

BRIAR CREEK TOWNSHIP
COLUMBIA COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 of 2022

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF BRIAR CREEK TOWNSHIP,
COLUMBIA COUNTY, PENNSYLVANIA AMENDING THE ZONING ORDINANCE OF
BRIAR CREEK TOWNSHIP TO SET FORTH REQUIREMENTS FOR NO IMPACT, LOW
IMPACT, AND ACCESSORY USES AND AMENDING A REQUIREMENT OF THE
PROCEDURE FOR CONDITIONAL USES IN ARTICLE XII OF THE ZONING
ORDINANCE OF BRIAR CREEK TOWNSHIP TO CORRECT A TYPOGRAPHICAL
ERROR

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§ 10101 et seq., enables a municipality through its zoning ordinance to regulate the use of property; and

WHEREAS, Briar Creek Township seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance providing for No Impact, Low Impact, and Accessory Uses; and

WHEREAS, the purpose of this Ordinance is to set forth requirements for No Impact, Low Impact, and Accessory Uses;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Briar Creek Township, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1: Article II, Section 202 of the Briar Creek Township Zoning Ordinance, entitled Definitions, shall be amended by adding the following definitions to those listed in Section 202 thereof, to be inserted in alphabetical order:

Accessory Building/Structure: A subordinate building or structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use: A use subordinate to the principal use of a building, structure, or land located on the same lot and serving a purpose customarily incidental to the principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

Low Impact Home-Based Business: An accessory use intended to allow commercial enterprises that generate limited numbers of customer visits or merchandise deliveries to a

residential dwelling. Use involves limited 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 the use of a dwelling.

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 limited 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.

SECTION 2: Article IV of the Briar Creek Township Zoning Ordinance, entitled RR-Rural Residential District Schedule of Uses, shall be amended by adding No-Impact Home-Based Business as a Principle Permitted Use.

SECTION 3: Article IV of the Briar Creek Township Zoning Ordinance, entitled RR-Rural Residential District Schedule of Uses, shall be amended by adding Low-Impact Home-Based Business as a Conditional Use.

SECTION 4: Article IV of the Briar Creek Township Zoning Ordinance, entitled RM-Residential Medium Density District Schedule of Uses, shall be amended by adding No-Impact Home-Based Business as a Principle Permitted Use.

SECTION 5: Article IV of the Briar Creek Township Zoning Ordinance, entitled RH-Residential High Density District Schedule of Uses, shall be amended by adding No-Impact Home-Based Business as a Principle Permitted Use.

SECTION 6: Article IV of the Briar Creek Township Zoning Ordinance, entitled C-Commercial District Schedule of Uses, shall be amended by adding No-Impact Home-Based Business as a Principle Permitted Use.

SECTION 7: Article IV of the Briar Creek Township Zoning Ordinance, entitled C-Commercial District Schedule of Uses, shall be amended by adding Low-Impact Home-Based Business as a Principle Permitted Use.

SECTION 8: Article IV of the Briar Creek Township Zoning Ordinance, entitled I-Industrial District Schedule of Uses, shall be amended by adding No-Impact Home-Based Business as a Principle Permitted Use.

SECTION 9: Article IV of the Briar Creek Township Zoning Ordinance, entitled I-Industrial District Schedule of Uses, shall be amended by adding Low-Impact Home-Based Business as a Principle Permitted Use.

SECTION 10: Article IV of the Briar Creek Township Zoning Ordinance, entitled A-Agricultural District Schedule of Uses, shall be amended by adding No-Impact Home-Based Business as a Principle Permitted Use.

SECTION 11: Article IV of the Briar Creek Township Zoning Ordinance, entitled A-Agricultural District Schedule of Uses, shall be amended by adding Low-Impact Home-Based Business as a Conditional Use.

SECTION 12: Article IV of the Briar Creek Township Zoning Ordinance, entitled OS-Open Space District Schedule of Uses, shall be amended by adding No-Impact Home-Based Business as a Principle Permitted Use.

SECTION 13: Article IV of the Briar Creek Township Zoning Ordinance, entitled OS-Open Space District Schedule of Uses, shall be amended by adding Low-Impact Home-Based Business as a Conditional Use.

SECTION 14: Article IV of the Briar Creek Township Zoning Ordinance, entitled Table of Uses permitted by District shall be amended by adding:

- No-Impact Home-Based Business shall be added to the Accessory Uses and shall be a principal permitted use in all Zoning Districts.
- Low-Impact Home-Based Business shall be added to the Accessory Uses and shall be principal permitted use in the C and I Zoning Districts and a Conditional Use in the RR, A and OS Zoning Districts.

SECTION 15: Article V Section 503.1 of the Briar Creek Township Zoning Ordinance, entitled Accessory Structures and Uses shall be amended by adding the following:

C. Shipping Containers, Semi-Trailers, Truck Bodies

1. Shipping containers, storage containers, truck trailers, and similar structures located on a lot for more than thirty (30) days shall only be permitted only in the A, OS and I Districts and shall be considered accessory structures.
2. Such structures shall maintain a setback of one hundred (100) feet from public road rights-of way and the side and rear yards applicable to principal structures in the District. Side and rear yards shall be twice the normal setback in cases where the structure adjoins a residential use.
3. All such structures shall be screened in accord with §701.1 A and C, and shall be maintained in good condition.

SECTION 16: Article V Section 503.2 of the Briar Creek Township Zoning Ordinance, entitled Reserved shall be amended by adding the following:

503.2 No-Impact Home-Based Business

No-Impact home-based businesses shall be permitted in all Zoning Districts as a use

permitted by right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. In the RM and RH Districts, the business shall employ no employees other than family members residing in the dwelling.
- C. In all other Districts, the business shall employ no more than three employees not residing in the dwelling, with not more than one non-resident employees working on-site at any one time.
- D. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature, with the total display and/or storage area limited to indoors and not more than two hundred (200) square feet.
- E. There shall be no outside appearance of a business use, except, one (1) sign not more than three (3) square feet for each face shall be permitted in accord with Article XI. The sign shall have a maximum height above the ground of six feet and may be attached to a building or a pole not more than 18" from the home.
- F. Off-Street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
- G. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- H. The business shall not be conducted in a manner that is perceptible to other residents between the hours of 8:00 p.m. and 8:00 a.m.
- I. 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.
- J. In the RM and RH Districts, business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area of the dwelling unit, including basements.
- K. In all other Districts, business activity may be conducted only within the dwelling or accessory buildings and may not occupy more than 50% of the habitable floor area of the dwelling unit, including basements or accessory structures.

- L. The business may not involve any illegal activity.
- M. §701, Performance Standards, shall also apply to No-Impact home-based businesses.
- N. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. In the RM and RH Districts, the use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) times per day.
- O. The following uses shall not be permitted as No-Impact home-based businesses: commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales, restaurant, crematoria, funeral parlors or other uses not meeting the requirements of this Section.
- P. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property.
- Q. The following types of uses shall be permitted as No-Impact home-based businesses in all districts:
 - 1. Professional offices for individual practitioners
 - 2. Rooming and/or housing of not more than two (2) persons.
 - 3. Custom dressmaking or tailoring.
 - 4. Foster family care for not more than four (4) children simultaneously.
 - 5. Day care that provides care for six (6) or fewer children at any one time who are not relatives of the care giver.
 - 6. Tutoring for not more than four (4) children simultaneously.
 - 7. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises
 - 8. Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises
 - 9. Single practitioner beauty shops and barbershops.
- R. All applications for No-Impact home-based businesses not specifically enumerated as permitted in §503.2 Q shall not be permitted in the RM and RH Districts. In all other districts, all applications for home occupations not specifically enumerated as permitted in §503.2. Q or excluded by §503.2 O, shall be considered a Low-Impact home-based businesses subject to the provisions of §503.3.

SECTION 17: Article V Section 503.3 of the Briar Creek Township Zoning Ordinance, entitled Home Occupations shall be amended by deleting the current language and adding the following:

503.3 Low-Impact Home-Based Businesses

- A. A Low-Impact Home-Based Businesses shall meet the following requirements:

- B. The use shall be conducted primarily by a permanent resident of the dwelling.
- C. The business shall employ no more than three employees not residing in the dwelling, with not more than one non-resident employees working on-site at any one time.
- D. The employee shall have a designated parking spot which does not disrupt the traffic circulation of the neighborhood.
- E. The business activity may be conducted only within the dwelling or accessory buildings and may not occupy more than 50% of the habitable floor area of the dwelling unit, including basements or accessory structures and shall clearly be secondary to the residential use.
- F. The use shall be conducted indoors. No outdoor storage of materials is permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
- G. The use may require delivery by common carriers such as Amazon, UPS, USPS, etc. The use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) times per day. There shall be no routine deliveries by semi-truck and trailer.
- H. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- I. 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.
- J. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property.
- K. The use shall not involve the storage or use of toxic or highly hazardous substances.
- L. The business shall not be conducted in a manner that is perceptible to other residents between the hours of 8:00 p.m. and 8:00 a.m.
- M. Any tutoring or instruction shall be limited to a maximum of five students at a time.
- N. A barber or beauty shop may not include more than 2 nonresident employees.
- O. The main office of a medical doctor, chiropractor or dentist shall be permitted. Medical services may not include more than two patients at a time.

- P. There shall be no outside appearance of a business use, except, one (1) sign not more than three (3) square feet for each face shall be permitted in accord with Article XI. The sign shall have a maximum height above the ground of six feet and may be attached to a building or a pole not more than 18" from the home.
- Q. No more than one Low-Impact Home-Based Businesses per dwelling may occur.
- R. A zoning permit and UCC permit and any other required permits or licenses shall be obtained and maintained.
- S. The Low-Impact Home-Based Businesses may include the following activities:
1. Work routinely conducted within an office.
 2. Custom sewing and fabric and basket crafts.
 3. Cooking and baking for retail sales and off-site use.
 4. Creation of visual arts including painting or wood carving.
 5. Repairs to and assembly of computers and computer peripherals.
 6. A construction tradesperson, provided that no non-resident employees do not routinely operate from the lot.
 7. Retail sales of new or used firearms, ammunition, and accessories.
 8. Commercial repair of motor vehicles.
 9. Sales using telephone, mail order, or electronic methods.
 10. Onsite retail sales.
- T. Applications shall be reviewed in consideration of the amounts of traffic, the types of deliveries, types of operations involved and related nuisances, the amount of off-street and on-street parking available, the density of the neighborhood, setbacks from other dwellings, and proximity to neighboring residences.

SECTION 18. Article XII Administration, Section 1208.2 Conditional Uses, subparagraph (B)(2), of the Briar Creek Township Zoning Ordinance shall be amended by removing the words "Pocono Mountain Volunteer Fire Company" and substituting therefor the words "Summerhill Volunteer Fire Company".

SECTION 19. Repealer. All provisions of the Briar Creek Township Zoning Ordinance which are contrary to this Ordinance are expressly repealed.

SECTION 20. Savings Clause. In all other respects, the Briar Creek Township Zoning Ordinance shall remain as previously enacted and ordained.

SECTION 21. Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid to unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION 22. Effective Date. This Ordinance shall take effect upon adoption by the Board of Supervisor.

ENACTED AND ORDAINED on this 2nd day of May, 2022. This Ordinance shall become effective five days after adoption.

ATTEST:

BRIAR CREEK TOWNSHIP
BOARD OF SUPERVISORS:



MICHELLE DESTEFANO, SECRETARY



MAX SITLER, CHAIRMAN



CRAIG FISHER



GARY NAUS



CARL HESS



TROY PRUTZMAN

(SEAL)