

CLINTON TOWNSHIP AND NICHOLSON BOROUGH
WYOMING COUNTY, PENNSYLVANIA

CLINTON TOWNSHIP ORDINANCE NO. _____
NICHOLSON BOROUGH ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CLINTON TOWNSHIP - NICHOLSON BOROUGH ZONING ORDINANCE, AS AMENDED, TO:

ITEM 1 - AMEND THE DEFINITION OF CONTRACTOR’S YARD 1
ITEM 2 - ADD §503.13 - TEMPORARY ACCESSORY USES/STRUCTURES FOR
PUBLIC ROAD CONSTRUCTION PROJECTS 1
ITEM 3 - ADD §811 - STANDARDS FOR CONTRACTOR YARDS 4
ITEM 4 - DELETE §1211.2 - TEMPORARY PERMITS IN ITS ENTIRETY 4

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Clinton Township and the Borough Council of Nicholson Borough, Wyoming County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*, as follows:

The Clinton Township - Nicholson Borough Zoning Ordinance, as amended, is hereby amended as follows:

☛ ITEM 1 - Amend the definition of contractor’s yard in §303 to read as follows:

Contractor’s Yard: Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies and/or other materials; or any area where equipment, vehicles, supplies and/or other material are assembled or stored for the support of another operation or use located at a different site.

☛ ITEM 2 - Add the following §505:

505 Temporary Uses

505.1 Definition

A use that operates at a fixed location for a temporary period of time.

505.2 Zoning Permit; Land Development

- A. Zoning Permit - No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this §505 and other applicable provisions of this Ordinance shall have first been issued.
- B. Land Development - Land development approval under the Subdivision and Land development Ordinance shall not be required for temporary uses.

505.3 Particular Temporary Uses Permitted

The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.

A. Contractor's Office and Construction Equipment Sheds

- 1. Permitted in any district as an accessory use where the office or shed is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
- 2. Maximum length of permit shall be two (2) years.

3. The office or shed shall be removed upon completion of the construction project.
 4. Required water supply and sanitary facilities shall be provided.
- B. Real Estate Sales Office - Permitted in any district as an accessory use for any new subdivision approved in accord with the Subdivision and Land Development Ordinance.
1. The office shall not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office
 2. Maximum length of permit shall be two (2) years
 3. The office shall be removed upon completion of the development of the subdivision.
 4. Required water supply and sanitary facilities shall be provided.
- C. Temporary Shelter - When fire or natural disaster has rendered a single-family or two-family residence unfit for human habitation, the temporary use of a mobile home or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted as an accessory use subject to the following:
1. Required water supply and sanitary facilities must be provided.
 2. Maximum length of the permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit
 3. The mobile home or recreational vehicle shall be removed from the property within thirty (30) days from the date of the issuance of the occupancy permit for the new or rehabilitated residence.
- D. Temporary Accessory Uses/Structures for Public Road Construction Projects - This §505.3D shall apply only to uses and structures accessory to public road construction projects where such uses and structures are established at a fixed location and are removed when the construction project has been completed. Such uses include, but are not limited to, construction offices and sheds, equipment and material storage areas, and worker parking areas. The following shall apply:
1. Zoning Permit Required - An accessory use permit evidencing compliance with the provisions of this Ordinance shall be required.
 2. Application - The application for the permit shall include all information required by §1202.3 and the planned construction schedule.
 3. Location - Any such temporary use or structure may be located in any zoning district, but only within the public road right-of-way at the construction site or on land abutting the right-of-way at the construction site.
 4. Applicability of Certain Requirements
 - a. Within Right-of-Way - The required district setbacks, the maximum lot coverage and parking requirements shall not apply to any such temporary use or structure which is located within the public road right-of-way at the construction site.

- b. Land Abutting the Right-of-Way - The required district front setback and parking requirements shall not apply to any such temporary use or structure which is located on land abutting the right-of-way at the construction site; however, side and rear setbacks and the maximum lot coverage shall apply.
 5. Removal - All of the temporary accessory uses/structures shall be removed within thirty (30) days of the completion of the construction project.
 6. Liability - The road construction contractor shall enter into a *hold harmless* agreement with the Municipality, as approved by the Municipal Solicitor, indemnifying the Municipality from any liability associated with the issuance of the temporary permit.
- E. Temporary Contractor Yards - A temporary contractor yard for the storage of equipment, materials and supplies for construction projects shall be permitted as a conditional use in any RA Rural-Agricultural District, CI Commercial-Industrial District, B-1 Business District, I-1 Industrial District or I-2 Light Industrial District in accord with the following:
1. Standards - The standards in §811 shall apply.
 2. Removal - The temporary contractors yard shall be removed in its entirety within thirty (30) days of the completion of the construction project.

505.4 Temporary Uses by Conditional Use

For temporary structures or uses that are not specifically permitted by §505.3, a temporary permit may be issued by the Board of Supervisors as a conditional use subject to the following additional provisions:

- A. Duration - The Board of Supervisors shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of seven (7) days in any sixty (60) day period. The Board of Supervisors may grant a single approval once for numerous occurrences of an event.
- B. Statement from Owner - The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.
- C. Removal - Such structure or use shall be removed completely upon expiration of the permit without cost to the Municipality. If the structure or use is not removed in a timely fashion after proper notification, the Municipality may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
- D. Conditions - The temporary use or structure shall be compatible with adjacent uses and be clearly of a temporary nature.
- E. Fee - The Board of Supervisors may waive and/or return the required application fee if the applicant is a Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
- F. Nonprofit - Only a well-established and Internal Revenue Service-recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.
- G. Special Events - For a special event that will attract significant numbers of the public, the Board of Supervisors may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

505.5 Additional Regulations

- A. Documentation must be provided to the Municipality that adequate arrangement for temporary sanitary facilities has been made.
- B. All uses shall be confined to the dates specified in the permit.
- C. Hours of operation shall be confined to those specified in the permit.
- D. Access and parking for the exclusive use of the facility shall be provided and a stabilized drive to the parking area shall be maintained.

☞ ITEM 3 - Add the following as §811:

811 Contractor Yards (See §505.3E for temporary contractor yards.)

The intent of this section is to provide standards for access to public roads and setbacks for contractor yards.

811.1 Access to Public Roads

- A. Highway Occupancy Permit - Access roads to Municipal and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- C. Weight Limitations - All operations shall comply with all posted weight limits and road bonding regulations.
- D. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Municipality proposed to be used to access the operation and provide an evaluation of the condition of any Municipal road which will be used and the potential damage which may occur from such use. The Applicant shall also comply with the Municipality road bonding requirements.

811.2 Setbacks

- A. Residential and Nonresidential Buildings - Contractor yards shall not be less than three hundred (300) feet from any existing principal residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the facility is located.
- B. Property Lines/ Road Rights-of-Way - Contractor yards shall not be less than fifty (50) feet from any property line and any public road right-of-way.
- C. Slope - Contractor yards shall be located on slopes of less than eight (8) percent. Low spots and poorly drained places shall be avoided.

☞ ITEM 4 - Delete §1211.2 - Temporary Permits in its entirety and mark the section *Reserved*.**SEVERABILITY**

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Governing Bodies having adopted this Ordinance as if such invalid portions had not been included therein.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

CLINTON TOWNSHIP ADOPTION

This Ordinance Ordained and Enacted this ____ day of _____, 2015, by the Board of Supervisors of Clinton Township, Wyoming County, Pennsylvania, to be effective immediately.

Chairman

Vice-Chairman

Supervisor

ATTEST: _____
Township Secretary

NICHOLSON BOROUGH ADOPTION

This Ordinance Ordained and Enacted this ____ day of _____, 2015, by the Borough Council of Nicholson Borough, Wyoming County, Pennsylvania, to be effective immediately.

By: _____
Council President

ATTEST: _____
Borough Secretary

APPROVED this ____ day of _____, 2015

By: _____
Mayor