

TOWNSHIP OF ANTRIM, FRANKLIN COUNTY  
COMMONWEALTH OF PENNSYLVANIA  
ORDINANCE NO. 317 OF 2009

**AN ORDINANCE AMENDING THE ANTRIM TOWNSHIP UNIFORM CONSTRUCTION CODES CHAPTER, THE SEWERS CHAPTER, THE STREETS AND SIDEWALKS CHAPTER, THE SUBDIVISION AND LAND DEVELOPMENT CHAPTER, AND THE ZONING CHAPTER OF THE CODE OF THE TOWNSHIP OF ANTRIM**

**WHEREAS**, the Township of Antrim currently has Uniform Construction Code regulations as set forth in Chapter 65 of the Code of the Township of Antrim, Pennsylvania; and

**WHEREAS**, the Township of Antrim currently has sewers regulations as set forth in Chapter 110 of the Code of the Township of Antrim, Pennsylvania; and

**WHEREAS**, the Township of Antrim currently has streets and sidewalk regulations as set forth in Chapter 122 of the Code of the Township of Antrim, Pennsylvania; and

**WHEREAS**, the Township of Antrim currently has subdivision and land development regulations as set forth in Chapter 125 of the Code of the Township of Antrim, Pennsylvania; and

**WHEREAS**, the Township of Antrim currently has zoning regulations as set forth in Chapter 150 of the Code of the Township of Antrim, Pennsylvania; and

**WHEREAS**, the Antrim Township Board of Supervisors desire to amend said Chapters 65, 110, 122, 125, and 150 in order to promote the public health, safety and welfare of the residents of the Township.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of the Township of Antrim pursuant to the "Pennsylvania Municipalities Code" (53 P.S. § 10101 et seq.) and the "Second Class Township Code" (53 P.S. §65101 et seq.) that the "Code of the Township of Antrim" is amended as follows:

**SECTION 1** – Article I, Chapter 65-6 entitled "Coordination with other municipal ordinances" subsection (E) shall be deleted in its entirety and replaced with the following:

(E) All Township land use permits issued pursuant to this article shall be valid for 18 months. Land use permits for construction in excess of one million dollars (\$ 1,000,000) shall be valid for 36 months. Two extensions may be granted, each for an additional 18 or 36 months determined by the original construction cost as long as reasonable cause is shown. Extension requests shall be made in writing.

**SECTION 2** – Article I, Chapter 110-9 entitled "Procedure for new connections" subsection (A)(2) shall be amended by deleting the words "building permit" and inserting the words "land use permit". The amended section shall read as follows:

(A)(2) If a property owner did not pay a connection fee at the time of construction of the original public sewer system, an application must be made to the Township to connect, and the then-existing connection fee, tapping fee and inspection fee must be paid prior to issuance of a land use permit and commencement of construction. The Township will provide the service lateral from the sewer main to the right-of-way line at the owner's expense. The owner shall, at his or her expense, install the line from the right-of-way to the improvements on the owner's property. [Amended 1-9-1990 by Ord. No. 196]

**SECTION 3** – Article V, Chapter 110-50 entitled “Repairs; reconstruction” subsection (B) shall be amended by deleting the words “building permit” and inserting the words “land use permit”. The amended subsection (B) shall read as follows:

(B) Springs. Before rehabilitation shall begin on an existing spring, a report shall be made to determine the advisability of said reconstruction, which shall include, as a minimum, quality and quantity of water. Springs for new construction are not considered an adequate water supply and will not be considered as valid for the issuance of a land use permit. Reconstructed springs shall be completely enclosed by walls and a cover of reinforced concrete or equally durable watertight material. The cover shall have a firm foundation so as to effectively prevent settling. The uphill wall shall be so constructed as to prevent entrance of surface water. Where manhole covers are used, the manholes shall be at least 24 inches in diameter. It shall extend at least three inches above the surrounding ground surface and be covered by an impervious durable cover of concrete, steel or equivalent material which overlaps the manhole vertically by at least two inches. The manhole shall be kept secured by bolting, locking or equivalent means, and shall be kept so secured.

**SECTION 4** – Article VII, Chapter 110-71 entitled “Permit requirements” subsections (D) and (E) shall be amended by deleting the word “building” and inserting the words “land use”. The amended subsections (D) and (E) shall read as follows:

(D) No land use or occupancy permit shall be issued by the municipality or its codes enforcement officer for a new building which will contain sewage-generating facilities until a valid sewage permit has been obtained from the municipality's certified sewage enforcement officer.

(E) No land use or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until the municipality's codes enforcement officer and the structure's owner receive from the municipality's sewage enforcement officer either a permit for alteration or a replacement of the existing sewage disposal system or written notification that such a permit will not be required. The certified sewage enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

**SECTION 5** – Article III, Chapter 122-11 entitled “General requirements” subsection (A) shall be deleted in its entirety and the remaining subsections shall be renumbered accordingly.

**SECTION 6** – Article III, Chapter 122-11 entitled “General requirements” subsection (B) shall be deleted in its entirety and replaced with the following:

(B) Except for joint use driveways, no access shall be located within 12 inches of any portion of the side property line.

**SECTION 7** – Article II, Chapter 125-6 Entitled “Definitions” shall be amended by deleting the word “building” in the definition of Application for Development and inserting the words “land use”. The amended definition of Application for Development shall read as follows:

“Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a land use permit, for the approval of a subdivision plat or plan or for the approval of a development plan.”

**SECTION 8** – Article III, Chapter 125-21 entitled “Sewer Fees” subsection (A) shall be amended by deleting the word “building” and inserting the words “land use”. The amended subsection (A) shall read as follows:

(A) No subdivision or land development plans shall be given final approval until all applicable fees prescribed in Chapter 110, § 110-9, have been paid in full, except that tapping fees for each EDU within the subdivision need not be paid until individual land use permits are applied for and issued for each EDU within the subdivision.

**SECTION 9** – Article IV, Chapter 125-31 entitled “Structural additions” shall be amended by deleting the word “building” and inserting the words “land use”. The amended section shall read as follows:

“All structural additions to mobile homes, other than those which are built into the unit and designed to fold out or extend from it, shall be erected only after a land use permit has been obtained, and such additions shall conform to any building code of the Township, where applicable, or shall meet the standards of special regulations adopted with respect to such additions. The land use permit shall specify whether such structural addition may remain permanently, or must be removed within a specified length of time after the mobile home is removed.”

**SECTION 10** – Article V, Chapter 125-45 entitled “Streets, driveways, alleys and sidewalks” subsection (N)(1) shall be deleted in its entirety and replaced with the following:

(N)(1) Except for joint use driveways, no access shall be located within 12 inches of any portion of the side property line.

**SECTION 11** – Article V, Chapter 125-48 entitled “Completion of improvements; financial security” subsection (M) shall be amended by deleting the word “building” and inserting [t]he words “land use”. The amended section shall read as follows:

(M) “If the financial security has been approved in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Township shall not condition the issuance of land use, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise

permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.”

**SECTION 12** – Article V, Chapter 125-53 entitled “Curbs, gutters and sidewalks; street lights; play areas” subsection (G)(2) shall be amended by deleting the word “building” and inserting the words “land use”. The amended section shall read as follows:

(G)(2) Concrete curbs required for new land development where curbs exist on adjacent properties. All owners of real estate in Antrim Township who hereafter secure a land use permit or land development approval shall, within six months after the issuance of a land use permit, construct a concrete curb along the roadway in accordance with the requirements in § 125-53F.

**SECTION 13** – Article II, Chapter 150-4 entitled “Definitions” shall be amended by deleting the word “building” from the definition of “Application for Development” and inserting the words “land use”. The amended definition shall read as follows:

APPLICATION FOR DEVELOPMENT – Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a land use permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

**SECTION 14** – Article III, Chapter 150-8 entitled “General district regulations” subsection (C) shall be amended by deleting the word “building” and inserting the words “land use”. The amended section shall read as follows:

(C) No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this chapter for the district in which said lot is located. No land use permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all provisions of this chapter.

**SECTION 15** – Article III, Chapter 150-8 entitled “General district regulations” subsection (D)(1) shall be amended by deleting the word “building” and inserting the words “building/land use”. The amended section shall read as follows:

(D)(1) A building/land use permit shall have been duly issued prior to the date of first publication of notice of public hearing on this chapter.

**SECTION 16** – Article V, Chapter 150-12 entitled “Permitted use” subsection (F)(5) shall be amended by deleting the word “building” and inserting the words “land use”. The amended section shall read as follows:

(F)(5) Before a land use permit is granted, a plan for rehabilitation, showing both existing and proposed final contours, shall be submitted and approved by the Township.

**SECTION 17** – Article XVI, Chapter 150-39 entitled “Performance Standards” subsection (M) shall be amended by deleting the word “building” and inserting the words “land use”. The amended section shall read as follows:

(M) Smoke control. No smoke shall be emitted from any chimney or from any other source which has a visible gray opacity greater than Number 1 on the Ringlemann Smoke Chart as

published by the U.S. Bureau of Mines, as amended to the time of the application for land use permit. Identical operations or processes may be compacted to determine compliance with this subsection.

**SECTION 18** – Article XVII, Chapter 150-47 entitled “Required permits” subsections (A) and (B) shall be amended by deleting the word “building” and inserting the words “land use”. The amended sections shall read as follows:

- (A) Land use and/or zoning permits shall be required before any construction or development is undertaken within any area of the Township and affected by this district.
- (B) Prior to the issuance of any land use and/or zoning permit, the Zoning Officer shall review the application for permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); <sup>39</sup>the Pennsylvania Dam Safety and Encroachment Act (Act 1978-325, as amended); <sup>40</sup>and the U.S. Clean Water Act, Section 404, 33 U.S.C. Subsection 1334. No application shall be accepted by the Zoning Officer and forwarded to the Zoning Hearing Board until this determination has been made.

**SECTION 19** – Article XVII, Chapter 150-57 entitled “Municipal Liability” shall be amended by deleting the word “building” and inserting the words “land use”. The amended section shall read as follows:

“The granting of a land use or zoning permit or the approval of a subdivision or land development plan in this district shall not constitute a representation, guaranty or warranty of any kind by the Township, or any of its officials or employees, of the practicability or safety of any structure, use or development, and shall not create liability or cause of action against such public body, official or employee for any damage that may result pursuant thereto.”

**SECTION 20** – Article XIX, Chapter 150-65 entitled “Accessory building regulations” shall be deleted in its entirety and replaced with the following:

§ 150-65. Accessory building regulations.

- A. Accessory buildings shall comply with the following regulations:
  - 1. Accessory building for residential use shall have a minimum setback of five feet from any side or rear lot line.
  - 2. Accessory buildings for principal uses other than residential shall not be located closer than 10 feet to any side or rear property line.
  - 3. The setbacks for accessory buildings that are adjacent to public, private or proposed road rights-of-way shall be the same as the setbacks listed in the minimum area regulations for front yard setbacks of each applicable zoning district. [Added 1-25-2005 by Ord. No. 291]
- B. When an accessory structure is attached to the principal building it shall comply in all respects with the requirements of this chapter applicable to the principal building.
- C. An accessory building shall conform with the height regulations for principal buildings.
- D. Accessory agricultural buildings for working farms shall comply with the following regulations: [Added 1-25-2005 by Ord. No. 291]
  - 1. No building shall be located within 50 feet of any road right-of-way or proposed road right-of-way.
  - 2. No building shall be located within 35 feet of any private road right-of-way.

3. No building shall be located within 100 feet of any dwelling except the dwelling located on that property.

4. No building shall be located within 20 feet of any side or rear property line.

Buildings to house, keep or raise livestock, horses or poultry shall comply with the provisions listed in § 150-10(D)(1)(a).

**SECTION 21** – Article XIX, Chapter 150-66(B), entitled “Height requirements” shall be amended to add the word “Church Steeples” after the word “antennas”. The amended section shall read as follows:

“Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, Church Steeples, barns and silos shall be exempt from the height limitations of this chapter, provided that their location is not in the required yard.”

**SECTION 22**– Article XIX, Chapter 150-67(C)(1), entitled “Yard and lot regulations” shall be amended by replacing the word “side” with the word “required”. The amended section shall read as follows:

“Cornices, canopies, eaves or other architectural features may project into yards a distance not exceeding two inches per one foot of the required yard width but may not exceed a total of three feet.”

**SECTION 23** – Article I, Chapter 150-68 entitled “Private outdoor swimming pools” shall be amended by deleting the word “building” and inserting the words “land use”. All conditions shall remain in full force and effect.

**SECTION 24** – Article XIX, Chapter 150-71 entitled “Storage of mobile homes, motor home trailers, boats and dismantled or nonoperable vehicles” shall be deleted in its entirety and replaced with the following:

§ 150-71 Storage of motor home trailers, boats and dismantled or non-operable vehicles.

(A) No more than one motor home trailer may be stored but not occupied in any residential district. No more than one boat may be stored in any residential district.

(B) The residential storage of dismantled, non-operable or non-licensed vehicles as defined in this chapter shall be only in enclosed buildings.

**SECTION 25** – Article XIX, Chapter 150-77 entitled “ Migrant labor quarters” subsection (A) shall be amended by deleting the word “building” and inserting the words “land use”. The amended section shall read as follows:

(A) Prior to the issuance of a land use permit, it shall be required of the owner or his or her agent to submit to the Township certification of compliance with all applicable provisions of the State Department of Environmental Protection.

**SECTION 26** – Article XIX, Chapter 150-78 entitled “Temporary mobile home permit” shall be deleted in its entirety and replaced with the following:

§ 150-78. Temporary mobile home permit.

(A) Granny Flat: A mobile home may be temporarily placed on an approved lot having erected thereon no more than one single-family dwelling where the mobile home is

connected to the sewage disposal system of the permanent dwelling and where the temporary mobile home is to be occupied by the following family members: father, mother, father-in-law, mother-in-law, paternal grandparents, maternal grandparents, foster parents, aunt (mother's or father's sister), uncle (mother's or father's brother), brother or sister of the owner and occupant of the permanent residence on the lot; such occupancy of the temporary mobile home to be by special permit only for a period not to exceed one year, renewable at the option of the Township; all such permits to expire and be subject to renewal on July 1 of each year regardless of the date of issuance. A signed statement will be required from a medical doctor as to the need prior to a land use permit being issued.

- (B) Sales Trailers: One sales trailer shall be permitted per builder in a subdivision for a time period not to exceed 18 months. Within the 18 months a model home must be constructed within the same development. An extension not to exceed an additional 6 months may be granted one time only upon written request to the Township if proof is provided showing reasonable progress has been made towards the completion of a model home. Reapplication by the same builder for the same development shall not be permitted.
- (C) Construction Trailers: Each builder of a subdivision may have construction trailer(s) placed somewhere in the development within the minimum area regulations set forth in this chapter. The construction trailer(s) shall be removed from the premises once the development is built out or once the builder has not been active for a period of 18 months in this development. The construction trailer(s) shall not be serviced with water, sewer, or septic unless appropriate permits have been issued and all fees have been paid. All fee's will be forfeited and are non transferable with the removal of the trailer(s). Construction Trailers are not required to connect to utilities.
- (D) Where a land use permit has been issued for the construction or alteration of a principal building, a temporary permit for one manufactured home or camping trailer may be issued. Said residence may be occupied during the term of the temporary permit, and shall be situated upon the lot for which the land use permit has been issued, provided that all yard setback requirements are met. Upon completion of the principal structure and the occupancy permits for the principal structure have been issued; the manufactured home or camping trailer shall be removed within 90 days.

**SECTION 27** – Article XIX, Chapter 150-80 entitled “Health clubs, health spas and similar uses” shall be deleted in its entirety and reserved for future use.

**SECTION 28** – Article XIX, Chapter 150-81 entitled “Satellite Discs” shall be deleted in its entirety and reserved for future use.

**SECTION 29** – Article XX, Chapter 150-85 entitled “Use regulations” subsection (F)(1)(d) shall be amended by deleting the word “building” and insert the words “land use”. The amended section shall read as follows:

(F)(1)(d) Land use permits for ADUs shall not be issued until the applicant places a restrictive easement on the subject property prohibiting future enlargement of the ADUs or the creation of additional ADUs beyond the limits described above. Issuance of permits for ADUs shall be

contingent upon Township Sewage Enforcement Officer and Pennsylvania DEP approval for any on-site septic sewage disposal systems needed.

**SECTION 30** – Article XXI, Chapter 150-93 entitled “Expansion and change or nonconforming uses” subsection (A) shall be amended by deleting the word “building” and inserting the words “land use”. The amended section shall read as follows:

(A) Procedures. Any nonconforming structure (except single-family detached and single-family semidetached dwellings) or building, but not including signs, may be expanded one time up to 50% of its size as it existed prior to enactment of this chapter without applying to the Zoning Hearing Board, provided that a land use permit has been applied for and issued showing that no new encroachments on the zoning requirements are created by said expansion. Any additional expansions after the first time or any expansion greater than 50% must be approved by the Zoning Hearing Board.

**SECTION 31** – Article XXII, Chapter 150-106 entitled “Conditional uses” subsection (A) shall be amended by deleting the word “building” and insert the words “land use”.

**SECTION 32** – Article XXIV, Chapter 150-110 entitled “Appointment and powers of Zoning Officer” subsections (F) and (H) shall be amended by deleting the word “building” and inserting the words “land use”. The amended sections shall read as follows:

(F) The Zoning Officer shall maintain files, open to the public, of all applications for certificates of occupancy and land use permits along with plans submitted therewith as well as final certificates and permits.

(H) The Zoning Officer shall submit to the Township Supervisors for insertion in the Supervisors' minutes, a written report summarizing for the month all land use permits issued by him or her as well as complaints of violations and action taken as a result of such complaints.

**SECTION 33** – Article XXIV, Chapter 150-111 entitled “Building Permits” shall be deleted in its entirety and replaced with the following:

§ 150-111 Land Use Permits.

- A. No building or structure in excess of 100 square feet, in any district, shall be placed, erected or structurally altered without a land use permit duly issued upon application to the Township. No land use permit shall be issued unless the proposed construction or use is in full conformity with all provisions of this chapter and all other Township ordinances. Any land use permit issued in violation of the provisions of this chapter shall be null and void and of no effect, and any work undertaken or use established pursuant to any such permit shall be unlawful. Any person placing a mobile home on a lot of record (not a mobile home park) must also obtain a land use permit. [Amended 10-24-1995 by Ord. No. 238]
- B. No land use permits shall be issued for the construction or alteration of any building upon a lot without legal access to a street or highway.
- C. No land use permit shall be issued for a building to be used for any variance or for any special exception in any district where such use is allowed only by approval of the



Zoning Hearing Board unless and until such approval has been duly granted by the Zoning Hearing Board.

- D. The Township shall, within 15 days after the filing of a complete and properly prepared application, either issue or deny a land use permit. If a land use permit is denied, the Township shall state in writing to the applicant the reasons for such denial.
- E. All Township land use permits issued pursuant to this article shall be valid for 18 months. Land use permits for construction in excess of one million dollars (\$ 1,000,000) shall be valid for 36 months. Two extensions may be granted, each for an additional 18 or 36 months determined by the original construction cost as long as reasonable cause is shown. Extension requests shall be made in writing.
- F. As soon as the foundation of a building or of any addition to an existing building is laid off, and before first-story framing or wall construction is begun, there shall be filed with the Township an accurate survey signed by the person responsible for said survey, showing the exact location of such foundation with respect to the street and property lines of the lot.
- G. Site plans.
  - 1. Any developer of a single tract of land for any of the following reasons shall be required to present a site plan for review and approval by Antrim Township:
    - a. Multifamily residential purposes.
    - b. Commercial.
    - c. Industrial.
    - d. Agricultural buildings of 10,000 square feet or more.
    - e. Changing, altering or modifying a dwelling, single-family detached (house), into a dwelling, multifamily or dwelling, single-family semidetached (double) or dwelling, single-family attached (row) or dwelling, two-family detached (duplex) or dwelling, two-family semidetached (garden apartment) or dwelling, group.
  - 2. The site plan will be prepared in accordance with all subdivision/land development requirements for a final plan respective to stormwater management.<sup>49</sup> This requires that all erosion and stormwater management requirements must be satisfied.
  - 3. When a site plan is required, the review time for the developer's fully completed land use permit application will be extended to 30 days or 90 days in those instances when DEP planning approval is required.
  - 4. Site plans will be reviewed by the Township Zoning Officer and recommended for disapproval or approval to the Board of Supervisors. Any required erosion and sedimentation controls will be reviewed by the County Conservation District. Depending on the complexity of development, the Zoning Officer may solicit comments from the Planning Commission before recommending approval or disapproval.
  - 5. Stormwater management plans prepared for any site plan will be reviewed and approved by the Township Engineer. No site plan will be recommended for approval without the Engineer's approval of the stormwater management plan. Any fees for the Engineer's review of the stormwater management plan will be paid by the developer according to a scale set by the Board of Supervisors by resolution.

6. The review process of the site plan will normally be handled internally by the Zoning Officer, Engineer and Board of Supervisors.
7. The developer, at the time of his or her application for a land use permit, will be advised of the review timetable.

**SECTION 34 - Effective Date.** This Ordinance shall become effective in accordance with the law.

**SECTION 35 – Repealer.** All other Township ordinances or parts of other ordinances in conflict herewith, are hereby repealed.

**SECTION 36 - Severability.** If any article, section, or provision of this Ordinance should be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ENACTED by the Board of Supervisors of the Township of Antrim at its regular meeting the 25th day of August, 2009

Attest:

SUPERVISORS OF ANTRIM TOWNSHIP

\_\_\_\_\_  
Mary Klein, Secretary

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Curtis Myers, Chairman

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