

# **Clifford Township Building Setback Ordinance**

## **Ordinance Number 1-14**

### **§ 25-1 Intent and authority.**

The intent of this ordinance is to promote the general health, welfare and safety of the community. It is adopted under the authority granted to Clifford Township under Sections 1517 and 1519 of the Pennsylvania Second Class Township Code.

### **§ 25-2 Abrogation and greater restrictions.**

This ordinance supersedes any provisions currently in effect. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

### **§ 25-3 Municipal liability.**

This ordinance shall not create liability on the part of the municipality or any officer or employee thereof for any damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

### **§ 25-4 Setback requirements.**

The following building setback requirements shall apply to all existing lots within Clifford Township, which requirements are intended to complement those applicable to new lots and land developments under the Clifford Township Subdivision and Land Development Ordinance.

- A. No building or structure, or any addition to an existing building or structure, shall be constructed within a distance equal to one-half the width of road right-of-way or 25 feet, whichever shall be less, of the road right-of-way line or front lot line.
- B. No building or structure, or any addition to an existing building or structure, shall be constructed within 30 feet of the side lot line, provided that this setback shall be reduced to 15 feet in the case of lots under two acres in lot area.
- C. No building or structure, or any addition to an existing building or structure, shall be constructed within 30 feet of the rear lot line, provided that this setback shall be reduced to 15 feet in the case of lots under two acres in lot area.
- D. The minimum required setback from all bodies of water at the normal high-water mark shall be not less than 50 feet.

### **§ 25-5 Nonconforming uses.**

The regulations prescribed in this ordinance shall not be construed to require removal or other changes or alteration of any structure not conforming to the regulations set forth herein



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existing as of the effective date of this ordinance. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which began prior to the effective date of this ordinance and is diligently prosecuted.

### **§ 25-6 Variances.**

- A. Any person desiring to erect, alter, or construct a building or structure not in compliance with the regulations set forth herein may apply to the Board of Appeals for a variance from such regulations. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard, will do substantial justice, and will be in accordance with the spirit of this ordinance. Any variance granted may be made subject to any reasonable conditions that the Board of Appeals may deem necessary to effectuate the purposes of this ordinance.
- B. A request for variance must be addressed in writing to the Board of Appeals stating the reason for the request and all pertinent information relating to the request. A hearing will be scheduled within 45 days of receipt of such request. The Board of Appeals will have 30 days to deliver its decision.

### **§ 25-7 Violations and penalties.**

Any person who violates or permits a violation of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this ordinance. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. 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 a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

### **§ 25-8 Word usage.**

Unless specifically defined in § 25-9, words and phrases used in this ordinance shall be interpreted so as to give this ordinance its most reasonable application.

### **§ 25-9 Definitions.**

As used in this ordinance, the following terms shall have the meanings indicated:

**BOARD OF APPEALS:** Constitutes the Board of Supervisors or its designees.



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**FRONT LOT LINE:** Any dividing line between the street and the lot. The dividing line between the street and the lot shall be the same as the legal right-of-way for the street, provided, where a future right-of-way width for a road or street has been established, that width shall determine the location of the dividing line between the street and the lot. A lot may have more than one front lot line if it borders upon more than one roadway or street. In the case of a lot with no street or road frontage, the line closest to any public roadway or street shall be considered the front lot line.

**LOT LINE:** Any boundary line of a lot.

**REAR LOT LINE:** Any lot line which is parallel to or within 45° of being parallel to a front lot line, except for a lot line that is itself a front lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line the farthest from any street shall be considered a rear lot line. Where there is only one lot line other than front lot lines, it shall be considered the rear lot line.

**SIDE LOT LINE:** Any lot line which is not a front lot line or a rear lot line. In the case of a triangular lot, those lot lines other than the front lot line shall be considered side lot lines.

**STRUCTURE:** Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, sheds, barns, other outbuildings and other similar items.

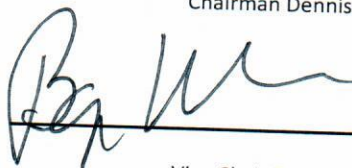
### § 25-10 Effective date.

This ordinance shall become effective on March 11, 2014, and shall remain in force until modified, amended, or rescinded by the Township of Clifford, Susquehanna County, Pennsylvania.


### CLIFFORD TOWNSHIP BOARD OF SUPERVISORS




Chairman Dennis Knowlton



Vice Chair Barry Searle



Supervisor Chris Marcho



Secretary/Treasurer Christy Bennett