

## Section 11.02 Permits

### 1. General -

- A. A permit shall be required prior to; the opening of a business or a new owner of a business, a change in use of land or buildings, or the erection, construction or enlargement of any building, structure or any portion thereof.
- B. Application for permits shall be made in writing to the Zoning Officer designated by the Board and shall contain all information necessary for such officer to ascertain whether the proposed erection, construction, reconstruction, enlargement or use complies with the provisions of this Chapter.
- C. Such permits shall be granted or refused within thirty (30) days from the date of the completed application.
- D. No permit shall be issued except in conformity with the regulations of this Chapter, except after written order from the Zoning Hearing Board or the Courts.
- E. The Zoning Officer shall require all fees paid prior to the issuance of any permit that any and all other applicable permits or approvals of any governmental unit or regulatory body be obtained or, in the alternative, and for cause shown, the Zoning Officer may condition a permit upon the obtaining of such permits or approvals.
- F. The parcel or parcels shall be in a single and full ownership or proof of option shall be furnished at the time of application.

### 2. Site Plan Review -

- A. A site plan, as described below, shall accompany all applications for a zoning permit whenever such applications proposed the following:
  - 1. A proposed use or structure located in or within fifty feet (50') of a flood plain;
  - 2. A proposed use or structure required to have a parking lot as stipulated in § 805.
  - 3. Whenever development is proposed involving the location of two or more primary uses or structures on a single lot, including, but not limited to, apartment complexes, mobile home parks, shopping

centers, and industrial parks; and

4. Any commercial or industrial uses.
- B. Five (5) copies of the site plan shall be submitted to the Zoning Officer along with the application for a zoning permit. The site plan shall be drawn to a scale of 1" equals 50' or larger (1' = less than 50') and contain the following written and graphic information:
1. The name of the proposed development, the identification by Clinton County Tax Map Parcel Number, and the name and address of the owner of the property and the individual or firm preparing the site plan;
  2. Date of the application for a zoning permit;
  3. Graphic scale;
  4. North point;
  5. Key map at a scale of 1" equals four hundred feet (400') showing streets and roads, buildings, and motor vehicle access within five hundred feet (500') from the exterior boundary of the lot;
  6. Total size of the property, and each lot and/or area to be leased;
  7. The proposed use of the property;
  8. Topographic contour lines for existing and design finish grades drawn at vertical intervals of five feet (5') including elevations of each ten foot (10') interval;
  9. The total tract boundary with distances marked to at least the nearest foot;
  10. Location of the front, side, and rear yard setback area as required by the applicable zoning district;
  11. All existing and proposed structures, showing location and statement of the ground floor area, and retail and service floor area, and height of each;
  12. All streams, springs, sink holes, flood plain boundaries, and slopes of twenty-five percent (25%) or more;
  13. Location of all existing and proposed utilities their easements, including those within fifty feet (50') of the boundaries of the site

plan;

14. All existing and proposed street right-of-way and cartways, including those abutting the property.
  15. All existing and proposed points or motor vehicle access to the property;
  16. All existing and proposed parking and loading spaces, parking lots, and a statement of the surfacing material to be used;
  17. The location of all outdoor lighting fixtures;
  18. The location and generic name of vegetation to be used for landscaping;
  19. The location of all buffer yards required by this Chapter;
  20. All storm water management controls required by the Porter Township Subdivision and Land Development Ordinance;
  21. Soil erosion and sedimentation control plan in accordance with 25 PA. Code Section 102, Erosion Control
  22. The location of all sidewalks and curbing required by the Porter Township Subdivision and Land Development Ordinance;
  23. The location of all existing and proposed signs as regulated by this Chapter; and
  24. Engineering and architectural plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.
  25. Engineering and architectural plans for the handling of any excess traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.
  26. Designation of the manner by which sanitary sewage shall be disposed and water supply obtained.
  27. A space labeled "Recommended to the Supervisors for approval by" for the signatures of the Planning Commission and, a space labeled "Approved by" for the signatures of the Board of Supervisors and a space for the date of each such approval.
- C. All applications for a zoning permit which include a site plan as herein

expiration of the permit without cost to the Township. Such a permit shall be issued for a specified period of time not exceeding one (1) year, and may be renewed annually for an aggregate period of not more than three (3) years.

5. Validity of Permits - When the Zoning Officer issues any permit for buildings, signs, temporary use, the applicant must commence the action for which the permit is issued within six (6) months of the date of issuance of the permit; otherwise, said permit shall be null and void.
6. Administration of Flood Plain District - This section should apply to the administration of uses in the Township Flood Plain Overlay District.
  - A. Zoning Permits Required - Zoning permits shall be required before any new development, construction substantial improvements, reconstruction, enlargement, alteration, or relocation of any building or structure is undertaken in a Flood Plain District. All permit requirements shall be governed by §§ 1101 and 1102, except for additional provisions contained herein.
  - B. Review by County Conservation District - A copy of all applications and plans for any proposed construction or development in any identified flood-prone areas to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.
  - C. Review of Application by Others - A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval shall be submitted by the Zoning Officer to the Township Engineer, Planning Commission, and to any other appropriate agencies and/or individuals for review and comment. Final approval shall be required from the Board of Supervisors prior to issuance of any permits.
  - D. Other Permit Issuance Requirements - Prior to the issuance of any Zoning permit, the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act; the Water Obstruction Act 1913; and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, USC 1334, no permit shall be issued until this determination has been made.
  - E. Notices, Hearings, Appeals - All provisions relative to notices, hearings

and appeals are governed by Article X - Zoning Hearing Board.

F. Variance Within Flood Plain Districts - Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following, in addition to the provisions of Article X.

1. The board shall, at least thirty (30) days prior to holding a hearing on the variance, forward a copy of the variance request to the Township Supervisors and Township Planning Commission for review and comment. This review period may also be used to secure technical interpretations from the Federal Emergency Management Agency.
2. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit or to Development Which May Endanger Human Life.
3. If granted, a variance shall involve only the least modification necessary to provide relief.
4. Whenever a variance is granted, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objective of this Chapter.
5. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
  - A. The granting of the variance may result in increased premium rates for flood insurance.
  - B. Such variance may increase the risks to life and property.
6. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to the following:
  - A. That there is good and sufficient cause.
  - B. That failure to grant the variance would result in exceptional hardship to the applicant.
  - C. That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats of public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public or conflict with any other applicable local or state

ordinance and regulations.

7. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
8. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred year flood.
9. Administration of the Fishing Creek Storm Water Management Ordinance - This Section should apply to the administration of uses in the Township that are located within the fishing creek watershed overlay district. All proposed activities that require zoning permits shall be in compliance with the Townships Fishing Creek Storm Water Management Ordinance. In lieu of an adopted storm water management ordinance, applicants shall comply with the storm water management requirements in § 816.

#### Section 11.03 **Certificate of Occupancy**

1. Scope - A Certificate of Occupancy shall be required upon completion of the work contemplated in the permit. No building, structure, or free-standing sign shall be utilized in any manner until a Certificate of Occupancy is issued.
2. Application Procedures - Application shall be made in writing to the Zoning Officer on a form specified for such purposes.
3. Issuance -
  - A. Certificates of Occupancy shall be granted or refused within ten (10) days from the date of application. No application shall be granted or refused until the Zoning Officer has inspected the premises. Issuance of this Certificate shall be based on conformance of the work to the requirements of this Chapter.
  - B. In Commercial and Industrial Districts in which Performance Standards are imposed, no Certificate of Occupancy shall become permanent until thirty (30) days after the facility is fully operating, when upon registration by the Zoning Officer, it is determined that the facility is in compliance with all Performance Standards.