form of vegetative screening or buffer as a reasonable additional condition and safeguard within six (6) months of the initiation of drilling.
- G. The Township may limit hours of operation for drilling as a reasonable additional condition of approval.

Section 315 Churches, Places of Assembly, Schools, Hospitals, and Nursing Homes

- A. Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- B. Schools shall be located on a paved public street which has two means of entrance and exit, and with a minimum cartway width of twenty-four (24) feet.
- C. The design and landscaping shall be compatible with, and preserve the character of, adjoining residential uses. The Township may require screening of a type deemed necessary.
- D. All parking and recreation/play areas that abut residential uses shall provide screen planting of a type deemed sufficient by the Township.
- E. Any outdoor lighting shall be designed to prevent glare to adjoining properties, and meet the standards of the Clinton Township Outdoor Lighting Ordinance.
- F. Such uses shall have, and present, all needed local, county, state or federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for same shall be a condition prior to issuing a Certificate of Occupancy.
- G. The applicant shall describe any proposed use of outdoor speakers or amplified outdoor

activities. The Township may limit the times for such outdoor activities as a reasonable additional condition and safeguard.

Section 316 Light Manufacturing

The purpose of this is to diversify the Township's economic base by providing more industrial business opportunities in business areas without jeopardizing the overall welfare of other small businesses. Such businesses shall:

- A. Describe all industrial processing and product lines in such detail to ensure the Township that they meet the definition of light manufacturing.
- B. Agree that all industrial activities and storage areas shall be contained indoors.
- C. Show a plan for minimizing the effect of any truck traffic on congested areas.
- D. Show evidence of compliance with parking, loading signage, lighting, buffering and other performance standards.

Section 317 Truck Terminals

Such uses are permitted subject to the following requirements:

- A. Side and rear yards shall be increased by twenty (20) feet.
- B. All outdoor storage shall be in side yards (behind the front lot line) or in the rear yard.
- C. Access to roads and highways shall be clearly defined.
- D. All parking, loading and unloading facilities shall be clearly designed so motor vehicles will not be required to back into or from streets or roads when parking or leaving the premises.
- E. Provide sufficient buffer yards to dampen the effects of noise and light. At a minimum, Type 1 buffer yards shall be provided per this Ordinance on side and rear lot lines where there is a single-family dwelling within one hundred fifty (150) feet of the proposed development.
- F. In the LB Limited Business District, no building for a warehouse or truck terminal shall exceed fifty thousand (50,000) square feet in gross floor area.

Section 318 Car Washes, Auto Sales, and Equipment Sales and Rental

These kinds of businesses differ from other kinds of retail or industry in that activities and goods sold occur outside buildings.

- A. No vehicles will be parked or stored within any setback lines or encroach upon a required yard area, except customer vehicles parked on a short-term basis [less than twelve (12) hours].
- B. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, parts of vehicles, tires or vehicles which lack current Pennsylvania inspection stickers. The overnight parking of customer vehicles and the screened storage of approved trash containers shall be permitted.
- C. All lighting shall be indirect, or designed to prevent glare to neighboring properties and meet the standards of the Clinton Township Outdoor Lighting Ordinance.
- D. All compressors shall be enclosed to muffle their sound from surrounding uses.
- E. Car wash facilities open to the public may be required to prepare a safe yield water study as

defined under the Clinton Township Subdivision and Land Development Ordinance. The Supervisors may waive this requirement if a majority of the water is to be recycled.

- F. Any underground storage tanks shall be in compliance with all Federal or State regulations.

Section 319 Multiple-Family Dwellings/Mobile Home Parks

The purpose of this conditional use is to further the affordable housing goals of the county comprehensive plan by allowing limited specialized housing opportunities in mixed residential/ commercial areas.

- A. In the LB District, development may not exceed a density greater than one (1) dwelling unit or one mobilehome per acre without transfer of development rights per section 410A.
- B. Provide evidence they have passed all applicable regulations for sewage disposal.
- C. Show evidence of compliance with all applicable Department of Environmental Protection regulations.
- D. Be screened from abutting single-family residential or business uses (Type I).
- E. Any mobile homes must meet the following standards for tiedowns/anchoring. Three types of foundation will be acceptable:
 - 1. A foundation similar to that of traditional homes (footers below the frost line).
 - 2. Concrete block leveled and installed per the mobile home manufacturer's instructions.
 - 3. Cylinder jack piers bolted to the mobile home's I-beams and set into reinforced concrete pads.

If either foundation E.2 or E.3 is employed, the unit shall have skirting continuously in that area between ground level and the mobile home. This skirting will be of a type and material suitable for such a purpose, and shall be maintained.

- F. Must meet all applicable standards of the Clinton Township Subdivision and Land Development Ordinance.

Section 320 Corporate Offices, Research and Laboratories

- A. In the LB District, building size is limited to fifty thousand (50,000) square feet of gross floor area.
- B. Parking areas shall have Type 1 screening per section 411.2 if they abut a single-family dwelling within one hundred fifty (150) feet.
- C. The design and landscaping shall be compatible with, and preserve the character of, adjoining residential uses.

Section 321 Heavy Industry

The applicant shall provide a detailed description of the proposed use in each of the following topics:

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
- B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an

overall needed site size;

- C. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited performance standards under Article Four of this Ordinance; and,
- D. A traffic study prepared by a professional traffic engineer and meeting any standards for such studies within Clinton Township.

Section 322 Home Occupations

Home occupations represent a potential intrusion on residential neighborhoods. They must therefore meet the following criteria:

- A. The home occupation must be carried on entirely within the dwelling unit.
- B. No more than twenty five percent (25%) of the gross floor area of the dwelling may be used for the home occupation.
- C. Articles sold or offered for sale on site shall be limited to mail-order articles or articles for sale elsewhere.
- D. No offensive noise, vibration, smoke (or other particulate matter), heat, humidity, glare or other objectionable effects shall be produced.
- E. No equipment or processes shall be used which create interference in radio or television receivers off the premises or which cause fluctuation in utility line transmissions. Applicant will also show that electric or electronic equipment will not create an electrical fire hazard.
- F. Not more than two (2) persons (including the owner/operator) shall be employed.
- G. If services are provided directly to patrons, no more than two (2) patron areas (such as barber chairs or stations) shall be provided.

Section 323 Building Material and Supply Yards

- A. Shall submit a plan that details the bulk storage of any hazardous substances, such as propane and bulk fuel and any safety or mitigation standards.
- B. Type III screening per Section 411.2 shall surround the storage area.
- C. Meet performance standards under Section 408.

Section 324 Salvage Yards and Recycling Centers

- A. All receiving and processing of materials to be completely within an enclosed building. The loading dock shall be of the completely enclosed type.
- B. All drive and parking areas shall be hard surfaced with asphalt or concrete.
- C. Type III screening per Section 411.2 shall surround the storage area.
- D. No emission of objectionable gases, fumes, smoke or dust.
- E. Must have all required federal, state and local permits and meet performance standards under

Section 408.

Section 325 Sanitary Landfills

The Township of Clinton limits sanitary landfills to the IP District in order to encourage the reclamation of brownfields or previously mined areas. Plans for sanitary landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection, the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. Operators of sanitary landfills shall file with the Board written proof that they have met all permit requirements of the State and/or Federal Government as they may apply to a specific development. Local requirements which must be met prior to permit approval by the Board include:

- A. Minimum lot size of twenty (20) acres; a buffer yard of two hundred (200) feet from all public rights-of-way and four hundred (400) feet from all dwellings, schools, churches, hospitals and similar residential uses.
- B. An eight- (8) foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind-blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties. Barrier fences shall be maintained in good condition at all times.
- C. The barrier shall be at a minimum distance of seventy-five (75) feet from all operations, and the area between the work area and barrier shall consist of a natural cover of vegetation or forestry. This strip shall not be of barren soil.
- D. The landfill shall have no more than two (2) access routes, unless the landfill property borders three (3) or more public rights-of-way. In such an event, approval by the Township Supervisors will be necessary to secure an additional access route. All access areas shall be maintained in a dust free condition at all times.
- E. A bond will be filed with the Township Supervisors, at an amount deemed necessary by the Board of Supervisors, to provide for protection of Township roads, which may be used for access to this landfill.
- F. The operator shall submit to the Board for approval a plan for the restoration of the landfill area, which shall include anticipated future use of the restored land.
- G. Due to bird strike hazards, landfills are not permitted within five thousand (5,000) feet of any airport.
- H. Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m.

Section 326 Sexually Oriented Businesses

These businesses have potential negative impacts upon the community, including frequent use for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

The concern over sexually transmitted diseases is a legitimate health concern of the Township, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well being of the citizens.

There is convincing documented evidence of a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

Sexually oriented businesses have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighboring blight and downgrading the quality of life in the adjacent area.

Permitting and/or licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation. It is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance, which addresses the secondary effects of sexually oriented businesses. Nor is it the intent of the Township to condone or legitimize the distribution of obscene material.

Sexually Oriented Businesses, as defined herein, shall be permitted as a conditional use, provided:

- A. The proposed business does not lie within one thousand five hundred (1,500) feet of:
 - 1. A church
 - 2. A public or private pre-elementary, elementary, or secondary school
 - 3. A public library
 - 4. A child-care facility or nursery school
 - 5. A child-oriented business
- B. Compliance with all other applicable local codes and licenses is presented to the Township Supervisors.

Section 327 Correctional Facility/Halfway House

- A. Shall present the Township Supervisors with a security plan that takes into account the safety of Township residents.
- B. Does not lie within one thousand five hundred (1,500) feet of:
 - 1. A church
 - 2. A public or private pre-elementary, elementary, or secondary school
 - 3. A public library
 - 4. A child-care facility or nursery school
 - 5. A public park adjacent to any resident district
 - 6. A child-oriented business
- C. Does not lie within three hundred (300) feet of a pre-existing single-family home.

Section 328 Veterinary Clinic

- A. The design and landscaping shall be compatible with, and preserve the character of, adjoining residential uses.
- B. All parking and recreation/play areas that abut residential uses shall provide screen planting, and fencing as necessary to contain animals.
- C. All overnight boarding shall be conducted indoors. The clinic shall show means of adequate sound proofing.
- D. The clinic shall show evidence of sanitary means to dispose of dead animals, such as a letter of agreement with a licensed waste hauler.
- E. The Clinic shall meet all performance standards under Section 408.

Section 329 Flea Markets

To conform to conditional use standards, all such flea markets shall meet the following standards:

- A. The operator of the flea market shall either be the property owner, or provide evidence of written permission (such as a lease agreement) to utilize the property.
- B. The operator shall submit a plan that details public parking areas, and the number and location of proposed seller stalls.
- C. The operator shall have a contract with an approved waste hauler, and a minimum of one (1) fifty-(50) gallon capacity solid waste receptacle (or equivalent dumpster capacity) for every four (4) proposed sellers.

Section 330 Public Utility Structure

- A. Lots containing structures or buildings for public utilities shall be landscaped to present a minimum intrusion upon the neighborhood.
- B. The Township may require a security fence to enclose the structure.
- C. No outdoor storage shall be permitted.
- D. Lighting shall be designed to prevent glare to neighboring properties, and meet the Standards of the Clinton Township Outdoor Lighting Ordinance.

**Article Four
Additional Regulations**

Section 401 Additional Standards for New Lots in the C and AC Districts

The C-Conservation and AC Agricultural Conservation Districts are specifically designated to protect the Township's unique high-value farmland and identified environmentally sensitive areas. This is accomplished through large minimum lot sizes, which prevent complete development into lots too small for the practice of viable agriculture. Such small lots can also become a danger to public health and safety due to environmental hazards (such as accelerated stormwater runoff) identified in the comprehensive plan. In order to offer farmland and rural property owners maximum opportunities and flexibility for their property, three options are available to allow creation of lots smaller than the stated minimums. Option One shall be through permitted use. Option Two shall be through conditional use approval.

401.1 Option One – Limited Subdivision: In this option, new lots of two (2) acres or more may be created, but the number of new lots is limited by Table 401A. The following limits shall apply in the creation of new lots from parent tracts within the district. The number of new lots created within any parent tract existing in separate ownership on the date of adoption of this Ordinance shall not exceed the number in Table 401A. Separate ownership shall be determined according to the Butler County Assessment Office lot and block records. Regardless of actual party of ownership, a property shall be regarded as existing in separate ownership on the date of adoption if it has a separate deed or tax parcel number. Subsequent or additional subdivisions of lots previously subdivided shall also be limited in the future, based upon the original parcel size in separate ownership at the time of adoption.

Table 401A

Size of Original Property in Separate Ownership	Maximum Number of Lots*
Four (4) acres	Two (2) lots
Four (4) acres or over but less than ten (10) acres	Three (3) lots
Ten (10) acres or over but less than twenty (20) acres	Four (4)
Twenty (20) acres or over but less than fifty (50) acres	Five (5) lots
Fifty (50) acres or over but less than seventy-five (75) acres	Six (6) lots
Seventy-five (75) acres or over but less than hundred (100) acres	Seven (7) lots
One hundred (100) acres or over but less than hundred twenty-five (125) acres	Eight (8) lots
One hundred twenty-five (125) acres or greater	Nine (9) lots
<i>*Including any original or residual tract not subdivided.</i>	

The provisions of this section shall apply to all parent tracts as of the effective date of this Ordinance. Regardless of size, no parcel or lot subsequently subdivided from its parent tract shall qualify for additional lots pursuant to this section. All subsequent owners of parcels of land subdivided from a parent tract shall be bound by the actions of the previous owners of the parent tracts. Any subdivision or land development plan hereafter filed for a parent tract in the AC-Agricultural Conservation District or C Conservation District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single-family detached dwellings or farm parcels as determined and limited by the provisions of this section. Subdivision plats prepared in accordance with this section shall include the number of any unused lots permitted, and any lot upon which the unused portion is ascribed to.

In the event a tract of land not originally classified as part of the AC or C District on the effective date of this Ordinance is hereafter classified as part of the AC or C District, the size and ownership of such tract of land and its classification as a parent tract, shall be determined as of the effective date of the change in the zoning classification.

401.2 Option Two – Homestead and Country Lots: This option is designed to allow further subdivision of tracts over twenty (20) acres than permitted under Option One. The intent is to allow a mix of larger

homestead lots for the purposes of horse keeping or limited agriculture, with smaller country lots. At least seventy percent (70%) of the total number of proposed lots shall meet the minimum dimensions of homestead lots (or be of greater size). The remaining thirty percent (30%) of lots may be of Country Lot Standards.

A. Homestead Lot Standards

- Minimum lot size: 5 acres
- Minimum lot width: 200 feet
- Minimum front yard setback: 50 feet on all roads
- Minimum side yard setback: 50 feet
- Minimum rear yard setback: 50 feet all principle buildings, 10 feet accessory

B. Country Lot Standards

- Minimum lot size: 2 acres
- Minimum lot width: 150 feet
- Minimum front yard setback: 50 feet on all roads
- Minimum side yard setback: 30 feet
- Minimum rear yard setback 50 feet all principal buildings, 10 feet accessory

C. If at least fifty percent (50%) of the total tract acreage prior to subdivision is proposed for Homestead Lots of at least ten (10) acres in size each, the remaining fifty percent (50%) of the tract may be used for country lots, regardless of the lot ratios previously stated.

D. Each newly created homestead lot or country lot shall be accompanied by a deed restriction restricting any future subdivision. Private deed covenants shall not preclude normal agricultural use on any lot of at least five (5) acres.

401.3 Option Three: Cluster Subdivision. Under this Option, developers may create lots as small as one acre, while retaining overall site density, and thus saving on road and infrastructure costs. However, because of higher density, a higher level of site planning is necessary to preserve rural resources and natural infrastructure.

A. Standards:

1. The minimum size for a cluster subdivision option is twenty (20) acres.
2. The maximum number of permitted new lots shall be determined by dividing the total area of lands lacking rights of way, easements steep slopes fifteen percent (15%) or greater, floodplains and wetlands (per the existing conditions map) by 2 acres. This shall be done as follows:

3. Step One: Determine Adjusted Tract Acreage:

Total Tract Acreage	
Subtract Less- Lands in Rights of Way or Utility Easements	
Subtract lands in Open water, Hydric Soils, or other statutory Wetlands	
Subtract all lands in 15%+ Steep Slope as determined by USGS 1:24000 Series, local Topographic Mapping, or The Township Comprehensive Plan maps	
Subtract All land in Floodplains	
Enter Resulting Acreage =Adjusted tract Acreage	

4. Step Two: determine allowable Number of Lots

Adjusted Tract Acreage divided by two acres equals the total number of lots permitted. Minimum Lot size shall be one acre. Any lot of two acres or less may only be used for the erection of a single family, dwelling.

5. Step Three: Define Open Space

The developer shall preserve either sixty percent (60%) of the entire tract or seventy percent (70%) of the active agricultural lands as open space. No tract of open space shall be less than ten (10) acres. A deed covenant shall be attached to prevent construction of other than a farm building or farm accessory structure within any tract of Open Space. Open space uses may be any combination or single use listed below:

- Off-lot septic easements or wells, provided that homeowner access is permitted through easement
- Timber management and forestry
- Agriculture
- Equestrian activities by community residents
- Scenic areas and vistas
- Fishing, hunting, wildlife observation, and similar outdoor recreational pursuits
- Developed parklands

Other open space uses may be accepted by the Township if approved prior to submission of an alternative plan and such uses do not entail residential or commercial use.

Unless devoted to agriculture or forestry uses, these areas must be owned by a land trust, government, homeowners' association, or similar responsible body to ensure maintenance or proper management in perpetuity. If devoted to agriculture or private forestry, means for appropriate permanent dedication or

deed covenants to prevent its development shall be required prior to approval. No non-farm residential building lot may encroach on to open space

6. Other Development Standards

Stream Side Buffer Areas: To naturally control stormwater runoff, setbacks and yard areas shall be maintained between any perennial stream or natural watercourse based upon the slope between any building or parking area and the non-flood waterline. Slope shall be calculated from the difference in elevation between the edge of the non-flood water line and the proposed building site facing the stream by subtracting the lower elevation from the higher elevation and dividing this by the lineal distance. In this buffer area no new structures shall be constructed, nor shall any clearing of trees or under-story growth be permitted (except as may be necessary for street or trail construction or forest management). Where this buffer is un-wooded, the Board may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species

Stream side Buffer Area Setbacks shall be as follows:

Slope	Setback
0-8 percent	25'
10-15 percent	50'
16+ percent	75'

7. Buffers for Adjacent Public Parkland:

Where a proposed development adjoins public parkland, a natural greenway buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or under-story growth be permitted (except as may be necessary for trail construction or forest management). Where this buffer is un-wooded, the Board may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species

Whenever any proposed Option Three subdivision abuts an Agricultural Security Area or active agriculture is proposed as a part of open space, the distance between active agricultural areas and proposed dwellings shall be maximized. Under no circumstances shall a dwelling unit be within one hundred (100) feet of an Agricultural Security Area.

401.4 Deed Notation to Protect Agricultural Operations: Within all options, deed covenants shall be attached to each lot that state, "The grantee acknowledges that this lot is within an active agricultural area. It may be subjected to the odors, dust, noise and other impacts that are a part of normal farming practices, and that agriculture has the pre-existing right of use in this area. With all options, compliance with all subdivision standards and land dedication or fees in lieu of recreation land standards shall be met."

401.5 Development Standards for Option Two and Option Three Subdivisions The conditional use application shall be accompanied by an existing condition map and sketch plan. These need not follow standards for a preliminary subdivision plan, but should generally detail existing vegetative cover (noting stands of forest), slope or topography per USGS mapping, any significant natural, agricultural, or historical features as noted in the Township comprehensive plan, and a sketch plan of proposed lots. The developer shall use the existing conditions map as a base upon which to prepare a sketch plan that generally depicts the proposed development, and meets the following standards. This sketch need not contain bearings or distances for proposed lots. It must generally depict the location, size and configuration of lots, dwelling units and open space. The developer shall include a narrative that explains how the proposal maximizes protection of natural and rural resources, and conforms to any adopted comprehensive plan and/or greenway Plan. As a condition of approval, the developer shall agree to utilize any approved sketch plan as the basis for the preliminary and final subdivision plans.

- A. The developer shall endeavor to avoid a “checkerboard” pattern of lots. Lot lines should follow existing tree lines, and natural divides.
- B. Within the AC Agricultural Conservation District, smaller lots should be generally placed in any woodland areas, with larger lots reserved for agriculture. Within the C Conservation District, Smaller lots should be clustered in parts of the tract lacking slope constraints, and larger lots should be used to protect significant natural features.

Section 402 Non-Conforming Uses

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.

402.2: A nonconforming building damaged or destroyed by fire or a similar event may be reconstructed and used as before. The intent to rebuild must be expressed within six (6) months. The restored building shall cover no greater area and contains no greater cubic content, unless approved by the Board of Supervisors. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located. In such cases it must also meet the off-street parking and loading requirements of this Ordinance for the proposed use and relevant state codes.

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.

402.4: 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.

402.5: Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance.

402.6: Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

402.7: Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Article shall also apply to any uses which thereby become nonconforming.

Section 403 Existing Lots of Record

403.1 Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located. Where two (2) or more adjacent lots of record with less than the required area and width are held by one (1) owner, on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board which may require

re-platting to fewer lots, which would comply with the minimum requirements of this Ordinance.

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.

Section 404 Loading Areas and Parking

Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

404.1 Off-Street Loading: Every use listed in the following table shall provide off-street loading berths in accordance with its size. All figures are given in gross feet of floor area for each listed use.

Off-Street Loading Space Requirements

Use	Berth Required
Institutional Uses	
Schools	10,000 square feet gross floor area
Hospitals, Nursing Homes, Personal Care Homes, Auditoriums and Arenas	50,000 square feet gross floor area
Commercial Uses	
Convenience Store/Gasoline Service Station	4,000 square feet gross floor area
Eating and Drinking Place	40,000 square feet gross floor area
Retail Sales/Shopping Centers	40,000 square feet gross floor area
Hotel	50,000 square feet gross floor area
Industrial Uses	
Light Manufacturing	10,000 square feet gross floor area
Heavy Manufacturing, Wholesale, Warehouses Truck Terminals	5,000 square feet gross floor area

404.2 Size and Access: Each off-street loading space shall be not less than ten (10) feet in uniform width and sixty-five (65) feet in length. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley.

404.3 Off-Street Parking Size and Access: Off-street parking spaces shall have an area determined by their use. In the case of multi-family dwellings, mobile home parks, industrial and manufacturing establishments, warehouses, wholesale, and truck terminals, each space shall be not less than one hundred forty-four (144) square feet, being at least eight (8) feet wide and eighteen (18) feet long. For all other uses, each space shall have a uniform area of one hundred eighty (180) square feet, being at least ten (10) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be consistent with requirements for private streets in the Clinton Township Subdivision and Land Development Ordinance. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street.

Large Off-Street Parking Lots: Off-street parking lots in excess of twenty thousand (20,000) square feet shall meet the following standards for stormwater management:

- A. Minimum planting strips of ten (10) feet between the parking lot and all lot lines to be planted with one (1) hardwood or coniferous tree per each two (2) parking spaces or combination thereof. Trees which die shall be replaced annually. Eight percent (8%) of the total interior space shall be devoted to interior planting strips to be maintained in trees, shrubbery, annual plants or similar pervious dust- and mud-free material.
- B. Number of Parking Spaces Required: The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.

Required Parking Spaces

Use	Parking Spaces Required
Residential Uses	
Single-Family Dwelling and Duplex	2 per dwelling unit
Multi-Family Dwelling	2.5 per dwelling unit
Mobile Home Parks	2.5 per dwelling unit
Institutional Uses	
Churches, Auditoriums, Indoor Assembly Places	1 per each 3 seats or 1 per each 4 persons permitted in maximum occupancy
Stadiums, Sports Arenas and Places of Outdoor Assembly	1 per each 6 seats or 1 per each 4 persons permitted in maximum occupancy
Schools	1 per each teacher and staff and 1 for each 4 classrooms plus 1 for each 2 students age 16 and over
Nursing Homes and Personal Care Homes	1 per each staff on the largest shift plus 1 per each 4 beds
Hospitals	1 per each staff on the largest shift plus 1 per each bed
Commercial Uses	
Auto Sales and Service, Trailer Sales, and Similar Outdoor Sales	1 per 5,000 square feet developed lot area for vehicle display <i>and</i> 1 per 300 square feet customer service area; to a required maximum of 30 designated customer parking spaces
Convenience Store/Service Stations	1 per 200 square feet gross floor area
Hotels or Bed and Breakfast	1 per guest room plus 1 per each employee on the largest shift.
Funeral Homes and Mortuaries	25 for the first parlor or viewing room, plus 10 per each additional viewing room
Indoor Commercial Recreation	1 per each 3 persons in maximum occupancy
Outdoor Commercial Recreation	1 per each 2,500 of lot area developed and used for the recreational activity
Medical and Dental Office	8 spaces per doctor
Professional Office and Banks	1 per each 250 square feet of gross floor area
Furniture Stores	1 per each 800 feet of gross floor area
Eating and Drinking Places	1 per each 2 patron seats
Retail Stores/Shopping Centers	1 per each 400 square feet of gross floor area
Industrial Uses	
Business Parks, Light Manufacturing, Heavy Manufacturing, Truck Terminals and Warehouses	1 per each employee on largest shift plus one visitor space per each 10,000 square feet gross floor area

- C. Location and Parking: Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit parking spaces to be located not more than two hundred (200) feet from the lot of the principal use, if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.
- D. Screening and Landscaping: Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of Screening) or use. In addition, there shall be a planting strip of at least five (5)

feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.

- E. Minimum Distance and Setbacks: No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, school, hospital, or similar institution.
- F. Surfacing: All parking and loading areas and access drives shall have a dust-free surface, graded with positive drainage to prevent the flow of surface water onto neighboring properties. Parking areas larger than ten thousand (10,000) square feet shall submit a plan, including drainage provisions, to the Township for approval. Lots shall be designed to provide for orderly and safe loading and parking.
- G. Lighting: Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from roads or highways and meet all standards of the Clinton Township Outdoor Lighting Ordinance.

Section 405 Application of Yard Regulations

405.1: All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in this section.

405.2: A wall or fence under six (6) feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Retaining walls and fences required for screening under this Ordinance are not subject to the six (6) foot high limitation. Fences may be permitted in front yard areas provided they are no higher than four (4) feet and do not impinge on the required free sight triangle at intersections. Fences for safety purposes or containment of livestock and do not block public road or driveway lines of site are exempt from these provisions.

405.3: Above-ground swimming pools shall be permitted in yard areas, provided that the pool is located not less than ten (10) feet from lot line. All swimming pools shall be enclosed by a permanent fence at least four (4) feet in height. Above-ground pools may use a combination of sides and screen to reach the required height. In ground pools shall meet all applicable yard regulations.

405.4: Small garden sheds, storage sheds and similar structures of up to three hundred (300) square feet in size may encroach to within five (5) feet of a side or rear lot line. However, any such accessory structure in excess of one hundred forty-four (144) square feet so erected shall submit to the Zoning Officer a plan for drains, gutters, sumps, or grading which will assure no runoff from the building will enter a neighboring property.

405.5 Attached Accessory Structures: When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

405.6 Corner Lots: All Lots that abut two or more public streets shall meet the front yard depth for each public street. Other areas of the lot shall be regarded as side yards.

Section 406 Temporary Structures

Temporary structures, in conjunction with construction work, shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six- (6) month period. Temporary structures are subject to all use requirements.

In the R-1 Residential District, no shed, garage or similar accessory structure may be constructed before a residential dwelling.

Section 407 Height Limitations

When the following conditions are met, height limits may be increased:

407.1: Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side, and rear yard depths are increased by one (1) foot for each additional foot of height; however, such increase shall be limited to no more than ten (10) additional feet.

407.2: The following structures are exempt from height regulations provided they do not constitute a hazard: church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, agricultural barns, silos and similar farm structures, standpipes, elevated water tanks, derricks and similar structures.

However, for the above structures, all yard and set-back requirements must be met; in addition, any structure with a height in excess of fifty (50) feet will be first referred to the applicable Volunteer Fire Department for a review and comments relative to public safety considerations. Such comments shall be considered by the Board.

Section 408 Performance Standards

408.1: No use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or noxious to any other property or person in the Township. Furthermore, every industrial or commercial use of land or structure in any district must observe the following performance requirements:

- A. The developer shall provide assurances in writing that the proposed use will not be noxious or offensive by reason of emission of smoke, dust, gas fumes, odors, glare, light trespass, or vibration beyond the confines of the property on which the proposed use will be located, and that all applicable Federal and Commonwealth environmental states have been addressed.
- B. The developer shall provide assurance that no act, occupation, or structure will endanger life or health, give offense to senses, violate the laws of decency, or obstruct reasonable comfortable and free use of any property in Clinton Township.
- C. All aspects of production and processing shall occur entirely within closed buildings.
- D. Areas of the property not covered by buildings shall be used only for vehicle parking, access driveways and walks, truck maneuvering and parking areas and planted and maintained lawns, landscaping, tree clusters, or buffer areas.

Section 409 Signs

The following sign regulations shall be observed in all districts: It is not the purpose of this section to abridge commercial or non-commercial free speech. The purpose of these regulations is to ensure that the time, place, and manner of sign emplacement within the Township is conducted with regard to the safety of motorists and pedestrians (especially in avoiding distractions or confusion in high traffic areas), access to light and air by neighboring properties, and avoidance of negative impact upon neighboring properties, including unnecessary glare.

409.1 Exempt Signs: The following types of signs are permitted in all zoning districts, and exempt from permitting requirements, but not from performance standards relative to traffic safety, or overall sign limitations of any specific sign type or district.

- A. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided such sign shall not exceed sixteen (16) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event.

- B. Temporary signs erected in connection with the development or proposed development of the premises or property provided that the area of any such sign shall not exceed sixteen (16) square feet. Not more than one (1) such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one (1) street, in which case one (1) such sign shall be permitted on each separate street frontage. Such signs shall be removed within ten (10) days after the development has been completed and/or the last structure occupied. No such sign may be erected until all zoning, subdivision and land development approvals have been obtained.
- C. Political signs announcing candidates seeking public office, a referendum, or similar political speech.
- D. Religious or holiday displays or messages with no commercial or directional content.
- E. The flag of the United States, Commonwealth of Pennsylvania, or any state or nation.
- F. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed sixteen (16) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
- G. Auctions, garage, or yard sale signs provided that they do not exceed four (4) square feet and are removed as soon as the event or activity has occurred.
- H. Directory signs which list all the occupants of a multi-tenant or multiple-family building, or buildings in a multi-building development; provided, that the area of such signs does not exceed one-half (½) square foot per tenant or two (2) square feet per individual building.
- I. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed thirty-two (32) square feet in all other districts; provided that such sign shall be removed upon completion of the work.
- J. Any signs not visible from outside a lot or building.
- K. Restroom, exit, public telephone, handicapped parking or access, and similar directional or informational signs emplaced for the benefit of the public or building tenants.
- L. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of such sign shall not exceed two (2) square feet.
- M. House and address numbers, home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed four (4) square feet and may not be illuminated.
- N. Memorial signs or tablets denoting the date of erection of a building.
- O. Temporary signs announcing the birth of a child, birthday commemoration, marriage, graduation, or similar event in the life of a householder shall be permitted provided such signs do not exceed thirty-two (32) square feet.
- P. Any sign warning of a hazard that contains no other information or commercial content.
- Q. Signs erected by the Township or an authorized entity that serve to provide directions and explanations for public recreational purposes and facilities, for dedication/memorial purposes, and

to mark and explain historical or natural events, sites, persons or structures. Such signs shall not exceed sixteen (16) square feet in area.

- R. Traffic signs and similar regulatory notices placed by a duly constituted governmental body.

409.2 Performance Standards: Except where specifically noted, all signs shall adhere to all performance standards.

- A. Unless specifically exempted by Section 409.1 of this Ordinance, a permit must be obtained from the Township for the erection or alteration all signs. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this Ordinance and other codes.
- B. No signs shall be permitted within public rights-of-way, except PennDOT-approved traffic signs and devices; signs and banners specially approved by the Township for decoration or promotion of community events and activities; signs not exceeding nine (9) square feet placed temporarily to advertise the sale of real estate or a yard sale; political signs not exceeding nine square feet placed temporarily; signs not exceeding nine (9) square feet placed temporarily to provide notice of or direction to a civic philanthropic, political, educational, or religious event or activity. The Township may require proof of insurance for any sign within a right-of-way.
- C. No person shall construct, erect, place, use or permit the use of any permanent or temporary sign or sign structure on private or public property except for the property owner or tenant, or a person with the express written consent of the property owner.
- D. No motor vehicle not licensed and inspected for travel on the highways of the Commonwealth shall be used as a sign. Any vehicle that has a business sign affixed must be parked within a lawful parking area, and may not be parked in a yard or setback area.
- E. Construction and Maintenance: All signs shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards. The owners of signs shall keep them in safe and good repair. Signs which become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal.
- F. No sign structure may block a vehicular line of sight for a driveway, access lane, or public street, or be placed at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device. Sign structures erected directly upon the ground within fifteen (15) feet of any vehicular driveway, or street intersection shall have at least three (3) feet six (6) inches of clear space between such sign and the ground; however, necessary supports may extend through such open space.
- G. No signs shall be permitted which are posted, stapled or otherwise attached to public utility poles or trees.
- H. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.

409.3 Illumination: Except as specifically provided under regulations for lawful illuminated signs or electronic signs by conditional use, no sign shall employ internal, direct, or intermittent light, electronic or movable text, strobes or other animations that may serve to distract motorists, or cause light trespass to abutting properties.

All electrical connections shall be serviced by underground wires which meet all relevant codes. No temporary signs shall be illuminated.

All illuminated signs shall comply with the Township Outdoor Lighting Ordinance.

409.4 Sign Permit Application: All applications for signs as required under this section shall be submitted to the Zoning Officer. The application shall contain:

- A. Type, area and number of signs proposed.
- B. Type of illumination proposed (if permitted), including the luminance proposed and direction of lighting.
- C. For freestanding signs, a sketch showing the placement of the sign in relation to all driveways, vehicular rights of way, and cartways. The developer shall submit current sight distances, before and after erection of the sign with sufficient information to show that sight distances shall not be reduced.
- D. An elevation sketch showing the relationship of the sign to the building, grade, all driveways, vehicular rights-of-way, and cartways.
- E. A photograph or graphic rendition of the proposed sign copy, including all symbols, letter, and graphic elements shown to scale and all structural elements intended to anchor the sign.

409.5 Zoning District Sign Standards: Each lawful 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.

Zoning District	C, AC, and LB	R-1	IP
Signage Area Permitted	Aggregate of 64 Square Feet 2 Signs per Property	Aggregate of 32 Square Feet 2 Signs per Property	Aggregate of 400 Square Feet
Maximum Area per Sign	32 Square Feet	16 Square Feet	144 Square Feet
Maximum Height per Sign	12 Feet	7 Feet	25 Feet
Setback	15 Feet from R-O-W 20 Feet from Property Lines	15 Feet from R-O-W 20 Feet from Property Lines	15 feet from R-O-W 20 Feet from Property Lines
Illumination	Not permitted in C, or AC, External illumination permitted in the LB District	Not permitted	Internal or External

409.6 Billboards: Billboards shall be permitted as a conditional use in the IP Industrial Park District, provided:

- A. Such signs shall not be placed within one hundred fifty (150) feet of another on the same side of the road or one hundred (100) feet of another on the opposite side of a road.
- B. Such signs shall not be placed within two hundred fifty (250) feet of any residence, church, school or similar edifice.
- C. Such signs shall not be placed within two hundred fifty (250) feet of any road intersection, or at a curve or at any place where vehicular line-of-sight could be partially or completely obstructed.

- D. Such signs shall not exceed one hundred (100) square feet when viewed from its widest silhouette.
- E. Show evidence of compliance with all applicable regulations of the Pennsylvania Department of Transportation.
- F. Show compliance with all standards of the Clinton Township Outdoor Lighting Ordinance.

409.7 Electronic Signs: Signs with video, LED or similar electronic changeable copy messages are permitted as a conditional use in the IP Industrial Park District provided the developer of the sign shall clearly describe the type of electronic sign proposed as it meets the appropriate definition of electronic signs by sub-type under the definitions in this Ordinance.

- A. Signs shall meet all area and setback limitations for the district in which it is proposed.
- B. Additional Setback from Residential Districts: All portions of the sign structure must be a minimum distance of one hundred (100) feet from an abutting R-1 Residential District boundary.
- C. Setback from Other Electronic Changeable Copy, Electronic Graphic Display or Video Display Signs: Electronic signs must be separated from other electronic signs by at least thirty-five (35) feet. No more than one (1) electronic sign is permitted on a lot, regardless of how many tenants occupy that lot.
- D. Orientation: When located within one hundred fifty (150) feet of a residentially-used lot, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot.
- E. Audio or Pyrotechnics: Audio speakers or any form of pyrotechnics are prohibited in association with an electronic sign.
- F. The Supervisors may limit the hours of illumination or operation of electronic signs pursuant to preventing light trespass.
- G. Because messages on these types of signs may be changed quickly, the developer shall present an operating plan that includes proposed message duration, transitions between messages, and any transitional or other special effect proposed. The developer shall show driver reaction times, speed, and sight distances for vehicles that will be in view of the sign, and show the sign will not present an undue distraction to motorists. The plan shall be based upon the vehicular speed limit of traffic on all streets from which the sign would be visible, and estimated motorist reaction time. This should be based upon *The United States Sign Council On-Premise Signs Guideline Standards*, 2003 edition or as amended.

Section 410 Transfer of Development Rights

410.1 Purpose and Introduction: The primary purposes of the Transfer of Development Rights (TDR) is to permanently preserve prime farmland, sensitive natural areas, and rural community character that would be lost if the land were developed. In addition, this Article is intended to protect and increase property rights by allowing landowners whose land is intended for preservation to transfer their right to develop to other areas of the Township where roads and other infrastructure are more suitable for significant development.

- A. The provisions of this Ordinance which permit transferable development rights allow landowners in areas of the Township proposed for preservation, called sending areas, to sell the right to develop all, or a portion of their land to landowners in areas of the Township proposed for additional development, called receiving areas. The transferable development rights provisions set forth below are specifically authorized under Sections 603(c)(2.2) and 619.1 of the MPC,

under the terms of which development rights are acknowledged to be severable and separately conveyable from a sending area to a receiving area.

- B. When landowners in the sending area sell their right to develop all or a portion of their land, they must deed restrict that portion of land from which development rights are sold against any future development, although it may still be used for purposes that do not involve development, such as agriculture or forestry. When landowners in the receiving area buy the development rights from landowners in the sending area, they receive the right to build more homes on their land than they would have been allowed if they had not purchased development rights.
- C. Deed restrictions imposed in the sending area will not affect the landowner's ability to sell the land after the development rights have been severed, although such land cannot be sold for development purposes. The deed restriction on the land from which the development rights have been severed shall run in favor of the Township or an approved conservation organization.
- D. The owner of the tract in the sending area from which the development rights are severed or any subsequent purchaser or purchasers of the development rights may hold the development rights or may resell the development rights. The only use which may be made of the development rights is the ultimate transfer to a developer with a tract in the receiving area. The Township shall have no obligation to purchase the development rights which have been severed from a tract in the sending area.
- E. The Township reserves the right to amend this Ordinance in the future, and the Township expressly reserves the right to change the manner in which the number of development rights shall be calculated for a tract in the sending area and the manner in which development rights can be conveyed. The Township further expressly reserved the right to terminate its transferable development rights program at any time. No owner of the land or owner of development rights shall have any claim against the Township for damages resulting from a change in this Ordinance relating to the regulations governing the calculation, transfer and use of development rights or the abolition of the transferable development rights program. If the Township abolishes the transferable development rights program, no developer may attach development rights to any tract in the receiving area after the effective date of the ordinance abolishing the transferable development rights program.

410.2 Sending and Receiving Areas: For the purposes of this Article all areas zoned C Conservation AC Agricultural Conservation and Corridor Preservation Overlay Areas are designated as Transfer of development rights sending zones. All Areas designated as R-1 Rural residential, and Traditional Neighborhood Development Overlay zones are designated as transfer of development rights receiving zones.

Upon either purchase or trade of development rights owned by Clinton Township or the willing buyer/willing seller purchase of development rights in a sending zone, the developer may increase density within the applicable receiving zone consistent with Table 410A.

**Table 410A
Clinton Township Transfer of Development Rights Density Multiplier**

	Value Basis for TDRs	Base density Without TDR	Receiving Areas Density Bonus
C Conservation District	One Dwelling Unit to Two (2) Acres	See 401	Not Available
AC Agricultural Conservation District	One Dwelling Unit to Two (2) Acres	See 401	Not Available
Traditional Neighborhood Development Overlay District.	Not Available	Ten percent lot coverage for nonresidential buildings, or one dwelling unit to two acres	Up to Five dwelling units per gross acre or an increase of lot coverage for nonresidential structures of ten (10) percent of each TDR to a maximum of fifty (50) percent coverage
Corridor Preservation Overlay District	Not Available	Ten percent lot coverage for nonresidential buildings	An increase of lot coverage for nonresidential structures of ten (10) percent of each TDR to a maximum of fifty (50) percent coverage
R-1 Rural Residential/LB Limited Business	Not Available	One Dwelling Unit to 1 Acre	Two (2) Dwelling Units to One (1) Acre
Planned Residential Development	Not Applicable	Two (2) Dwelling Units Per Gross Acre	Five (5) Dwelling Units Per Gross Acre
Traditional Neighborhood Development Overlay Zone	Not Available	Two (2) Dwelling Units Per Gross Acre	Five (5) Dwelling Units Per Gross Acre

410.3 Sending Area Tract Requirement: Any owner of a tract of land of at least ten (10) acres may sell their development rights, provided the tract is located in the C Conservation District AC Agricultural Conservation District or Corridor Preservation.

410.4 Overlay Zone: Each existing dwelling unit upon the tract shall result in a deduction of two (2) acres from the calculations. If development rights are retained in part by the original owner, the entire parcel remains subject to Section 402 of the Clinton Township Zoning Ordinance.

410.5 Receiving Area Tract Requirement: Owners of tracts may use development rights that are purchased from sending area landowners per the ratios in Table 410A provided that the Proposed Development will have community water and sewer service, is within a Planned Residential Development, R-1 Rural Residential Zoning, or the traditional Neighborhood Development Overlay Zone.

While lot size may be reduced pursuant to Table 410A all yard and setback areas for the zoning district still apply for all areas of the receiving tract that will border a public street or another property.

410.6 Severance of Transferable Development Rights: Transferable development rights shall be conveyed by a Deed of Transferable Development Rights duly recorded in the Office of the Butler County Recorder of Deeds. The Deed of Transferable Development Rights shall specify the tract of land within the receiving district to which the rights shall be permanently attached or that the rights shall be transferred to the Township, the owner of the sending tract, or another person in gross. The Deed of Transferable Development Rights which severs the development rights from the sending tract shall be accompanied by restrictive covenants meeting the requirements which shall permanently restrict development of the sending tract as provided below and which shall be recorded in the Office of the

Recorder of Deeds at the same time as or prior to the Deed of Transferable Development Rights. Development rights which have been severed from a sending area tract shall be conveyed by a Deed of Transferable Development Rights which shall be recorded in the Office of the Recorder of Deeds. All Deeds of Transferable Development Rights must be endorsed by the Township prior to recording.

410.7 Sending Area Restrictive Covenant: Except for retained development rights (not to be severed), if any, the sending tract must be permanently restricted from future development by a declaration of restriction of development or other restrictive covenant which meets the following requirements:

- A. Except where any retained development rights are specified, the restrictive covenant shall permanently restrict the entire sending tract from future development of any non-agricultural uses, except for public park land, conservation areas, municipal facilities and similar uses. Where development rights will be severed from less than an entire parcel, the portion of the parcel from which the development rights are transferred shall be clearly identified on a plan of the entire parcel, drawn to scale, the accuracy of which shall be satisfactory to the Township. Such plan shall also include a notation of (1) the number of development rights applicable to the entire parcel, (2) the number of development rights applicable to the identified portion of the parcel from which the development rights are to be severed, and (3) the number of development rights which remain available to the remaining portion of the parcel. This plan shall be a part of the restrictive covenant and shall be recorded.
- B. The restrictive covenant shall be approved by the Board of Supervisors of the Township, in consultation with the Township Solicitor. Final plan approval of any subdivision or land development plan proposing the severance or use of TDRs, and endorsement of any Deed of Transferable Development Rights, will be contingent upon the recording of the restrictive covenant at the Recorder of Deeds.
- C. The restrictive covenant shall designate the Township, and/or a bona fide conservation organization acceptable to the Township at its sole discretion, as the beneficiary/ grantee, but shall also designate both (a) all future owners of all or a portion of the sending parcel, and (b) all future owners of any portion of the receiving parcel as having separate and independent enforcement rights with respect to the restrictive covenants.
- D. The restrictive covenant shall apply to the tract of land from which development rights are sold, and shall specify the number of development rights to be transferred as well as any to be retained. No portion of the tract area used to calculate the number of development rights to be transferred shall be used to satisfy minimum yard setbacks or lot area requirements for any development rights that are to be retained or for any other development on the sending area tract.
- E. All owners of the tract from which development rights are severed shall execute the restrictive covenant(s). All lien holders of the tract from which development rights are severed shall execute a joinder and/or consent to the restrictive covenant(s).

410.8 Application Process: In order to receive subdivision or planned residential development plan approval, the applicant shall provide documentation that appropriate restrictive covenants have been recorded for all sending area lands whose development rights are being used by the applicant. These restrictive covenants must meet the requirements above. The restrictive covenant on the sending area land shall be recorded first, followed by the Deed of Transferable Development Rights in accordance with the provisions of the MPC which transfers the development rights from the sending area landowner to the receiving area landowner.

410.9 Acquisition by Clinton Township: The Township may purchase development rights and may accept ownership of development rights through transfer by gift. All such development rights may be resold or retired by the Township. Any such purchase or gift shall be accompanied by restrictive covenants as specified in above.

Section 411 Environmental Standards, Screening and Buffering

411.1 Environmental Standards:

- A. Land shall be environmentally suitable for the purpose for which it is being developed.
- B. Wetlands: No development, land use activity, or improvement which would entail encroachment into wetlands without the applicant providing evidence that the appropriate agencies have been contacted and the required permits have been obtained.
- C. Ground Cover and Landscaping: Vegetative cover shall be provided on all disturbed areas, excluding fallow agricultural fields, not covered by paving, stone or other solid material. The maintenance or use of native plant materials with lower water and nutrient requirements is encouraged.
- D. Erosion and Sedimentation: All proposed development and existing land use activities which involve grading or excavation shall prepare an Erosion and Sedimentation Control Plan for review by the Butler County Conservation District.
- E. Woodlands: Existing wooded areas can serve as an alternative to planted buffer areas and shall be protected to prevent unnecessary destruction. Healthy trees with a caliper of twelve (12) inches or more as measured four-and-a-half (4½) feet above existing grade, shall not be removed unless their location interferes with a planned improvement. At least fifty percent (50%) of the number of trees sized as above, as exist at the time of application, shall be maintained or replaced immediately after construction. Replacement trees shall be of a native species and have a minimum trunk caliper of two (2) inches at a height of six (6) inches above finished grade, and located within un-buildable sections of the site (e.g., floodplain, steep slope, setback areas). This section only applies to land developments and does not apply to the practice of agricultural land clearing or the practice of forestry, which is a permitted accessory use in all zoning districts.
- F. Steep Slopes: Proposed development in areas having slopes of sixteen percent (16%) or greater shall indicate the methods that will be used to protect water quality on and around the site from the adverse effects of the proposed use and shall provide a twenty-five (25) foot vegetative buffer consisting of native trees and other brushy perennial vegetation either along the boundary of the property with the lowest elevation or at the foot of the sloped-portion of the property if it lies interior to the boundary.

411.2 Screening and Buffering: The following screening shall be employed where required by conditional use, or any supplementary regulation of the Clinton Township Zoning Ordinance.

- A. Type I Screening: To consist of a triple row of Norway or other spruces planted at oblique lines to one another so that a continuous screen is provided. All trees shall be a minimum of six (6) feet at the time of planting. Trees which die shall be replaced within six (6) months. As an alternative to the triple row of Norway spruces, the developer shall maintain a fifty- (50) foot wide buffer yard of natural vegetation sufficient for screening. This buffer area shall not be used for parking or other uses. This buffer yard should maintain natural vegetation unless such vegetation is considered insufficient for shade screening, stormwater management or erosion control. In such case, the planting standards shall be twenty-eight (28) conifer and eight (8) deciduous trees per each five thousand (5,000) square feet of yard area. Trees shall be a minimum of six (6) feet at planting and replaced within six (6) months of death.
- B. Type II: A Type II screen shall consist of either:
 - 1. An opaque fence at least eight (8) feet in height.
 - 2. A barrier fence at least ten (10) feet in height.

On the outside perimeter of the fence, a ten (10) foot plant strip shall be maintained at a planting standard of ten (10) coniferous or deciduous trees, per one hundred (100) lineal feet. Trees shall be a minimum of six (6) feet tall at planting and replaced within six (6) months of death.

- C. Type III Screening: Type III screening shall consist of both Type I and Type II, for a total width of no less than sixty-five (65) feet.
- D. Type IV Screening: A Type IV screening shall consist of single row of any species of coniferous tree, shrub, or plant that will block a line of sight from the level of existing grade to at least four (4) feet in height at time of planting, and grow to at least six (6) feet in height.

Alternate Landscaping Plans: The Township Board of Supervisors may consider alternative forms of screening or buffering subsequent to review by the Planning Commission.

Section 412 Home Occupations

While home occupations are a permitted use in some districts, they still represent a potential intrusion on residential neighborhoods. Prior to issuance of a zoning certificate, the developer shall present a plan to the Zoning Officer that meets the following performance standards.

- A. Evidence that the home occupation will be carried on entirely within the dwelling unit.
- B. Evidence that no more than twenty five percent (25%) of the gross floor area of the dwelling may be used for the home occupation.
- C. Evidence that articles sold or offered for sale on site shall be limited to mail-order articles or articles for sale elsewhere.
- D. Evidence that no offensive noise, vibration, smoke (or other particulate matter), heat, humidity, glare or other objectionable effects shall be produced.
- E. Evidence that no equipment or processes shall be used which create interference in radio or television receivers off the premises or which cause fluctuation in utility line transmissions. Applicant will also show that electric or electronic equipment will not create an electrical fire hazard.
- F. In order to retain the home occupation-zoning certificate, not more than two (2) persons other than the occupants of the dwelling unit shall be employed.

Section 413 Floodplain Regulations

413.1 Establishment: In the interest of public health, safety and welfare, the establishment of floodplain conservation controls have been adopted for the following purposes:

- A. To combine with other zoning requirements certain restrictions made necessary for the floodplains to promote the general health, welfare and safety of the community.
- B. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard.
- C. To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.
- D. To reduce the financial burdens imposed upon the community, its governmental units and its individuals by frequent and periodic floods and the overflow of lands.

- E. To permit certain uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow of floodwaters or otherwise cause danger to life and property at or above or below their locations along the floodway as herein defined.
- F. To permit only those uses in the floodplain compatible to the preservation of natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by (a) withholding rapid water runoff contributing to downstream flooding and (b) providing area for groundwater absorption for the maintenance of the subsurface water supply.
- G. To provide sufficient drainage courses to carry abnormal flows of stormwater in periods of heavy precipitation.

413.2 Definition of the Floodplain Zone: The Floodplain Zone is defined and established as those areas of the Township subject to flooding, as defined further in this section. The most extensive of these areas described in the following sources shall determine the outermost boundary of the Floodplain Zone. Those areas subject to inundation by the waters of the one hundred (100) year flood, as delineated in the Flood Insurance Study for the Township of Clinton, Butler County, Pennsylvania, as prepared by the Federal Emergency Management Agency (FEMA), dated August, 1982, or any Flood Insurance Rate Map (FIRM) or the most recent revision thereof as issued by the Federal Emergency Management Agency (including all digital data developed as part of the Flood Insurance Study). For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

- A. Changes in Floodplain: Any changes to the boundaries of the Floodplain Zone, as defined by the Flood Insurance Study, are subject to the review and approval of the Federal Insurance Administrator.
- B. Boundary Disputes: Should a dispute arise concerning any boundary of the Floodplain Zone, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner.
- C. Overlay Concept: The Floodplain Zone shall be deemed an overlay on any zone now or hereafter applicable to any lot.
- D. Relation to Other Zoning: Should the Floodplain Zone be declared inapplicable to any tract by reason of (1) the Township Board of Supervisors in amending this Ordinance, (2) the Zoning Hearing Board, or (3) any court of competent jurisdiction so interpreting the same, the zoning applicable to such tract shall be deemed to be the underlying zone in which it is located. Should the zoning of any tract or part thereof where the Floodplain Zone is located be changed through any legislative or administrative actions or judicial decision, such changes shall have no effect on the Floodplain Zone, unless such change was included as part of the original application.

413.3 Permitted Uses: Uses permitted within this section are required to obtain a zoning permit in accordance with Section 701 of this Ordinance. The following uses and no others are permitted in the Floodplain Zone:

- A. Cultivation and harvesting of crops according to recognized soil conservation practices.
- B. Pasture, grazing land.

- C. Outdoor plant nursery, orchard.
- D. Recreation use, such as park, day camp, picnic grove, golf course, hunting, fishing and boating club, excluding buildings or structures.
- E. Forestry, lumbering and reforestation, excluding storage and mill buildings or structures.
- F. Harvesting of any wild crops, such as marsh hay, ferns, moss, berries, or wild rice.
- G. Game farm, fish hatchery, hunting and fishing reserves, excluding buildings or structures.
- H. Wildlife sanctuary, woodland preserve, arboretum.
- I. Outlet installations for sewage treatment plants, sealed public water supply wells.
- J. Utility transmission line.

413.4 Conditional Uses: The following uses may be permitted by the Township as a conditional use in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code:

- A. Accessory uses customarily incidental to any of the uses permitted in Section 413.3.
- B. Residential front, side and/or rear yards and uses customarily incidental thereto, except that no structures shall be permitted. Inclusion of floodplain lands with the residential lots in order to meet minimum lot area or yard requirements is contingent upon complying with the objectives and standards set forth in 413.1 and with any other pertinent municipal regulations. If such compliance cannot be shown, the land area within the floodplain area shall not be calculated for purposes of determining lot areas or yard requirements.
- C. Non-paved parking lots where required by the regulations for any other class or district.
- D. Front, side and/or rear yards of any other zone, except that an area so utilized shall not be inconsistent with the objectives and standards set forth in 413.1 and with any other pertinent municipal regulations.
- E. Retaining walls, flood retention dams and culverts, bridges and approaches to public and private culverts and bridges, subject to compliance with the design and performance standards.
- F. Public and private utilities, provided that (1) the applicant can offer expert testimony that the proposed use requires location within the Floodplain Zone and cannot be located elsewhere with equal effectiveness, (2) the proposed use does not involve any of those uses listed in Section 413.3 of this Ordinance, (3) the use complies with all applicable requirements listed in Section 413.5, and (4) the applicant furnishes written evidence of all needed county, state and federal approvals.
- G. Non-residential structures otherwise permitted by the designated zoning district and not specifically prohibited by Section 413.4. Such non-residential structures, having a lowest floor (including basement) which is not elevated to at least one-and-one-half (1-½) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W-1 or W-2 space classification standards contained in the publication entitled "Flood-Proofing Regulations," published by the U.S. Army Corps of Engineers (June 1972-1992, or as since amended). All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

413.5 Prohibited Uses: The following uses and activities are prohibited in the Floodplain Zone:

- A. All structures and buildings, except those specifically allowed by Sections 413.3 and 413.4.
- B. The filling in of floodplain areas, grading, removal of topsoil or damming or relocation of any watercourse, except as is necessary to accomplish the uses permitted by Sections 413.3 and 413.4 after securing necessary permits. No grading or filling is permitted which would cause any increase in flood heights or frequency.
- C. Sanitary landfill or disposal sites, dump, salvage yard, outdoor storage of non licensed motor vehicles and/or materials.
- D. On-site sewage disposal system.
- F. Swimming pools.
- G. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises:
 - 1. Acetone
 - 2. Ammonia
 - 3. Benzene
 - 4. Calcium Carbide
 - 5. Carbon Disulfide
 - 6. Celluloid
 - 7. Chlorine
 - 8. Hydrochloric Acid
 - 9. Hydrocyanic Acid
 - 10. Magnesium
 - 11. Nitric Acid and Oxides of Nitrogen
 - 12. Petroleum Products (gasoline, fuel, oil, etc.)
 - 13. Phosphorus
 - 14. Potassium
 - 15. Sodium
 - 16. Sulphur and Sulphur Products
 - 17. Pesticides (including insecticides, fungicides and rodenticides)
 - 18. Radioactive Substances, insofar as such substances are not otherwise regulated
- H. The following kinds of activities are prohibited when located entirely or partially within an identified floodplain area. The commencement of any of the following:
 - 1. Hospitals.
 - 2. Nursing homes.
 - 3. Jails or prisons
 - 4. Mobile homes, mobile home parks and mobile home subdivisions.

413.5 Design and Performance Standards:

- A. General Design and Construction Standards: The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

1. No permitted use or use allowed by conditional use shall be permitted within the floodway if the proposed use or development would cause any increase in the one hundred (100) year flood elevation.
2. Prior to any proposed alteration or relocation of any watercourse, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Bureau of Dam Safety, Obstructions and Storm Water Management, and notification of any such proposal shall be forwarded to the Federal Insurance Administration and to the Pennsylvania Department of Community and Economic Development.
3. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
4. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
5. All other utilities, such as gas lines, electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
6. Fill: If fill is used, it shall:
 - a. Extend laterally at least fifteen (15) feet beyond the building line from all points;
 - b. Consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
 - c. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - d. Be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Township; and
 - e. Be used to the extent to which it does not adversely affect adjacent properties.
7. Drainage Facilities: Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
8. Water and Sanitary Sewer Facilities and Systems:
 - a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - c. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or

- d. Contamination from it, during a flood.
 - e. The design and construction provisions of the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Appendix G. Secs. 401.3 and 401.4), the 2003 IRC (Sec. 323.1.6), the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized.
9. Streets: The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
10. Storage: All materials that are buoyant, flammable, explosive, or, in times of flooding, could be injurious to human, animal, or plant life, and not listed under prohibited use and materials, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

B. Structural:

1. All authorized new structures shall have the lowest floor (including basement) elevated to one-and-one-half (1½) feet above the one hundred (100) year flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to that level in accordance with the W-1 or W-2 standards, as contained in the publication *Flood-Proofing Regulations*, U. S. Army Corps of Engineers, June 1972, or as more recently amended.
2. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
3. Gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
4. Gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
5. Uniform Construction Code Coordination: The standards and specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions, shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance. International Building Code (IBC) 2003 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G. International Residential Building Code (IRC) 2003 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.
6. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
7. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation. The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Sections 1605.2.2, 1605.3.1.2, 1612.4, and Appendix G501.3), the IRC (Sections R301.1 and R323.1.1) and ASCE 24-98 (Section 5.6) shall be utilized.
8. Floors, Walls and Ceilings:

- a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to;
 - b. Accommodate a lateral expansion of the flooring, perpendicular to the flooring grain;
 - c. Without causing structural damage to the building;
 - d. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or
 - e. "Water-resistant" variety;
 - f. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed, and
 - g. Constructed of materials that are "water-resistant" and will withstand inundation.
 - h. Windows, doors, and other components at or below the Regulatory Flood Elevation.
 - i. Shall be made of metal or other "water-resistant" material.
 - j. The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Sections 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Sections R323.1.7 and R501.3) and ASCE 24-98 (Chapter 6).
9. Paints and Adhesives:
- a. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
 - b. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
 - c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
 - d. The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2003 IBC (Sections 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Section R323.1.7).
10. Electrical Components:
- a. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
 - b. Separate electrical circuits shall serve lower levels and shall be dropped from above.
 - c. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2003 IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

11. Equipment: Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2003 IBC (Section 1612.4), the 2003 IRC (Section R323.1.5) the 2000 IFGC (Sections R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

C. Special Requirements for Mobile Homes:

1. Mobile homes and mobile home parks are prohibited in the Floodplain Zone, except as a continuation of a nonconforming use.
2. If any existing mobile home shall be replaced, reconstructed, or expanded by addition thereto, then the mobile home shall be:
 - a. Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
 - (1) Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
 - (2) Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
 - (3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 - b. Elevated in accordance with the following requirements:
 - (1) The standards or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one and one-half (1½) feet or more above the elevation of the one hundred (100) year flood.
 - (2) Adequate surface drainage is provided.
 - (3) Adequate access for a hauler is provided.
 - (4) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

- F. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township Supervisors for mobile home parks.

413.6 Nonconforming Uses and Structures:

- A. Continuation: All uses or structures lawfully existing in the Floodplain Zone on the effective date of this section are not in conformity with the provisions of this section, shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired and floodproofed, except as otherwise provided for in this section.

- B. Expansion: Nonconforming structures located within the floodway shall not be expanded or enlarged if any increase in the one hundred (100) year flood elevation would result.
- C. Repair, Reconstruction or Improvement: A nonconforming structure may be repaired, reconstructed or improved provided that if the repair, reconstruction or improvement is to an extent or amount less than fifty percent (50%) its fair market value. Repair, reconstruction or improvement to an extent of fifty percent (50%) or more of the fair market value of the structure shall constitute a substantial improvement and shall be prohibited.

413.7 Floodplain Permit and Application Procedures:

Within the Floodplain Zone, a zoning permit shall be required for any proposed development, construction, reconstruction, placement, replacement, renovation, extension, repair or other improvements of uses or structures, including the placement of mobile homes, and activities, such as mining, dredging, filling, grading, paving or drilling operations. Application for a zoning permit shall be filed with the Zoning Officer who shall make an initial determination on the application. For a use other than those permitted in Section 413.4., an application seeking approval of a conditional use or variance shall be forwarded to the Zoning Hearing Board, along with required studies or information. Every zoning permit application for development or construction within the Floodplain Zone shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all the provisions of this section. Included within this submission shall be copies of all necessary State and Federal permits. The following information is specifically required:

- A. The elevation, in relation to mean sea level, of the lowest floor (including basement).
- B. Whether or not the structure includes a basement.
- C. If the structure is to be floodproofed, the elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- D. If the structure is to be floodproofed, a document certified by a registered professional engineer or architect certifying that the floodproofing methods used meet the provisions of this section.
- E. The elevation of the one hundred (100) year flood.

413.8 Standards and Criteria for Conditional Uses and Variances: In addition to the provisions of this Zoning Ordinance, in hearing and deciding upon variances to be granted or denied under the provisions of this section, conditional uses shall be heard by the Township Board of Supervisors.

- A. No conditional use or variance shall be granted for any use, structure or development within the floodway if any increase in the one hundred (100) year flood elevation would result.
- B. In addition to the standards generally applicable to variances, variances shall only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable laws, ordinances or regulations.
- C. Variances shall only be granted upon the determination that the variances are the minimum necessary to afford relief, considering the flood hazard. If it should become necessary to grant any variance, the applicant shall be required to comply with all the applicable requirements of the National Flood Insurance Program requirements (60.3a and b) (as amended), including the requirements for floodproofing, anchoring and elevation. The applicant must also comply with any other requirements considered necessary by Clinton Township.
- D. Whenever a variance is granted, the Board shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance if construction occurs below the one hundred (100) year flood elevation.
 2. Such variance may increase the risk to life and property.
- E. In granting a conditional use or variance, the Board shall require that all buildings and structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.
- F. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board. The Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency.

413.9 Definitions:

For the purposes of Section 230, the following definitions are applicable:

Construction – the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

Development – any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets or other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations, the subdivision of land, and the storage of vehicles, equipment, machinery, and other similar materials.

Flood – a temporary inundation of normally dry land areas.

Floodplain – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodproofing – any combination of structural and nonstructural addition, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

Identified Floodplain Area – the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood. Included would be areas identified as floodway, flood fringe and general floodplain.

One Hundred (100) Year Flood – a flood that has one (1) chance in one hundred (100) or a one percent (1%) chance of being equated or exceeded in any given year.

413.10 Municipal Liability: The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area shall not constitute a representation, guarantee or warranty of any kind by the Township of Clinton or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township of Clinton, its officials or employees.

413.11 Abrogation and Greater Restrictions: This Ordinance supersedes any ordinances currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 414 Gas and Oil Drilling

Oil and gas drilling is a permitted use in certain districts, but are normally considered as a land development due to the division or allocation of space for a leasehold. Oil and gas drilling operations are also potentially disruptive upon residential land uses and shall be required to meet the following in the course of zoning or subdivision and land development approvals. The intent of these regulations is not to

unreasonably regulate, but to foster energy independence while still ensuring that the well development process does not adversely affect public or private property.

- A. Show compliance with all applicable State and/or Federal regulations. Specifically, all needed permits from the Pennsylvania Department of Environmental Protection and copies of approved Erosion and Sedimentation Control Plans shall be presented to the Township.
- B. No drilling operation shall be conducted within any limits set forth by the Commonwealth of Pennsylvania or the United States Government. The developer shall provide the Township with evidence that all setbacks required by other agencies have been met.
- C. An arrangement for road bonding requirements, as applicable, shall be presented to the Township.
- D. Developer shall agree to work to share information with the Township in the event of well water deterioration or loss of supply.
- E. Developer shall clear mud and debris from roads at least once each day.
- F. The Township requires the installation of Type I screening of all structures and appearances within the wellhead areas as a reasonable additional condition and safeguard within six months of the initiation of drilling.
- G. The Township may limit hours of operation for drilling as a reasonable additional condition of land development approval.

Section 415 Agriculture

The Township support the preservation and continuation of agriculture in the areas of Clinton Township where is has historically been present. Agriculture is a permitted use in all districts, but new animal agriculture operations will need to adhere to these performance standards.

- A. No animal agriculture shall occur on a lot less than five (5) acres.
- B. No building housing livestock shall be within one hundred feet of a dwelling zoned rural residential

Article Five Planned Residential Development

Section 501 Purpose

The purpose of the PRD regulations is to create residential development which is more creative and imaginative and which will foster more efficient, aesthetic and desirable use of open areas than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical use of land potential while providing a latitude in building design, building placement, amenities and community facilities of appropriate quality, oriented to the specific development site characterized by special features of topography, shape or size, and at the same time preserve the natural scenic qualities of Clinton Township and the open spaces within the Township.

Section 502 Application of Provisions

PRD may be permitted in The R-1 Residential Zoning Districts in Clinton Township, subject to the restrictions, qualifications and requirements cited in this chapter, as enumerated herein below. Provisions of the zoning ordinance and subdivision ordinance concerned with dwelling type, bulk, density and open space shall not be applied when PRD proposals are approved, except when specifically indicated by the provisions contained in this chapter. Mobile home parks may not be considered as a PRD, and must meet the standards of applicable zoning and subdivision and land development provisions. Where not specifically contained in this chapter, procedures and administrative requirements for PRDs shall be consistent with Article VII of the Pennsylvania Municipalities Planning Code.

Section 503 Ownership Requirements

- A. A minimum land area for a PRD shall be twenty-five (25) contiguous acres.

The applicant for a PRD plan approval shall evidence a full ownership interest in the land. The evidence shall either be legal title or an executed binding sales agreement.

- B. The project shall be in single, legal as well as equitable, ownership prior to approval of the final development plan.

Section 504 Availability of Public Services and Access

- A. All Planned Residential Developments shall connect to public water and sewer systems.
- B. All planned residential developments shall provide each residential unit within the development with public sewer service as defined by the Township zoning and subdivision and land development ordinances.
- C. Municipal water service shall be supplied to each structure to be erected in the development subject to the above-mentioned rules and regulations, as well as any other requirements of the federal or state government. A fire hydrant shall be provided within five hundred (500) feet of each structure.
- D. The developer shall provide within the planned development a storm drainage system which shall be of sufficient size and design to collect, carry off and dispose of all predicable surface water run-off within the development and shall be so constructed as to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Township of Clinton. The adequacy of said facilities shall be determined by the Township Engineer.
- E. All PRD developments shall be regulated to the local and regional highway systems. The developer must demonstrate to the satisfaction of the Planning Commission, Board of Supervisors, the Township Engineer and appropriate officials of the Pennsylvania Department of Transportation that traffic circulation will not be adversely influenced, that additional traffic hazards will not be created and that public and private road systems are adequate in terms of

traffic volume capacity and construction type to accommodate the projected PRD-generated traffic. Street construction in PRDs shall conform to Article V, Section 504 of the Clinton Township Subdivision and Land Development Ordinance.

Section 505 Administration

The planned residential development provisions of this chapter shall first be administered by the Clinton Township Planning Commission which shall review all applications on the basis of specified standards, conditions, regulations and procedures and shall make recommendations to the Board of Supervisors which shall conduct public hearings and have final authority to approve, modify or disapprove development plans.

Section 506 Standards and Requirements

A. Density:

1. Residential density shall not exceed 2 units per gross acre of land within the development. If less than thirty percent (30%) of the gross acres are considered buildable acres, the density shall be reduced to 1.5 units per acre. Buildable acres shall be determined by determining total acreage less all lands within the rights-of-way of planned or existing public streets or highways, or within the rights-of-way of existing or proposed overhead utility lines, all land in designated floodplain floodway, and all land in designated wetlands or open water, and all land containing slopes greater than twenty-five percent (25%). Buildable acres may also be decreased to 1.5 units per acre if the following environmental conditions are present in over sixty percent (60%) of the gross acreage:

- a. Non-floodway floodplain areas.
- b. Lands containing steep slopes of sixteen percent (16%) to twenty-four percent (24%).

Residential density may be increased pursuant to meeting the standards of Section 410 of this Ordinance (Transfer of Development Rights):

2. The Planning Commission reserves the right to reduce density levels in any proposed PRD if it determines that:
 - a. There is inconvenient or inadequate vehicular access to the development.
 - b. Traffic congestion resulting in level of service ratings of "D," "E," or "F" as determined by PennDOT criteria, or a decrease of two (2) or greater level ratings, or similar conditions as determined by a traffic analysis on adjoining streets will be generated.
 - c. An excessive burden will be placed upon the ability of responsible public agencies to provide needed public facilities to serve the proposed development.

B. Lot and Structure Requirements:

1. **Lot Size:** There shall be no minimum lot size or lot width. However, every single-family dwelling shall have access to a public street, court, walk or other area dedicated to public use. No structure or group of structures shall be erected within twenty (20) feet of any other structure or group of structures.
2. **Setback:** All structures on the perimeter of the development must be set back one hundred (100) feet from property boundaries and one hundred (100) feet from existing road rights of way.

3. Height: Thirty-five (35) feet
4. Location of Structures: The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
5. It shall be the responsibility of the developer and the Board of Supervisors, after receiving recommendations from the Planning Commission, to take into consideration the health, safety and welfare of the residents when determining the building location, length, width and height of the proposed buildings.
6. Lot coverage shall be consistent with the zoning district in which the PRD is located and shall be based upon the entire PRD.

C. Open Space:

1. Area Limitations for Various Uses: Within the PRD, the following percentages of the total gross land area shall be devoted to specified uses as indicated herewith:
 - a. A maximum of fifty percent (50%) of gross acreage for residential use. Land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences:
 - (1) A maximum of ten percent (10%) of this fifty percent (50%) may be used for accessory retail, dining and service facilities and parking associated with these uses.
 - b. A minimum of fifty percent (50%) of gross acreage for open space uses:
 - (1) Open space shall not include space devoted to streets and parking.
2. Open space uses may be any combination or single use listed below:
 - a. Timber management and forestry.
 - b. Agriculture.
 - c. Equestrian activities by community residents.
 - d. Golf courses.
 - e. Scenic areas and vistas.
 - f. Fishing, hunting, wildlife observation, and similar outdoor recreational pursuits.
 - g. Areas for the conservation of unique natural and historic features.
 - h. Developed parklands.
 - i. Other open space uses may be accepted by the Township if approved prior to submission of alternative plan and such uses do not entail residential or commercial use.

Unless devoted to agriculture or forest uses, these areas must be owned by a land trust, government, homeowners' association, or similar responsible body to ensure maintenance or proper management in perpetuity. If devoted to agriculture or private forestry, means for appropriate permanent dedication or deed covenants to prevent its development shall be required prior to approval. Unless developed parklands, no tract of open space shall be less than five (5) contiguous acres.

3. Peripheral Open Space: Required setback areas from property lines and road rights-of-way shall be maintained as permanent peripheral open space. This space shall surround the entire PRD. It may be owned by a single party, land trust, government, homeowners' association, or individual homeowners, provided that standards are provided to ensure this peripheral area remains undeveloped or utilized for agriculture/forest use in perpetuity. If the lands are to be developed as parklands or golf courses, the developer shall submit a plan for a homeowners' association or similar management structure to assure maintenance in perpetuity. Unless devoted to agriculture, or containing natural vegetation of suitable size, this peripheral open space shall be planted with a buffer yard which shall meet minimum standards as contained in the I - Industrial Section D.2 of this Ordinance. The Township may require buffering between agricultural areas and other uses within the PRD.
4. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of such open spaces, recreational areas and communally owned facilities. No such instrument shall be acceptable until approved by the Township Solicitor as to legal form and effect, and the Board of Supervisors as to suitability for the proposed use of the open areas.
5. In cases where the Township will not be accepting dedications of streets, recreation areas or open spaces to be used for general recreation, the landowner shall provide for an organization or trust for ownership and maintenance.
6. If the common open space is deeded to a homeowners' association or a nonprofit corporation established on a membership basis, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. If there is a homeowners' association under the Unit Property Act, the developer must file a declaration of rule and regulations. The provisions shall include, but not be limited to, the following:
 - a. The homeowners' association or nonprofit corporation must be set up before the homes are sold.
 - b. Membership must be mandatory for each homebuyer and any successive owner.
 - c. The open space restrictions must be permanent, not just for a period of years.
 - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - e. Homeowners must pay their pro-rata share of the cost. The assessment levied by the association can become a lien on the property.
 - f. The association must be able to adjust the assessment to meet changed needs.
7. The Township may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, and the Township may, but need not, require, as a condition of the approval of a planned residential development, that land proposed to be set aside for common open space be dedicated or made available to public use.
8. Maintenance by Township:
 - a. In the event that the organization established to own and maintain common space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice

upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modification thereof shall not be corrected within said thirty (30) days or an extension thereof, the Township in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space, and maintain the same for a period of one (1) year.

- b. Said maintenance by the Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PRD, to be held by the Township Supervisors, at which hearing such organization or the residents of the PRD shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Township Supervisors shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Township Supervisors shall determine that such organization is not ready and able to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Township Supervisors shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code Act 247 of 1968, as amended.
- c. The cost of such maintenance by the Township shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of the County, upon the properties affected by the lien within the PRD.

D. Permitted Uses:

- 1. Land and buildings may be used for the following purposes:
 - a. Single-family (detached dwelling units)
 - b. Multiple-family dwellings
 - c. Schools, public and private, if State accredited
 - d. Churches and other places of worship
- 2. Accessory retail dining and service facilities may be permitted by specific approval of the Board of Supervisors. At least eighty percent (80%) of the total planned dwelling units of the total project must be physically constructed prior to any nonresidential use construction.

3. No PRD shall be approved unless it is consistent with the purposes of the regulations as stated in Article 501 of this section. Each PRD shall be planned as an entity, and such planning shall include a unified site plan, consideration of land uses and usable open spaces, site-related vehicular and pedestrian circulation systems, and preservation of significant natural features. The plan may consider a multiplicity of housing types.
4. An elderly community which has a site area of not less than fifty (50) acres, houses the elderly in individual dwelling units; has open space, recreation and community facilities designed specifically to provide for special needs of the elderly and includes integral facilities for extended care for residents, provided that the health care facilities shall have no more than one (1) bed for every two (2) dwelling units.

E. Parking: Parking shall be provided as follows:

1. There shall be a minimum of two (2) off-street parking spaces for each dwelling unit. Said spaces shall be situated within two hundred (200) feet of the dwelling units served.
2. All parking areas shall be landscaped and paved according to Article V, Section 5.04 of the Subdivision and Land Development Ordinance, and visually screened from adjacent structures through the use of planting, grade changes or similar appropriate means approved by the Board of Supervisors.
3. Parking areas shall be designed to minimize excessive numbers of vehicles in any one (1) area. Continuous rows of more than ten (10) vehicles shall be interrupted with appropriate landscaping.

F. Circulation:

1. Vehicular access within the PRD shall be designed to permit smooth traffic flow with minimum hazard to vehicular or pedestrian traffic. All internal streets shall be oriented and designed in a manner which will discourage use by through traffic.
2. A pedestrian and bicycle circulation system shall be established to serve all elements within the development. The pedestrian and bicycle circulation system shall be reasonably segregated from vehicular traffic to provide separation of vehicular and pedestrian movement.
3. Streets in a PRD may be dedicated to public use or may be retained under private ownership and shall conform to Article V, Section 5.04 of the Subdivision and Land Development Ordinance.

G. Landscaping:

1. A general landscaping plan shall be required at the time of the original submission to be followed by a detailed landscaping plan prior to final approvals. The detailed plan shall show the spacing, sizes and specific types of landscaping materials.
2. Existing trees shall be preserved whenever possible. The location of trees shall be considered when planning the site elements such as open spaces, building location, walks, paved areas, playgrounds, parking, circulation systems and finished grade levels.
3. A grading plan and an erosion and sedimentation plan shall be provided prior to any construction or site development activity which will confine excavation, earth moving procedures, and other changes to the landscape in order to ensure preservation and prevent despoliation of the character of the project site.

4. All manufactured slopes shall be planted or protected from erosion and shall be of a character to blend with surrounding terrain.
5. Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise or other potentially adverse influences shall be established in a manner which will protect residential character within the PRD District and in any adjoining district.
6. Within a PRD, all utilities including telephone, television cable and electrical systems shall be installed underground, provided, however, appurtenances to these systems which require on-grade installation must be effectively screened.

H. Signs:

1. All sign internal installations and lighting of signs shall meet the standards for signs established for residential districts by this Ordinance.
2. Plans shall indicate the location, size and character of any sign within the PRD intended to be seen from public ways outside the district.
3. No more than two (2) sign surfaces, each with surface area not exceeding twenty (20) square feet, shall be permitted at any principal entrance to the district.

I. Waste Disposal: Adequate provision shall be provided for garbage and trash removal.

Section 507 Review Process for Approval

Following conditional use approval by the Township, the developer shall obtain required approvals for PRDs by following a review process which shall consist of a tentative development plan, public hearings and approvals, and a final development plan.

The Planning Commission shall review the initial submission and preliminary development plan and make recommendations to the Board of Supervisors which shall hold public hearings and make a decision on the final development plan.

A. Initial Submission:

1. Each applicant shall confer with the Clinton Township Planning Commission at a scheduled monthly meeting.
2. A written statement of planning objectives to be achieved by the applicant shall be included for discussion. The statement shall include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant. Every application shall be based on and interpreted in relation to the community development goals and objectives for Clinton Township.
3. No formal requirement for plan or material submission is established for the initial submission. However, the higher the level of data the developer presents, such as sketch plans, land use concepts, density ranges proposed, ancillary use proposals, site information, existing perimeter conditions, access considerations and utility needs, the more direction he will receive for guidance in preparing an acceptable plan for local approval.
4. No development plans shall be considered for formal Planning Commission review until the Preliminary Plan Development has been filed.

B. Preliminary Development Plan (Application for Tentative Approval): A preliminary development

plan shall be presented in sufficient detail to provide the Township Planning Commission with a major substantive review of the proposed PRD. This step of approval process shall be initiated by, or on behalf of, the developer, through the submission of a formal application for tentative approval of a PRD to the Township Planning Commission. The application shall be submitted no later than fourteen (14) days prior to the regular monthly meeting of the Planning Commission at which the development plan is to be considered. The following documentation shall be submitted in support of the application:

1. Written Documents:
 - a. The title under which the subdivision or land development is to be recorded.
 - b. A legal description of the total site proposed for development including a statement of present and proposed ownership, present and proposed zoning, and the names and addresses of all owners of adjacent property.
 - c. A statement of planning objectives as detailed under 507A, Initial Submission, 2.
 - d. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PRD, such as land areas, dwelling units, etc.
 - e. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space, including a separate figure for usable open space; total amount of nonresidential construction; including a separate figure for commercial or institutional facilities; economic feasibility studies or market analysis where necessary; and other studies as may be designated by the Planning Commission.
 - f. The name and address of the owner of the subdivision or land development, or of his agent, if any, and of the subdivider or developer.
 - g. The name and address of the engineer or surveyor together with his registration number and seal attached.

3. Site Plan and Supporting Maps: A site plan at a scale no smaller than one (1) inch equals one hundred (100) feet (except where total size of PRD dictates a smaller scale) and any maps necessary to show the major details of the proposed PRD shall contain the following minimum information:
 - a. The existing site conditions including contours at a minimum interval of two (2) feet up to ten percent (10%) slope and a minimum interval of five (5) feet for over ten percent (10%) slope, watercourse, floodplains, unique natural features, and forest cover and other natural vegetation considered significant by the Planning Commission and the Township Engineer.

Proposed Lot Lines and Plot Designs: The plot and property lines of the proposed plan to include their courses and distances and the interior angles of their intersections with the boundary lines of adjacent property.
 - b. The location and floor area size of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units by code, density per type, and nonresidential structures, including commercial facilities. All structures shall be distinguished and identified on the plan by code. Preliminary evaluations and/or architectural renderings of typical structures and improvements shall be provided. Such drawings shall be sufficient to relay the

basic architectural intent of the proposed improvements but should not be encumbered with final detail at this stage.

- c. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses. The form of organization proposed to own and maintain the common open space.
 - d. The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way, including major points of ingress and egress to the development. Notations of proposed ownership, public or private, should be included where appropriate. Detailed engineering drawings of cross sections and street standards shall be handled in the final development plan stage.
 - e. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, including proposed treatments of points of conflict.
 - f. The existing and proposed utility systems including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 - g. A general landscape plan indicating the treatment of materials used for private and common open space. The landscape plan should be in general schematic form at this stage. A grading plan is not required at this stage.
 - h. Enough information on land areas adjacent to the proposed PRD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
 - i. The proposed treatment of the perimeter of the PRD, including materials and techniques used such as screens, fences and walls.
 - j. The substance of any covenants, grants, easements or other restrictions to be imposed upon the use of lands or buildings in the development.
 - k. Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PRD.
4. Projected Scheduling of Phases: In the case of development plans which call for development over a period of years, a schedule shall be provided showing the proposed times within which applications for final approval of all sections of the PRD are intended to be filed. This schedule shall be reviewed annually with the Planning Commission by the developer on the anniversary of the tentative approval, until the development is completed and accepted. It shall be the obligation of the developer to request said reviews in writing within the thirty- (30) day period prior to the anniversary date of the tentative approval. The time period between grant of tentative approval and application for final approval shall not be less than ninety (90) days and in the case of developments to be carried out over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

C. Public Hearings and Approvals:

1. Within sixty (60) days following the regular monthly meeting of the Planning Commission, at which the application for tentative approval of a PRD is officially reviewed, a public

hearing pursuant to public notice on said application shall be held by the Board of Supervisors. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

2. A verbatim record of the hearing shall be caused to be made by the governing body whenever such records are requested by any party to the proceedings; the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.
3. The Board of Supervisors may continue the hearing from time to time, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.
4. Approval or disapproval:
 - a. The Clinton Township Board of Supervisors, within sixty (60) days following the conclusion of the public hearing, shall, by official written communication to the developer, either:
 - (1) Grant tentative approval on the development plan as submitted;
 - (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - (3) Deny approval.
 - b. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the developer may, within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors, notify such body of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the developer does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, tentative approval of the development plan with all said conditions shall stand as granted.
 - c. The Board of Supervisors in its official written communication to the developer, a copy of which shall be submitted to the Planning Commission, shall indicate not only its decision but also findings of fact resolving:
 - (1) The extent to which the development plan is or is not consistent with the Clinton Township Comprehensive Plan;
 - (2) The extent to which the development plan departs from zoning and the subdivision regulations otherwise applicable to the subject property, and the reasons why such departures are or are not deemed to be in the public interest;
 - (3) The purpose, location and amount of the common open space in the development plan and proposals for maintenance and conservation of the common open space;

- (4) The merits of the physical design including the manner in which the design does or does not make adequate provisions for public services, provide adequate control over vehicular traffic and furthers the amenities of light and air, recreation and visual enjoyment;
 - (5) The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established; and
 - (6) The adequacy of the terms and conditions governing the development intended to protect the interests of the public and the residents of the PRD if such development is carried out over a period of years.
- d. The Secretary of Clinton Township shall certify two (2) copies of the official written communication. One (1) copy shall be retained by the Board of Supervisors and the other sent to the developer via certified mail.
 - e. Tentative approval of a development plan, whether conditional or unqualified, shall not qualify a plat of a PRD for recording nor authorize development or the issuance of any building or construction permits. Except for the terms specified by a tentative approval, a tentative approval shall not be modified or revoked nor otherwise impaired by action of the municipality pending the applications for final approval provided that the applications for final approval are filed not later than ninety (90) days after being granted tentative approval.
 - f. The approved tentative plan shall be submitted to the Butler County Planning Commission for review and comments.
 - g. In the event that the development plan is given tentative approval and thereafter, but prior to final approval, the developer shall elect to abandon said development plan and shall so notify the Secretary of Clinton Township in writing, or in the event the developer shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto.
- D. Final Development Plan: After the preliminary development plan is approved by the Planning Commission, the developer shall thereafter submit detailed plans for any part or section of the land for which he desires final approval. An application for final approval shall be submitted to the Secretary of Clinton Township at least fourteen (14) days prior to the regular Planning Commission meeting at which the application is to be considered. The Planning Commission shall review the detailed plans to determine if they comply with this section and with the overall plan originally submitted by the developer and shall make recommendations to the Board of Supervisors. No zoning or building permit shall be issued until after approval by the Board of Supervisors of the detailed plans for the section in which the proposed development is located. Approval of any detailed plans shall lapse unless more than token construction is started in this section within one (1) year. No legal or equitable conveyance of land or buildings within the development may be made until the developer has complied with all applicable ordinances.
- 1. The application shall contain, for the areas for which final approval is sought, all requirements of the proposed plan and the written report necessary to obtain tentative approval, and in addition:
 - a. Construction documents for the building of streets, sidewalks, parking areas, sanitary sewer lines, water lines, storm drainage systems, erosion and sedimentation control facilities and recreation;

- b. Letters from the public suppliers of water and sewage disposal stating they will serve the development;
 - c. Certificate from either the Department of Environmental Protection of the Commonwealth of Pennsylvania or its successors or the Butler County Conservation District stating that the erosion and sedimentation control plan has been approved and that a permit has been issued for earthmoving activity by the Department;
 - d. A certified performance bond, improvement bond, or other security acceptable, to the benefit of the municipality in which the development is located, the amount of bond equal to one hundred and ten percent (110%) of the estimated cost for installation of all public improvements, such amount to be established by the engineer designing the facilities in cooperation with the Township Engineer. The Township Supervisors may require the posting of financial security to secure the structural integrity of any improvements consistent with standards authorized by the Pennsylvania Municipalities Planning Code;
 - e. Any covenants and rights of easement, in the form in which they will be filed as legal documents, affecting development; and
 - f. A written description indicating changes made in the tentative plan required to secure tentative approval.
 - g. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the official written communication of tentative approval, the Board of Supervisors shall, within fifty-five (45) days of such filing, grant such development plan final approval.
 - h. The final development plan shall be deemed in substantial compliance with the preliminary development plan, provided modification by the applicant does not involve a change of any of the following:
 - (1) Violate any provision of this section.
 - (2) Vary the lot area requirement by more than ten percent (10%) of the amount specified on the approved preliminary development plan.
 - (3) Increase the floor area proposed for nonresidential use by more than ten percent (10%) of the area specified on the approved preliminary development plan.
 - (4) Increase the total ground area covered by buildings by more than five percent (5%) of the amount specified on the approved preliminary development plan.
5. Minor changes in the location, siting, and height of buildings and structures may be authorized by the Board of Supervisors without additional public hearings if required by engineering or other circumstances not foreseen at the time the preliminary plan was approved and a positive recommendation is received from the Planning Commission. No change authorized by this subsection may cause any of the following:
- a. A change in the use or character of the development.
 - b. An increase in overall coverage of structures.

- c. An increase in the intensity of use.
 - d. An increase in the problems of traffic circulation and public utilities.
 - e. A reduction in approved open space.
 - f. A reduction of off-street parking and loading space.
 - g. A reduction in required pavement widths.
6. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the developer in writing of said refusal, setting forth in said notice the reasons why one (1) or more of said variations are not in the public interest. In the event of such refusal, the developer may either:
- a. Re-file his application for final approval within sixty (60) days without the objectionable variations; or
 - b. File a written request with the Board of Supervisors that it hold a public hearing on this application for final approval. If the developer wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the developer was advised that the development plan was not in substantial compliance. In the event the developer shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the developer, and the hearing shall be conducted in the manner prescribed in this section for public hearings on applications for tentative approval. Within thirty (30) after the conclusion of the hearing, the Board of Supervisors shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan, in cases arising under this section, shall be in the form and contain the findings required for an application for tentative approval.
7. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be filed within fifteen (15) days after the grant of final approval in the office of the Butler County Recorder of Deeds before any development shall take place in accordance therewith. Unless the development plan or part thereof is so recorded, no construction shall commence on the project site. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned development, or of that part thereof, as the case may be, that has been finally approved, no modifications of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the developer. Each structure in the development will require a separate building permit. Not later than the date on which the finally approved plan is recorded, the developer shall post with the Township the certified performance bond required by Section D.1.d above.
8. In the event that a development plan, or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Board of Supervisors in writing; or, in the event the developer shall fail to commence and carry out the planned development within the schedule projected and approved in the application for tentative approval, or such

amendment as subsequently mutually agreed to by the developer and the Board of Supervisors, no development or further development shall take place on the property included in the development plan until the property or portion not yet developed is reclassified by enactment of an amendment to this Ordinance, placing it in an appropriate zoning district.

9. If the sequence of construction of various portions of the development is to occur in stages, then the open space and/or recreational facilities shall be developed, or committed thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction as approved by the Board of Supervisors. Furthermore, at no time during the construction of the project shall the number of constructed dwelling units per acre of developed land exceed the overall density per acre established by the approved final development plan.

Section 508 Resale

- A. A PRD may be resold after final completion of all phases of the final development plan.
- B. All sections of a sold planned development shall be controlled by the final development plan.

Section 509 Enforcement and Agreements

- A. After general construction commences, the Clinton Township Zoning Officer shall review, at least once every six (6) months, all building permits issued and compare them to the overall development phasing program. If he determines that the rate of construction of residential units, or nonresidential structures substantially differs from the phasing program, he shall so notify the developer and the Board of Supervisors in writing. Thereafter, the Board of Supervisors may issue such orders to the developer as it sees fit, and upon continued violation of this subsection may suspend the developer from further construction of dwelling units or nonresidential structures until compliance is achieved.
- B. The Board of Supervisors shall require a performance bond be furnished and filed with the Township Secretary for private improvements. An escrow agreement and account approved by the Township Solicitor as to form and content shall be required in the amount of one hundred and twenty-five percent (125%) of the estimated construction cost and engineering for each phase of development. These funds may be dispersed upon certification by the project engineer and by the Township acting through the Township Engineer. Said escrow shall accompany the request for final approval to ensure completion of all public site improvements, streets, parking areas, sewers, utilities, landscaping, plantings and screening.
- C. Before any building permit may be issued in the planned development, all agreements, contracts, deed restrictions and sureties shall be in a form acceptable to the Township, all sureties required shall be provided, and all payments due to the Township or its agents shall be made.
- D. Sureties regarding completion of development shall generally take the form of sureties by a corporate surety company licensed to do business in the Commonwealth of Pennsylvania, although in specific cases other forms of surety may be found to be acceptable to the Township.
- E. Sureties for continuing operation and maintenance of areas, facilities and functions not to be a responsibility of the Township and performed at general Township expense may take any form acceptable to the Township, but shall include agreement that if operation and maintenance of such areas, facilities and functions is not continued as set forth in the final plan and report, the Township may, in addition to other remedies, operate and maintain such areas, facilities and functions in the manner required in the final plan and report, with costs assessed ratably against properties within the development having right of use of such areas, facilities and services and such costs shall become a lien on said properties.

- F. In the event that a development plan, or a section thereof is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved and shall so notify the Planning Commission in writing; or, in the event the developer shall fail to commence and carry out the PRD within such reasonable period of time as may be fixed by ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is re-subdivided and is reclassified by enactment of an amendment to the Clinton Township Comprehensive Zoning Ordinance in the manner prescribed for such amendments.
- G. Any decision of the Board of Township Supervisors in granting or denying tentative or final approval of a Planned Residential Development plan shall be subject to appeal to a court in the manner as provided for in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 510 Fees – Planned Residential Development

As a prerequisite to issuance of final approval, the developer shall reimburse Clinton Township for all expenses and disbursements incurred by it in connection with the application. This shall include, but not be limited to, fees and expenses of planners, professional engineers and/or registered surveyors, building inspectors, electrical engineers, traffic engineers, Township and community impact studies, legal expertise, and such professional services as shall be deemed necessary by the Clinton Township Planning Commission and the Board of Supervisors.

Article Six
Traditional Neighborhood Development Overlay Districts

Section 601 Purpose and Authority

This chapter derives its purpose and authority from Article VII-A of the Pennsylvania Municipalities Planning Code, Specific Purposes and Objectives relevant to Clinton Township include the following:

- A. To insure that the zoning regulations which are concerned in part with the uniform treatment of dwelling type, bulk, density, intensity and open space within each zoning district shall not be applied to the improvement of land by other than lot-by-lot development in a manner that would distort the objectives of the Township's Community Development Goals and Objectives as expressed within the Clinton-Buffalo Township Multi-Municipal Comprehensive Plan.
- B. To encourage innovations in residential and nonresidential development and renewal which makes use of a mixed-use form of development so that the growing demand for housing and other development may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses.
- C. To allow for the development of fully integrated, mixed-use pedestrian-oriented neighborhoods.
- D. To minimize traffic congestion, infrastructure costs and environmental degradation.
- E. To insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedure as shall encourage the disposition of proposals for land development without undue delay.
- F. Where not specified, in this Article, standards from the Pennsylvania Municipalities Planning Code or relevant sections of the Clinton Township zoning ordinance or subdivision and land development ordinances shall govern.

The Township of Clinton hereby establishes two forms of Traditional Neighborhood Development within the Township as overlay districts: Corridor Preservation Overlay District and the Traditional Town Center Overlay District.

Section 602 Procedures and Application Contents

Traditional Neighborhood Developments shall be designated as Overlay Zones in the Township of Clinton and are enacted by zoning amendment. There are two overlay districts included in this designation.

Section 603 Corridor Preservation Overlay District

The Corridor Preservation Overlay District is intended to serve as a transitional area for the Route 228 corridor that leads into the Traditional Town Center Overlay District. The intention of this district is to allow for innovative commercial and residential development concepts while ensuring sound highway access managed principles and preservation of prime agricultural lands, greenways and historic resources.

603.1 Community Development Goals and Objectives:

- A. To prevent the encroachment of future development upon existing rights-of-way for major transportation corridors within the Township.
- B. To prevent the enjoyment of use by future development which may be comprised through proximity to increased traffic on major corridors.
- C. To foster greater interconnectivity between developments and facilitate the separation of local destination traffic from traffic passing through the Township.
- D. To reduce the proliferation of access points on to principal roads in the Township.
- E. To protect the capability of principal roads to conduct traffic smoothly and efficiently.
- F. To preserve prime agricultural areas and historic concentrations of farmland.
- G. To preserve historic buildings by offering innovative opportunities for re-use.
- H. To implement the multi-municipal comprehensive plan and associated studies.
- I. To create transitional areas between rural resource and development areas.

603.2 Corridor Preservation Overlay District Use Regulations: In addition to any regulations adopted pursuant to the underlying zoning district, properties within the Corridor Preservation Overlay Zone may be used for the additional uses listed under Table 603A.

**Table 603A
Table of Allowed Uses**

Conditional Uses
Adaptive Re-Use
Conversion of Single-Family Dwellings
Retail Businesses
Eating and Drinking Places
Convenience Stores/Gas Stations
Residential Development of Two or More New Lots or Dwelling Units
Professional Offices
Personal Care and Nursing Homes
Personal Services

603.3 Lot Standards: Such conditional uses shall conform to the following lot yard and height standards per Table 603B.

**Table 603B
Lot Standards**

Use Type/Dimension	All Conditional Uses
Minimum Lot Area	1.5 Acres (65,345 Square Feet)
Minimum Lot Width	150 Feet
Minimum Front Yard	See 603.5
Minimum Side Yard	25 Feet
Minimum Rear Yard	40 Feet
Maximum Height	35 Feet
Maximum Coverage	10%

603.4 Conditional Use Provisions within the Corridor Preservation Overlay Zone:

A. Professional Office/ Personal and Professional Services/ Limited Retail and Service Business:

1. The developer shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building is architecturally compatible with the neighborhood. This sketch plan shall show consistency with any design manual adopted by the Township and the overall design standards of this Article.
2. Signage shall be limited to one (1) sign of no more than four (4) square feet or less for each yard fronting a public street. All signs shall be lit by indirect means.
3. The Supervisors may limit the hours of operation as a reasonable additional condition and safeguard.

B. Adaptive Re-Use:

1. This section derives its authority from Section 603(g)2 of the Pennsylvania Municipalities Planning Code and is adopted for the expressed purpose of encouraging the adaptive reuse of historic or non-taxable buildings within the Township to both promote historic preservation and to return vacant non-taxable properties to the tax rolls. The Township may require evidence of the structures' historic use and its eligibility for adaptive reuse provisions.
2. Applicability: This section shall apply to former public buildings (including schools, churches, armories, and private clubs) or other historic buildings, such as rail depots, former storefront commercial buildings or other vacant buildings not constructed for residential purposes.
3. Structures that meet the criteria outlined in this section may be reused for the following purposes by conditional use:
 - a. Professional Office
 - b. Limited Retail and Service Business
 - c. Personal and Professional Services
 - d. Day Care Center
 - e. Personal Care Home/Nursing Home
4. Any expansion of a structure being approved as an adaptive re-use shall meet all applicable yard and coverage standards for the proposed use.

C. Conversion of Single-Family Dwelling: Existing single-family dwellings may, by conditional use, be converted to the following uses as defined by the Township Zoning Ordinance; professional offices, apartment dwellings for up to two (2) families, personal care homes, veterinary offices, personal services, funeral parlors, and retail businesses, provided:

1. The single-family dwelling has access to only a principal road, or is a corner lot, facing a principal road.
2. The conversion will not entail an expansion of the structure greater than twenty-five percent (25%) of existing floor area.
3. Side and rear yards may be required to install Type II or Type IV buffering as defined by this Ordinance.

4. Evidence is presented that there is no deed covenant preventing the use.
5. The developer agrees to reserve front or side yard right-of-way to allow shared access with abutting properties which may be converted or developed in the future. A plan shall be submitted illustrating how such access could be developed, and a willingness to develop shared entrances with neighboring properties. These shared access agreements shall indicate that these are to remain private rights of way between abutting property owners and should include shared maintenance responsibilities between all parties if the rights-of-way are ever opened.
6. If abutting properties have been developed pursuant to this conditional use, subsequent conversions shall present a plan for shared access with such properties.

D. Personal Care Home/Nursing Home: The purpose of this use is to provide opportunity for a variety of housing types with associated levels of care that will meet the needs of older persons who may wish to remain in their community or neighborhood.

1. The developer shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building is architecturally compatible with the neighborhood. This sketch plan shall show consistency with any design manual adopted by the Township and the overall design standards of this Article.
2. Shall be located on a paved public street that has two means of entrance and exit, and with a minimum cartway width of twenty-four (24) feet.
3. One sign is permitted per street frontage. Such signs shall be if no greater than sixteen (16) square feet.
4. The design and landscaping shall be compatible with, and preserve the character of, adjoining residential uses.
5. All parking and recreation/play areas that abut residential uses shall provide screen planting.
6. Any outdoor lighting shall be designed to prevent glare to adjoining properties and meet standards of the Clinton Township Outdoor Lighting Ordinance.
7. Such uses shall have, and present, all needed local, county, state or federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for the same shall be a condition prior to issuing a Certificate of Occupancy.

E. Convenience Store/Gasoline Service Station: Any gas canopies and pumps shall be located in side or rear lot lines. Canopy integration to building and site walls is desired; multiple canopies or canopies that express differing architectural masses are encouraged. Canopy height should not exceed fourteen (14) feet, with the overall height not exceeding seventeen (17) feet. Canopy clearance should be clearly indicated. Canopy ceilings should be textured or have a flat finish. Lighted bands or tubes or applied bands of corporate color are discouraged.

Gas tank vents shall be an integral part of the building design in terms of form, color, and texture.

Site lighting should minimize direct and reflected glare and excess brightness, meeting all standards of the Clinton Township Outdoor Lighting Ordinance.

Pump island design should appear well organized and should not contribute to visual clutter. All design elements should be architecturally integrated with other structures on-site (color, material, and detailing); colors should be muted; translucent materials and internally lighted

cabinets are discouraged; and a pump island curb or bollard is recommended.

A maximum of three (3) signs are permitted: one (1) pole sign of no greater than twenty (20) feet in height, one (1) ground sign of no more than five (5) feet in height and eighty (80) square feet in area, and one (1) wall sign of no more than 80 square feet in area.

603.5 Access Management Design Standards for All Uses within the Corridor Preservation Overlay Zone: Minimum front yard setback for all buildings and parking areas from principal road right-of-way shall be at least two hundred (200) feet for all lots of at least seven hundred (700) feet in total depth, or one hundred fifty (150) for all other lots unless specifically excepted under this section or specific conditional use standards. As an alternative, the developer may reserve fifty percent (50%) of lot depth (as measured between the right-of-way of Route 228 and the rear lot line) as permanent open space (as defined under Planned Residential Development Regulations).

Setback Exceptions: The following uses may be exceptions from setback requirements in 603.5 if they meet acceptable performance standards:

Use	Standard
Agriculture	The Agriculture use includes no permanent building or structure affixed permanently, except for fences which may encroach to 25 feet from the right-of-way.
Signs	Signs meeting all other Township standards may encroach to 25 feet from the right-of-way
Fencing	25 feet from the right-of-way

Nonconforming Lots: Lots predating the effective date of this Ordinance may be exempted from rear and side yard requirements in order to meet front yard setbacks if they lack sufficient depth to maintain all setbacks. However, in doing so, the Zoning Officer may not reduce side or rear yard requirements by more than fifty percent (50%), and all coverage standards shall be maintained.

Corner Lots: Lots which abut a principal road, as defined by this Ordinance, and another public road or street, must design all access to connect to the road or street not designated as a principal road.

Access Roads, Driveways and Local Streets: All lots are limited to one (1) access point or connection to a principal road. Additional access points shall only be permitted as a conditional accessory use, provided that the developer can present a traffic study illustrating how the additional access point meets the development goals of this section. All new access roads, driveways or local streets must conform to the performance standards of this Article.

- A. Where access roads, driveways and new local streets access a principal road which has another public road, street or parking area for more than ten (10) vehicles on the opposite side of said principal road, the point of access shall be coordinated to directly coincide with the pre-existing access point.
- B. New access roads, driveways or local streets shall meet principal streets at right angles.
- C. New access roads, driveways and new local streets shall provide turn lanes based upon anticipated daily vehicle trips.
- D. **Connection Spacing:** New access roads, driveways and new local streets shall maximize distance from all previous connections on the same side of a principal road. At a minimum, connections shall be placed at least three hundred (300) feet from other connections. Driveway spacing shall be configured to provide maximum distance between individual lots. This may be achieved by maximum driveway spacing, or shared private driveways (with accompanying maintenance agreements).

Corner Clearance: New corner lots created after the effective date of this Ordinance shall provide minimum frontage for the district in which the lot is located on both streets in which the lot fronts. Access drives shall be placed to maintain maximum distance from the intersection. No access drive shall be nearer than one hundred (100) feet from an intersection.

In addition to general standards in 603.5, the following standard shall also apply. Where more than one new lot fronts upon and maintains an access point to a principal road, driveway spacing shall be configured to provide maximum distance between individual lots. This may be achieved by maximum driveway spacing, or shared private business driveways (with accompanying maintenance agreements).

603.6 Building Design Standards within the Corridor Preservation Overlay Zone:

- A. Building designs shall emulate traditional architectural forms found in rural parts of the Township and region. Examples include traditional farmhouses, and rural or agricultural accessory buildings, such as barns. New buildings shall conform to any design manual adopted by ordinance.
- B. No new building shall be greater than fifty thousand (50,000) square feet in gross floor area.
- C. Groups of commercial buildings shall be clustered to emulate traditional forms. Buildings shall utilize gable roof designs.
- D. Blank windowless walls shall be avoided on the façade of buildings, or any wall of a building facing another building's principal entrance.

Section 604 Traditional Town Center Overlay District

The Town Center Overlay Zone is established to provide for mixed commercial and residential neighborhoods and distinct development that preserve a sense of place, integrated transportation options (including walkability) and includes public space as the heart of the development.

604.1 Procedures: The Traditional Town Center Overlay Zone District is depicted on the Zoning Map. Any parcel that otherwise meets the standards of this Article may activate the Overlay Zone through conditional use application. The application for and approval of a Traditional Neighborhood Development after conditional use approval shall be consistent with procedures for a Planned Residential Development under this Article. The developer shall meet all conditional use approval standards as well as submittal of a tentative plan and final plan under that article. In addition, the conditional use sketch plan shall include concept sketches of proposed new buildings.

The Tentative Plan submittal shall include a narrative and elevation perspective drawings that illustrate conformity to any design manual adopted by the Township.

604.2 Permitted Uses: In addition to any regulations adopted pursuant to the underlying zoning district, properties within the Corridor Preservation Overlay Zone may be used for the additional uses listed under Table 604A.

**Table 604A
Permitted Uses**

Permitted Uses Within a Traditional Town Center Overlay Area
Single-Family Dwellings
Multiple-Family Dwellings
Second Floor Residential (above a business)
Personal Care Home or Nursing Home
Professional Office
Retail Business
Personal Services
Eating and Drinking Establishments
Hotel
Bank or Financial Institution
Community Sewer or Water System
Churches or Places of Assembly
Convenience Store/Gasoline Service Station

604.3 Lot, Yard, Density and Design Standards:

- A. A minimum of twenty percent (20%) of any proposed development shall be reserved as open space or common green areas. The use, ownership and configuration of this open space shall be consistent with standards for planned residential developments. However, there is no minimum limit on the size of a tract of open space. Greens, commons, squares, and parks shall serve a variety of outdoor leisure and assembly needs of village residents and enhance the form and appearance of the village. Greens, commons, squares and parks shall be distributed throughout the proposed development. Additional, smaller greens, commons and squares, no less than eight thousand (8,000) square feet in size, shall be dispersed throughout the village in such a way that no lot is more than one thousand two hundred fifty (1,250) feet from a green, common or square.
 - 1. All greens shall be planted with shade trees along their edges, at intervals not greater than forty (40) feet.
 - 2. The views of greens, commons and squares shall be maximized by locating greenway land in "terminal vista" locations as often as possible, such as the ends of streets at three-way intersections, and/or along the outer edges of curving streets.

- B. The greatest density of housing and the preponderance of any permitted commercial uses should be located in the center of the traditional neighborhood development. However, if the neighborhood is adjacent to existing development or a major roadway then office, commercial and denser residential uses may be located at either the edge or the center, or both. Commercial uses located at the edge of the traditional neighborhood development may be located adjacent to similar commercial uses in order to form a greater commercial corridor.

- C. Spatial relationships between buildings and other structures shall be geometrically logical and/or architecturally formal. On a lot with multiple buildings, those located on the interior of the site shall front toward and relate to one another, both functionally and visually. A lot with multiple buildings should be organized around features such as courtyards, greens, or quadrangles that encourage pedestrian activity and incidental social interaction among users. Buildings shall be located to allow for adequate fire and emergency access. Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale.

- D. Buildings shall be located to front toward and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot. Blank windowless walls shall be prohibited on facades of buildings.

- E. All parking lots shall be confined to rear yard areas.
- F. Buildings shall define the streetscape through the use of uniform setbacks along the building line for each block. The building line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.
- G. Buildings shall generally have traditional sloping roofs with overhanging eaves. Desired roof materials include shingle (both wood and asphalt composition) and metal formed to resemble "standing seams." Roof color should be traditional (which encompasses a wide variety of hues, but which does not include white or tan composition shingles, or shiny unpainted metal). The use of dormers and gables is encouraged to provide visual interest.
- H. Exterior wall materials may include stucco, wood clapboarding (including vinyl or aluminum imitation clapboard siding), native stone, or brick of a shape, color and texture very similar to that found in the historic villages and boroughs of the county. Specifically, prohibited shall be brick that is white, tan, spray-painted, or used; except on rear walls, all forms of concrete block shall also be prohibited. In addition, concrete block and metal buildings shall also be excluded.

604.4 Residential Design Standards: The overall residential density of a TND shall not exceed one (1) dwelling unit per two (2) gross acres within any proposed TND tract.

- A. New Residential lots in Traditional Neighborhood Developments shall not be located within two hundred fifty (250) feet of PA Route 228.
- B. Single-family homes shall generally be designed so that approximately two-thirds are oriented with their gable-ends facing the street. At least thirty-five percent (35%) of the houses shall have a covered front entry porch, raised a minimum of eighteen inches above ground level. When front porches are screened, they may be located within ten (10) feet of the front property line [those enclosed with windows shall observe the minimum fifteen (15) feet front setback].
- C. In general, there shall be at least twenty (20) feet between any residential building. Homes may be located at or within ten feet of side lot lines if that side either has no windows, or window sills are at least sixty-four (64) inches above the finished floor elevation. Such design allows houses to be located off-center on their lots, so that one side yard may be larger and therefore provide more usable outdoor space.
- D. Structures shall be placed close to the street within the TND, at generally one quarter of the width of lot or less.
- E. Residences housing more than one family shall be designed to emulate traditional buildings of this nature in historic settlements in the region (such as Saxonburg), or shall be designed to resemble large single-family residences. No building housing more than one (1) dwelling unit shall have more than six (6) units, except for townhouse units, which may have blocks of up to eighteen units sharing a common wall.
- F. If garages, carports or other accessory structures designed for accessory parking of automobiles in the residential areas are front-loaded (i.e., having their large entry door facing the street), they shall generally be set back at least ten (10) feet further from the front property line than the foremost facade of the principal building facing the front property line (stoops, porticos, open colonnades, and open porches excluded).
- G. Buildings shall not be less than one-and-one-half (1½) stories in height, and at least half the buildings in any single development for commercial, mixed-use and institutional buildings shall be two (2) stories in height, with respect to the average ground grade along the front building line.

- H. All multiple-family dwelling units shall have a private rear-yard patio or upper-floor terrace. No multiple-family dwelling shall have a unit area of less than eight hundred (800) square feet.

604.5 Commercial Design Standards: All proposed commercial development shall be of pedestrian scale, approximately of a maximum of one-half to one acre in area, and shall be no longer or wider than three hundred (300) feet. Primary entrance shall be through the main pedestrian access way. All commercial parking areas shall be either located in rear yard areas, or designed as traditional downtown on-street parking (parallel or angle). No single off-street parking area may exceed ten thousand (10,000) square feet.

- A. Commercial activities or parking areas may not occur on any lot that borders a single-family residential use outside the proposed TND.
- B. New commercial buildings shall not contain more than twenty thousand (20,000) square feet, (above grade) and those with more than six thousand (6,000) square feet of floor space (above grade) shall be of two-story construction.
- C. Buildings in any commercial area shall generally be located close together with minimal-side yard areas, in order to form a fairly continuous row of shop fronts.
- D. Sale of gasoline shall follow canopy and pumps design standards under Section 603.4 E.
- E. Commercial buildings shall have coverage of no greater than ten percent (10%).
- F. Drive through facilities shall be permitted as an accessory to commercial uses provided:
 - 1. All drive-through entrances shall be designed to minimize conflict with the pedestrian customers of the business. The portion of any drive-through land abutting a building may not intersect with a pedestrian building entrance.
 - 2. A solid wall of at least twenty-four (24) inches in height shall be emplaced along all parking and drive-through lanes that abut a sidewalk.
 - 3. Under no circumstances shall any public street serve as a drive-through lane.
 - 4. All drive-through lanes shall have a capacity to stack at least six (6) cars waiting for service.

604.6 Design Standards for Public and Private Improvements: New streets proposed to be created as a part of any development proposal shall be integrated closely with any Official Map of existing and future streets. The Official Map may show the realignment and redesign of certain intersections and road segments to facilitate traffic flow and improve safety.

- A. Rectilinear street layouts are generally preferred, with occasional diagonal elements to enhance visual interest, although curvilinear layouts shall be acceptable when designed to interconnect and to produce terminal vistas of protected open space or prominent structures.
- B. Streets shall be aligned so that their terminal vistas are of greens or other open space, or civic or institutional buildings, wherever possible. Where this is not possible, every effort shall be made to terminate those streets with buildings of above-average size, whose architecture shall be encouraged to be special in one way or another.
- C. Streets shall be interconnected as far as practicable, and they may also be supplemented with back lanes or alleys. Where dead end streets are deemed to be unavoidable, continuous pedestrian circulation shall be provided for by connecting sidewalks that link the dead end with the next street (or open space).

- D. To the greatest extent practicable, streets shall be designed to have maximum lengths of six hundred (600) feet between intersections, and maximum lengths of one thousand two hundred (1,200) feet before terminating at three-way "T" intersections or angling off in a diagonal direction. (This design approach helps to reduce traffic speed, making the development friendlier to pedestrians.) Blocks greater than six hundred (600) feet long shall generally be provided with cross-block pedestrian connections at mid-block locations.
- E. Streets shall be laid out to promote pedestrian circulation and ease of access from all points in the residential areas to any commercial area.
- F. Easements shall be reserved to permit streets to be extended to allow adjoining properties to be connected in the future, to implement any official map or further implement the multi-municipal comprehensive plan. Collector streets shall generally connect existing municipal roads to central greens.
- G. All streets (except alleys) shall be provided with sidewalks, preferably of brick, stone or concrete paving block in commercial areas. Street lighting shall utilize cast-iron posts that are decorative but not overly ornate and, in order to ensure consistency, the final decision on their style, height, color and brightness shall rest with municipal officials. Streets, sidewalks, alleys, and footpaths shall be integrated into the existing Township systems to the maximum extent possible.

604.7 Parking: All parking lots, except where there is a compelling reason to the contrary, shall be located in the rear or side of buildings. Off-street parking may be located within five hundred (500) feet of the principal entrance of the building. In calculating total parking needs, if mixed-use developments are shown to have different peak times, the Township may grant a reduction in parking. The entrance to all off-street parking lots or structures shall be designed to minimize pedestrian conflicts. Parking lots located in side yard areas shall have a maximum lot width of sixty (60) feet.

604.8 Landscaping: If not existing, street trees shall be provided to the following standards in residential developments:

- A. Street trees shall be planted in the strip between cartway edge and sidewalk.
- B. Such trees shall be two (2) inches to two-and-one-half (2½) inches in diameter, measured at chest height, when planted, and shall be spaced at intervals no greater than forty (40) feet along both sides of each street, including arterial roads, but not including rear access lanes or alleys.
- C. Species shall be selected according to the following criteria*:
 1. Cast moderate shade to dense shade in summer.
 2. Long-lived (over 60 years).
 3. Mature height of at least fifty (50) feet.*
 4. Be tolerant of pollution and direct or reflected heat.
 5. Require little maintenance, by being mechanically strong (not brittle) and insect- and disease-resistant.
 6. Be able to survive two (2) years with no irrigation after establishment.
 8. Of a deep-rooted design, least likely to disturb sidewalks and paving.

*This criteria may be adjusted if street trees are planted in proximity of either overhead or underground utilities. The selection of specific tree species will be generally left to the applicant. However the planning agency or Township Board of Supervisors may reject a selected species if there is clear evidence it cannot be used successfully.

All common areas, transition areas between various land uses, setback areas and other spaces shall be suitably landscaped.

604.9 Design Manual: Pursuant to Section 708-A of the Pennsylvania Municipalities Planning Code, Clinton Township may adopt a written and graphic design manual for use in preparing traditional neighborhood development plans. The manual is to be used by developers as a basic guide to the Township's referred site and building design.

Article 7 Definitions

Section 701 Interpretation

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

Section 702 Specific Terms

The following words and phrases shall have the meaning given in this section:

Accessory Building – a subordinate building, incidental to, and located on the same lot as, the principal building, and used for an accessory use.

Accessory Use – a use incidental to, and subordinate to and located on the same lot occupied by the principal use to which it relates.

Agriculture – any agricultural use, including farming, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture, viticulture, horse keeping, animal and poultry husbandry, and forestry (including the harvesting of timber), but excluding specialized animal raising and care or dog kennels as defined by this Ordinance. Agriculture also includes the home sale of fruits, meats, vegetables and similar agricultural produce.

Agricultural Services – businesses selling goods or services to a substantially agricultural clientele, including: feed mills, seed sales, feed grinding services, and agricultural implement dealers.

Area – area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

Basement – a floor level completely below grade or floor level in which more than two-thirds (2/3) of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first floor line to the finished grade is five (5) feet or less, and the slope of the finished grade extending ten (10) feet from the building walls does not exceed thirty (30) degrees.

Bed and Breakfast – a single-family residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

Billboard – a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Buffer – an open space, landscaped area, fence, wall, berm, or any combination thereof used to physically separate or screen one use of property from another so as to shield or block noise, light or other nuisances. Buffers differ from screening by providing both distance and height to achieve desired mitigation.

Building – a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

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

Business Service – any business activity that renders service to other commercial or industrial enterprises.

Cartway – a portion of a road street or highway actually intended for vehicular travel.

Car Wash – an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery – land used or intended to be used for sale of lots for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Church – a place of religious instruction or public worship.

Commercial Recreation, Indoor – a facility that offers various indoor recreational opportunities for its patrons including such games as: pool, billiards, bowling, video games, and similar pursuits.

Commercial Recreation, Intensive – a facility which offers various outdoor recreational or spectator opportunities for its patrons including go-cart raceways, auto raceways, motor sports participation or spectator opportunities, outdoor concert performances, outdoor commercial shooting ranges, commercial hunting operations and similar pursuits. This category does not include annual or seasonal festivals held by non-profit community organizations, or lawful businesses, which may include occasional accessory or incidental outdoor performances. This definition also does not include shooting ranges owned or operated by any non-profit conservation organization or sportsman's organization, any noncommercial target shooting conducted upon private or public land, or any traditional hunting activities carried out in conformance with Pennsylvania Game Commission regulations.

Commercial Recreation, Outdoor – a facility which offers outdoor recreational opportunities for its patrons including such games as: golf driving ranges, miniature golf, paintball, archery, tennis, team sports such as soccer or baseball, camps and clinics for sport instruction and similar pursuits. This category does not include recreation fields accessory to schools, churches or, community based non-profit organizations.

Communications Tower A structure other than a building, such as a monopole designed and used to support communications Antennas for provision of telecommunications or commercial broadcast services. For the purposes of this ordinance, communications tower does not include accessory towers used for emergency services or government communications, or accessory towers owned and used by licensed amateur short wave or citizen's band radio operators.

Conditional Use – a use to be allowed or denied by the Board of Supervisors pursuant to public notice and hearing and recommendations by the Clinton Township Planning Commission and pursuant to the express standards and criteria set forth in this Ordinance. In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and of this Ordinance.

Condominium – a building or group of buildings in which the floor area is owned individually and other parts of structures, common areas, or facilities are owned proportionally or by a separate entity, or similar arrangements regulated by the Pennsylvania Condominium Act.

Construction – the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure including the placement of mobile homes.

Country Clubs and Lodges – for the purposes of this Ordinance, country clubs and lodges are defined as buildings and related facilities owned and operated by an association or group of individuals established for fraternal, social, educational, conservation, recreational or civic benefit of members, and not-primarily for profit. Full access to facilities is typically restricted to members and their guests. Facilities may include a clubhouse, dining facilities, golf courses, swimming, tennis, non-commercial shooting ranges, primitive camping, or cabins. For the purposes of this Ordinance, this definition may include private commercial golf courses; but does not include miniature golf, golf driving ranges, paintball, commercial hunting, commercial motor sports, or other uses defined by this Ordinance as various forms of commercial recreation.

Coverage – the proportion of the lot area covered by buildings and structures, expressed as a percentage.

Day Care Services for Children (Day Care) – provides out-of-home care for part of a twenty-four (24) hour day to children under sixteen (16) years of age, excluding care provided by relatives and excluding day

care furnished in places of worship during religious services. This Ordinance identifies three (3) levels of Day Care Services for Children:

- a. Family Day Care Homes – facilities in which child day care is provided at any one time to four (4), five (5), or six (6) children who are not relatives of the care giver.
- b. Group Day Care Homes – facilities in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the childcare areas are being used as a family residence. [Care of one (1) to twelve (12) children where the childcare areas are not used as a family residence will be considered a Day Care Center.]
- c. Day Care Centers – facilities in which care is provided for children, at any time, where the childcare areas are not used as a family residence.

Childcare for less than four (4) children will not be considered as Day Care Services. Day care for adults shall be considered substantially the same use, and shall be classified based upon the number of persons for whom care is provided.

Dog Kennel – any facilities identified and licensed as a kennel by the laws or regulations of Pennsylvania. Dog kennels shall be considered by this Ordinance as a form of specialized animal raising and care.

Dwelling – a building arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other upon the premises. The term “dwelling” shall not be deemed to include “hotel,” or “motel.”

- a. Single-Family Dwelling – a building containing only one (1) dwelling unit.
- b. Two-Family Dwelling – a building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.
- c. Multi-Family Dwelling – a building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments.
- d. Detached Dwelling – a dwelling with yards on all four (4) sides.

Dwelling Unit – a building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one (1) family.

Eating Places – a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state. This definition may include retail bakeries and coffee shops.

Essential Services – the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

Family – an individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than four (4) unrelated persons living together without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a group home, assisted living facility, or nursing home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act or persons who constitute a direct threat to others or their physical property.

Flea Market – a business which leases outdoor space to persons who wish to vend a variety of new and used goods for sale to the general public by displaying those goods on tables, in or on motor vehicles, or on the ground.

Floor Area – the sum of the gross area of the several floors of a building or buildings measured from the face of the exterior walls, or from the centerline of the walls separating two (2) buildings.

Gasoline Service Station – an area of land, together with any structure thereon used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

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.

Halfway House – a transitional residential facility licensed and operated by a government, contractor, or social service agency that provides a supervised environment to residents who require psychiatric, correctional or behavioral treatment between periods of institutional and independent living.

Heavy Industry – the manufacture, storage, processing, and treatment of materials which are potentially hazardous, or processes which produce significant amounts of smoke, noise, glare, or dust or odor as a primary or secondary effect of the principal use of the land or buildings. Heavy industry characteristically employs some of such equipment as smokestacks, tanks, distillation or reaction columns, chemical processing equipment, scrubbing towers, pickling equipment and waste-treatment lagoons. Heavy industry, although conceivably operable without polluting the environment, has the potential to pollute when equipment malfunctions or human error occurs. Examples of heavy industry are oil refineries, basic steel manufacturing plants (such as foundries, blast furnaces, and stamping mills), industries handling animal offal or hides, basic cellulose pulp-paper mills and similar fiberboard and plywood production, production of cement and asphalt, lime manufacturing, ore and metal smelting and refining, natural gas distillation and bulk storage, and chemical plants such as petrochemical complexes. An incinerator structure or facility which, including the incinerator, contains five thousand (5,000) square feet or more, whether public or private, is "heavy industry" for purpose of this Ordinance, as is any electric power production plant which is a principal use, whether said power is generated by coal, natural gas, cogeneration or more than one (1) wind turbine.

Height of Building – the vertical distance measured from the highest level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

Home Occupation – a personal service or professional office carried on entirely within a dwelling, by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Examples include, but are not limited to: professional services, such as legal, financial, accounting or engineers, barber and beauty shops, studios of artists, writers and associations (see Professional Office).

Industry, Light – manufacturing in which there are no significant impact from noise, dust or odor, and impacts are limited to secondary effects related to vehicular traffic, incidental noise, movement of materials. Light industries include, but are not limited to: food processing; wood products manufacturing (without chemical treatment); production of machine tools and similar metalworking; manufacturing of plastic products; laboratories, testing and research facilities; printing; pharmaceuticals production; and similar facilities for assembling and fabricating.

Limited Retail and Service Business – small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by smaller size [less than five thousand (5,000) square feet gross floor area], limited scale and hours of operation, and confining all but incidental commercial activities indoors. Examples may include coffee shops, retail bakeries and specialty foods, antiques, or florists, but do not include such business as auto and equipment sales, building material and supply yards, or commercial recreation as defined by this ordinance.

Lot – a tract or parcel of land, regardless of size, held in single or joint ownership, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean "parcel," "plot," "site" or similar term.

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.

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 Coverage – the proportion of the lot area covered by buildings and structures, expressed as a percentage.

Lot Line – any line dividing a lot from another lot or from an abutting street or other right-of-way.

Mini Storage Facilities – a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Mobile Home – a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or more units designed to be joined into one (1) 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 constructed so that it may be used without a permanent foundation.

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 Park – a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

Motel or hotel – a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. The definition includes hotels, motor lodges and similar uses.

No Impact Home-Based Business – a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking signs or lights.
- e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- h. The business may not involve any illegal activity.

If the business meets all such requirements, it shall be considered a lawful accessory use to a dwelling.

Nonconforming Lot – a lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure – a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the

application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use – a use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Nursing Home – a facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania.

Official Map – a map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

Parking Space – an open space with a dustless all-weather surface, or space in a private garage or other structure.

Personal Care Home – a facility giving geriatric care in a home-like setting and licensed as such by the Commonwealth of Pennsylvania.

Personal Services – any enterprise that primarily offer services involving maintenance, or improvement of persons and their possessions on site, such as: shoe repair, valet services, computer repairing, barber shops, beauty parlors and related activities.

Place of Assembly This definition includes public and community uses such as libraries, historical, scientific, and patriotic museums and memorials, and buildings used by local public safety agencies for the storage of equipment or social purposes. However, this definition does not include any club or lodge, correctional facility, halfway house, or publicly owned group quarters residential facility.

Planned Residential Development – an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning.

Planning Code – the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act No. 170 of 1988 and Acts 67 and 68 of 2000, and as further amended from time to time.

Professional Office – the office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation.

Public – for the purposes of this Ordinance, means land buildings structures or facilities owned, leased, or operated by a government entity.

Public Hearing – a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the provisions of the Pennsylvania Municipalities Planning Code (MPC).

Public Notice – a 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Parks and Playgrounds – parks and playgrounds that are owned and operated by the Township of Clinton or by an authority created for such purposes by the Township of Clinton, or any government agency.

Recreational Campground – land development upon an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, recreational vehicles, and accessory buildings and structures for the use of campers. .

Right-of-Way – a portion of land dedicated or acquired by a public body for the purposes of improving or maintaining public travel, or access.

Roadside Stand – an accessory to an agricultural business through which products primarily from that agriculture business are sold to the general public from a temporary or portable structure, or a permanent structure not exceeding one thousand (1,000) square feet.

Salvage or Junk – any discarded material or article, and shall include, but not be limited to, scrap metal, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. For the purpose of this Ordinance, a proper container shall mean a solid plastic or metal container, with a sealable lid, specifically designed for the storage of waste matter.

Salvage Yard – any place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses and the storage of four (4) vehicles lacking current inspection or registration for a period exceeding ten (10) days. However, it does not include municipal recycling centers where no materials are stored in an exterior environment.

Screen Planting – screen planting for this Ordinance shall mean an evergreen hedge at least six (6) feet high at time of planting, planted in such a way that it will block a line of sight throughout the year. The screening may consist of either one (1) or multiple rows of bushes or trees and shall be at least four (4) feet wide. It shall be the responsibility of the property owner to maintain a screen planting, replacing trees as needed. The Zoning Officer may require replacement of screening trees.

Screening – screening shall mean a fence, screen planting, or wall provided in such a way that it will block a line of sight.

Service and Repair Business – a form of equipment service or repair, may include woodworking enterprises, repair services such as welding, vehicle or machinery repair, and incidental fabrication or retail sales of items.

Service Station – buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires and motor vehicles.

Shopping Center – a commercial facility developed as a mixture of uses, including retail sales, theaters, personal services and eating and drinking places, but planned, constructed, managed or promoted as an integral whole.

Sign – any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification. The word “sign” includes the word “billboard,” but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs, nor religious or devotional displays. (See also Billboard.)

The “area of a sign” shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered the smallest rectangle, which can be drawn to encompass all of the letters and symbols.

Sign, Business – a sign that directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

Specialized Animal Raising and Care – for the purposes of this Ordinance, specialized animal raising and care shall include:

- a. Feed lots or similar institutions where cattle, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market, when the density exceeds one (1) animal unit per acre.
- b. Pens or structures for the raising and care of fur-bearing animals, game birds, or similar operations for profit, when the density exceeds one (1) animal unit per acre.
- c. Licensed kennels or kennels with five (5) or more canines per acre of greater than six (6) months of age.

For the purposes of this section, “animal unit” shall be defined as one (1) bovine or equine animal, two (2) swine, four (4) sheep or goats, or fifty (50) birds or small mammals.

Story – that portion of a building located between the surface of any floor and the next floor above; if there is not more than one (1) floor the space between any floor and the ceiling next above it shall be considered a story.

Street – a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word “street” includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street Line – a line defining the right-of-way boundaries of a street.

Structure – any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Supervisors, or Board of Supervisors – the lawfully constituted governing body of Clinton Township, elected at large by the citizens and sworn into office.

Supply Yard – a business that stores or maintains stocks of building materials such as block, brick, stone, plastic pipe, culverts, concrete or wood in an outdoor setting for sale to contractors or the general public.

Travel Trailer – a self-propelled or towed vehicle with sleeping and or cooking quarters, licensed, or intended to be licensed for travel on the highways of the Commonwealth or Pennsylvania.

Truck Terminal – land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Variance – a form of relief granted by the Township Zoning Hearing Board pursuant to Articles VI and IX of the Pennsylvania Municipalities Planning Code and this Ordinance.

Veterinary Clinic – a facility used for the treatment of domestic animals for pay with health treatment provided by a licensed veterinarian.

Warehousing and Distribution – a use engaged in storage, wholesale and distribution of manufactured product, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. For the purpose of this Ordinance, storage of explosive, inflammable, hazardous or community-recognized offensive conditions shall be considered heavy industry.

Yard – that portion of a lot that is unoccupied and open to the sky and extends from the lot line or right-of-way to the setback line.

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

Yard, Rear – a yard between the rear lot line and a line drawn parallel thereto at such distance as may be specified herein for any zoning district, and extending for the full width of the lot.

Yard, Side – an open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

Zoning Officer – the Zoning Officer of the Township of Clinton, assistant zoning officer, or his/her authorized representative.

Article 8 Administration

Section 800 Zoning Hearing Board

800.1 Creation of Zoning Hearing Board: There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of 3 residents of the Township and 1 alternate, appointed by the Board of Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

800.2 Variances: Use of land permitted by variance are only permitted when approved by the Zoning Hearing Board in accordance with the criteria set forth in this Ordinance and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

Requests for variance, or conditional use shall be first presented to the Zoning Officer for review by filing an application (including any fee established by resolution) containing the information required. The Zoning Officer shall determine whether a variance or conditional use is necessary.

800.3 Standards for Variance: A variance may be granted where the provisions of the Ordinance inflict unnecessary hardship and all the following findings are made, where relevant, in a given case:

- A. 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 unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Code in the neighborhood or district in which the property is located.
- B. 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 Zoning Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. 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.

800.4 Conditions: The Zoning Hearing Board may approve variances and the Township Supervisors may approve conditional uses subject to reasonable and appropriate conditions.

800.5 Expiration of Variances and Conditional Uses: The validity of a variance, or conditional use permit shall not exceed one (1) year from the date of authorization and shall expire if the applicant has failed to obtain other appropriate permits, and commence work or use as planned and approved within one (1) year.

800.6: The Township Supervisors shall conduct hearings on applications for conditional uses in the manner provided in Article 8 for Zoning Hearing Board proceedings unless expressly governed in a different manner by the provisions of the Municipalities Planning Code.

Section 801 Zoning Officer

801.1: The Township of Clinton shall appoint or reappoint a Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this

Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall not hold any elective office in the Township. The Township may also appoint one or more assistant zoning officers, as it deems necessary to administer this ordinance.

801.2 Duties of the Zoning Officer: The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use, which does not conform to this Ordinance. The Zoning Officer shall be considered as qualified to perform his/her duties by meeting the qualifications established by the Township. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

801.3 Application for Zoning Certificates: The Zoning Officer shall receive applications for Zoning Certificates. Applications conforming to such ordinances shall be approved, and those not conforming to such ordinances shall be denied.

801.4 Inspections: The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Zoning Certificate has been requested. Such inspections may be before, during and after construction and shall be made upon the termination of construction and prior to the issuance of a Zoning Certificate.

801.5 Applications, Appeals and Certificates: The Zoning Officer may issue or deny such certificates as required by this Ordinance where no other body is involved; shall receive all applications for conditional uses and variances and forward same to the appropriate body. Where a decision is made by another body, the Zoning Officer shall issue or deny the certificate as ordered by the applicable Board.

801.6 Enforcement: The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance and to revoke or refuse permits as authorized.

Section 802 Zoning Certificates and Sign Permits

802.1 Certificate of Zoning: A Zoning Certificate shall be required prior to the occupancy or use of any vacant land or prior to the occupancy or use of any structure hereafter constructed, reconstructed, moved, altered or enlarged. Zoning Certificates shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure. Said applications shall be on forms as approved by the Township or the Board, as appropriate, and shall be accompanied by a fee as set by the Township. It is the intent of the Ordinance that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate State law. The filing of appeals and variances shall be within such time limits as specified by the Pennsylvania Municipalities Planning Code. The filing of conditional uses shall follow procedures set forth by the Township Supervisors. The Zoning Certificate shall also be issued upon request to confirm that the use of land or a building within the Township is in compliance with this Ordinance. The exact form of the Certificate and fees charged shall be determined by the Township.

802.2 Sign Permit: A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in this Ordinance.

- A. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.
- B. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.
- C. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:
 1. Dimensions of lot or building upon which the sign is proposed to be erected.

2. Exact size, dimensions and location of the said sign on lot or building.
3. Any other lawful information that may be required by the Zoning Officer.

Section 803 Violations

803.1 Enforcement Notice: When it appears to the Township and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. 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 the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

- A. The name of the owner of record and any other person against whom the Township intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. 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 this Ordinance.
- F. 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.

803.2 Causes of Action: In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, and any amendment thereto or prior enabling laws, the Township, the Zoning Officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of Clinton Township. No such action may be maintained until such notice has been given.

803.3 Jurisdiction: District justices shall have initial jurisdiction over proceedings brought under Section 704.4.

803.4 Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate violation by the district justice and thereafter each day that a

violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

Section 804 Amendments

804.1 General: The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Board of Supervisors, the Planning Commission, or by a petition of a person or persons residing or owning property within the Township.

804.2 Petitions: Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the Township.

804.3 Referral: Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Township Planning Commission and the Butler County Planning Commission, shall be referred to these agencies for their review and recommendations prior to the public hearing by the Board of Supervisors. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the Township and County Planning Commissions.

804.4 Action: Before acting upon a proposed amendment, the Board of Supervisors shall hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing.

804.5 Curative Amendments: The Township may institute a Municipal Curative Amendment in accordance with Section 609.2 of the Planning Code.

EFFECTIVE DATE

This Ordinance is necessary to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, the provisions of adequate light and air, transportation, water, sewerage, public grounds and other public requirements, to protect natural resources, as well as to prevent overcrowding of land.

Duly presented and adopted at a regular meeting of the Board of Supervisors of Clinton Township, Butler County, Pennsylvania, held on the 10th day of November 2009.

This Ordinance becomes effective on November 15th 2009.

_____ Mary Zacherl
Chairman

_____ James H Halstead
Vice Chairman

_____ Blaine S Martin
Supervisor

ATTEST:

Margaret S. Nelson
Secretary Treasurer

<SEAL>