

ZONING ORDINANCE OF NORTH SHENANGO TOWNSHIP

ORDINANCE NO. 133

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR NORTH SHENANGO TOWNSHIP, CRAWFORD COUNTY, PENNSYLVANIA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968 AND ITS AMENDMENTS; AND FOR THE REPEAL OF ALL ORDINANCES THAT MAY BE IN CONFLICT HEREWITH.

WHEREAS ARTICLE VI OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, empowers North Shenango Township to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS NORTH SHENANGO TOWNSHIP deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the Township to enact such an ordinance; and

WHEREAS the Board of Township Supervisors of North Shenango Township pursuant to Article II of the Pennsylvania Municipalities Planning Code has appointed a Planning Commission which has studied the Township and fashioned a comprehensive plan for all Township lands which contains mapped, descriptive and statistical information about the Township, which articulates development objectives for the Township and which establishes a land use and facilities plan for the Township;

WHEREAS the Planning Commission has studied zoning regulations for the Township, divided Township lands into districts and prepared regulations for said districts in general accordance with the comprehensive plan and in such a way as to guide development into areas that are suitable to handling it, as to prevent overcrowding of the land, as to conserve lands suitable for productive agriculture, as to protect property values based on existing uses and patterns of settlement and established development character, and to promote the health and general welfare of the Township; and

WHEREAS the Planning Commission has held public meetings thereon and submitted its final report to the Board of Township Supervisors; and

WHEREAS the Board of Township Supervisors has given due public notice to hearings relating to zoning districts and regulations and has held such public hearings; and

WHEREAS all requirements of the Pennsylvania Municipalities Planning Code with regard to the preparation of a comprehensive plan and zoning regulations have been met;

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE BOARD OF TOWNSHIP SUPERVISORS OF NORTH SHENANGO TOWNSHIP, CRAWFORD COUNTY, PENNSYLVANIA AS FOLLOWS:

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ARTICLE 1.

GENERAL PROVISIONS

Section 100 Title

This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of North Shenango Township".

Section 101 Minimum Requirements And Compliances With District Regulations

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements.

- A. No land shall be used or occupied and no structure or part thereof shall be constructed, reconstructed, moved, structurally altered or occupied except in conformity with the regulations specified for the district in which it is located, and except as regulated in applicable sections of this ordinance.
- B. No lot or yard existing at the time of the adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in this ordinance and shall meet, at least, the minimum requirements of this ordinance.
- C. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or those imposing the higher standards shall govern.

Section 102 Separability

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 103 Repeal Of Conflicting Ordinances; Effective Date

All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall take effect five days after its enactment by the Board of Township Supervisors. Building construction begun prior to the effective date of this ordinance may continue unaffected by the provisions of this ordinance as established in Section 1601.

ARTICLE 2.

OBJECTIVES

Section 200 Community Development Objectives

The following community development objectives developed through the Township's comprehensive planning process and set forth explicitly and implicitly in the Township's Comprehensive Plan, July 1979, as adopted by the Board of Township Supervisors and as amended by this Board from time to time are the basis for the provisions of this ordinance.

- A. To protect and promote the public health, safety and welfare of the residents of the Township.
- B. To preserve the rural/agricultural character of the Township, while encouraging new growth to locate in areas which are best suited for concentrated residential and commercial development.
- C. To discourage non-farm land uses in areas where productive agriculture exists.
- D. To encourage low density uses on lands which have no or few concentrations of active farm operations and where the potential for concentrated development does not exist.
- E. To insure that higher density residential development is located in areas that can be served by community facilities, particularly community sewerage systems.
- F. To guide development into locations and patterns which will work to protect property values and prevent incompatible development which would have the effect of undermining such values.
- G. To protect the existing main highway system of the Township from indiscriminantly placed access points and from poorly sited structures along the right-of-way, insuring that these highways can continue to carry traffic safely and efficiently.
- H. To encourage additional housing of all types and cost ranges without jeopardizing established property values.
- I. To preserve to the fullest extent possible the Township's natural amenities including its streams, springs, lakes, wetlands and woodlands.
- J. To identify areas subject to periodic flooding and to protect such areas from future permanent building.
- K. To increase the tax base of the Township by providing suitable lands for the location of commercial and industrial uses, preventing such lands from being compromised by inadvisable development not in keeping with their highest and best use potential.
- L. To insure that all development takes place on lots of adequate size so that on-lot sewage systems will be workable and not cause land pollution problems harmful to nearby residents and to the environment in general.
- M. To allow citizens maximum opportunities to develop their land consistent with the other objectives of this ordinance.
- N. To exercise reasonable regulation over the density of building on the land in order that the community facilities and the land itself will not

be overtaxed and that maximum efficiencies of facilities and services can be realized.

- O. Consistent with the other objectives of this ordinance, to promote the tourist industry which is an important contributor to the township's economy.

ARTICLE 3.

DEFINITIONS

Section 300 Language Interpretations

For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

- A. The word "shall" is always mandatory;
- B. The work "may" is permissive;
- C. The word "should" is a preferred requirement;
- D. Words used in the present tense shall include the future;
- E. Words used in the singular shall include the plural;
- F. The work "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Section 301 Definitions

It is not intended that this Article include only words used or referred to in this ordinance. Meanings of words are included in order to facilitate the interpretation of the ordinance for administrative purposes and to aid in the carrying out of municipal duties and responsibilities. Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage:

Accessory Use or Structure. A use or structure customarily incidental and subordinate to the principal use or structure and which contributes to the comfort, convenience and necessities of occupants of the principal use or structure and which is located on the same lot with the principal use or structure.

Alley. A public street which affords only a secondary means of access to abutting property and is not intended for general traffic.

Alterations. As applied to a building or structure means a physical change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. A zoning permit may or may not be required.

Amendment. Any change in the language of this ordinance including a change in use in any district which includes either a revision to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the municipal governing body.

Applicant. One who seeks permission or authorization under the provisions of this ordinance to engage in an activity governed in whole or in part by this ordinance. The applicant may be a person, partnership, business or corporation.

Basement. A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Board of Township Supervisors. The governing body of North Shenango Township, sometimes referred to as "Board" or "Township Supervisors"

or "Supervisors".

Boarding House or Rooming House. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Building. A combination of materials to form a permanent structure having walls and a roof designed and intended for the support, enclosure, shelter, or protection of persons, animals, goods or property. Included shall be all mobile homes and trailers to be used for human habitation.

Building, Height. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, the deck line of mansard roofs, and the mean height between eaves and ridge for gables, hip and gambrel roofs.

Building Line. A line fixed normally parallel to the lot line and beyond which a building cannot extend under the terms of this ordinance. It is equivalent to the setback or yard line.

Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk Regulations. The combination of controls which may establish the maximum size of a building and its location on the lot. Components of bulk regulations include; size and height of building; location of exterior walls with respect to lot lines; building coverage; yard requirements; and amount of lot area provided per dwelling unit. Their purpose is to assure sufficient light, air and open space, and to prevent an overcrowding of the land.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those in need of medical, dental or surgical attention but who are not provided with room or board or kept overnight on the premises.

Club. A building or portion thereof or premises owned or operated for a social, literary, political, educational, and/or recreational purpose primarily for the exclusive use of members and their guests.

Cluster Development. An area of land controlled in the initial planning phase by one landowner or development group which is to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in terms of bulk regulations, type of dwelling, density, and required open space to the regulations established in any one residential district created, from time to time, under the provisions of a zoning ordinance.

Common Area. Any space designed for joint use of residents of a mobile home park, a travel trailer park, a campgrounds or other residential development. Such area is intended for development for recreation and open space use and shall not include areas devoted to vehicular circulation.

Comprehensive Plan. A plan or any portion thereof, adopted by a planning commission and/or the legislative authority of a municipality showing the general location and extent of present and proposed land uses and physical facilities including housing, industrial and com-



mercial uses, major streets, parks, schools and other community facilities. The plan establishes the goals, objectives, and policies of a community.

Conditional Use. A development approval granted by the Board of Supervisors through procedures established in this ordinance. See Article 17.

Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Conversion Unit. The remodeling of a single family dwelling into one or more additional dwelling units.

Day Care. A set of activities that provide direct care and protection of infants, pre-school and school-age children outside of their homes during a 24 hour period.

Density. A unit of measure; the number of dwelling units per acre of land. Where a density figure is given the allowable number of dwelling units permitted based on this figure is determined by multiplying the density by the acreage under consideration (gross or net whichever is applicable.)

- a. Gross Density - the number of dwelling units per acre of the total land to be developed.
- b. Net Density - the number of dwelling units per acre of land where the acreage involved includes only the land devoted to residential uses and common or publically available park and recreation areas and does not include the area devoted to public or private streets.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

Dump. A lot or parcel of land, or part thereof used primarily for the non-permitted, uncontrolled, illegal disposal, dumping, burial and/or burning of garbage, sewage, refuse and/or junk.

Dwelling. A building, or portion thereof, used for residential occupancy, including single family and multifamily dwellings, but, for the purpose of this ordinance, not including hotels, apartment hotels, rooming and boarding houses, mobile homes, modular homes, or travel trailers.

Dwelling Unit. One or more rooms in a dwelling which are used as living quarters for occupancy by one family, and which unit contains permanently installed bathroom and kitchen facilities reserved for the occupants of such rooms.

Dwelling, Attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls. This includes townhouses.

Dwelling, Detached. A dwelling which is surrounded on all sides by yards on the same lot.

Dwelling, Semi-Detached. A dwelling which is joined to another dwelling at only one side by a party wall and which is otherwise surrounded

by yards on the same lot.

Dwelling, Single Family. A dwelling or building containing one dwelling unit.

Dwelling, Two Family. A dwelling or building containing two dwelling units which may be attached side by side, located one above the other, or arranged in some other manner.

Dwelling, Multifamily. A dwelling or building containing three or more dwelling units, including condominiums and cooperatives, with varying arrangements of entrances and party walls.

Dwelling, Seasonal (Cottage). A single family detached dwelling intended for resort purposes and occupied on a seasonal or short-term basis.

Emergency Services. Activities provided by the public and private sectors for the public welfare including, but not limited to, fire, police and ambulance services.

Family. An individual; two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit, mobile home or modular home; or a group of not more than 4 persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, mobile home or modular home; plus, in all cases where applicable the usual domestic servants.

FEMA. The Federal Emergency Management Agency, successor to the United States Department of Housing and Urban Development, Federal Insurance Administration.

Flood. A temporary inundation of normally dry land areas.

Flood Plain Area. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Flood Proofing. Means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. The portion of the 100-year floodplain, including the watercourse itself and any adjacent land area, that must be kept open in order to carry the water of a 100-year flood; at a minimum, any floodway must be large enough to carry the water of the 100-year flood without causing an increase or more than one foot in elevation of the existing 100-year flood.

Flood, 100-Year. The highest level of flooding that, on the average, is likely to occur every 100 years, that is, that has a one percent change of occurring each year.

Floor Area of a Residential Building. The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the areas of roofed porches, and roof terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area of a Non-Residential Building. The sum of the gross horizontal area of the several floors of a non-residential building and excluding, where applicable, stair, elevator and maintenance shafts, and display windows. All dimensions shall be measured between exterior faces of walls.

Garbage. Solid waste resulting from animal, grain, fruit or vegetable matter used or intended for use as food.

Group Home. The coming together of more than 4 persons not related by blood, marriage or adoption in a single housekeeping unit which provides the physical and social needs normal to a residence and whose management is under the direction of a public or semi-public institution operating in pursuit of its objectives.

Health Care Facilities. Buildings or portions thereof from which health care is dispensed including but not limited to medical and dental offices and clinics, hospitals and nursing convalescent homes.

Home Occupation. A secondary use of a dwelling unit and/or building accessory thereto for gainful employment, involving the manufacture, provision, or sale of goods and/or services.

Junk. Any discarded material or articles including but not limited to scrap metal, abandoned vehicles and machinery, paper or glass. Junk material shall not include garbage kept in containers for periodic disposal which is regulated by the Pennsylvania Department of Environmental Resources.

Junk Buildings, Junk Yards, Junk Shops. Any land, property, structure, building, or combination of the same, on or in which junk is stored, processed, or sold and which is operated as a business.

Kennel. A structure where 4 or more domesticated animals more than 6 months old are kept and fed and which is operated with the object of earning income.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries from vehicles and accessible to such vehicles when existing and/or required off-street parking spaces are filled. All off-street loading spaces shall be located totally outside of any street, or alley right-of-way.

Lot. Land occupied or to be occupied by a building and its accessory buildings, if any, together with yard spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance and having its principal frontage on a public road or street or on such means of access as may be determined adequate in accordance with the provisions of this ordinance.

Lot, Corner. A lot located at the intersection of two or more streets.

Lot, Frontage. The front of a lot is the portion of the lot nearest the major abutting street. For the purpose of determining yard requirements on corner lots and through lots, all sides adjacent to streets may be considered frontage and yards shall be provided as indicated in this ordinance.

Lot, Interior. A lot other than a corner lot.

Lot, Through. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as

double frontage lots.

Lot, Reverse Frontage. A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.

Minor Repair. The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements.

Mobile Home. A transportable, single family dwelling which exceeds either 8 feet in width and/or 32 feet in length, built on a chassis, used with or without a permanent foundation, intended for permanent occupancy, office or place of assembly which normally arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. The term mobile home in this ordinance shall be construed to include the double wide, the triple wide and the expandable mobile home.

Mobile Home, Double or Triple Wide. A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single building while retaining its individual chassis for possible future transport.

Mobile Home, Expandable. A mobile home with one or more room sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

Mobile Home Lot. A designated portion of a mobile home development designed for the accommodation of one mobile home and its accessory structures.

Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

Mobile Home Stand. That area of a mobile home lot which has been reserved for the placement of a mobile home.

Modular Home (Wheelless Modular). A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into one structure, normally requiring prefabricated sub-elements to be incorporated into the structure at the site.

Nonconforming Structure. A structure or part of a structure not complying with the applicable provisions in this zoning ordinance, which structure lawfully existed prior to the enactment of this ordinance.

Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in this zoning ordinance which use was lawfully in existence prior to the enactment of this ordinance.

Nuisance. Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Nursing or Convalescent Home. Any building containing sleeping rooms where persons are housed and furnished with meals and nursing care for hire.

Obstruction. Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

Open Air Entertainment Establishments. For-profit commercial ventures where a large number of customers (normally a minimum of 200 more or less) experience planned activities out-of-doors on a periodically scheduled basis, i.e. automobile or motorcycle racing, musical entertainments, etc.

Open Pit Mining. Openpit mining shall include all activity which removes from the surface of the land some material, mineral, resource, natural resource or other element of economic value by means of mechanical excavation including activities which may be necessary to separate desired material from undersirable material; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Openpit mining includes but is not limited to the excavation necessary to the extraction of sand, gravel, top soil, limestone, sandstone, coal, clay, shale, and iron ore.

Public Notice. A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days or less than 14 days from the date of the hearing.

Refuse. All materials which are discarded as useless.

Right-of-Way. A strip of land taken or dedicated for use as a public way. In addition to the roadway it normally incorporates curbs, lawn strips, sidewalks, lighting and drainage facilities.

Service Station. A site including the structures thereof that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for the repair, polishing, greasing, washing, spraying, cleaning or general servicing of such motor vehicles.

Setback Line. A line established by this ordinance generally parallel with and measured from the lot line conterminus with the street right-of-way; no structure may be located above ground between the street right-of-way and this line except as may be provided under the provisions of this ordinance. This line is also referred to as a building line.

Sign. Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency or of any civic, charitable, religious, patriotic, fraternal or similar organization.

Solid Waste. Garbage, refuse and other discarded material including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities.

Special Exception. A development approval granted by the Zoning Hearing Board through procedures established in this ordinance.

Story. That part of a building between the surface of a floor and the ceiling immediately above.

Structure. Anything constructed or erected, which requires a fixed location on the ground or an attachment to something having a fixed location on the ground including, but not limited to, buildings, billboards, signs, carports, porches, swimming pools, fences, walls and other building features but not including sidewalks, drives and patios.

Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for purpose, whether immediate or future, of lease, transfer of ownership or building or lot development. The division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

Thoroughfare, Street or Road. The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

Arterial Road. A general term denoting a highway primarily for traffic. Arterial roads are always continuous and are of inter-municipal importance.

Collector Road. Roads that are continuous and that serve primarily as connections between the arterial roads and local streets and which terminate on either end at arterial or other collector roads.

Cul-De-Sac. A local street usually of short length with one end connecting to another street and the other end terminating in a vehicular turnaround.

Dead-End Street. A street temporarily having only one outlet for traffic and intended to be extended or continued in the future.

Local Street. A street not having significant continuity and used primarily for providing access to abutting property.

Marginal Access Street. A local or collector street parallel and adjacent to an arterial or collector road, providing access to abutting properties, and providing periodic access to the adjacent arterial or collector road.

Travel Trailer. A vehicular portable structure, mounted on a chassis, and designed as a temporary dwelling for travel, recreation and vacation uses and which is: (1) identified by the manufacture as a travel trailer, (2) no more than 8 feet in width, and (3) is of any weight and normally having a body length not exceeding 32 feet.

Travel Trailer Park. A parcel of land under single ownership which has been planned and improved for the placement of travel trailers for transient use consisting of two or more travel trailer stands or lots.

Variance. Legal permission by the Zoning Hearing Board to use a property for a permitted use in a particular zoning district, but to do so with some modification in the regulations applicable to that district. A variance applies only to that particular piece of property for which it is granted. A variance action does not, in most circumstances, involve modifications of the permitted uses within the zoning districts.

Yard. The open space on a lot which is unoccupied and unobstructed from the lowest level to the sky except for the permitted obstructions listed in this ordinance.

Yard, Front. A yard extending along the full length of a front lot line and back to a line drawn parallel with such front lot line at a distance therefrom equal to the required front yard.

Yard, Interior Side. A side yard which adjoins another lot or an alley separating such yard from another lot.

Yard, Rear. A yard extending along the full length of a rear lot line and back to a line drawn parallel with such rear lot line at a distance therefrom equal to the required rear yard.

Yard, Side. A yard extending along the side lot line drawn parallel with side lot line at a distance therefrom equal to the required side yard.

Yard, Street Corner Side. A side yard which adjoins a street.

Zoning Hearing Board. A board appointed by the Board of Township Supervisors of North Shenango Township in order to provide for the administrative requirements as set forth in this ordinance; also referred to as the Board.

ARTICLE 4.

ESTABLISHMENT OF ZONING DISTRICTS  
AND OFFICIAL ZONING MAP

Section 400 Establishment of Zoning District

In order to carry out the purposes of this ordinance North Shenango Township is hereby divided into the following zoning districts:

- AG - Agricultural
- CR - Concentrated Residential
- CRM - Concentrated Residential/Mobile Home
- FH - Flood Hazard
- RC - Residential/Commercial
- RRI - Rural Residential/Industrial
- SP - State Park

Section 401 Purpose of Zoning Districts

The districts established in this article are intended to achieve the following:

Agricultural District - AG

The Agricultural District is intended to protect and encourage the continuing use of lands for agriculture where land is suitable, or is currently being used, for agricultural purposes. The regulations applicable to this District are intended to discourage in-depth subdivision of land for housing in order that the bulk of the land is preserved for agricultural uses. Minimum lot widths have been established to discourage concentrations of residential development along existing roads so as to provide for the safe use of on-lot sewage systems, to maintain the rural character of the Township and to prevent excessive demands upon Township services, particularly the road network.

Concentrated Residential District - CR

The intent of this District is to provide areas for residential development at medium to high densities. The predominate use is expected to be the conventional lot by lot subdivision, but cluster developments are encouraged. However, this District is also intended to permit other residential developments, subject to special regulations, such as mobile home parks, campgrounds and travel trailer parks. Higher density growth should be directed into this District so as to promote population concentration in areas where public services can be provided economically. The regulations applicable for this District are intended to promote stable neighborhoods and to maintain stable property values by insuring that new housing is substantially similar to existing housing.

Concentrated Residential Mobile Home District, CRM

The purpose of this District is essentially the same as for the CR District; however, it is also the intent of this District to permit the installation of mobile homes on individual lots. The District boundaries are based in large part, on the location of existing con-



centrations of mobile homes where such housing types generally comprise more than one-half of the dwellings in the area.

#### Flood Hazard District, FH

The purpose of the Flood Hazard District is to prevent structural development in areas subject to flooding where the results of periodic inundation are health and safety hazards, loss of life and property, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

#### Residential/Commercial District, RC

The purpose of the Residential/Commercial District is to encourage the clustering of community forming uses, including residential, commercial, industrial, public and institutional activities, in areas of the township designated as growth centers on the North Shenango Township Land Use Plan Map and which it seems reasonable should become community focal points.

#### Rural Residential/Industrial, RRI

The RRI District includes lands which have no concentration of active farm operations and where concentrated development is not desirable. The intent of this District is to provide areas for low density residential uses and environmentally compatible industrial uses where they can be sited appropriately. Lot sizes should be of sufficient size to safely support on-lot sewage systems and to preserve the rural character of the Township. Densities should be low to minimize the demands for public services and facilities.

#### State Park - SP

The purpose of this District is to recognize the value of Pymatuning State Park as a valuable environmental, recreation and economic resource within the Township.

### Section 402 The Official Zoning Map

The districts established in Section 400 of this Article are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted as part of this ordinance. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Supervisors, and attested by the Township Secretary.

### Section 403 Interpretation Of District Boundaries

Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules apply:

- A. District boundaries indicated as approximately following the center lines of streets, highways, alleys, or streams shall be construed to follow such center lines.
- B. District boundaries indicated as approximately following platted lot or property parcel lines shall be construed as following such lot and parcel lines.

- C. District boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits.
- D. District boundaries indicated graphically as parallel to the center lines of streets, highways, alleys or streams shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such distances shall be determined by the use of the map scale as shown on the Official Zoning Map.
- E. Where the Zoning Officer cannot definitely determine the location of a district boundary by the rules A to D as listed above, he shall refer the matter in the Zoning Hearing Board which shall be responsible for interpreting the district boundary.

ARTICLE 5.

STATE PARK DISTRICT - SP

Section 500 General Interpretation

The State Park District, SP, shall include all of the land and water area of Pymatuning State Park within North Shenango Township.

Section 501 Permitted Uses

- A. Recreational structures and uses normally associated with or necessary for the operation and maintenance of state parks.
- B. Residential structures of park employees.

Section 502 Bulk Regulations

- A. Lot Size . . . . . No minimum
- B. Front Yard . . . . . Minimum of 25 feet from the road right-of-way
- C. Side Yard . . . . . Minimum of 10 feet for structures and for parking areas when the property abuts another zoning district
- D. Rear Yard . . . . . Minimum of 10 feet for structures and for parking areas when the property abuts another zoning district.

ARTICLE 6.

AGRICLUTURAL DISTRICT - AG

Section 600 Interpretation of Purpose

This district is established to provide an area of the Township where agriculture remains the predominate use. It covers most of the eastern third of the Township and includes State Game Land No. 214 which is mostly under agricultural use. The intent of the District is to protect valuable agricultural land from development pressures and land use conflicts which might increase property taxes and possibly drive farmers out of production. New roads and public sewer extensions into the District will be prohibited.

Section 601 Restriction on New Roads

All lots or parcels subdivided after the effective date of this ordinance which stand alone in one separate, unconnected ownership and which are intended to be used by the applicant for any of the uses permitted in this District shall have the lot or parcel width as established herein abutting or fronting on an existing public road from which access is obtainable. No new public roads proposed by an applicant other than the State, County or Township Governments shall be constructed in this District.

Section 602 Permitted Uses

- A. Agricultural and related activities, providing that:
  - (1) buildings and pens for livestock, poultry, etc., exclusive from grazing areas, shall be a minimum of 150 feet from neighboring residences within this District and from CRM, RC, RRI District boundaries;
  - (2) pig pens and sheds shall be a minimum of 300 feet from neighboring residences within this District and businesses, and from the CRM, RC, AND RRI District boundaries.
- B. Single family detached dwellings, two family detached dwellings, mobile homes, modular homes, boarding and rooming houses.
- C. Kennels, providing that the outer limits of the fenced area containing the animals shall be a minimum of 150 feet from neighboring residences and businesses, and from the SR, RC, and RRI District boundaries.
- D. Livestock sales and exhibitions.
- E. The selling at either retail or wholesale, of agricultural produce raised on the premises provided that adequate off-street parking is provided for a minimum of three automobiles.
- F. Gas and oil well drilling. (See Section 1220).
- G. Accessory Uses.
  - (1) Detached garages and parking areas
  - (2) Other accessory uses customarily incidental to a principal use.

Section 603 Special Exception Uses

- A. Home occupation (See Section 1206)

Section 604 Conditional Uses

The following uses may be permitted subject to the provisions of Article 17. of this Ordinance and subject to any applicable general regulations and standards established in Article 12. of this Ordinance. In addition, in reviewing conditional use applications the public officials shall be guided in their deliberations by the following policies, (1) the development should be located on land least suitable for agricultural production as established by the Township's Comprehensive Plan, July 1979; and (2) the development, where productive agricultural land is proposed to be used, shall reduce the conversion of such land to an absolute minimum.

- A. Openpit mining including soil borrow pits, sand and gravel quarrying including, where applicable, stone washing, screening and crushing. (See Article 12.).
- B. Sawmill operations including, but not limited to, barking, edging, chipping, washing, shredding, and storage.
- C. Establishments for the storage and/or sale of seed, feed, fertilizer and other products of this nature essential to agricultural production.
- D. Storage in excess of 550 gallons or equivalent of natural gas, crude oil, salt brine or other such drilling products, (See Section 1220.)

Section 605 Bulk Regulations

- A. Lot Area -- For each principal use there shall be a minimum of two acres; excepting, however, on a lot or parcel three acres or larger, where developed uses are not (and are not intended to be) income producing, one additional principal use as permitted in this District may be located without regard to this minimum area providing:
- (1) no separate lot of record is established,
  - (2) on-lot sewage permits are obtained from the appropriate authorities, and
  - (3) dwellings, mobile homes, modular homes, and any other principal use buildings shall be located a minimum of 50 feet from the right-of-way line of the nearest public road and a minimum of 20 feet from any other principal use building. The intent of this provision is to permit an opportunity for a landowner to provide housing for family and employees.
- B. Front yard -- Minimum of 50 feet from the road right-of-way.
- C. Side yard -- Minimum of 10 feet.
- D. Rear yard -- Minimum of 20 feet.
- E. Width of Lot measured at the public right-of-way -- Minimum of 250 feet.

ARTICLE 7.

CONCENTRATED RESIDENTIAL DISTRICT - CR

Section 700 Concentrated Residential District - CR

Section 701 Permitted Uses

A. Principal Uses:

- (1) Single family and two family detached dwellings
- (2) Single family semi-detached dwelling
- (3) Single family attached dwelling
- (4) Multi-family dwelling
- (5) Modular homes
- (6) Double wide, triple wide and expandable mobile homes subject to the requirements of Section 1209
- (7) Agriculture and related activities, providing that:
  - (a) buildings and pens for livestock, poultry, etc., exclusive from grazing areas, shall be a minimum of 150 feet from neighboring residences and,
  - (b) pig pens and sheds shall be a minimum of 300 feet from neighboring residences and businesses
- (8) Churches and related uses
- (9) Community center, government buildings
- (10) Parks, public and private
- (11) School facilities public and private, including nursery and day care activities
- (12) Gas and/or oil extraction, so long as the requirements as set forth in Section 1220 are met.

B. Accessory Uses:

- (1) Detached garages and parking areas
- (2) Other accessory uses customarily incidental to a principal use.

Section 702 Special Exception Uses

A. Home occupation (See Article 12., Section 1206)

B. Private club, providing,

- (1) no alcoholic beverages are sold on the premises and,
- (2) the structure housing the activities is compatible and of a similar architectural style with the surrounding residential dwellings.

C. Temporary real estate office, providing.

- (1) the office shall be of a temporary nature, to be removed or con-

verted to a permitted use when lot and/or building sales are completed and,

- (2) the permit shall be valid for the period of no more than three years; the permit shall be renewable based on another processing as a special exception.

Section 703 Conditional Uses

- A. Emergency services, providing,
  - (1) the service use shall have direct access to an arterial or collector road, as established in the North Shenango Township Comprehensive Plan.
- B. Cluster developments (See Article 13.)
- C. Nursing home
- D. Mobile home and travel trailer parks and campground developments subject to the requirements set forth in the North Shenango Township Subdivision Ordinance and subject to the following additional requirements:
  - (1) All elements of the development, except its access road and utility connections, shall be a minimum of 400 feet from the center line of any public road maintained by the township or state governments.
  - (2) The access road to the development shall connect to a publicly dedicated and maintained road.

Section 704 Bulk Regulations

A. Lot Size --

USE TYPE	NO PUBLIC SEWER	PUBLIC SEWER ONLY	PUBLIC SEWER & COMMON WATER
Single family semi-detached and two family dwellings	(the entire structure including 25,000 sq. ft.	including 9,300 sq. ft.	2 dwelling units) 8,000 sq. ft.
Single family detached	20,000 sq. ft.	8,400 sq. ft.	7,200 sq. ft.
Multi-family	Not permitted	3,100 sq. ft. per unit	2,500 sq. ft. per unit
Single family attached	Not permitted	Not permitted	2,500 sq. ft. per unit
All other uses (except public park & recreation which have no lot area requirements)	20,000 sq. ft.	9,300 sq. ft.	8,000 sq. ft.

- B. Front yard -- Minimum of 25 feet from road right-of-way, or 50 feet from the road centerline or a road having less than a 50 foot right-of-way.
- C. Side yard -- Minimum of 10 feet, providing, however, no side yard is required on one side for semi-detached dwellings, and the end units of an attached group of 3 or more units shall have a minimum side yard of 15 feet.

- D. Street corner side yard -- Minimum of 25 feet from road right-of-way
- E. Rear yard -- Minimum of 20 feet.
- F. Lot Widths -- Lot widths shall be measured at the building setback line parallel to the road right-of-way line, and are established as follows:
  - (1) Where both public sewerage and common water systems exist, or can be assured within five years, the minimum lot width shall be 70 feet.
  - (2) Where only public sewers exist, or can be assured within five years, the minimum lot width shall be 80 feet.
  - (3) Where no public sewers or common water systems exist or can be assured within five years the minimum lot width shall be 100 feet.
  - (4) Single family attached dwellings shall have no minimum lot width.
  - (5) The minimum lot width for both lots together whereon semi-detached dwellings are placed shall be equal to those minimums established in Section 704 F. 1, 2 and 3 above.



ARTICLE 8.

CONCENTRATED RESIDENTIAL/MOBILE HOME DISTRICT - CRM

Section 800 Concentrated Residential/Mobile Home District, CRM

Section 801 Permitted Uses

A. Principal Uses

- (1) All principal uses permitted in the Concentrated Residential District.
- (2) Mobile homes.

B. Accessory Uses

- (1) Detached garages and parking areas.
- (2) Other accessory uses customarily incidental to a principal use.

Section 802 Special Exception Uses

- A. All uses listed in Section 702.

Section 803 Conditional Uses

- A. All uses as listed in Section 703.
- B. Mobile home and travel trailer parks (subject to the requirements set forth in the North Shenango Township Subdivision Ordinance).

Section 804 Bulk Regulations

- A. Same as required in Section 704.

ARTICLE 9.

RURAL RESIDENTIAL/INDUSTRIAL DISTRICT - RRI

Section 900 Rural Residential/Industrial District, RRI

Section 901 Permitted Uses

A. Principal Uses

- (1) Single family and two family detached dwellings, mobile homes, modular homes, boarding and rooming houses, group homes.
- (2) Agricultural and related activities, providing that:
  - (a) buildings and pens for livestock, poultry, etc., exclusive of grazing areas, shall be a minimum of 150 feet from neighboring residences and businesses, and residential and commercial zoning districts;
  - (b) pig pens and sheds shall be a minimum of 300 feet from neighboring residences and businesses and from residential and commercial zoning districts.
- (3) Public and private parks, horse stables, golf courses, archery and skeet ranges, country clubs.
- (4) Kennels, providing that the outer limits of the fenced area containing the animals shall be a minimum of 150 feet from neighboring residences and businesses and from residential and commercial zoning districts.
- (5) The selling of, at either retail or wholesale, agricultural produce, provided that adequate off-street parking is provided for a minimum of three automobiles.
- (6) Cemeteries.
- (7) Gas and oil extraction, providing the requirements outlined in Section 1220 are met.

B. Accessory Uses

- (1) Detached garages and parking areas.
- (2) Other accessory uses customarily incidental to a principal use.

Section 902 Special Exception Uses

- A. Home occupation (See Article 12., Section 1206)
- B. Livestock sales and exhibition

Section 903 Conditional Uses

- A. Cluster developments (See Article 13)
- B. Mobile Home and Travel Trailer Parks (subject to the requirements set forth in the North Shenango Township Subdivision Ordinance)
- C. Sanitary landfill (See Article 12., Section 1214)

- D. Junk yard (See Article 12., Section 1218)
- E. Openpit mining including soil borrow pits, sand and gravel quarrying including, where applicable, stone washing, screening and crushing.
- F. Sawmill operation including, but not limited to breaking, edging, chipping, washing and shredding, storage and processing.
- G. Drive-in theaters, providing that patron entrance and exit drives lead only to roads having a paved cartway at least 20 feet wide and are located a minimum of 200 feet from the nearest intersection; that there is off-street waiting space for a minimum of 10 percent of the parking capacity of the theater; and that the movie screen(s) is not visible from any location in a CR, CRM, RC or SP district.
- H. Manufacturing; wholesaling; warehousing; bulk storage; cleaning and dyeing plants; general repair and service of automobiles, trucks, farm and construction equipment; printing establishments; lumber yards; saw mills, the sale of trucks, farm equipment, campers, mobile homes, and recreation vehicles; contractor and construction shops and supply yards; truck terminals; provided that the above listed uses will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, vibrations, smoke, dust, fumes, glare or odors; and more specifically that such uses shall meet the following standards:
  - (1) There shall be no undue pollution of the air by dust, dirt, fumes, smoke or odor which will cause damage to human health or to animals, vegetation or other property or which will soil property and be perceptible beyond the boundary or lot line of the proposed use.
  - (2) There shall be no direct or reflected glare or heat perceptible by the average person beyond the boundary or lot line of the proposed use.
  - (3) There shall be no discernable vibration perceptible without instruments beyond the boundary or lot lines of the proposed use.
  - (4) There shall be no activity permitted which utilizes or produces radioactivity.
  - (5) There shall be no electrical disturbances adversely affecting the operation of equipment, such as radio and television apparatus, at any point beyond a line 10 feet outside of the boundary or lot lines of the proposed use;
  - (6) There shall be no noise which is normal to the use and which is considered objectionable, because of its volume, frequency or beat, to the average person's sense of hearing perceptible at any point beyond a line 10 feet outside of the boundary or lot lines of the proposed use;
  - (7) There shall be no emissions and/or discharges into the air or water which do not meet the standards established by the Pennsylvania Department of Environmental Resources.
- I. All proposed uses as listed in Sections 903 C., E., F., and H:
  - (1) Will not be hazardous or disturbing to existing or future neighboring uses;
  - (2) Will be designed, constructed, operated, and maintained so as to

be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located;

- (3) Will be served adequately by facilities and services such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewer; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary facilities and services should their need be demonstrated in relation to the proposed use and the general public welfare;
  - (4) Will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community;
  - (5) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance and significance.
  - (6) Will, when the character of outdoor service, storage, operational and parking activities are such that unsightly views shall be exposed to adjacent uses in such a way as to cause, in the judgement of the reviewing officials, property devaluation, provide through screening by wall, fence, plantings and/or terrain or landscape features an effective barrier which blocks said unsightly views at the time of occupancy of the use and throughout its future operations.
  - (7) Will be sited on the land so that all principal and accessory structures, parking and outdoor work areas, shall be set back a minimum of 200 feet from CR, CRM, AG and SP District boundaries.
- J. In its review of the application the Board of Township Supervisors may seek the opinion of specialists in the Pennsylvania Department of Environmental Resources or other qualified experts of their choice to advise them regarding compliances with the above listed standards. Any expense associated with obtaining expert advise from such specialists or experts may be charged to the applicant.
- K. Storage at any one location of gas and oil well drilling byproducts, such as natural gas, crude oil or salt brine not to exceed 1,000 gallons, or such equivalent volume, provided adequate environmental and fire safety precautions are taken as approved by the Supervisors.
- L. Open Air Entertainment Establishments providing the following standards are complied with:
- (1) All activities associated with the use including off-street parking shall be located on the site a minimum of 500 feet from the nearest residence or any place of public assembly such as a church or grange hall on adjacent properties. In no event shall any activity, including off-street parking be located closer than 100 feet from the property lines of the site.
  - (2) All vehicular access to and from the site shall be from a minor arterial or major collector highway as established in the North Shenango Township Comprehensive Plan dated 1979.
  - (3) No programmed entertainment shall be held between 11:00 o'clock P.M. and 10:00 o'clock A.M.

Section 904 Bulk Regulations

- A. Lot Area -- For each principal use there shall be a minimum of two acres; excepting, however, on a lot or parcel three acres or larger, where developed uses are not (and are not intended to be) income producing, one additional principal use as permitted in this District may be located without regard to this minimum area providing:
- (1) no separate lot of record is established,
  - (2) on-lot sewage permits are obtained from the appropriate authorities, and
  - (3) dwellings, mobile homes, modular homes, and any other principal use buildings shall be located a minimum of 50 feet from the right-of-way line of the nearest public road and minimum of 20 feet from any other principal use building. The intent of this provision is to permit an opportunity for a landowner to provide housing for family and employees.
- B. Front yard -- Minimum of 50 feet from road right-of-way.
- C. Side yard -- Minimum of 10 feet.
- D. Rear yard -- Minimum of 20 feet.
- E. Width of lot measured at the public right-of-way -- Minimum of 250 feet.

ARTICLE 10.

RESIDENTIAL/COMMERCIAL DISTRICT - RC

Section 1000 General

Uses in the Residential/Commercial zoning district established in Article 4. shall be as follows.

Section 1001 Permitted Uses

The following uses shall be permitted as a matter of right. Uses not listed are not permitted:

A. Principal Uses

- (1) Agriculture and related activities, including the sale and service of agricultural equipment
- (2) Automatic car washes, providing at least five off-street parking spaces for each wash lane
- (3) Automobile sales
- (4) Bait and tackle shops
- (5) Beverage distributors
- (6) Bicycle and/or boat rental
- (7) Commercial recreation and entertainment; excluding adult entertainment, movies and/or book stores locally considered pornographic in nature.
- (8) Commercial and retail sales and service
- (9) Crafts and artisan shops
- (10) Drive-in fast food establishments
- (11) Dwellings: single family detached, semi-detached and attached, two family detached; multifamily; mobile homes and modular homes.
- (12) Emergency services
- (13) Financial institutions
- (14) Funeral homes
- (15) Laundromats
- (16) Medical/dental offices or clinics, and other health care facilities
- (17) Motel - hotel
- (18) Nursing home
- (19) Offices including private and public
- (20) Parking lots
- (21) Printing establishments
- (22) Private clubs
- (23) Public or community services
- (24) Religious institutions

- (25) Repair shops
- (26) Restaurants
- (27) Roadside produce stand
- (28) Schools, public and private; nursery and day care facilities
- (29) Service stations
- (30) Shopping center
- (31) Taverns
- (32) Upholstering
- (33) Utility company structures compatible with neighboring uses
- (34) Veterinary clinic, exclusive of outdoor kennels
- (35) Wholesale display and sale of merchandise, but not warehousing
- (36) Gas and oil extraction so long as it is in compliance with the regulations for such established in Section 1220.

B. Accessory Uses

- (1) Detached garages and parking areas
- (2) Other accessory uses customarily incidental to a principal use.

Section 1002 Conditional Uses

- A. Manufacture, compounding, assembling or treatment of articles, products or merchandise from previously prepared materials, subject, to the standards established in Section 903 H., 903 I., and 903 J. of this Ordinance.

Section 1003 Bulk Regulations

A. Minimum Lot Area Per Dwelling Unit --

<u>Type of Use</u>	<u>Without Public Sewer Service</u>	<u>With Public Sewer</u>	<u>Public Sewer &amp; Common Water</u>
Single family detached	20,000 sq. ft.	8,400 sq. ft.	7,200 sq. ft.
Two-family detached	22,000 sq. ft.	12,000 sq. ft.	10,000 sq. ft.
Single family semi-detached	Not permitted	7,500 sq. ft.	5,000 sq. ft.
Single family attached (townhouse)	Not permitted	Not permitted	3,000 sq. ft. except that end of the group units shall have 6,000 sq. ft.
Multifamily	20,000 sq. ft. for the first unit plus 3,100 sq. ft. for each additional unit	10,000 sq. ft. for the first unit plus 2,500 sq. ft. for each additional unit	5,000 sq. ft. for the first unit plus 2,000 sq. ft. for each additional unit
All other uses	20,000 sq. ft.	8,400 sq. ft.	7,200 sq. ft.

- B. Width of lot measured at the public right-of-way -- Minimum of 60 feet except for the following:
  - Semi-detached dwellings . . . . . 45 ft.
  - Attached dwellings. . . . . 20 ft. (end of the group, 45 ft.)
- C. Front Yard -- Minimum of 25 feet from the road right-of-way, or 50 feet from the road centerline on a road having less than a 50 foot right-of-way.
- D. Side Yard -- Minimum of 10 feet, except where two or more buildings are attached by common walls where this requirement shall be waived. Lots fronting on more than one road, shall maintain a 25 foot minimum side yard setback.
- E. Rear Yard -- Minimum of 20 feet.



ARTICLE 11.

FLOOD HAZARD DISTRICT - FH

Section 1100 Delineation of the Flood Hazard District, FH

- A. The Flood Hazard District was delineated from the Flood Hazard Boundary Map, prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration, and dated effective September 5, 1980. Land located within the District shall be considered subject to flooding hazards and shall be regulated as established in this ordinance.

The delineation of any of the identified floodplain area may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U. S. Army Corps of Engineers, or other qualified agency or individual documents the notification for such changes. However, prior to any such changes, approval must be obtained from the Federal Insurance Administration (FIA).

- B. To delineate accurately land subject to flooding is very difficult and where specific building proposals are advanced in areas near or in the Flood Hazard District adjustments may have to be made to relate the district line more realistically to topographic conditions. Where it is felt certain lands should not be in this District amendment proceedings should be initiated and flooding information including, but not limited to, observations on the elevation of highwaters in previous floods, watershed runoff surveys, calculations of the floodway capacity, and more detailed topography shall be presented and evaluated.

Section 1001 Permitted Uses

- A. Agricultural uses such as general farming, pasturing, forestry and nursery management.
- B. Industrial-commercial uses confined only to loading and vehicle parking.
- C. Private and public recreation.
- D. Residential uses such as lawns, garden and parking areas.

Section 1002 Prohibited Uses

Through analyses of flooding experience throughout Pennsylvania it has been determined that the following activities and development present a special hazard to the health and safety of the general public, or may result in significant pollution, increased flood levels or flows, or debris endangering life and property if such activities and development are located either entirely or partially, within an identified flood-prone area:

- A. Hospitals (public or private)
- B. Nursing homes (public and private)
- C. Jails and prisons
- D. New mobile home parks and mobile home subdivisions, and substantial improvements and additions thereto (See Section 1110 B. for definition of substantial improvements).

- E. Facilities necessary for emergency response such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, evacuation and emergency medical centers; and,
- F. Sanitary landfills
- G. Structures which will be used for the production or storage of any material or substance listed below or which will be used for any activity requiring the maintenance of a supply -- more than 550 gallons or other comparable volume -- of any of the listed materials or substances shall not be kept on the premises.
  - (1) acetate
  - (2) ammonia
  - (3) benzene
  - (4) calcium carbide
  - (5) carbon disulfide
  - (6) celluloid
  - (7) chlorine
  - (8) hydrochloric acid
  - (9) hydrocyanic acid
  - (10) magnesium
  - (11) nitric acid and oxides of nitrogen
  - (12) petroleum products -- gasoline, fuel oil and the like
  - (13) phosphorus
  - (14) potassium
  - (15) sodium
  - (16) sulphur and sulphur products

Because of the special hazards presented by the list of activities and developments in this subsection, they shall be prohibited from locating within any identified floodprone area; and where these activities and developments exist as of the date of the adoption of this ordinance they are prohibited from expanding on the lot upon which they exist -- should it be in the Flood Hazard District -- and into any land located within the Flood Hazard District.

Section 1103 Safety Setback Area

Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward for the top-of-bank of any watercourse.

Section 1104 Special Exception Uses

Should an applicant feel that the permitted uses in this District are too restrictive he may request a special exception permit, which may involve the following activities: (1) the use of fill, (2) the construction of structures, or (3) the storage of

materials.

However, in no instance shall activities or developments be permitted as special exception uses which are prohibited in Section 1102; nor shall any variance be issued for such prohibited uses.

The use which the applicant may seek for this property shall be as permitted in the adjacent zone district. The adjacent district shall be interpreted to include only the land on the same side of the stream or drainageway as the property in question. Should the identification of an adjacent district not be obvious, or should a reasonable interpretation of the pattern of district boundaries, based upon the general purpose of this ordinance and the regulations established herein, cause the Zoning Officer to be unclear in this identification of the adjacent district, he shall request that the Zoning Hearing Board consider this matter. As required in this ordinance the Board shall render a written decision and/or findings on the matter.

#### Section 1105 Building Permit Requirement

As a condition for approval of the Special Exception permit the Zoning Hearing Board shall also require that a building permit be issued in compliance with the North Shenango Township Building Permit ordinance before any construction or development is undertaken in the Flood Hazard District.

#### Section 1106 Application Requirements for a Building Permit

An application for a Special Exception permit shall provide the Zoning Hearing Board with a completed copy of building permit application. Such application shall contain the following:

- A. Name and address of applicant.
- B. Name and address of owner of land on which proposed construction is to occur.
- C. Name and address of contractor.
- D. Site location in relation to the general flood prone area as identified by the Flood Hazard District Boundary Map.
- E. Listing of other permits required.
- F. Brief description of proposed work and estimated cost.
- G. A general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure that:
  - (1) all such proposals are consistent with the need to minimize flood damage;
  - (2) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
  - (3) adequate drainage is provided so as to reduce exposure to flood hazards.

Section 1107 Building in a Floodplain

If any proposed construction or development is located within, or partially within, any identified floodplain area, applicants for Building Permits shall also provide the following specific information to the Zoning Hearing Board:

- A. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- (1) detailed architectural or engineering drawings including building size, floor plans, sections, and exterior building elevations, as appropriate,
  - (2) the proposed lowest floor elevations of any proposed building based upon National Geodetic Vertical Datum,
  - (3) complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood,
  - (4) detailed information concerning any proposed flood proofing measures,
  - (5) cross-section drawings for all proposed streets, drives, and other accessways and parking areas showing all rights-of-way and pavement widths,
  - (6) profile drawings for all proposed streets, drives, and vertical accessways including existing and proposed grades,
  - (7) plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities,
  - (8) soil types.

Section 1108 Data and Documentation

The following data and documentation shall also be required as a prerequisite to the issuance of a building permit:

- A. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one-hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one-hundred (100) year flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- B. Detailed information needed to determine compliance with Section 1102 G., and Section 1110 L., Storage of Hazardous Materials.

Section 1109 Issuance of Building Permit

No building permit shall be issued in the Flood Hazard District until a Special Exception Permit has been granted by the Zoning Hearing Board and the Zoning Hearing Board, or the Building Permit Officer have assured that:

- A. The proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

- B. Prior to the issuance of any building permit the Zoning Hearing Board or Building Permit Officer shall review the application for permit to determine if all other necessary government permits such as those required by State and Federal laws have been obtained, such as those required by Act 537, the Pennsylvania Sewage Facilities Act; the Dam Safety and Encroachments Act; the U. S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act. No permit shall be issued until this determination has been made.
- C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administration and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

#### Section 1110 Specific Requirements

In the identified flood hazard area, development and/or uses of land beyond those listed in Section 1102 may be permitted as a special exception development and/or uses in compliance with the following specific requirements:

- A. Placement of Buildings and Structures  
All building and structures shall be designed, located, and constructed so as to offer minimum obstruction to the flow of water and shall be designated to have minimum effect upon the flow and height of flood water.
- B. Floor Level  
The floor level (including basement or lowest floor elevation) in residential structures as well as substantial improvements to residential structures shall be constructed at an elevation of at least 1½ feet above the established, or agreed upon, 100 year flood elevation. The proposed lowest floor elevations of any proposed building shall be based upon National Geodetic Vertical Datum of 1929. The term substantial improvement shall be defined as any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty percent or more of its market value calculated before the improvement is started.
- C. Construction Below Flood Elevation  
Non-residential structures, or parts thereof, may be constructed below the established flood elevation provided these structures are designed to preclude and/or withstand inundation to an elevation of at least 1½ feet above the established flood elevation. If such flood proofing cannot be guaranteed, the lowest floor shall be elevated as in Section 1110 B.
- D. Fill  
Where fill material is used it shall extend laterally 15 feet beyond the building perimeter from all points. Fill material shall consist of soil and/or small rock materials only. The fill material shall be compacted to provide the necessary permeability and resistance to erosion, scour-

ing and settling. Where fill is utilized slopes shall be no steeper than one vertical unit to two horizontal units and such fill shall not adversely affect adjacent properties.

E. Anchoring

Structures shall be anchored to prevent floatation, lateral movements or collapse. All air ducts, large pipes and storage tanks located at or below the established flood elevation shall be firmly anchored to prevent floatation.

F. Fences

Fences, except two-wire fences, and other structures which may impede, retard or change the direction of the flow of water or that will catch or collect debris carried by such water shall not be placed in the flood prone area.

G. Electrical Systems and Components

All water heaters, furnaces and other critical electrical and mechanical installations shall be prohibited below an elevation of 1½ feet above the established flood elevation.

Electrical distribution panels shall be placed at least 3 feet above the established flood elevation, and separate electrical circuits serving areas below the established flood elevation shall be dropped from above.

H. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

I. Utility Supply Systems

Water supply, gas and oil supply systems shall be designed to preclude the infiltration of flood waters into such systems and the discharges from such systems into flood waters. All utilities including electric, telephone and gas systems being placed in the flood prone area should be located, elevated (where possible) and constructed to minimize impairment during a flood.

J. Storm Drainage

Storm drainage facilities where constructed shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff into adjacent properties.

K. Streets

The finished elevation of proposed new streets shall be no more than one foot below the regulatory flood elevation.

L. Storage of Hazardous Materials

No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, shall be stored at or below the regulatory flood elevation.

M. Floors, Walls and Ceilings

- (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (3) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- (4) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

N. Paints and Adhesives

- (1) Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.
- (2) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.
- (3) All wooded components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water-resistant paint or other finishing material.

Section llll Special Requirements for Mobile Homes

- A. All mobile homes and any additions thereto shall be anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
  - (1) Over-the-top ties shall be provided at each of the 4 corners of the mobile home with 2 additional ties per side at intermediate locations for units 50 feet or more in length, and 1 additional tie per side for units less than 50 feet in length.
  - (2) Frame ties shall be provided at each corner of the mobile home, with 5 additional ties per side at intermediate locations for units 50 feet or more in length, and 4 additional ties per side for units less than 50 feet in length.
  - (3) All components of the anchoring system shall be capable of carrying a force of 4800 pounds.
- B. An evacuation plan which includes alternate vehicular access and escape routes shall be filed with the appropriate Township Officials for mobile home parks and mobile home subdivisions within flood prone areas.

ARTICLE 12.

GENERAL REGULATIONS

Section 1200    Applicability

The regulations set forth in this Article shall be applicable in all zoning districts, or, where so stated, to a specific group of zoning districts.

Section 1201    Uses Not Listed

Where an applicant proposes to develop a use which is not designated in this ordinance or which cannot reasonably be interpreted as being implied or included under a type or category of use listed in this ordinance then such use shall not be permitted. Where a use is not permitted or does not appear to be permitted the applicant may request, through the Zoning Officer, a hearing before the Zoning Hearing Board wherein a full explanation of the applicant's development proposal shall be heard by the Board and an accurate record made thereof. As required in this ordinance, the Board shall render a written decision and/or findings on the matter of the applicant's request which shall be transmitted to the Zoning Officer, the Planning Commission, and the Board of Township Supervisors. The Zoning Hearing Board's decision may indicate that the proposed use is implied as permitted based on the provisions of this ordinance, or it may recommend the Township consider amending the ordinance to permit the use. Amendments to this ordinance may be initiated as set forth in Section 1801.

Section 1202    Lots Of Record

Any lot or parcel of record in separate ownership existing at the effective date of this ordinance may be used for the erection and construction of a structure conforming to the use regulations of the district in which it is located even though its area and width are less than the minimum requirements of this ordinance.

Section 1203    Floor Area

No single family detached dwelling - as distinguished from a seasonal dwelling - shall have a floor area of less than 550 square feet. Basements shall not be included in this accounting, unless approved as an underground living area by the Board of Supervisors.

Section 1204    Height Regulations

No structure shall exceed 3 stories or 30 feet (whichever is greater) in height providing however that this requirement shall be waived for the following: bell-towers, chimneys, cupolas, domes, flagpoles, flues, stacks, monuments, spires, steeples, water towers and tanks, wind generators, cooling towers, elevator enclosures, skylights, stage towers, air conditioning units, all buildings accessory to agricultural operations, grain elevators, utility poles, parapet walls provided such walls shall not exceed such height as necessary to screen mechanical equipment, television and radio towers; and providing however that any proposed structure other than those aforementioned which shall be greater than 3 stories or 30 feet may be permitted as a special exception, and the Zoning Hearing Board in reaching its decision in addition to considering the criteria set forth in



Section 1905 D. shall consider in particular possible hazards from fire and the impact the structure will have on community aesthetics. Where a building floor level is so constructed as to permit a direct entrance to the building at, or nearly at, outside grade level either into the front or rear yard such building level shall be considered a story for the purpose of interpreting this ordinance.

Section 1205 Access Drives and Off-Street Parking Areas

Access drives and off-street parking areas shall be planned and constructed in a manner so that vehicles preparing to leave a site may conveniently turn around on the site. Vehicles shall re-enter the public right-of-way from a forward position. This requirement is applicable to access drives from all public roads which have continuity and are classified as collector or arterial roads in the Township's Comprehensive Plan dated July 1979.

Section 1206 Home Occupation

In addition to the general criteria established in Section 1905 D. home occupations may be permitted as special exceptions providing they comply with the requirements set forth in this section. The purpose of the home occupation is to permit the conduct of an avocational pursuit or business activity for primary or supplemental income. Home occupations shall be limited to those uses which may be conducted on a residential property without altering its basic residential character.

- A. There is no sign or display on the property larger than 5 square feet in area advertising the activity. Only one such sign or display shall be permitted.
- B. There are not more than a total of 4 persons engaged at one time in the home occupation activity in addition to family members living on the premises who participate in whole or in part in the home occupation activity.
- C. There will be no electrical disturbance that would create audible interference in radio or television receivers off premises.
- D. There are sufficient off-street parking spaces to accommodate one space for each person engaged in the home occupation plus 2 additional spaces. Off-street parking requirements, except for members of the family occupying the residence, shall be met in an area other than the required front yard.
- E. Outdoor work, service and storage areas, if any, shall be screened from view at the public roads adjacent to the property and from views at the property lines of adjacent residences, if any. Screening shall be accomplished by walls, fencing, plantings and/or terrain or landscape features and shall be fully in effect when the use is occupied.
- F. Where a new building or structure is proposed for construction on a premises for purposes of use in a home occupation activity the new building or structure shall comply with the requirements listed above, shall be subordinate to the dwelling on the premises, and shall be compatible with the residential character of the premises.
- G. In the CR, CRM Districts there shall be no more than 8 vehicular trips generated by the use to and from the premises at the busiest hour of the normal operating day.
- H. There shall be no noise, odor, dust, fumes, glare or flashing lights, which

normally are considered objectionable, perceptible without instruments beyond the boundaries of the lot.

Section 1207 Permitted Structural Projections and Obstructions Into Required Yards

Except for the specified projections and obstructions listed below, every part of the required yard, with respect to structures, shall be open and unobstructed to the sky. In the following listing projections into yards are permitted, and the yards into which projections are permitted are indicated by "F" for the yard adjacent to the main abutting street, "S" for the yards including a street corner side yard, "R" for the rear yard. Where no number is given the projection is unlimited.

A.	Arbors or trellises attached to the principal structure, - not more than 3 feet	F,S,R
B.	Arbors or trellises, freestanding	S,R
C.	Air conditioning units, - not less than 3 feet from any lot line	F,S,R
D.	Awnings or canopies for a window, porch, or door - not more than 4 feet	F,S,R
E.	Balconies, open - not more than 4 feet	F,S,R
F.	Chimneys - not more than 2 feet	F,S,R
G.	Cornices, eaves, belt courses, sills, one-story bay windows, and other similar architectural features - not more than 3 feet	F,S,R
H.	Fences and walls	F,S,R
I.	Fire escapes open or enclosed - not more than 6 feet	R
J.	Flag poles	F,S,R
K.	Garages, detached	R
L.	Lawn furniture such as benches, sundials, birdbaths	F,S,R
M.	Open off-street parking and loading spaces	F,S,R
N.	Ornamental light standards	F,S,R
O.	Playground and laundry-drying equipment	R
P.	Playhouses and outdoor fireplaces	F
Q.	Porches, open, with or without roof, and not more than one-story in height - not more than 8 feet	F, R
R.	Signs and nameplates as regulated in this ordinance	F,S,R
S.	Steps, open	F,S,R
T.	Swimming pools and tennis courts	R
U.	Terraces and patios, open	F,S,R
V.	Toolhouses and other similar structures for the storage of accessory supplies	R

Section 1208 Mobile Home Requirements

Mobile homes where they are permitted in the zoning districts established in the Ordinance shall comply with the following site standards:

A. Stable Foundation

Each mobile home shall be securely fastened to a frost free foundation structure. Foundation structures may be of slab type, continuous wall, cross wall or pier type construction.

B. Skirting

An enclosure of a compatible material and design shall be installed on all sides of the mobile home in a manner so as to provide continuous facades from the ground level upwards. Such enclosure shall provide sufficient ventilation to prevent deterioration.

C. New mobile homes shall also comply with all applicable regulations as set forth in the North Shenango Township Subdivision Ordinance, the Township Building Permits Ordinance No. 126 as amended and all other applicable ordinances.

Section 1209 Double Wide, Triple Wide And Expandable Mobile Home Requirements

In the CR District double wide, triple wide and expandable mobile homes shall meet the following requirements:

- A. The dwelling shall look substantially similar to conventionally constructed dwellings.
- B. The main portion of the dwelling shall have a length not exceeding four times the width.
- C. A minimum of 70% of the total roof area of the dwelling shall have a sloping surface at a pitch no less than 10 feet of fall in 100 horizontal feet (10% slope).
- D. The requirements of Section 1208 shall be complied with.

Section 1210 On-Lot Sewage Treatment Requirement

Where on-lot sewage treatment is utilized the minimum lot size shall not be less than required by the regulations promulgated and enforced by the Pennsylvania Department of Environmental Resources (PennDER) and the Township Supervisors. In no case shall the minimum lot size or the density provisions of this ordinance take precedence over the regulations promulgated by PennDER where PennDER regulations are more strict.

Section 1211 Major Public Utility Structures

Public utility structures including but not limited to storage tank farms, electric substation and power generation plants, sewage treatment plants and major cross country transmission lines shall be permitted as a matter of right in the AG and RRI Districts and shall be permitted as conditional uses in the other districts.

Section 1212 Property Owned, Leased Operated by Public Agencies

Property owned, leased or operated by the Commonwealth of Pennsylvania, the United States or North Shenango Township or any other public or governmental body created

by the Township shall be subject to the requirements of this ordinance as follows:

- A. Where such public or governmental uses are specifically listed in this ordinance, they shall be regulated as indicated.
- B. Where such public or governmental uses are not specifically listed in this ordinance, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature, otherwise they shall not be permitted.
- C. Property owned or leased by the Commonwealth of Pennsylvania or the United States shall be exempt from the provisions of this ordinance only to the extent that said property may not be constitutionally regulated by the Township.

Section 1213 Essential Services

The erection, construction, alteration or maintenance and operation by public utilities, municipal governments or authorities of underground, surface, or overhead gas, electrical, storm sewer or water transmission or distribution systems, collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities, municipal governments or authorities for the public health or general welfare, - all shall be permitted outright without qualification but not including major structures and buildings other than such buildings as are primarily enclosures of the above essential service equipment.

Section 1214 Processing and Disposal Facilities for Solid Waste

Processing and disposal facilities may be permitted as a conditional use in the applicable districts of this Ordinance providing they meet the general criteria established in Section 1702; and providing they comply with all of the regulations and permit requirements of the Pennsylvania Department of Environmental Resources; and providing that the following more specific process and requirements are met:

- A. Local Permit Required. It shall be unlawful for any person or municipality to use or continue to use their land or the land of any other person or municipality for solid waste processing or disposal without first obtaining a permit from the Township and PennDER. However, the provisions of this section shall not apply to the following activities:
  - (1) Short term storage of by-products which are utilized in the processing or manufacturing of other products, to the extent that such by-products are not hazardous and do not create a public nuisance or adversely affect the air, water or other natural resources of this Township.
  - (2) Agricultural waste produced in the course of normal farming operations nor the use of food processing wastes in the course of normal farming operations provided that such wastes are not classified by PennDER as hazardous.
  - (3) The depositing by individuals of solid waste resulting from their own residential activities on to the surface of the ground or into the ground owned or leased by them when such wastes are managed

with proper soil cover and/or compaction and do not thereby constitute a dump as defined in this ordinance nor create a public nuisance or adversely affect the public health.

- B. Requirement Of Municipal Ownership And Operation. The Board of Township Supervisors has determined that a municipally owned and operated facility can be more effectively operated and regulated to protect the public health, safety and welfare than can a privately owned and operated facility. Therefore all solid waste processing and disposal facilities permitted under this ordinance shall be municipally owned and operated.
- C. Processing Requirements. For new applications there is a two stage approval process. The two stages are preliminary and final approval. All approved applications shall be renewed annually. Fees shall be charged.
- (1) Preliminary Application For Permit. A preliminary application briefly describing the construction and operation of the solid waste processing or disposal facility for which the permit is requested shall be submitted to the Board of Supervisors by the applicant. Upon receipt of the preliminary application and requisite fee, the Township shall submit the preliminary application to its consulting engineer who shall review same and submit recommendations to the Township within 30 days of his receipt. The Supervisors shall employ an engineering consultant to review each application made hereunder who shall review same and submit recommendations to the Supervisors. Said consultant shall also assist with the promulgation of regulations and enforcement where appropriate.
  - (2) Action On Preliminary Application. Within 30 days of the receipt of a complete preliminary application for permit, the Board of Supervisors shall hold a public hearing to review said application. Within 45 days after said public hearing, the Board of Supervisors shall notify the applicant in writing if there is any apparent cause for summary disapproval. The involved agencies, PennDER for example, may recommend conditions for approval of the permit for which any such preliminary application was filed. In the event such conditions are recommended, the Board of Supervisors shall state such conditions in the notice. In the event there is no apparent cause for summary disapproval and upon Phase One approval by PennDER, the Board of Supervisors shall provide notice in writing to the applicant of preliminary application approval.
  - (3) Final Application For Permit. The applicant shall submit a final application containing at a minimum the information required by PennDER for a Phase Two permit application. An applicant will be notified in writing if the final application for a permit has been denied. The notification will state the basis for denial and provide the applicant the opportunity to be heard on the reasons for any denial. Upon approval of the final application the Board shall issue a permit for the operation of a solid waste processing and/or disposal facility as set forth in the application and further conditioned, depending on the nature of the application, by the Township. No permit shall be issued by the Township unless and until all approvals and permits have been issued by PennDER.
  - (4) Annual Renewal Requirement. Approved permits shall be renewed annually and shall be submitted to the Board of Supervisors not more than 60 days nor less than 30 days before the expiration of

the approved permit. Annual renewal permits will be issued only when the Board of Supervisors finds that the current work and any operational changes for the following year comply with the conditions of this ordinance. An applicant will be notified in writing if the renewal permit has been denied. The notification will state the basis for denial and provide the applicant the opportunity to be heard on the reasons for denial.

- (5) Costs. All expenses of testing, monitoring, sampling, boring gas control systems, subsidence monitoring devices, subsidence monitoring survey, and all other actions required to be taken by the permittee or applicant hereunder shall be borne by such applicant or permittee.
- (6) Fees. A fee for each preliminary application, final application, and permit renewal hereunder shall be paid to the Township as follows:
  - (a) \$250.00 - Preliminary Application;
  - (b) \$750.00 - Final Application;
  - (c) \$250.00 - Permit Renewal.

The fees set forth in this subsection may hereafter be changed by resolution of the Supervisors.

- D. Municipal Liability. The grant of a permit or approval of a solid waste processing or disposal facility shall not constitute a representation, guarantee or warranty of any kind by the township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the township, its officials or employees. The Board of Supervisors or any of its duly authorized representatives or deputies charged with the enforcement of this Ordinance, acting in good faith and without malice, in the discharge of its duties, shall not thereby render itself personally liable and it is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required by reason of any act or omission in the discharge of its duties.
- E. Prohibited Activities. It shall be unlawful for any person or municipality to:
  - (1) Place or allow to be placed any solid waste upon the road, streets, public or private property, or waters of the township contrary to the provisions of this ordinance.
  - (2) Store, collect, transport, process or dispose of solid waste within the township contrary to the laws, rules, regulations, standards or orders of the State or Pennsylvania.
  - (3) Transport any solid waste within the township in any vehicle which permits the contents to blow, sift, leak or fall therefrom.
  - (4) Make any false statement in any application required in this ordinance.
  - (5) Operate a sanitary landfill such that the perimeter of the disposal area occurs within 1,000 feet of a residence, an industrial or commercial plant or other structure or improvement unless engineering and geological data acceptable to the township is submitted which would indicate an alternative minimum separation

distance.

- (6) Operate a solid waste processing or disposal facility whereby any noxious or offensive odors, putrid or polluted water, or other discharge, smoke, soot, ash, refuse, rubbish, or filth of any nature whatsoever are blown, carried or discharged in any manner onto public roads or upon premises of other persons or municipalities. The solid waste management facility site itself shall not be allowed to become littered or to be unsightly and shall be strictly policed by the permittee.
- (7) Operate a solid waste processing or disposal facility whereby unauthorized dumping is allowed to occur and solid waste is allowed to accumulate outside of the fence or access gate which borders the solid waste management facility. The operator of a solid waste management facility shall routinely police the outside perimeter and areas immediately adjacent thereto, including any transportation routes within one-quarter mile of the entrance to the solid waste processing or disposal facility; and shall prevent said areas from becoming littered, unsightly and offensive to other persons.

F. Performances Which May Be Required. The Board of Supervisors depending on the nature of the application, may require the applicant to do the following:

- (1) Submit specifications with the final permit application for an appropriate fence which shall be erected around the perimeter of any land on which a solid waste processing or disposal facility will be operated and which will provide external security and prevent solid waste from being blown or otherwise removed from the site.
- (2) Enter into a written agreement with the township obligating the applicant to repair any damage caused to township roadways by vehicles transporting solid waste to and from the facility. Said agreement shall be in accordance with terms and specifications formulated through the discretion of the Board of Supervisors and be calculated to compensate the township for any administration, inspection, maintenance, or other expense projected by the Supervisors to be incurred or occasioned by the operation of a solid waste management area within the Township.

#### Section 1215 Private Swimming Pools

The private swimming pool shall be permitted as an accessory use in all districts providing the swimming pool is:

- A. Located, including any paved areas or accessory structures which are part of the swimming pool development, a minimum of 10 feet from any property line of the property on which it is located; and
- B. Walled or fenced to prevent uncontrolled access by persons, particularly children, from adjacent areas; said fence or wall shall not be less than 4 feet in height; this requirement shall be considered as complied with where the pool deck is constructed in such a manner as to be a minimum of 4 feet above ground level.

Section 1216 Building Setback Modification

Where one or more existing structures are located on adjacent lots and on the same side of the road within 150 feet in either direction of a proposed structure, the setback of the proposed structure may conform with the average of the setbacks of these applicable existing structures if such "average setback" is less than that required in the District. Where additions are proposed to an existing building the setback of the addition need not be any greater than that of the existing building.

Section 1217 Access To Lots

No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot; such open space shall be at least 12 feet wide and shall extend from the dwelling to a public street or highway or to a private street constructed and maintained that vehicles of all kinds may readily pass over it in all seasons of the year.

Section 1218 Junk Yards

Junk yards are permitted as a conditional use in the RRI District providing they meet the general criteria established in Section 1702, providing they comply with all other Township ordinances and providing they comply with the following requirements.

- A. The operations area of the junk yard shall be a minimum of 60 feet from every property line bounding the parcel of land on which the junk yard is located. For purposes of this ordinance the operations area shall be the area in which activities normal to a junk yard use are carried on exclusive of buffer areas.
- B. Views into the junk yard operations area from surrounding properties and from adjacent public roads shall be completely obscured throughout all seasons of the year by either fencing, walls, landscape plantings, terrain or topographic features, or a combination of these techniques. The screening of views into the junk yard operations area shall be in effect when this use commences activities.

Section 1219 Disgarded Vehicles, Machinery and Other Items

Automotive vehicles including trailers and travel trailers of any kind or type, farm implements and other machinery which are clearly abandoned, deteriorated and which are defined as refuse and which are established as constituting a threat to public health and safety shall not be parked or stored in the open air on a property such that they are visible and/or accessible by the public. No portions of a property or buildings including open porches attached to buildings, shall be used for the storage of garbage, old appliances, rubbish or miscellaneous refuse where such storage is open to the public view and access and where it is established that said storage constitutes a threat to public health and safety. Outdoor storage of such disgarded vehicles, machinery, and items of general storage where it is established that this material is refuse and where it is established that such storage is a threat to the public health and safety shall be considered a public nuisance; the Township, under state laws and the provisions of this ordinance and any other applicable Township ordinances, may abate such nuisances.



Section 1220 Gas and Oil Well Drilling and Storage on Site

Gas and oil well drilling although permitted in all areas of the Township shall comply with the following:

- A. Drillers or operators shall obtain a permit from the Zoning Officer prior to any construction activities associated with a new well or storage site. Application for the permit shall contain, at a minimum, the following information.
  - (1) A copy of the Erosion and Sedimentation Control Plan as required under Pennsylvania Department of Environmental Resources Rules and Regulation Chapter 102, and which has been recommended as adequate by the Crawford Conservation District.
  - (2) A portion of a 7½ minute U.S.G.S quadrangle map showing the following:
    - (a) A delineation of the leasehold where the well/storage area is to be located,
    - (b) The specific location of the well site/storage area,
    - (c) Location of the proposed access road,
    - (d) Location and size of any proposed pipelines.
  - (3) A description of materials or substances to be stored, if there are any.
  - (4) A fee as may be determined by resolution of the Township Supervisors.
- B. All structures shall comply with the yard requirements established for the zoning district in which they are located.
- C. The gas and/or oil well casing shall be a minimum of 100 feet from any habitable building.
- D. Pits shall be constructed at the well site in order to contain the brine, drilling mud and any other refuse resulting from the drilling operation. Said materials shall be disposed of
  - (1) in a manner which is not destructive of the environmental quality of the Township and,
  - (2) in compliance with PennDER regulations.
- E. Where pits are left unattended by well drilling operatives at any time of the day, and as long as said pits are in existence, said pits shall be posted with 4 signs. Signs shall be securely planted in an upright position; the area of the "sign board" shall be a minimum of 5 square feet; the top of the sign board shall be a minimum of 4 feet above grade level. The signs shall be located near the perimeter of the operations area and shall be readily visible from all directions surrounding the operations area. The message on each sign shall state: DANGER OPEN PITS DEEP WELL DRILLING AREA, or the equivalent of this message.
- F. Above ground storage tanks of a 550 gallon capacity equivalent or greater shall be clearly marked with a placard stating the nature of the substance stored in the tank. Placards may be of removable types so that they can be changed if the substance stored is changed.
- G. The Township may require the posting of a performance bond or other security prior to the issuance of a permit where such action is deemed

necessary by the Board of Supervisors to assure the acceptable condition of Township roads and bridges used by drillers to access their operations areas.

Section 1221 Storage Of Major Recreational Equipment

The outdoor storage of major recreational equipment including but not limited to travel trailers, motor homes, tent trailers, pickup campers (designed to be mounted on automotive vehicles), boats and boat trailers as a "not-for-profit" activity, shall be permitted providing the applicable yard and setback requirements are complied with.

ARTICLE 13.

CLUSTER DEVELOPMENT

Section 1300 Purpose

This article provides for cluster developments in order:

- A. To encourage innovations in residential development and to foster greater variety in the type, design and siting of dwellings;
- B. To provide a creative alternative to the conventional development which occurs on a lot by lot basis subject to traditional zoning regulations; and
- C. To provide residents with greater access to common open space and recreation facilities than would be possible under the more conventional land development process.

The cluster development provides a technique and a process which accommodates building proposals not readily adaptable to zoning district regulations which are geared to the conventional subdivision method of development. Lot size and yard requirements, use restrictions and normal methods for the provision of street, park and utility maintenance may be set aside where the identical ends sought through conventional regulations can be achieved under cluster developments through the establishment of special arrangements for community organization and management which fixes additional responsibilities on residents for maintenance of common areas and community services and utilities.

Section 1301 Relationship to Other Articles of This Ordinance and to the North Shenango Township Subdivision Regulations

Because of the special characteristics of cluster developments a different process and different requirements shall govern development. Whenever there is a conflict between the provisions of this article and other articles of this ordinance, or between the provisions of this article and the North Shenango Township Subdivision Regulations, the provisions of this article shall prevail.

Section 1302 General Requirements

The following general requirements shall be met in order to process a development under the provisions of this article:

- A. Ownership.

Throughout the planning and approval process land to be developed under the provisions of this article shall be in single ownership, or in the case of multiple ownership, satisfactory evidence shall be presented indicating that the development will have a single, responsible administrative organization which can act for the multiple ownership. Upon approval of the development dwellings may be sold in fee simple or through a cooperative or condominium arrangement: or the dwellings may be managed as rental properties. In any event a satisfactory structure shall be established by the developer to maintain common areas designated in the development plan and improvements or utilities that are not accepted for public maintenance.

- B. The tract of land shall be located in a zoning district which permits the cluster development.

#### Section 1303 Permitted Uses

A cluster development may include all housing types and uses normally ancillary thereto, recreation uses serving the development, and non-residential uses supportive to residences. More specifically the following uses are among those permitted: single family dwelling in detached, semi-detached forms; two-family detached dwellings; seasonal dwellings; multifamily dwellings including multi story apartments and townhouse apartments; prefabricated homes including mobile homes in the double wide, stacked and expandable forms; churches, schools, non-profit or philanthropic institutions, commercial uses, including offices, if such uses are ancillary and supportive to the residential uses in the cluster development; and facilities necessary for providing the public utilities serving the development.

#### Section 1304 Minimum Size and Density of Development

Cluster developments shall have a minimum gross area of 2 contiguous acres. Using the cluster development technique the applicant may increase the residential density of the development by 20% over what would normally be allowed based upon the bulk regulation established in the applicable districts.

#### Section 1305 Processing Procedures

Applications shall be processed in 2 steps, preliminary plan review and final plan review. Prior to submission of the preliminary plan an optional stage, the pre-application conference, is encouraged.

#### Section 1306 Pre-Application Conference

At the pre-application conference the applicant discusses all aspects of the proposed development, including rough sketches of site and building plans, with members of the Planning Commission and the Board of Township Supervisors. This conference enables the developer to obtain the views of the Township officials before more expensive engineering and architectural work is begun. Scheduling a pre-application conference is handled through the Zoning Officer.

#### Section 1307 Administrative Responsibilities, The Preliminary Plan

The preliminary plan shall be filed with the Zoning Officer. Within 60 days of the acceptance of the plans as complete by the Zoning Officer:

1. the Planning Commission shall review the application,
2. the Board of Township Supervisors, after public notice is given, shall hold a public hearing on the application,
3. the application shall be sent to the Crawford County Planning Commission which shall have 45 days in which to review and make recommendations on the proposal as required in the Pennsylvania Municipalities Planning Code. Within 30 days following the public hearing the Board shall notify the applicant by letter of its approval, denial, or approval subject to specific conditions. All pertinent review comments shall be included in this letter.

#### Section 1308 Administrative Responsibilities, The Final Plan

Within 6 months of the date of preliminary plan approval, unless the developer re-

quests and is granted a time extension, the developer shall submit the final plan application to the Zoning Officer. After the acceptance of the final plan application as complete by the Zoning Officer the application shall be provided to the Planning Commission which shall have 30 days in which to review it. Within 45 days the application shall be acted upon by the Board. The Board shall notify the applicant by letter of its action on the proposal.

#### Section 1309 Recording of Final Plan

The original plan drawing(s), or reproducible and equally excellent copies thereof, shall be in the hands of the Board of Township Supervisors before its final action on these plans. Upon approval of these plans they shall be recorded in the office of the County Recorder at the applicant's expense.

#### Section 1310 Cluster Development Involving Subdivision Plat

Where a subdivision plat is involved in the development it shall be processed as required in the North Shenango Township Subdivision Regulations and shall be given its final approval and recorded concurrent with the final plan as approved for the cluster development.

#### Section 1311 Plan Requirements

Preliminary Plan Review. The following items of information shall be submitted to the Zoning Officer for preliminary plan review. Additional information may be submitted by an engineer, landscape architect, and/or architect under appropriate seal.

1. Information on all pertinent existing conditions.
2. General site plan and various detailed plans as appropriate showing all proposed structures, uses, circulation systems, utility systems, and common open space.
3. Architectural plans showing the intent of the development for typical buildings.
4. Statement of intent regarding ownership and maintenance of required common open space and of the development's improvements including its utility systems.
5. Schedule of stages of development where applicable.

#### Section 1312 Plan Requirements

Final Plan Review. The following items of information shall be submitted to the Zoning Officer for final plan review. Additional information may be required where it is deemed essential to the public review. Plans shall be submitted by an engineer, landscape architect, and/or architect under appropriate seal.

- A. A general site plan legibly prepared on tracing film or equal material at a scale not smaller than one hundred feet to one inch showing boundaries (distances, bearings and monumentation), streets, walks, parking areas, all buildings and uses of lands, and common open space. Certification statements as required by the Township shall be fixed on the general site plan.
- B. Engineering plans detailing the construction of the required improvements

as listed in Section 1317.

- C. All supportive material including information submitted at preliminary review including but not limited to plans, maps, sketches, elevations, cross sections, reports and narrative.
- D. Evidence of the organizational structure of a residents' association where this form of management will be used to maintain common open space and other such private systems.

#### Section 1313 Design Standards

The developer should be free to create a more physically integrated, aesthetic and functional living environment using design skills and the latest achievements in building technology.

#### Section 1314 Performance Requirements

The development plan shall indicate how adequate privacy, light, air and protection from noise shall be achieved through building design, street layout, screening, plantings and the special siting of buildings.

#### Section 1315 Public and Private Streets

Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or a residents' association. Private streets shall meet Township standards regarding subgrade preparation, base and surfacing construction. Off-street parking areas may be integrated with public street design and construction providing maintenance responsibilities are mutually agreed upon.

#### Section 1316 Common Open Space

A minimum of 20% of the net acreage shall be reserved for common open space. Where staged construction is utilized, at no time shall the total area of dedicated open space be less than 20% of the area of the project approved for development.

#### Section 1317 Required Improvements

The developer shall make satisfactory provision for the community improvements necessary to the proper functioning of the development. These include, but are not limited to, survey and boundary monuments, streets, street signs, water supply, sewage disposal, storm water runoff structures, and open space improvements. All water supply and sewage disposal facilities shall be planned, designed, and approved in accordance with the requirements of the Pennsylvania Department of Environmental Resources.

##### A. Common Open Space.

Where areas of common open space are proposed for improvements they shall be improved by the developer. Unless the Township agrees to a public dedication of the open space and to its maintenance, the developer shall formulate an acceptable method for maintaining this land.

Section 1318 Assurances

Before the final plan is approved by the Board of Township Supervisors required public improvements to be maintained by the developer or a residents' association shall be:

- A. Licensed under Public Utility Commission regulations and procedures, where applicable, and
- B. Constructed and approved as built by the Board, or
- C. Insured under a performance bond approved by the Board, or
- D. Covered under some agreement mutually satisfactory to both the developer and the Board, or
- E. Covered under any combination of the above methods as listed B. through D.

Section 1319 Amendments

Major revisions to the approved final plan, such as changes in land use, streets, major changes in the common open space system, major changes in building locations, shall be considered as amendments to the final plan and shall be processed as set forth in Sections 1307, 1308 and 1309 of this ordinance. All other changes to the approved plan shall be submitted to the Board of Township Supervisors and, with the Board's concurrence that such changes are minor in nature, shall be filed in the Township records as normal changes occurring through the "dynamics of living". All changes submitted to the Board should be delineated graphically on plans with accompanying text as needed.

ARTICLE 14.

SIGN REGULATIONS

Section 1400 Purpose

The purpose of this Article is to provide certain regulations on the display of signs. It is recognized that signs serve an important function. Yet reasonable regulations for the display of signs are desirable. These regulations are intended to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the Township and to discourage sign distractions and obstructions that may contribute to traffic accidents.

Section 1401 General Regulations

The regulations contained in this section shall apply to all signs in all zoning districts.

- A. Zoning permits shall be required for the erection of all signs including general advertising signs, except those listed in Section 1405 and except those given specific exemption in this Section 1401. Signs not listed as permitted in this Article shall be considered prohibited in the Township. Conflicts over the interpretation and coverage of the regulations of this Article shall be referred to the Zoning Hearing Board and the Board shall render a decision based upon the purpose and implied intent of these regulations.
- B. No flashing, rotating, or oscillating sign shall be permitted. Any sign which, by reason of its intensity, color, location, noise, or movement, may interfere with traffic lights, signals or other traffic controls shall not be permitted.
- C. No sign shall be placed on the roof of any building.
- D. No signs, other than official street or road and traffic control signs, shall be erected within the right-of-way of any street, unless authorized by the Township Supervisors. Permits are not required for street and traffic control signs.
- E. No sign shall be constructed, erected or located so as to obstruct the visibility of a motorist or pedestrian proceeding along the public way or entering or leaving a parking area.
- F. All signs shall be constructed of durable material, maintained in good condition, and not allowed to become dilapidated.
- G. All signs erected and maintained pursuant to and in discharge of any governmental function are permitted.
- H. Temporary signs, not exceeding 20 square feet in area, announcing special public or institutional events, or the erection of a building (including the name of the architect and/or contractors) may be erected for a period of 60 days plus the construction period. Permits are not required for these signs.
- I. Painted signs on building surfaces shall be permitted in accordance with the other applicable regulations herein.
- J. The surface area of a sign shall be computed as the entire area comprising the display area.



- K. Signs of schools, churches, nursing homes and philanthropic, charitable and similar institutions are permitted in districts which accommodate these uses; provided that:
  - (1) such signs shall not exceed 40 square feet in area;
  - (2) not more than 2 such signs are erected on the property.
- L. Signs advertising professional offices (such as those of a physician, engineer, etc.) and home occupations, where permitted by the Zoning Hearing Board as established in Section 1205 of this ordinance, are permitted in districts accommodating such uses; providing that:
  - (1) such signs shall not exceed 5 square feet in area;
  - (2) such signs shall be non-illuminated signs.
- M. All signs shall be removed when the circumstances leading to their erection no longer apply.

Section 1402 Permitted Signs Associated With Industrial Uses in the Residential/Commercial, RC and Rural Residential/Industrial, RRI, Districts

Business identification, advertising and name plate signs bearing the name of the occupant, business or manufacturer and/or the products manufactured, processed, sold or displayed on the premises shall be permitted in the RRI and RC Districts when associated with the permitted use, provided that:

- A. The total area of such signs shall not exceed:
  - (1) the length in feet of the front wall of the building, multiplied by the factor 2; or
  - (2) a total of 100 square feet, whichever is less.
- B. Signs attached to building walls shall not project from the wall by more than 4 feet.
- C. There shall be no more than one sign of this size for each industrial use, not including name plates attached to the structure.
- D. Free standing signs shall not exceed a height of 30 feet nor an area of 100 square feet.
- E. Projecting signs shall be securely attached to a building at an elevation at least 10 feet above ground level.
- F. In the Residential/Commercial District general advertising signs referring or related to products or materials not made, sold or displayed on the premises shall not be permitted.

Section 1403 Non-Industrial Signs Permitted in the Residential/Commercial RC District

Business identification, name plate and advertising signs bearing the name of the business or occupant, and/or the products sold or displayed and/or the services provided on the premises shall be permitted; provided that:

- A. The total area of such signs shall not exceed an area calculated by multiplying the length in feet of the building wall facing the main street by the factor 2.
- B. Only one sign of this size shall be permitted for each principal use and

such sign shall be installed upon the building and shall not project more than 4 feet from the building wall to which it is attached. Business identification signs painted on windows of the structure shall not be included in this requirement, nor shall these signs be included in the area requirement.

- C. General advertising signs referring or relating to products or materials not made, sold or displayed on the premises shall not be permitted.
- D. Automobile service stations shall be permitted to install one free standing oil company sign not exceeding 36 feet in height and not exceeding 80 square feet in area. Other signs customarily incidental to service station use are permitted. The total area of all signs permitted on a premises shall not exceed 80 square feet.
- E. Projecting signs shall be securely attached to a building at an elevation of at least 10 feet above ground level.

Section 1404 Signs Permitted in the Agricultural AG, and Rural Residential/Industrial, RRI, Districts

Freestanding advertising signs and billboards shall be permitted in the AG and RRI Districts, providing that:

- A. Signs shall be located a minimum of 50 feet from any street right-of-way line and 200 feet from an intersection containing a road classified as a collector or arterial in the North Shenango Comprehensive Plan dated July, 1979.
- B. No sign shall be located within 400 feet of a residential, public or institutional use.
- C. No sign shall be located closer than 20 feet from another sign.
- D. No sign shall exceed 500 square feet in area.
- E. The owner of the sign shall maintain the area around the sign in a neat and clean condition.

Section 1405 Signs Permitted In All Districts Without Zoning Permits

The following types of signs shall be permitted in all zoning districts and shall not be required a zoning permit:

- A. Signs advertising the sale or rental (or indicating "sold" or "rented") of the premises upon which they are erected; providing that:
  - (1) the size of any such sign shall not exceed 6 square feet in area; and
  - (2) there are not more than 2 such signs placed upon the property.
- B. Signs of mechanics, painters, and other such artisans during the period such persons are performing work on the premises; providing that:
  - (1) the size of any such sign shall not exceed 6 square feet in area; and
  - (2) each sign is removed promptly upon completion of the work.
- C. Political campaign signs during election campaign periods; providing that:
  - (1) the size of any sign shall not exceed 8 square feet in area;

- (2) the approval of the property owner has been obtained by the candidate prior to the erection of the sign;
  - (3) The provisions of Section 1401 (especially 1401 D. and 1401 E.) are complied with;
  - (4) not more than two such signs shall be permitted on each property having a combined area of not more than 8 square feet; and
  - (5) all such signs shall be removed within 30 days following the election.
- D. Trespassing signs or signs indicating the private nature of a driveway or property; providing that the size of such signs shall not exceed 3 square feet in area.
- E. Signs denoting the name and address of the occupants of a premises; providing that:
- (1) such signs do not exceed 2 square feet in area for non-farm premises; and
  - (2) signs for farming operations shall not exceed 20 square feet in area.
- F. Signs directing and guiding traffic and parking on private property and bearing no advertising matter; provided that such signs shall not exceed 2 square feet in area.
- G. Signs installed on a temporary basis to sell an occasional item from the premises, such as a used lawn mower or garden tools and including garage sale signs; providing that:
- (1) such signs shall not exceed 3 square feet in area;
  - (2) not more than 2 such signs shall be erected on the property;
  - (3) all such signs shall be removed when the sale activity is concluded; and
  - (4) the provisions of Section 1401 (specifically 1401 D. and 1401 E.) are complied with.
- H. Signs installed on a temporary basis to advertise roadside sales of agricultural produce.

## ARTICLE 15.

### OFF-STREET PARKING REGULATIONS

#### Section 1500 General Requirements

- A. No structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance.
- B. The provisions of this Article, except where there is a change of use, shall not apply to any existing structure. Where a change of use occurs after the effective date of this ordinance and involves no building additions or enlargement, off-street parking for the new use shall be provided based upon the requirements of this ordinance.
- C. Whenever a structure constructed after the effective date of this ordinance is changed or enlarged to create a need for an increase in the number of parking and loading spaces, additional parking and loading spaces shall be provided on the basis of the area of the enlargement or change. If a structure was erected prior to the effective date of this ordinance new or additional off-street parking and loading spaces shall be provided based only on the additional building area added.

#### Section 1501 Size and Number of Parking and Loading Spaces

An off-street parking space shall be a minimum of 9 feet in width and 20 feet in length. A loading space shall be a minimum of 14 feet in width and be adequate in length to accommodate the largest vehicle expected to service the establishment which may be a length up to 60 feet. These dimensions are exclusive of required driveway and aisle (approach) space. Loading spaces in particular shall be positioned so as to provide a convenient vehicular approach. The number of required off-street loading spaces is not fixed in this ordinance. Where loading spaces are a consideration they vary depending on the type and size of the use; normally one off-street loading space is sufficient to serve the average establishment.

#### Section 1502 Paving, Drainage and Maintenance

The required number of parking and loading spaces together with driveways and aisles shall be planned in a manner which insures safe and convenient vehicular movement into and throughout the parking and loading area. The parking and loading area shall be improved with a durable, dust-free surface such as gravel, concrete, or bituminous concrete. Storm water drainage shall be handled so that water previously not concentrated in defined channels is not collected and directed in new channels onto adjacent property. The parking and loading area shall be maintained in good condition without hazardous holes and shall be free of dust, trash and other debris.

#### Section 1503 Location of Parking Space

Parking spaces for all detached and semi-detached residences shall be located on the same lot as the uses which they are intended to serve. Parking spaces for apartments, single family attached residences and similar residential uses may be located on the same lot or a different lot but not more than 200 feet from the

principal use. Parking spaces for commercial, industrial or institutional uses may be located on the same lot or on an adjacent lot in which case they shall be located no more than 300 feet from the principal use they serve.

Section 1504 Off-Street Parking Space Requirements

For purposes of this ordinance the following minimum parking space requirements shall apply. Parking space requirements for other permitted or conditional uses not listed hererin shall be determined by the Zoning Hearing Board based on a comparative evaluation of the requirements listed below. Where fractional numbers result from off-street parking requirement calculations the required number of spaces shall be increased or decreased to the nearest whole number. In the listing below, unit means dwelling unit; floor area shall be construed to mean the sum of the several floors of a structure including the basement; measurements shall be from the outside faces of the exterior walls.

<u>Types Of Use</u>	<u>Minimum Parking Spaces Required</u>
<b>Residential</b>	
Single family detached dwelling . . . . .	Two per unit
Two family detached dwelling (2 units) . . . . .	Three per building
Mobile and modular home . . . . .	Two per unit
Seasonal dwelling . . . . .	Two per unit
Single family semi detached dwelling. . . . .	Two per unit
Single family attached dwelling . . . . .	One per unit
Multifamily detached dwellings (apartments) . . . . .	One and one-half per unit
Boarding and rooming houses . . . . .	One per sleeping room
Group homes . . . . .	One for each supervising staffer and one for every four persons that can be served in the home
<b>Commercial</b>	
Automotive service station . . . . .	One for each gasoline pump and two for each service bay
Agricultural produce sales from farm or production center . . . . .	Five spaces
Bowling alleys. . . . .	Five for each alley
Golf course . . . . .	Two for each hole
Golf driving range . . . . .	Two for each driving tee
Laundromat. . . . .	One for each machine on the premises
Motel and hotel . . . . .	One for each rental unit and one for each two employees
Office buildings, including municipal, state and federal offices, professional services establishments and banks. . . . .	One for each 200 square feet of floor area
Repair shops of all types . . . . .	Three for each full and part-time employee
Restaurants, taverns and nightclubs . . . . .	One for each 100 square feet of floor area

All other commercial uses permitted . . . . .	One for each 300 square feet of floor area
Churches, theaters and other places of assembly. . . . .	One for each three seats
Clubs, lodges, philanthropic and charitable institutions, and funeral parlors . . . . .	One for each 200 square feet of floor area
Convalescent and nursing homes. . . . .	One for each three beds
Day nurseries and day care centers. . . . .	One and one-half for each employee
Private schools. . . . .	One for each teacher and staff member plus one for each six seats in the auditorium
Health care facilities and veterinary clinic. . . . .	Four for each professional health care staffer
All other public and semi-public buildings. . . . .	One for each 300 square feet of floor area
 Industrial	
Manufacturing; warehouse storage and wholesale uses; printing establishments; upholstering shops; artisans' shops and similar uses . . . . .	One for every two employees plus one for each motor vehicle used in the business
Truck terminals . . . . .	One for every two employees and one for each motor vehicle maintained on premises.

ARTICLE 16.

NONCONFORMITIES

Section 1600 Intent

Within the districts established by this ordinance or amendments that may be later adopted there exist lots, structures, uses of land, uses of structures, and characteristics of use which were lawful before this ordinance was adopted and amended, but which are or would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments to this ordinance. These uses of structure and/or land may be sold, leased, or otherwise legally transferred and the new owners may continue such lawful nonconforming uses. It is the intent of this ordinance to permit these nonconformities to continue until they might be removed and, under certain conditions as set forth in this Article, to permit these structures and uses of land to expand to a limited degree.

Section 1601 Avoidance of Hardship Where Construction or Use Has Begun

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of the adoption of this ordinance, or the adoption of an amendment to this ordinance, and upon which actual building construction has been carried on diligently.

Section 1602 Single, Separate, Nonconforming Lots of Record

In any district any lot or parcel of record existing at the effective date of this ordinance, which lot or parcel is held in separate ownership and not part of a continuous ownership with other adjacent lots or parcels, may be used for the erection of a structure conforming to the use regulations of the district in which it is to be located, even though area and lot width requirements, or both, are less than the minimum required in this ordinance. Variance of other yard requirements shall be obtained only through action of the Zoning Hearing Board.

Section 1603 Multiple and Contiguous Nonconforming Lots of Record

If two or more lots or parcels or a combination of lots and portions of lots or parcels are contiguous and in single ownership and are of record on the effective date of this ordinance, or amendments thereto, and if all or part of the lots or parcels with no buildings thereon do not meet the requirements established for lot width and area, the lands involved shall be considered to be a single undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

Section 1604 Nonconforming Uses of Land

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance the uses may be continued and shall be subject to the following additional provisions.

- A. A nonconforming use of land may be enlarged or extended to occupy an area which is greater by 50% than the area occupied at the effective date of adoption of this ordinance or an amendment thereto, providing such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.
- B. A nonconforming use of land may be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this ordinance or amendment thereto providing that such use shall not be enlarged or extended except as permitted in Section 1604 A. and providing such move is permitted as a special exception by the Zoning Hearing Board.
- C. In the event a nonconforming use of land ceases or is abandoned, for whatever reason, for a period of more than 18 months, any subsequent use of the land shall conform to the regulations specified by this ordinance for this district in which such land is located.

Section 1605      Nonconforming Uses of Structures or of Structures and Premises  
In Combination

Where at the time of adoption of this ordinance a lawful use of structure or of structures and premises in combination exists which would not be permitted by the regulations imposed by this ordinance the use may be continued and shall be subject to the following additional provisions:

- A. A nonconforming use of part of a building may be extended throughout the building if no exterior structural changes are made and no additional floor area is added to the building.
- B. A nonconforming use of a whole building may be enlarged or extended to occupy additional building area which is greater by 50% than the area occupied at the effective date of adoption of this ordinance or amendment thereto, providing such enlargement or extension is permitted as a special exception by the Zoning Hearing Board and any extended portions of the building comply with the minimum lot area coverage, yard and height regulations of the district in which it is located.
- C. A nonconforming use which has been damaged or destroyed by fire, windstorm, explosion or similar cause, which was no fault of the owner, may be rebuilt on the same foundation providing, however, the rebuilding is initiated no later than one year after the event of the destruction.
- d. In the event a nonconforming use of building or building and premises in combination ceases or is abandoned, for whatever reason, for a period of more than 18 months such nonconforming uses, building or building and premises in combination, shall not be reconstituted and any future use shall be in conformity to the district regulations.

Section 1606      Repairs and Maintenance

On any nonconforming structures and premises work may be done on ordinary repairs, maintenance of all walls and support elements, replacement of heating systems, wiring, or plumbing, providing that the cubic content of the nonconformity shall not be increased except as provided herein. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official charged with protecting the public health and safety.



Section 1606 Repairs and Maintenance

On any nonconforming structures and premises work may be done on ordinary repairs, maintenance of all walls and support elements, replacement of heating systems, wiring or plumbing, providing that the cubic content of the nonconformity shall not be increased except as provided herein. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official charged with protecting the public health and safety.

Section 1607 Change of Nonconforming Use

- A. A nonconforming use may be changed to another nonconforming use providing this change is permitted as a special exception by the Zoning Hearing Board. In considering such an action the Zoning Hearing Board shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
- B. Nothing in this ordinance shall be interpreted to prohibit the replacement of a nonconforming mobile home with another mobile home. Such a replacement shall be permitted as a matter of right; providing, however, such a action shall be in compliance with the provision of the Township Building Permits Ordinance, No. 126 as amended.

Section 1608 Change to a Permitted Use from a Nonconforming Use

Where a nonconforming use is superseded by a permitted use, the permitted use shall thereafter conform to the district regulations and the nonconforming use may not thereafter be resumed.

Section 1609 Existing Conditional Uses

Where an existing use of premises, or a building, or of premises and building in combination is permitted under this ordinance as a conditional use such use shall in no way be considered nonconforming, and it may be expanded, without special review, in conformance to the bulk regulations and other applicable regulations in this ordinance.

ARTICLE 17.

CONDITIONAL USES

Section 1700 Intent

There are times when decisions as to what particular uses shall or shall not be allowed to locate in a district should be based upon special facts and characteristics peculiar to the specific application. A simple listing of permitted or prohibited uses may be too inflexible to accommodate basically sound development proposals. Where uses are generally consistent with a particular zoning district they should be permitted of right; where uses are generally inconsistent with a particular zoning district they should be prohibited; but a number of decisions on uses fall between these two "extreme" situations. The conditional use is designed to provide some flexibility in locating uses in particular districts; it provides a middle ground between the extremities of "permitted" and "prohibited" uses. The conditional use is much like the special exception use explained in Article 19. except that it is permitted or denied by the Board of Township Supervisors. The Planning Commission has an opportunity to review and make recommendations on conditional use applications since they are generally more complex or site specific than special exception uses. Conditional use proposals may be permitted based upon a review of the particular characteristics proposed by the applicant including their size, physical design, method of operation, vehicular circulation requirements, general impact on community facilities and effects on the health, safety and welfare of the Township.

Section 1701 Application for Conditional Use

An application for a conditional use permit shall be filed with the Zoning Officer. At a minimum the application shall contain the following information:

- A. Name, address and phone number of applicant
- B. Legal description of property
- C. Description of existing use
- D. Present zoning district
- E. Description of proposed use
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscape treatment on all surfaces, refuse and service areas, utility services, signs, yard areas and such other information as the Supervisors may require to determine if the proposed use meets the requirements of this ordinance.
- G. A narrative statement:
  - (1) evaluating the effect of such elements as noise, glare, odor, fumes, and vibrations on adjoining property;
  - (2) discussing the general compatibility with other properties in the district; and
  - (3) explaining the relationship of the proposed use to the Township's Comprehensive Plan.
- H. Any such other materials as may explain how the proposed use will comply with the requirements established in Section 1702 of this ordinance.

Section 1702 Standards Applicable to All Conditional Uses

In addition to specific requirements for conditional uses as specified elsewhere in this ordinance the Township shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall permit said use after finding adequate evidence showing that such use at the proposed location:

- A. Will be in accordance with the community development objectives set forth in Article 2.;
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located;
- C. Will not be hazardous or disturbing to existing or future neighboring use;
- D. Will be served adequately by public facilities and services such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewers, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated in relation to the proposed use;
- E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, vibrations, smoke, dust, fumes, glare or odors; and more specifically the uses shall meet the following standards:
  - (1) There shall be no undue pollution of the air by dust, dirt, fumes, smoke or odor which will cause damage to human health or to animals, vegetation or other property or which will soil property and be perceptible beyond the boundary or lot line of the proposed use.
  - (2) There shall be no direct or reflected glare or heat perceptible by the average person beyond the boundary or lot line of the proposed use.
  - (3) There shall be no discernable vibration perceptible without instruments beyond the boundary or lot lines of the proposed use.
  - (4) There shall be no activity permitted which produces radioactivity.
  - (5) There shall be no electrical disturbances adversely affecting the operation of equipment, such as radio and television apparatus, at any point beyond a line 10 feet outside of the boundary or lot lines of the proposed use.
  - (6) There shall be no noise which is normal to the use and which is considered objectionable, because of its volume, frequency or beat, to the average person's sense of hearing perceptible at any point beyond a line 10 feet outside of the boundary or lot lines of the proposed use.
  - (7) There shall be no emissions and/or discharges into the air or water which do not meet the standards established by the Pennsylvania Department of Environmental Resources.

In its review of the application the Board of Township Supervisors may seek the opinion of specialists in the Pennsylvania Department of Environmental Resources or other qualified experts of their choice to advise them regarding compliances with the above listed standards. Any expense associated with obtaining expert advice from such specialists or expert may be charged to the applicant.

- G. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance and significance. Major importance may simply be of local significance.
- H. Will, - when the character of outdoor service, storage, operational and parking activities are such that unsightly views shall be exposed to adjacent uses in such a way as to cause, in the judgement of the reviewing officials, property devaluation, - provide through, screening by wall, fence, plantings and/or terrain or landscape features an effective barrier which blocks said unsightly views to a height of 6 feet, from ground level at the property line with adjacent uses and at road rights-of-way, at the time of occupancy of the use and throughout its future operations.

#### Section 1703 Supplementary Requirements for Conditional Uses

Supplementary standards may be established for specific conditional uses as established in the appropriate sections of this ordinance. In granting a conditional use the Board of Township Supervisors may prescribe additional requirements and safeguards providing they are in harmony with the community development objectives set forth in Article 2. Violations of such additional requirements, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance.

#### Section 1704 Procedure for Approval of Conditional Uses

Three copies of the complete application shall be filed with the Zoning Officer. An application fee shall be paid in the amount set by the Board of Township Supervisors. The Zoning Officer shall refer immediately one application to the Planning Commission and one application to the Board of Township Supervisors. The Planning Commission may request the Zoning Officer and the applicant to be present at its meeting in order to obtain more complete information concerning the proposal. The Planning Commission shall forward its recommendation within 45 days of the date the application was accepted by the Zoning Officer as complete; failure to act within the allotted time shall be considered a favorable recommendation.

Within 50 days of the date of the application was accepted by the Zoning Officer as complete the Board of Township Supervisors, after giving public notice, shall consider the proposal. The Supervisors within 30 days after the termination of the hearing before their Board shall render a decision. The decision shall be accompanied by findings of fact and conclusions

Upon approval by the Board of Township Supervisors the application shall be signed by the Supervisors and all development and construction and use shall be in accordance with the approved application and accompanying plan unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this ordinance.

Section 1705    Expiration of Conditional Uses Permit

A conditional use permit shall be considered to authorize only one particular use as approved by the Board of Township Supervisors and said permit shall automatically expire if, for any reason, the conditional use shall cease for 2 years or longer. To reinstate a conditional use a new application shall be filed and approved under the terms of this ordinance.

ARTICLE 18.

ZONING ORDINANCE AMENDMENTS

Section 1800 Zoning Ordinance Amendments

Whenever the public necessity and convenience, or the general welfare, or good zoning practices require it the Board of Township Supervisors may, subject to the procedures and requirements set forth herein and in Article VI of the Pennsylvania Municipalities Planning Code, as amended, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property established in this ordinance.

Section 1801 Initiation of Zoning Amendments

Amendments to this ordinance may be initiated through proper application in the following ways:

- A. By resolution of the Board of Township Supervisors;
- B. By resolution of the Township Planning Commission; and
- C. By a landowner or landowners who desire(s) to challenge on substantive grounds the validity of this ordinance claiming that the provisions of this ordinance prohibit or restrict the use or development of land in which he has an interest. An amendment proposed in this manner shall be known as a curative amendment and shall be heard and decided upon as provided for in this ordinance and in Sections 609.1, 609.2, and 1004 of the Pennsylvania Municipalities Code, Act 247, as amended.

Section 1802 Zoning Amendment Application

The application for an amendment by any landowner shall be submitted to the Zoning Officer and shall contain at the minimum the following:

- A. Name, address and phone number of applicant.
- B. Specific language of proposed amendment to the text and/or the legal description of any district or boundary change.
- C. The present use and zoning district.
- D. The proposed use and zoning district.
- E. An accurate map at a reasonable scale showing property lines, streets, existing and proposed zoning and other items that may clarify the application and/or may be required by the Zoning Officer.
- F. A listing of all property owners within, contiguous to, and directly across the road from the parcel to be rezoned. Also all other property owners that may have a substantial interest in the proposed amendment shall be listed.
- G. A statement on how the proposed amendment relates to the Township's comprehensive plan.
- H. A fee as may be established by the Board of Township Supervisors.

Section 1803 Procedure for Zoning Amendments

- A. In the instance of the initiation of a zoning amendment by a landowner the application shall be filed with the Zoning Officer. Before a proposed amendment may be voted on by the Board of Township Supervisors opportunities shall be offered the Township Planning Commission to review the amendment. The Township Supervisors shall hold a public hearing on the proposed amendment pursuant to public notice before taking action. The Township Supervisors may initiate a zoning amendment.
- B. The Township Planning Commission and the Crawford County Planning Commission shall have a maximum of 30 days from the date of their receipt of a proposed amendment during which time they shall review the amendment and transmit their comments and recommendations to the Supervisors. The Supervisors shall take no action on the amendment until they have received comment from the aforementioned planning commissions or until the expiration of the 30 day review period.
- C. If, after a public hearing is held on an amendment, the proposed amendment is revised to include land previously not affected by the proposal, or, if substantial alterations are made in the text of this ordinance, the Supervisors shall hold another public hearing, pursuant to public notice, and shall provide for reviews as established in Section 1803 B. before proceeding to a decision on the amendment.

Section 1804 Content of Public Notice

Public notices of proposed zoning amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place in the municipality where copies of the proposed amendment may be examined. The time and place of the hearing also shall be indicated.

Section 1805 Publication after Enactment

After enactment, if the advertisement of a zoning amendment is required by other laws respecting the advertisement of ordinances, the advertisement may consist solely of a reference to the place within the municipality where copies of such ordinance or amendment may be obtained for a charge not greater than cost, or a reference to the place where the ordinance is available for examination without charge.

Section 1806 Municipal Curative Amendment

The Board of Supervisors, by formal action, may declare this Zoning Ordinance or any part thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty days following such declaration the Board of Supervisors shall follow the procedures for a municipal curative amendment as set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ARTICLE 19.

ADMINISTRATION

Section 1900 Zoning Officer

A Zoning Officer who may not hold an elective office in the Township shall be appointed by the Board of Township Supervisors. The Zoning Officer shall administer this ordinance according to its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this ordinance.

Section 1901 Powers and Duties of the Zoning Officer

The Zoning Officer shall have the following powers and duties:

- A. Receive applications for zoning permits including sign permits and issue same;
- B. Identify and register all nonconforming uses and structures existing in the Township at the effective date of this ordinance;
- C. Issue certificates of occupancy;
- D. Maintain a permanent file of all applications for zoning permits, certificates of occupancy and all other actions as he is required to perform under this ordinance.
- E. Inspect premises as may be necessary;
- F. Order the action necessary to correct any violation of this ordinance where violations are found to exist;
- G. Order discontinuance of illegal uses of land, buildings, or structures, or removal of illegal structures, or discontinuance of any illegal work; and
- H. Utilize proceedings before district magistrates to enforce the provisions of this ordinance.

Section 1902 Duties of the Planning Commission

The North Shenango Township Planning Commission shall have the following duties:

- A. Review all proposed amendments to this ordinance and make recommendations to the Board of Township Supervisors thereon;
- B. From time to time as needs arise, propose to the Board of Township Supervisors amendments to this ordinance;
- C. Conduct other reviews and make recommendations as required by the provisions of this ordinance.

Section 1903 Creation and Appointment of Zoning Hearing Board

A Zoning Hearing Board shall be created by the Board of Township Supervisors. The Board shall consist of three members appointed by the Township Supervisors. Each member shall be a resident of the Township. The term of office of the members shall be three years and shall be so fixed that the terms of office of one member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the



unexpired portion of the term. Members of the Board shall hold no other office in the Township, except that no more than one member of the Board may also be a member of the Planning Commission.

#### Section 1904 Organization of Zoning Hearing Board

The Board shall elect from its own membership a Chairman and a Secretary who shall serve annual terms at such and may succeed themselves. The Board may make and alter rules and forms for its procedures, consistent with laws of the Township and the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Township Supervisors once a year. For the conduct of any hearing and the taking of action, a quorum shall be not less than a majority of all members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Board. Within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract for a secretary, a clerk, and legal counsel.

#### Section 1905 Functions of Zoning Hearing Board

##### A. Appeals from a Decision of the Zoning Officer

The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the administration of this ordinance.

##### B. Challenges to Ordinance Validity

The Board shall hear challenges pertaining to the process of enactment or adoption of the ordinance and map. At the conclusion of a hearing the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.

##### C. Variances

The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance, strictly applied, inflict unnecessary hardship upon the applicant. The Board may vary the application of any requirements of this ordinance wherein strict enforcement would result in practical difficulty or unnecessary hardship which would deprive the applicant of a reasonable use of his land or building. A variance may be granted provided the following findings are made by the Board:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and shape, or exceptional topographic or other physical conditions peculiar to the property and that the unnecessary hardship is due to these conditions and not due to circumstances or conditions generally created by the provisions of the zoning ordinance;
- (2) That because of such physical circumstances there is no possibility that the property can be developed in strict conformity with the provisions of this ordinance;
- (3) That such unnecessary hardship has not been created by the appellant;
- (4) That the variance, if authorized will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use of adjacent property nor be detrimental to the public welfare; and

- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Furthermore in considering requests for variances the following principles shall apply:

- (6) Nonconforming uses of neighboring lands, or certain types of structures in the same district and permitted or nonconforming uses of land or structures in other districts shall not be considered grounds for the issuance of variances; and
- (7) The Board shall not permit variances which allow a use not permissible under the terms of this ordinance in the district involved.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this ordinance.

D. Special Exceptions

The Board shall issue special exception permits for any of the uses requiring such permits under the terms of this ordinance. The Board shall hear and decide requests in accordance with the established standards and criteria. In granting special exception permits the Board shall prescribe the basis upon which the permit shall be issued and the conditions deemed necessary or desirable for the protection of public interests. No special exception permits shall be granted by the Board unless it finds that the use for which such permit is sought will not be injurious to the neighborhood; not be inconsistent with the objectives of this ordinance as established in Article 2.; not be inconsistent with the character of the surrounding neighborhood or otherwise detrimental to the public health and welfare; and that the use will not substantially impair an adequate supply of light and air to adjacent properties or overcrowd the land, or create undue concentration of population or substantially increase congestion in the streets, or create hazardous traffic conditions or increase the danger of fire.

Application for special exceptions may be subject to additional more specific standards and criteria as established in other sections of this ordinance.

E. Non-Zoning Appeals

Where the Board has jurisdiction over matters pursuant to the above subsections the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any other municipal ordinance or requirement pertaining to the same development. In any such case, the Board shall have no power to pass upon nonzoning issues but shall take evidence and make a record thereon as provided in this ordinance. At the conclusion of the hearing, the Board shall make findings of fact on all relevant issues which shall become part of the record on appeal to court.

Section 1906 Zoning Hearing Procedures

The hearing procedure of the Zoning Hearing Board shall be governed by the provisions

of the Pennsylvania Municipalities Planning Code (Act 247) of 1968, as amended, and such rules not inconsistent therewith as the Board may adopt. The Board shall conduct the hearings and make decisions in accordance with the following requirements:

- A. Any appeal for a variance from the strict requirements of the zoning ordinance or an appeal from an order, decision or interpretation of the Zoning Officer, or for a special exception shall be taken by filing a notice of appeal or request with the Zoning Officer who shall transmit immediately said notice to the Zoning Hearing Board. The Zoning Officer shall transmit to the Board all of the documentary material constituting the record upon which the action for appeal was taken.
- B. The appellant shall, at the time of filing an appeal or request, pay the Zoning Officer a fee as determined by the Township Supervisors to defray or help defray the cost of the hearing, including advertising.
- C. Each appeal or request shall be judged on its merits at a public hearing. Public notice of such hearing shall be given. The Board also shall give notice to the applicant, the Zoning Officer, such other persons as the Township Supervisors may designate by ordinance, and any person who has made a timely request for same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance, or, in the absence of ordinance provisions, by rules of the Board. The Board may adjourn any hearing for the purpose of giving further notice.
- D. The Planning Commission upon request of the Hearing Board shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.
- E. The hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- F. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- G. The Chairman or acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents requested by the parties.
- H. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- I. The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings, and copies of graphic or written material received in evidence shall be made available to any party at cost.
- J. The Board shall hold the required hearing within 60 days from the date of the applicant's request for the hearing. The Board shall render a written

decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.

- K. Where the Board fails to hold the required hearing within the time limit required and/or where the Board fails to render a decision within the time period required the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.
- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed not later than one day following the date of the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- M. No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development has been approved by an appropriate municipal official, agency, or body if such procedure is designed to secure the reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

Section 1907 Relationships: Zoning Officer, Zoning Hearing Board, and Board of Township Supervisors

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Officer and that such questions shall be presented to the Zoning Hearing Board only on appeal from the decision of the Zoning Officer, and that recourse from the decisions of the Zoning Hearing Board shall be in the courts as provided by law. It is further the intent of this ordinance that the duties of the Township Supervisors shall not include hearing appeals and deciding questions of interpretation that may arise.

ARTICLE 20.

PERMITS AND ENFORCEMENT

Section 2000 Actions Requiring Zoning Permits

No structure, as defined in Article 3. of this ordinance, shall be constructed, erected, moved, added to, or altered; nor shall any structure, or land use be established or changed in use, except that a zoning permit is lawfully obtained in full compliance with the provisions of this ordinance; providing, however, that:

- A. accessory buildings, fences, and walls incidental to agricultural operations shall not require a zoning permit. Agricultural buildings in excess of 500 square feet shall require a building permit,
- B. structures such as sidewalks, steps, driveways, terraces, patios, flagpoles, doghouses, and lawn furniture such as benches, birdbaths, and sundials shall not require a zoning permit, and
- C. alterations to building interiors not affecting the external form and size of a building, and alterations involving shingling and siding where no substantial change is made to the building form or size shall not require a zoning permit although such alterations, where the value of the improvement exceeds \$1,000, shall require a building permit.

Section 2001 Zoning Permit Application Requirements

The application for the zoning permit shall be submitted to the Zoning Officer and shall be signed by the owner, or applicant, or his authorized agent attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire, and may be revoked by the Zoning Officer if the work has not begun within one year of issuance. At a minimum the application shall contain the following information:

- A. Name, address and phone number of applicant
- B. Legal description of property (Co. index no. acceptable)
- C. Existing use of property
- D. Proposed use of property
- E. Description of work contemplated
- F. Zoning District
- G. Plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact size and location of any existing building(s) on the lot; the location and dimensions of the proposed building(s) or alterations; and the location of drives and drive entrances.
- H. Building heights, existing and proposed within 100 feet of proposed structure
- I. Number and location of off-street parking spaces, and loading spaces where applicable
- J. Number of dwelling units were applicable
- K. Estimated time for completion

- L. Estimated cost
- M. Such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

Section 2002 Approval of Zoning Permit

Within 15 days after receipt of an application the Zoning Officer shall either approve or disapprove the application. One copy of the plans shall be returned to the applicant by the Zoning Officer, after he shall have marked such copy either approved or disapproved and attested to same by his signature. One copy of the plans, similarly marked shall be retained by the Zoning Officer. The Zoning Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use, structure or alteration is in conformance with the provisions of this ordinance.

Section 2003 Expiration of Zoning Permit

If the work described in the zoning permit application has not begun within one year from date of issuance, the permit shall expire. It shall be revoked by the Zoning Officer, and written notice thereof shall be given to the applicant. If the work described in any zoning permit has not been substantially completed within 2½ years of the date of issuance said permit shall expire and be revoked by the Zoning Officer, and written notice thereof shall be given to the applicant, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

Section 2004 Certificate of Occupancy

Completion of activity authorized by zoning permit under the provisions of this ordinance as set forth in the Sections immediately preceding shall not be considered to allow occupancy until a certificate of occupancy has been issued by the Zoning Officer. Written request to the Zoning Officer for a certificate of occupancy shall be processed within one week of receipt of the request. The certificate of occupancy indicates that the building and/or proposed use is in compliance with the zoning permit as issued and the provisions of this ordinance. Refusal by the Zoning Officer to issue a certificate of occupancy shall be accompanied by a written statement to the applicant containing the reasons for the denial. The Zoning Officer shall maintain a record of all certificates of occupancy.

Section 2005 Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Zoning Officer for occupancy of a building undergoing construction or alteration pending final completion of the construction and/or alteration work.

Section 2006 Construction and Use to be as Provided In Applications, Plans, Permits, and Certificates

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Officer authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance.

Section 2007 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Zoning Officer who shall investigate the matter and take action thereon as provided by this ordinance.

Section 2008 Penalties for Violation

Any person, partnership or corporation who or which shall violate the provisions of this ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than 500 dollars. In default of payment of the fine, such person, the member of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than 60 days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of this ordinance shall be paid over to the Board of Township Supervisors. Nothing herein shall prevent the Township from taking such other lawful action as is necessary to prevent, restrain, remedy, or abate any violations.

Section 2009 Fees

The Township may establish a schedule of fees for zoning permits, certificates of occupancy, appeals, amendments and other matters pertaining to this ordinance. Until all applicable fees, charges, and expenses have been paid no action need to be taken on any application or appeal.

Section 2010 Municipal Liability

The granting of a Zoning Permit for the erection and/or use of a building or lot shall not constitute a representation, guarantee, or warranty of any kind or nature by the municipality, or an official or employee thereof, of the safety of any structure of use and shall create no liability upon, or a course or action against North Shenango Township, such public official or employee for any damage that may result pursuant thereto.

ORDAINED and ENACTED this 11th day of October, 1982

BOARD OF SUPERVISORS

Robert Vickery  
Robert Vickery, Chairman

Charles J. Germeyer  
Charles Germeyer

Jesse Miller  
Jesse Miller

ATTEST:

Sueane Rebel  
Sueane Rebel, Secretary

CERTIFICATION

I hereby certify that the above and foregoing is a true and correct copy of an ordinance duly enacted by the Board of Supervisors of North Shenango Township, Crawford County, at its meeting held on the 11th day of October, 1982 at which time a quorum was present.

Sueane Rebel  
Sueane Rebel, Secretary  
NORTH SHENANGO TOWNSHIP SUPERVISORS

Amendments:

Ordinance No. 1986-37, April 14, 1986



ORDAINED and ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 1982

BOARD OF SUPERVISORS

\_\_\_\_\_  
Robert Vickery, Chairman

\_\_\_\_\_  
Charles Germeyer

\_\_\_\_\_  
Jesse Miller

ATTEST:

\_\_\_\_\_  
Sueane Rebel, Secretary

CERTIFICATION

I hereby certify that the above and foregoing is a true and correct copy of an ordinance duly enacted by the Board of Supervisors of North Shenango Township, Crawford County, at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ at which time a quorum was present.

\_\_\_\_\_  
Sueane Rebel, Secretary  
NORTH SHENANGO TOWNSHIP SUPERVISORS

