

ZONING ORDINANCE
FOR
TOWNSHIP OF SUMMIT,
CRAWFORD COUNTY, PENNSYLVANIA

ORDINANCE NO. 2002-5

With Amendments Ordinance **#2006-1**

With Amendments Ordinance **#2007-1**

With Amendments Ordinance **#2007-2**

Removal of Flood Plain with Ordinance **#2012-1**

AS OF MARCH 5, 2013

SUMMIT TOWNSHIP ZONING ORDINANCE

TABLE OF CONTENTS

❖ ARTICLE #1 – GENERAL PROVISIONS

	<i>Page</i>
101 Title	6
102 Effective Date	6
103 Defined Words	6
104 Community Development Objectives	6
105 Zoning Map	6
106 Compliance	6
107 Severability	6
108 Repealer	6

❖ ARTICLE #2 – DEFINITIONS

201 General - Meaning of Words and Interpretation of Words and Phrases	7
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❖ ARTICLE #3 – ESTABLISHMENT, PURPOSE and DISTRICT REGULATIONS

301 Establishment of Zoning Districts	27
302 Official Zoning Map - District Boundaries	27
303 Interpretation of District Boundaries	27
304 Compliance with District Regulations	28
305 B-1 – Business District	28
306 A-1 – Agricultural District	30
307 C-1 – Conservation District	32
308 R-1 – Single Family Residential District	32

❖ ARTICLE #4 – FLOODPLAIN DISTRICT

Replaced with Floodplain Management Ordinance #2012-1 August 7, 2012

❖ ARTICLE #5 – SUPPLEMENTARY REGULATIONS & PERFORMANCE STANDARDS

501 Accessory Uses and Structures (Lot and Yard Requirements)	34
502 Reserved	35
503 More than one Principal Use per Lot	35
504 Height Regulations	35
505 Minimum Floor Area Requirement (Detached Dwellings)	36

506	Temporary Structures and Residences	36
507	Lot and Yard Requirements	36
508	Adult Entertainment Uses	37
509	Sign Regulations	44
510	Off-Street Parking Requirements	49
511	Handicapped Parking Requirements	50
512	Access to Lots	52
513	Off-Street Loading	52
514	Clear Site Distance at Corner Lots	52
515	Buffer Areas	52
516	Glare	54
517	Mobile Homes on Individual Lots	54
518	Mobile Home Parks	54
519	Recreational Vehicle Parks and Campgrounds	54
520	Essential Services	57
521	Public Utility Structures	57
522	Private Communications Structures/Wireless Towers	58
523	Hazardous Materials and Wastes	58
524	Fire, Explosion and Storage of Flammable Materials	58

❖ ARTICLE # 6 - NON-CONFORMITIES

601	Intent	59
602	Multiple and Contiguous Non-Conforming Lots of Record	59
603	Non-Conforming Uses of Land	59
604	Non-Conforming Uses or Structures and Premises in Combination	60
605	Repairs and Maintenance	60
606	Conditional Uses and Non-conformities	60

**❖ ARTICLE #7 – CONDITIONAL USES, SPECIAL EXCEPTIONS and
VARIANCES**

701	General	61
702	Conditional Uses	61
703	Special Exceptions	62
704	Standards Applicable to all Special Exception and Conditional Uses	65
705	Supplementary Requirements/Prerogatives for Specific Special Exceptions and Conditional Uses	66
706	Variances	70

**❖ ARTICLE #8 – ZONING ORDINANCE AMENDMENT PROCEDURES
and ZONING PERMITS**

801	Zoning Amendments	72
802	Initiation of Zoning Amendments	72
803	Contents of a Zoning Amendment Application	72
804	Procedures for Zoning Amendments	73
805	Mediation	74
806	Zoning Permits	74
807	Application for Permits	75
808	Issuance of Permit	76
809	Fees	76
810	Placards	76
811	Construction and Use To Be as Provided in Application, Plans and Permits	77
812	Inspection for Compliance	77
813	Expiration of Permits	77
814	Municipal Liability	77

❖ ARTICLE #9 – ADMINISTRATION AND ENFORCEMENT

901	The Zoning Officer	78
902	The Board of Supervisors	78
903	The Township Planning Commission	79
904	The Township Zoning Hearing Board	79
905	Zoning Hearing Board Procedures	81
906	Relationships: Zoning Officer, Zoning Hearing Board, and Board Township Supervisors	83
907	Complaints Regarding Violations	84
908	Enforcement Remedies	84
909	Municipal Liability	86

❖ **ARTICLE #10 – PLANNED RESIDENTIAL DEVELOPMENTS**

1001	Purpose	87
1002	Relationship to Other Articles of this Ordinance and to the Summit Township Subdivision Regulations	87
1003	General Requirements	87
1004	Permitted Uses	88
1005	Minimum Size and Density of Development	88
1006	Administrative Procedures	88
1007	Plan Requirements	90
1008	Design Standards	91
1009	Required Improvements	92
1010	Amendments	92
1011	Approval of a Final Plat	92
1012	Enforcement Remedies	93
1013	Applications Must Disclose Water Supply and Sewage Disposal	93
1014	Application Must Have Sewage Disposal Permits	93

❖ **ARTICLE 11 – TIME LIMITATIONS**

1101	Time Limitations	95
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ARTICLE 1 – GENERAL PROVISIONS

- 101 TITLE:** This Ordinance may be cited as Summit Township Zoning Ordinance.
- 102 EFFECTIVE DATE:** This Ordinance shall take effect five (5) days after adoption.
- 103 DEFINITIONS:** Words used in a special sense or phrase in this Ordinance are defined in Article #2.
- 104 COMMUNITY DEVELOPMENT OBJECTIVES:** The community development objectives which are the basis for the provisions of this Ordinance are set forth in the **SUMMIT TOWNSHIP** Comprehensive Plan as adopted by the **BOARD OF SUPERVISORS OF SUMMIT TOWNSHIP HERETOFORE AND ANY AMENDMENTS MADE THERETO.**
- 105 ZONING MAP:** A map entitled “Zoning Districts Map, Summit Township” is hereby adopted as a part of this Ordinance. The Zoning Map shall be kept on file for examination in the office of the Township Secretary.
- 106 COMPLIANCE:** No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.
- 107 SEVERABILITY:** Should any section or provision of this ordinance be declared by a court of competent jurisdiction 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, and the parts or sections remaining shall remain in effect as though the part or section declared unconstitutional had never been a part thereof.
- 108 REPEALER:** The provisions of the previous zoning Ordinances of Summit Township, being the Ordinance of 1972 and 1989 are repealed to the extent that they are inconsistent with the provisions of this amended Ordinance.

ARTICLE #2 – DEFINITIONS

201 GENERAL: Certain words used in this Ordinance are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word “shall” is mandatory and not permissive. (See Article 4, Section 808 et seq. for Special definitions for flood prone areas.)

Abandoned: To cease or suspend from developing or maintaining a structure, building or use for a period of one year. If a structure, building or use is destroyed by a random act of nature (fire, tornado, flood hurricane, etc.) it must be redeveloped within a one (1) year time frame or it shall consider “abandoned.” Additionally, if a use of a structure or parcel of land is discontinued by the owner of the parcel, voluntarily, it must be redeveloped or reutilized within a one (1) year time frame or it shall be considered “abandoned”.

Abutting: Two or more land parcels that share a common boundary line.

Accessory use or structure: a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adjacent: That which lies near or close to; in the neighborhood or vicinity of.

Adult Entertainment Uses: Use of property for adult entertainment (see Section 508 for more specific definitions).

Agriculture: Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboricultural, or animal or poultry husbandry. Uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation. See also definition of Farm, which is included in Agriculture.

Alley: A public access that is permanently reserved as a secondary means of access to an abutting property.

Alteration: Any change or rearrangement in the supporting portions of an existing building (such as, bearing walls, columns, beams, girders or interior partitions, etc.) along with any change in doors or windows, enlargement to or a reduction of a structure or the moving of a building from one location to another.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Application for development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a **zoning** permit, for the approval of a subdivision plot or plan or for the approval of a development plan.

Arcade: A place of business where an individual, association, partnership or corporation maintains four or more amusement devices for public use.

Area: Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

Automobile Repair, Major: A business involving general repair, replacement of automobile parts, rebuilding, or reconditioning of engines, body repair and frame straightening, painting and upholstering, vehicle steam cleaning and undercoating for both passenger and commercial automobiles.

Automobile Repair, Minor: A business that involves minor repairs to automobiles, incidental replacement of parts, rebuilding, reconditioning of engines, body repair, frame straightening; painting and upholstering, and undercoating to passenger automobiles and trucks that do not exceed 1 ½ ton capacity.

Automobile Sales Business: A building or open lot used for the display or sale of new and/or used automobiles and trucks.

Basement: A portion of a building all or partly underground, having at least one-half of its height below the average level of the adjoining ground and wherein at no point is there an entrance at, or nearly at, outside grade level. A basement shall not be considered as a story for the purpose of this Ordinance. For only the Floodplain Overlay District, FO, of this Ordinance the term basement shall be defined as any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast: A dwelling occupied by a family and used incidentally or secondarily as a business wherein not more than three rooms are rented for accommodation and meals are served to overnight guests for commercial purposes. A bed and breakfast does not include a boarding house, rooming house, group home, hotel or motel.

Buffer Area/Strip: A portion of land, usually linear in shape, together with a specified type and amount of planting thereon and/or any structures such as fences or walls and/or land forms (a mounded area) which may be required between land uses to eliminate or minimize conflicts between said land uses (ie. industrial and institutional uses)

Building: A combination of materials to form a permanent structure which has one or more floors, walls and a roof which is permanently affixed to the ground. Included shall be all manufactured homes and trailers to be used for human habitation.

Building Envelope: Indicates the buildable area on a lot defined by the minimum required front yard depth, rear yard depth, and side yard width requirements and maximum height requirements, within which a building can be erected.

Building Line: An imaginary line that is used to regulate the location of a building or structure in relationship to the abutting street or streets if a corner lot. It may also be referred to as a setback or yard line in the instances where the front yard (the yard adjoining the access lane) is at issue.

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 may include, but not exclusive to: height of building, location of exterior walls with respect to lot lines, building coverage, yard requirements, and the 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.

Campground: A lot of land upon or a development in which two or more campsites are located, established or maintained for occupancy by members of the general public in tents or other non-vehicular individual camping units as temporary living quarters for recreations, camping, travel or vacation purposes.

Campsite: A plot of land within a campground or recreational vehicle park designed and intended solely for the accommodation of a single tent or other non-vehicular individual camping unit on a temporary basis.

Carport: A covered structure that is attached to the wall of a main building that is primarily used for the storage of passenger vehicles and of which 40% is open sided.

Carwash: A building or structure used for the operation of automobile washing:

- a) **Automatic Car Wash** – refers to a car wash where labor is not required by the patron.
- b) **Coin Operated Car Wash** – refers to a car wash where the patron supplies the labor.

Cemetery: The land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.

Church: A building where people regularly assemble, which is dedicated to religious worship, and which is maintained and controlled by a religious body organized to sustain public worship. This building may also include: a church hall; church auditorium; Sunday School; manse; convent; parish hall; or private school, as well as a day nursery or child care center operated in the church building.

Clinic: Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

Club/Lodge: 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: A development design technique that locates buildings in limited areas on a site to allow the remaining land to be used for a variety of open space purposes.

Civic/Cultural Building: Any non-residential building, structure, or facility used by the general public, whether occupied by any federal, state, county, or municipal agency, or private non-profit

association. Examples may include: municipal buildings, court facilities, museums, armories, social service agency offices, libraries and government offices, etc.

Commercial: The use of land, building or structure for the purpose of buying and selling of goods and supplying services as distinguished for such uses as manufacturing, or assembling of goods, warehousing, transport terminals, construction and other similar uses.

Common open space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off street parking areas, and areas set aside for public facilities.

Common Wall: A vertical wall separating two dwelling units between the top of the footings to the underside of the roof deck and shall be mutually common to both dwelling units over 40% of the depth of each dwelling between the front and rear yard of each dwelling.

Completely dry space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Compatible: A building, structure, activity or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment.

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 commercial uses, major streets, parks, objectives and policies of a community.

Condominium: A form of a townhouse or apartment development where each individual unit is held in separate, private ownership but where all common space and outdoor facilities are shared by tenants and are owned, administered and maintained by a corporation.

Conditional Use: A use permitted in a particular zoning district pursuant to Article #7.

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

Contiguous: Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminus.

Convenience Store: An establishment where food stuffs, tobacco, patent medicines, periodicals, oil, fuel and other similar items of household convenience are kept for retail sale to the public.

Coverage: The percent of lot area, which may be covered by all the footprints of the buildings or structures (accessory uses) on a lot.

Day-Care Center: An agency or institution offering or supplying group care to five or more children who have not the same parentage, for a portion or all of a day and on a regular schedule more often than once a week, provided that such establishment is licensed by the State and conducted in accordance with State requirements.

Deck: A structure abutting a dwelling with no roof or walls except for visual partitions and railings which is constructed on piers or on a foundation above-grade for use as an outdoor living area.

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 (gross or net whichever is applicable) by the acreage under consideration.

- 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 publicly available park and recreation areas and does not include the area devoted to public or private streets.

Dedication: Giving land to the Township for public use such as roads, sidewalks, or parks.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

Development Plan: The provisions for development, including a planned residential development, a plot of subdivision, all covenants relating to use, location and bulk of buildings and other structures intensity of use or density of development, streets, way and parking facilities, common open space and public facilities.

Drive-in Establishment: A business that accommodates its patrons' automobiles and from which occupants may make purchases, transact business, bank, view motion pictures or other entertainment. A restaurant or other business establishment selling prepared food for immediate consumption shall be deemed a drive-in establishment if: a) table service is not provided or provided *only* incidentally or secondary to the primary service of selling food from a counter or window; or b) tables for the consumption of food within the premises are not provided or provided only secondarily; or c) any food is packaged to facilitate its consumption at places other than within the structure and parking or pick-up drives are located on the premises.

Driving Range (Golf): A public or private area operated for the purposes of developing golfing techniques, including miniature golf courses, but excluding golf courses.

Dwelling: Any structure designed or used as the living quarters for one or more families.

Dwelling, Duplex: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. Both units located on a single lot or parcel.

Dwelling Unit Area: Refers to a building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units intended for the separate and exclusive use of the persons occupying the unit.

Dwelling, Single-Family Detached: A dwelling accommodating one family and having no party wall or walls in common with an adjacent house or houses.

Dwelling, Multi-Family: A building under one roof arranged for occupancy by three or more dwelling units but not including attached dwellings.

Dwelling, Converted: A building originally designed as a one-family dwelling which has been altered or converted so as to provide more than one dwelling unit, with or without separate entrances, none of which shall be located in the cellar of the dwelling but may be partially located in the basement.

Easement: A right given by a landowner to another person, corporation, utility or government entity for limited use and rights to the land without actual ownership. It is usually written into the deed to the land and commonly permits utility lines, sidewalks, or driveways to cross private and/or public property.

Eating Establishment: Refers to a building or part thereof used for the serving of food or refreshments to the public, with the serving and consumption of food taking place within the building except for a terrace or patio or other open areas adjacent to the building where the servicing and consumption of food and refreshments may take place on a temporary or seasonal basis.

Egress: The act of leaving a site or building.

Eminent Domain: The legal right of government to acquire or "Take" private property for public use or public purpose upon paying just compensation to the landowner.

Encroachment: An extension of a building or part thereof or a fence, driveway onto land which is not owned by the owner of the structure(s). Generally, the encroachment is illegal and unauthorized.

Erect: to construct, build, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but shall not include any of the following activities when performed as an incident to the change of advertising message or customary maintenance and repair of a sign or sign structure.

Erosion: The natural process by which the surface of the land is worn away by the action of water, wind or chemical action.

Essentially dry space: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Existing: Refers to a building or structure that was legally existing as of the date of passing this Zoning Ordinance.

Family: One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Farm: a) Any farming or agricultural use and includes apiaries, aviaries, berry or bush crops, breeding, raising, training or boarding of horses or cattle, commercial greenhouses, farms devoted to the hatching, raising and marketing of chickens, turkeys or other fowl or game birds, animals, fish or frogs, farms for grazing, flower gardening, field crops, goat or cattle dairies, growing, raising, picking, treating and storing of vegetables or fruit produced on the premises, nurseries, orchards, riding stables, the raising of sheep or goats, the raising of swine, tree crops, market gardening, bee keeping, wood lots, such uses or enterprises as are customarily carried on in the field of general agriculture.

b) "Farm" includes a single-family dwelling house, and such principle or main buildings and structures as a barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm.

Farm, Market: The use of land, buildings or structures for the storage and retail sales of agricultural products.

Farm, Specialized: Any land on which the predominant economic activity consists of raising chickens, turkeys, or other fowl, the raising of fur bearing animals, the raising of swine, goats, horses or cattle on feed lots, the raising or boarding of dogs or cats or the growing of specialized vegetable and fruit crops.

Farm Supply Dealer: A building, structure or area where farm equipment and farm supplies are kept for sale at retail in addition to the storage or repair of equipment and machinery directly associated with the operation of a farm, but shall not include any other establishment otherwise defined herein.

Fence: A barrier closing or bordering a field, yard, etc. usually made of posts and wire or wood, used to prevent entrance, to confine or to mark a boundary.

Flood: An inundation of normally dry land areas.

Floodplain: 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.

Floor Area, Gross: In the case of a dwelling, the aggregate of the areas of all habitable rooms measured from the exterior faces of the exterior walls, but excluding any detached accessory buildings, a breezeway, unenclosed sunroom, porch and/or verandah, attic, cellar, or basement. In the case of a building other than a dwelling shall mean the aggregate of the area of all floors devoted to retail sales, customer service and/or office use, manufacturing, and warehousing measured from the outside face of the exterior walls but shall not include mezzanine areas, mechanical rooms, common walls, stairwells, garbage and electrical rooms, parking structures and similar uses ancillary to the main use.

Floor Area, Ground: The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, verandah or sunroom (unless such sunroom is habitable at all seasons of the year).

Frontage: The minimum straight-line distance between the intersection of the side lot lines and the front lot line.

Funeral Home: A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

Garage, Municipal: A structure owned or operated by Summit Township and used primarily for the parking and storing of vehicles owned by the *Township*.

Garage, Private: A detached accessory building or portion of a principal building used primarily for the parking for the parking or storage of automobiles, travel trailers, boats, other vehicles and/or other miscellaneous material belonging to the occupants of the premises to which it is accessory.

Garage, Sale: The sale of personal property, which is, conducted on a premises within a residential district upon, which is located, a dwelling.

Garden Center: The use of lands, buildings or structures or part thereof for the purpose of buying or selling lawn and garden equipment, furnishings and supplies.

Golf Course: A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, club house and recreational facilities, accessory driving ranges and miniature golf courses, and similar uses.

Governing Body: The Township Supervisors of Summit Township, Crawford County, Pennsylvania.

Government Offices: A municipal office, court house, registry office, health and welfare center, employment office, post office, or other office uses for purpose of local or other government administration.

Gravel Pit: An open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.

Group Home: A supervised community living arrangement for disabled or handicapped persons as defined by the Fair Housing Act, together with supervisory staff and caregivers.

Historic Site: A parcel of land or structure, which marks or is associated with some event or person of historical significance.

Home Lot Occupation: The primary use of a building or structure on a property (where there is also located a principal building used as a dwelling, mobile home or modular home) for gainful employment involving the manufacture, provision, or sale of goods and/or service.

Home Occupation: A secondary use of an existing a dwelling unit for gainful employment involving the manufacture, provision of, or sale of goods and/or services, provided that:

- a) there is no external storage of goods or materials;
- b) there are no persons employed other than a member of that family;
- c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling house or dwelling unit nor create or become a public nuisance in particular with regard to noise, traffic or parking;
- d) there is no mechanical or other equipment used except that which is customarily employed in dwellings for domestic or household purposes;
- e) the parking requirements under the General Provisions Section shall apply to any home occupation use.

Home Profession: The use of a part of a dwelling unit for service or profession by at least one of the permanent residents of such dwelling unit and which is clearly secondary to the main use of the dwelling unit. The home professions permitted in the residential areas are: legal, medical, surveying, engineering, architectural, planning, accounting, dental, optometry, chiropractor, shoe and leather working and repairs, real estate, bookkeeping and photography services and computer sales and services.

Hotel: A building providing rooming units for the temporary lodging of persons for a fee with or without meals, in which there are sleeping accommodations for more than six persons, other than hotel staff, with a common outside entrance.

Identified Floodplain Area: The floodplain area specifically identified in this ordinance as being inundated by the one hundred (100) year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF), General Flood Plain (FA) and Shallow Flood Plain Area (FO).

Ingress: The act of entering a site or building.

Industrial, Extractive: Land including accessory buildings and structures used for the removal, refinement and/or processing of sand, gravel, stone or other aggregate resources and includes an asphalt plant, a borrow pits, a concrete plant, a gravel pit and a stone quarry.

Infrastructure: Physical structures that form the foundation for development. Infrastructure includes public sewage and water systems, storm-water disposal systems, waste management facilities, electric power, communications and transportation corridors and facilities and oil and gas pipelines.

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 Protection.

Junk Yard: Any place where three or more articles of junk, as defined, is stored or accumulated outside of a totally enclosed building or structure, or where the business of buying or selling junk is carried on.

Kennel: A structure where four (4) or more domesticated animals more than six (6) months old are kept and fed and where the activity is engaged in with the object of breeding, training, or boarding animals for profit.

Land Development: Any of the following activities:

- (a) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (b) A subdivision of land.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Landscaped Open Space: The open unobstructed space at grade level on a lot, which is suitable for the growth and maintenance of grass, flowers, trees, bushes and other landscaping and includes surface walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

Laundromat: A building or structure where coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

Library: A building containing printed and pictorial materials, music, videos, and computers for public use for purposes of study, reference and recreation.

Light Industry: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air polluting, fire hazard, or noxious emission which will disturb or endanger neighboring properties. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, business-related incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Loading Space: 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, lane, or alley right-of-way.

Lot: A parcel of land occupied or capable of being occupied by one or more structures.

Lot of Record: Any lot which, individually or as a part of a subdivision, has been recorded in the Office of Recorder of Deeds of the County.

Lot, Area: The total horizontal area within the lot lines of a lot.

Lot, Corner: A lot having a continuous street frontage along two or more different streets.

Lot, Coverage: The percent of the lot area covered by buildings or structures excluding parking areas, driveways and walkways but including structures and buildings constructed appertaining to the lot.

Lot, Depth of: A mean horizontal distance between the front and rear lot lines.

Lot, Line: Any boundary line of a lot that legally defines the limits of the lot.

Lot, Interior: A lot, which abuts and is adjacent to another lot and does not abut a street on more than one lot line. A lot other than a corner lot.

Lot, Minimum area of: The horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot, Width of: The mean width measured at right angles to its depth.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than 180 consecutive days.

Manufactured Home Park: A parcel (or contiguous parcels) of land which has been planned and improved for the placement of two or more manufactured homes.

Manufacturing: The use of land, buildings, or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale any goods, substance, article, thing or service.

Medical Clinic: A building or structure where two or more members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, coffee shop, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses have access only from the interior of the building or structure.

Medical/Dental Clinic: A business office used extensively by members of the medical and dentistry professions.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined for repeated towing, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Park:

- a) A site or tract of land or contiguous tracts of land under single ownership or controlled by a group of owners acting jointly upon which two or more mobile homes, used for living, eating or sleeping quarters by persons not related to the proprietor or his agent, are (or are intended to be) located, whether operated for or without compensation; the land shall be under ownership aforementioned at the time the initial and basic park improvements are made after which time ownership may be extended to the users of the park under some accepted form.
- b) (This definition has been inserted in this Ordinance to have applicability only in the Floodplain Overlay District.) A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for non-transient use.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Motel: A building or group of buildings primarily for transients travelling by automobile, with a parking space on the lot for each lodging unit, and with access to each such unity directly from the outside. The term “motel” includes buildings designed as auto courts, tourist courts, motor lodges and similar terms.

Motor Vehicle: An automobile, truck, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cares of electric or steam railways, or

other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine.

Municipality or Municipal: Shall mean Summit Township, Crawford County, Pennsylvania and the Board of Supervisors of Summit Township, Crawford County or its designated representatives.

Museum: A building or buildings used for the preservation of a collection of paintings and/or other works of art, and/or objects of natural history, and/or of mechanical, scientific, philosophical inventions, instruments, models and/or designs and dedicated or to be dedicated to the creation of the public, together with any libraries, reading rooms, laboratories and/or other offices and premises used or to be used in connection therewith.

Non-point-of-sale sign/outdoor advertising devise: any outdoor sign, display, light, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform of activities conducted off premises from the property on which they are located.

Nonconforming Lot: A lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use: Nonconforming use is any use or arrangement of land or structures legally existing at the time of enactment of this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance.

Noxious: When used with reference to any use or activity in respect of any land, building or structure or a use or activity which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason or destructive gas or fumes, dust, objectionable odor, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of activity in respect of any land, building or structure.

Nuisance: Any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the use of one's property or is offensive to the senses.

Nursery/Garden Center/Greenhouse: A building, structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail to the general public.

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

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 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.

Obnoxious: Any use which may be a nuisance to the occupants or owners of any neighboring land or building by reason of the emission from the said land or any part thereof or the creation thereon, of odors, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste, or deposition or leaving unsightly objects thereon.

Occupancy: To reside in as owner or tenant on a permanent or temporary basis.

Official Map: A map adopted by ordinance pursuant to Article #3.

One hundred year flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Open Space: That portion of a lot which is not occupied by principle or accessory buildings which is considered unobstructed space accessible to all occupants of any residential or commercial or institutional building. Open space may be landscaped in accordance with plans approved by Summit Township, but may not be surfaced with any material that is not indigenous to the area, including but not limited to, asphalt, concrete, limestone, tile, oil, metal and wood.

Owner: the person who owns legal title to a parcel of land or unit of property. Person vested with ownership, legal or equitable, sole or partial, of a parcel of land or unit of property.

Park: An area permanently devoted to recreational uses, largely consisting of open space, which may include a recreational area, playground, play field or similar use but shall not include a mobile home park, a campground or trailer park. May be recognized for both its passive and active forms of recreation.

Parking Area: An area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principal use is the purpose of storing motor vehicles.

Parking Lot: Refers to any parking area whether or not such parking area is required pursuant to the provisions of this Ordinance.

Parking Space: Refers to an area exclusive of any aisles, or ingress and egress lanes, for the temporary parking or storage of motor vehicles.

Permitted Use: The principle, permissible purpose for which land, buildings or structures may be used and for the purpose of this Ordinance all uses not listed as permitted shall be deemed to be prohibited uses in that zoning district.

Person: Any individual, association, public or private corporation for profit, or not for profit, partnership, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment the term 'person' shall include the members of an association, partnership or firm, and the officers of any local agency or public or private corporation. (This definition shall replace the definition of 'person' as set forth in the Ordinance No. 2002-5)

Personal Service Establishment: A business where professional or personal services are provided for gain and where the sale at retail of goods, wares, merchandise, articles or things is only accessory to the provisions of such services, including but not limiting the generality of the foregoing, the following: barber shops, beauty shops, tailor shops, laundry or dry-cleaning shops, depots for collecting dry cleaning, shoe repair shops.

Planned Residential Development (P.R.D.): A unique concept of residential development consisting of a large scale project constructed by a single owner or a group of owners acting jointly and involving a related group of uses. The development is planned as an entity and therefore susceptible to development and regulation as one complex unit, rather than as a mere aggregation of individual buildings located on separate unrelated lots. Such developments include a more compact arrangement of individual and/or multi-family dwelling units, grouped in or around common open spaces or green area. A P.R.D. may also include such uses as neighborhood commercial and personal service uses, public and semi-public uses, and recreational facilities (non-commercial) provided that these uses are functionally integrated into the development, and that the character of the development conforms to the purpose and intent to this Ordinance. In general, such developments shall include the necessary covenants or other legal provisions and financial programs as well assure conformity to and achievement of the proposed Development Plan.

Private Lane/Road: A thoroughfare or way, which affords *only a* secondary means of access to an abutting property which is not maintained by a public body.

Principal Use: The main or dominant use of land or structures as distinguished from a secondary or accessory use.

Public Authority: Any Federal, State, District, Region, County or Municipal agencies, and includes any commission, board, authority, or department established by such agency.

Public Grounds: includes:

- (a) parks, playgrounds, trails, paths and other recreational areas and other public areas;

- (b) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- (c) publicly owned or operated scenic and historic sites.

Quarry: A place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

Reconstruction: The cleaning, repairing, restoring or renovation of a building to a safe and/or better condition.

Recreational vehicle, or R V: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, travel or vacation use, which either has its own motive power or is mounted upon or drawn by another vehicle. This definition shall include, but shall not be limited to, those vehicles commonly known as travel trailers, camping trailers, truck campers, and motor homes. This definition is intended to expressly exclude mobile homes designed to serve as permanent living quarters and to be installed semi-permanently in a fixed location.

Recreational vehicle park: A lot of land upon or a development in which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational, camping, travel or vacation purposes. For the purposes of this ordinance, a lot of land or development which contains both campsites and recreational vehicle sites shall be considered to be a “recreational vehicle park” rather than a “campground”, although the individual sites within the park may be differently regulated according to their purpose.

Recreational vehicle site: A plot of land within a recreational vehicle park designed and intended primarily for the accommodation of a single recreational vehicle on a temporary basis.

Recycling Center: A structure or building for which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Redevelopment: The removal of buildings or structures from land and the construction or erection of other buildings or structures

Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

Renovation: The repair, strengthening or restoration of a building to a safe condition but does not include its replacement.

Residential Use: The use of land, buildings or structure for human habitation.

Responsible Person: all person(s) in possession or control of real estate by reason of a lease, contract, or other legal right or claim and all person(s) performing work for the owner or person(s) responsible.

Restaurant: A building where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building but on-site. As a secondary or an accessory use, take-out service of food and beverages for off-site consumption may be provided.

Retail Store: A building or part thereof in which food, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store.

Right-of-Way: An area of land that is legally described in a registered deed for the provision of private access on which there is usually a lane or public roadway.

Runoff: Water from rain or snow melt that flows over the ground surface and returns to streams, rivers or lakes.

School, Public or Private Accredited: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

Screening: A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the property which it encloses, and is broken only by access drives and walks.

Self-Service Storage Facility: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Service Station: A site including the structures thereon 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 coterminous 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 or a setback.

Shoreline: A lot line or portion thereof which abuts the high water mark of a water body (Conneaut Lake, PA).

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 agency or of any civic, charitable, religious, patriotic, fraternal or similar organization.

Site Plan: A scaled drawing showing the relationship between the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, utility lines and corridors, or a special or particular use.

Slope: The deviation of a surface from the horizontal, usually expressed in percent or degrees.

Special Exception: An activity or use not permitted outright in this Ordinance but which may be permitted by the Zoning Hearing Board through procedures established in this Ordinance (see Article #7).

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

- a) **Arterial Street:** A general term denoting a highway primarily for through traffic. Arterial streets are always continuous and are of inter-municipal importance.
- b) **Collector Street:** Streets that are continuous and that serve primarily as connections between the arterial streets and local streets which terminate on either end at arterial or other collector streets.
- c) **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.
- d) **Dead End Street:** A street having only one outlet for traffic that lacks a vehicular turnaround.
- e) **Local Street:** A street not having significant continuity and used primarily for providing access to abutting property.

Strip, Commercial: A linear commercial development along a public street or highway.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences and patios.

Story: Refers to the portion of a building, other than an attic or cellar, included between any floor, ceiling, or roof next above it.

Subdivision: The division or revision 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 the purpose, whether immediate or future, by deed, lease, will, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of ten or more acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. The term shall also include the combination of lots into a larger parcel by removing interior lines.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,

- a) before the improvement or repair is started, or
- b) if the structure has been damaged, and is being restored, before the damage occurred.

Substantially Completed: Where, in the judgment of the Township Zoning Officer, at least 90 percent of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be and, occupied or operated for its intended use.

Supply Yard: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

Tavern(s): An establishment licensed to sell alcoholic beverages to be consumed on the premises, or off of the premises, together with other incidental services such as the provision of food and entertainment.

Temporary Building/Structure: A building or structure intended for removal or demolition within a prescribed time not exceeding two years or as set out in a zoning permit.

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Tourist Establishment: Any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided.

Trail System: An area used or dedicated for pedestrians, hiking, horseback riding, cross country skiing, or other similar forms of non-motorized recreational travel.

Transitional Use: Uses or structures that are permitted under the Zoning Ordinance, which, by their nature or level and scale of activity, act as a transition or buffer between two or more incompatible uses.

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: a) identified by the manufacturer as a travel trailer; b) no more than 8.5ft in width and c) is of any weight and normally having a body length not exceeding 45ft.

Use: Use shall mean the purpose for which a lot or building or structure, or any portion thereof, is designed, arranged, intended, occupied or maintained, and “used” shall have a corresponding meaning.

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, and only to certain modifications of the regulations.

Watercourse: Refers to the natural channel for a stream of water.

Water Supply: Refers to the adequate distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the appropriate authority.

Workshop: A building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop, or similar use.

Yard: The open, uncovered space on a lot which unoccupied and unobstructed from the lowest level to the sky except for the permitted obstructions listed in this Ordinance. Yard requirements unless otherwise stated are measured from the lot lines.

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 depth. For corner lots, one of the abutting streets, for the purpose of this Ordinance, shall be designated as the Frontage Street in order to establish the front lot line and, accordingly, the front yard. Note: The front or main door of a building need not be located on the façade facing the designated front yard.

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

Yard, Exterior Side: A side yard, which adjoins a street (corner lot).

Yard, Side: A yard extending along the side lot line drawn parallel with such side lot line at a distance therefrom equal to the required side yard width. The side yard shall begin where the front yard ends and shall extend to the rear lot line. The side yards and rear yard overlap.

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. The rear yard and side yards overlap.

Zoning Hearing Board: A board appointed by the Summit Township Board of Supervisors in order to provide for the administrative requirements set forth in this Ordinance.

Zoning Permit: A form issued by the Township permitting construction of a structure or use of property in accordance with plans that have been approved by the municipality. Prior to issuance of a zoning permit the development will be checked for compliance with local codes, zoning ordinance and land development and subdivision requirements.

ARTICLE #3 – ESTABLISHMENT, PURPOSE and DISTRICT REGULATIONS

301 ZONING DISTRICTS: In order to carry out the purposes and provisions of this ordinance, Summit Township is hereby divided into the zoning districts established on the official zoning map.

302 DISTRICT BOUNDARIES: District boundaries shown on the lines of roads, streams, and transportation rights-of-way shall be deemed to follow the centerlines. The vacation of roads shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of the district boundary by such centerlines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

302.1 The B-1 Business District located at Harmonsburg near the intersection of PA Route 18 and L.R. 3016 includes all land within the following boundaries:

On the North by a line which is 145 feet North of and parallel to the north right-of-way line of Plum Street (L.R. 3016) from Cemetery Road to Walnut Street;

On the East by Cemetery Road;

On the South by a line running parallel to the center line of L.R. 3016 (Plum Street), from the easterly boundary line set forth above to the westerly boundary line set forth below, said line being located 180 feet south of the center line of L.R. 3016 (Plum Street), from Cemetery Road on the East to the boundary line on the West (the extension of the center line of Walnut Street);

On the West by Walnut Street, North of L.R. 3016 (Plum Street) and an extension of Walnut Street (running South of L.R. 3016) to the southerly boundary line set forth above.

303 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:

303.1. District boundaries indicated as following the centerlines of (or following along the rights-of-way of) streets, highways, alleys or streams shall be construed to follow said centerlines.

303.2. District boundaries indicated as following platted lot or property boundary lines shall be construed as following said platted lot or property boundary lines.

303.3. District boundaries indicated as following municipal limits shall be construed as following such municipal limits.

303.4. District boundaries indicated graphically as parallel to the centerlines of the streets, highways, alleys or streams or indicated graphically as parallel to property boundary lines 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.

303.5. Where the Zoning Officer cannot definitely determine the location of a district boundary by the rules 1 to 4 as listed above, he/she shall refer the matter to the Zoning Hearing Board which shall be responsible for interpreting the district boundary.

304 COMPLIANCE WITH DISTRICT REGULATIONS

The regulations for each district set forth in this Ordinance shall be minimum regulations and shall apply as hereinafter provided. 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.

305 B-1 BUSINESS DISTRICT

The purpose of this district is to foster a variety of retail and services business uses in a traditional downtown setting that is conducive to pedestrian access.

305.1 Permitted Uses

- a) Retail Businesses/Stores
- b) Restaurants
- c) Taverns
- d) Clubs/Lodges
- e) Theaters and Bowling Alleys
- f) Professional Offices
- g) Financial Institutions
- h) Amusements/Arcades
- i) Agriculture (Provided that the lot size is at least 2 acres)
- j) Antique Shops
- k) Farm Market
- l) Funeral Homes
- m) Personal Service Establishments
- n) Gymnasiums/Health Clubs
- o) Medical Clinic
- p) Civic/Cultural Buildings
- q) Golf Courses/Driving Ranges
- r) Government Offices
- s) Parking Lots/Garages
- t) Single Family Dwelling
- u) Car Washes

- v) Convenience Stores
- w) Garden Center
- x) Laundromat
- y) Museum
- z) Essential Services
- aa) Accessory Uses

305.2 Special Exceptions

- a) Auto Repair Businesses (major and minor) and Service Stations
- b) Public Utility Structures
- c) Bed and Breakfasts
- d) RV Park and Campground
- e) Day Care Center
- f) Auto Sales Business (Retail)
- g) Personal Care Homes

305.3 Conditional Uses

- a) Churches
- b) Drive-in Establishments
- c) Hotels and Motels
- d) Nursing and Convalescent Homes
- e) Group Homes
- f) Boarding Houses
- g) Planned Residential Developments (Subject to the requirements of the Ordinance regarding the establishment of Planned Residential Developments and subject to the Flood Plain requirements of the Ordinance).
- h) Dwelling, Duplex
- i) Dwelling, Multi-family
- j) Dwelling, Converted

305.4 Bulk Regulations The bulk regulations outlined below which are within the B-1 Zone are for lots that are currently serviced by municipal sewerage.

Minimum Lot Area	10,500 Sq. Ft.
Minimum Lot Width	75 Feet
Front Yard Setback	20 Feet
Interior Yard Setback	0 Feet
Exterior Side Yard Setback	20 Feet
Rear Yard Setback	10 Feet

305.5 Bulk Regulations The bulk regulations outlined below which are within the B-1 Zone are for lots that are currently not serviced by municipal sewerage.

Minimum Lot Area	ONE ACRE
Minimum Lot Width	75 Feet
Front Yard Setback	20 Feet
Interior Yard Setback	0 Feet
Exterior Side Yard Setback	20 Feet
Rear Yard Setback	10 Feet

306 A-1 AGRICULTURAL DISTRICT

This district is established to provide for goods producing uses, wholesale uses and other light industrial uses.

306.1 Permitted Uses

- a) Agriculture (including Sales of Product)
- b) Open Land Recreation
- c) Parks
- d) Single Family Dwelling
- e) Cemeteries
- f) Greenhouse Business (including Sales of Product)
- g) Commercial Bakeries
- h) Commercial Laundries
- i) Construction Industry
- j) Farm Equipment Dealers
- k) Government Offices
- l) Golf Courses/Driving Range
- m) Research Laboratories
- n) Accessory Structures/Uses
- o) Essential Services
- p) Farm Market
- q) Garden Center

306.2 Special Exceptions

- a) Animal Shelters
- b) Kennels
- c) Public Utility Structures
- d) RV Park and Campground
- e) Home Lot Occupation
- f) Home Occupation
- g) Bed & Breakfast
- h) Day Care Center
- i) Self Service Storage Facility
- j) Personal Care Homes
- k) Home Profession

306.3 Conditional Uses

- a) Amusements
- b) Restaurants
- c) Retail Businesses
- d) Tavern(s)
- e) Communication Towers (See Section 705.14)
- f) Light Industry
- g) Recycling Centers
- h) Supply Yards
- i) Truck Terminals
- j) Warehouses
- k) Wholesale Businesses
- l) Mobile Home Park
- m) Multi-Family Dwelling
- n) Surface Mining; Strip Mining
- o) Churches and Schools
- p) Auto Repair, Major and Minor
- q) Manufacturing
- r) Automobile Sales Business (Retail)
- s) Group Homes
- t) Hotels & Motels
- u) Farm, Specialized
- v) Funeral Home
- w) Gravel Pit
- x) Adult Entertainment Uses (See Section 508)
- y) Planned Residential Developments (Subject to the requirements of the Ordinance regarding the establishment of Planned Residential Developments and subject to the Flood Plain requirements of the Ordinance).
- z) Dwelling, Duplex

306.4 BULK Regulations The bulk regulations outlined within the A-1 Zone are for all lots which are not on a municipal sewage system:

Minimum Lot Area	ONE ACRE
Minimum Lot Width	150 Feet
Minimum Lot Depth	300 Feet
Front Yard Setback	50 Feet
Side Yard Setback - combined minimum setback	30 Feet*
Rear Yard Setback	25 Feet

* provided that one interior side setback be no less than 10 feet.

306.5 Bulk Regulations The bulk regulations outlined below are for all lots within the A-1 Zone which are on a municipal sewage system:

Minimum Lot Area - All lots	15,000 Sq.Ft.
Minimum Lot Width	100 Feet
Minimum Lot Depth	150 Feet
Front Yard Setback	40 Feet
Side Yard Setback – Combined minimum setback*	25 Feet
Rear Yard Setback	35 Feet

* Provided that one interior side setback be no less than 10 feet.

307 C-1 CONSERVATION DISTRICT

307.1 Permitted Uses

- a) Agriculture
- b) Golf Courses
- c) Parking Lots (Gravel Only)
- d) Public Parks and Playgrounds
- e) Accessory Structures/Uses
- f) Essential Services

307.2 Special Exceptions

307.3 Conditional Uses

- a) Single Family Detached Dwellings
- b) Self Service Storage Buildings or Storage Buildings
- c) Planned Residential Developments (Subject to the requirements of the Ordinance regarding the establishment of Planned Residential Developments and subject to the Flood Plain requirements of the Ordinance).

307.4 Bulk Regulations The bulk regulations outlined within the Conservation Zone are for lots that are currently serviced by both municipal water and sewerage.

Minimum Lot Area	3 Acres
Minimum Lot Width	250 Feet
Front Yard Setback	50 Feet
Side Yard Setback – all sides	30 Feet*
Rear Yard Setback	50 Feet

308 R-1 SINGLE FAMILY RESIDENTIAL

308.1 Permitted Uses

- a) Single Family Detached Dwellings
- b) Agriculture (provided that the lot size is at least 2 acres)
- c) Public Parks and Playgrounds
- d) Accessory Structures/Uses
- e) Library
- f) Essential Services

308.2 Special Exceptions

- a) Home Occupations
- b) Public Utility Structures
- c) Clinic (Medical or Dental)
- d) Day Care Center
- e) Personal Care Homes

308.3 Conditional Uses

- a) Group Homes
- b) Funeral Home
- c) Planned Residential Developments. (Subject to the requirements of the Ordinance regarding the establishment of Planned Residential Developments and subject to the Flood Plain requirements of the Ordinance).
- d) Dwelling, Duplex

308.4 Bulk Regulations The bulk regulations outlined within the R-1 Zone are as follows:

Minimum Lot Area - All lots	15,000 Sq.Ft.
Minimum Lot Width	100 Feet
Minimum Lot Depth	150 Feet
Front Yard Setback	40 Feet
Side Yard Setback – Combined minimum setback*	25 Feet
Rear Yard Setback	35 Feet

* Provided that one interior side setback be no less than 10 feet.

ARTICLE #5 – SUPPLEMENTAL REGULATIONS & PERFORMANCE STANDARDS

- 501 ACCESSORY USES.** The following provisions shall apply to accessory uses:
- 501.1** Accessory farm buildings shall not be erected within 100 feet of a neighboring property.
 - 501.2** Feed lots, runs, pens, and similar intensively used facilities for animal raising and care shall not be located within 300 feet of a neighboring property.
 - 501.3** Roadside stands for sale of homegrown fruits and vegetables shall be permitted if they are erected at least 30 feet off the road and parking space is provided off the road.
 - 501.4** Every swimming pool shall be enclosed **ON ALL SIDES** by a fence or wall not less than four (4) feet high to prevent uncontrolled access by small children.
 - 501.5** The exterior storage of not more than one motor vehicle which requires annual inspection under state law and which does not have a current inspection sticker shall be considered an accessory use, but two or more such uninspected vehicles shall constitute an auto salvage business and shall not be permitted as an accessory use.
 - 501.6** Table 1 outlines the permitted accessory structure/use yard encroachments for: front, interior side, exterior side and rear yards.
 - 501.7** Living quarters in a accessory structure, which is located on the same parcel as the existing dwelling house on the property for use as a single family dwelling to accommodate domestic employees of the residence of the principal building, shall be permitted only after application to the Zoning Hearing Board and upon such conditions as the Zoning Hearing Board should impose upon the applicant. This accessory use shall be permitted as a special exception in an agricultural zone only. (See Section 703.2.1)

TABLE 1 - PERMITTED ACCESSORY STRUCTURE/USE PLACED IN YARD AREA

Accessory Structure/Use	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard
Fences, walls, and hedge plantings (less than 4ft in height subject to site distance requirements at street corner lots)	❖	❖		
Fences, walls and hedge plantings (less than 6ft in height)		❖		❖
Fire Escapes (Open or Enclosed)		❖	❖	
Ornamental Light Standards	❖	❖	❖	❖
Toolsheds and other similar storage structures for storage of materials accessory to principle permitted use		❖		❖
Dog Kennels				❖

❖ This symbol indicates that the accessory structure or use is permitted in the yard area noted in the above table.

502 Where dwellings are permitted in any zoning district, not more than one dwelling shall be permitted on a single lot or parcel of land except as authorized in this Ordinance as an accessory use under Section 501; as permitted under the terms of Article 10 “Planned Residential Developments”; as permitted in certain districts where duplex dwellings or multifamily dwellings are permitted; as permitted temporarily under the “Granny Flats” guidelines of the Pennsylvania Department of Environmental Protection and in strict conformity with Section Subsection 502.2.

502.1 In the event that a person or entity owns two or more contiguous lots or parcels of land and proposes to build a structure which will straddle the existing boundary lines, the interior lot lines may be disregarded for dimensional purposes provided that the owner agrees to consider the lots as one single lot for as long as the structure exists and will not attempt to alienate the lots independently.

502.2 The owner of a lot or parcel of one acre or more, served by an on lot septic system, may apply to the Zoning Officer for a permit to place one additional mobile home upon the parcel to allow an ill relative to live on the property on a temporary basis. The Zoning Officer may permit the location of the mobile home upon the property, provided that the Township Sewage Enforcement Officer has issued a special sewage permit under the “Granny Flats” provisions of the Pennsylvania Department of Environmental Protection, and said permit shall be temporary under the DEP guidelines. The permit will expire, and the additional mobile home shall be removed within thirty days of the termination of the situation existing which allows for the issuance of the permit. The dimensional (setback) provisions of the Ordinance shall be complied with before the permit is issued.

503 MORE THAN ONE PRINCIPAL USE PER LOT:

Unless otherwise permitted in this Ordinance, there shall be no more than one (1) principal use on any separate lot of record. However, exceptions to this requirement may include: land developments, cluster developments, mobile home parks and the recreational vehicle park, home occupations and home lot occupations and accessory uses as set forth in § 501.

504 HEIGHT REGULATIONS: No structure shall exceed 45 feet in height above average ground level unless approved *AS A VARIANCE* by the Zoning Hearing Board. The Board may authorize a variance to the height regulations in any district if:

504.1 All front, side, and rear yard depths are increased on foot for each additional foot of height; or

504.2 The structure is any of the following and does not constitute a hazard to an established airport or established airstrip: church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, and flagpoles. Communications towers are regulated in § 306.

505 MINIMUM FLOOR AREA REQUIREMENTS: The principal structure, to be constructed or installed and occupied as a single family residential dwelling, shall have a minimum floor area of 500 square feet, not including the area of expansions or additions to the principal unit to be constructed or installed.

506 TEMPORARY STRUCTURES AND RESIDENCES:

506.1 Construction trailers are permitted in all districts for use as offices during the period construction work is covered under a valid Zoning Permit; but they may not be used as living quarters. Construction trailers should not be located on a lot for a period of time in excess of one (1) year.

506.2 Mobile homes may be permitted as temporary living quarters on construction sites for the period of time the construction process is carried on providing this arrangement is approved as a special exception. The mobile home installation may not remain on the site for more than one year.

506.3 Residence in a basement structure during the time of home construction may be permitted in the A-1 and R-1 Districts as a special exception providing the maximum time this living arrangement shall be permitted is a total of 3 years. A temporary residence in a basement will require an annual permit with a total of 2 renewals in order to maintain the focus of the ‘temporary’ residence.

507 LOT AND YARD REQUIREMENTS: The minimum lot area, minimum width of lot, minimum depth of front yard, and minimum width of each side yard for each district shall be outlined within Article # 3 – District Regulations, and in accordance with the following requirements:

507.1 Lots that abut on more than one street shall provide the required front yards along every street, except as noted in Article 3.

507.2 All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side, or rear yard.

507.3 Any lot of record existing *July 10, 1972* and then held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area, or its width, or its depth, is less than the minimum requirements of this Ordinance, provided however, that the lot shall otherwise be capable of meeting sewerage requirements for on-lot sewage treatment or may be connected to a public or private approved sewage disposal system; and, provided further, that the building line restrictions of a recorded plan of which the lot is a part shall apply, but if no such restrictions otherwise apply, then any two of the minimum front, side or rear yard requirements of this Ordinance may be reduced to a minimum of five (5) feet; and provided further that evidence of an adequate water supply is submitted.

508 ADULT ENTERTAINMENT USES: Includes adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motion picture theaters, adult theaters, escort agencies, nude model studios, and sexual encounter centers.

508.1 Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”.

508.2 Adult Bookstore, Adult Novelty Store, or Adult Video Store: A commercial establishment which, as one of its business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- a). Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
- b). Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as Adult Bookstore, Adult Novelty Store, or Adult Video Store so long as one of its business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

508.3 Adult Caberet: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- a). Persons who appear in a state of nudity or semi-nudity; or
- b). Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities; or
- c). Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

- 508.4 Adult Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- 508.5 Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
- 508.6 Employee:** For the purpose of any and all Sections relating to the regulation of Adult Entertainment Uses, a person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.
- 508.7 Escort:** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person or who agrees to offers to privately model lingerie or to privately perform a striptease for another person.
- 508.8 Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- 508.9 Establishment:** For the purposes of any and all Sections relating to the regulation of Adult Entertainment Uses, any of the following:
1. The opening or commencement of any sexually oriented business as a new business;
 2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 3. The addition of any sexually oriented business to any other existing sexually oriented business; or
 4. The relocation of any sexually oriented business.
- 508.10 Nude Model Studio:** Any place where a person who appears semi-nude, in a state of nudity, or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates

educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. That has no sign visible from the exterior of the structure or no other advertising that indicates a nude or semi-nude person is available for viewing; and
2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
3. Where no more than one nude or semi-nude model is on the premises at any one time.

508.11 Nudity or a State of Nudity: The showing of the human male or female genitals, pubic area, vulva, anus anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola and/or nipple, or the showing of the covered male genitals in a discernibly turgid state.

508.12 Person: An individual, proprietorship, partnership, corporation, association, or other legal entity.

508.13 Semi-Nude or in a Semi-Nude Condition: The state of dress in which clothing partially or opaquely covers Specified Anatomical Areas.

508.14 Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex, or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

508.15 Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theatre, adult theatre, escort agency, nude model studio, or sexual encounter center.

508.16 Specified Anatomical Areas: The human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

508.17 Specified Sexual Activities: Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
3. Excretory functions as part of or in connection with any of the activities set forth in (1) or (2) above.

508.18 Substantial Enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five (25%) percent, as the floor areas exist on the date of this ordinance.

508.19 Conditional Use – Adult Entertainment Uses, as defined in Sections 508.1 through 508.18 are permitted as a Conditional Use in the A-1 Agricultural District in Summit Township.

508.19.1 Adult Entertainment Uses include:

- (1) Adult arcades;
- (2) Adult bookstores, adult novelty stores, or adult video stores;
- (3) Adult cabarets;
- (4) Adult motion picture theaters;
- (5) Adult theaters;
- (6) Escort agencies;
- (7) Nude model studios; and
- (8) Sexual encounter centers

508.19.2 Objectives – Because adult entertainment uses tend to bring with them secondary concerns that impact on the health, safety and general welfare concerns of Summit Township, the Township desires to restrict or limit the location where such uses can locate.

The Township does not intend to effect or suppress any activities protected by the First Amendment of the United States Constitution, but instead address these secondary effects. Neither is it the intent nor effect of these ordinance provisions to condone or legitimize the distribution of obscene material.

Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Supervisors, and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), Young v. American Mini Theatres, 426 U.S. 50 (1976), and Northend Cinema, Inc. v. Seattle, 585 P.2d 1153 (Wash. 1978), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Saint Paul, Minnesota; Manatee County, Florida; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Los Angeles, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; and Beaumont, Texas; and also on findings found in the Report of Attorney General’s Working Group on the Regulation of Sexually Oriented Business, (June 6, 1989, State of Minnesota), the Supervisors find:

- 1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that may go uncontrolled by

the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

- 2) Certain employees of sexually oriented businesses defined in this ordinance as adult theaters and cabarets engage in higher incidence of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- 3) Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows as defined under this ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
- 4) Offering and providing such space, encourages such activities, which create unhealthy conditions.
- 5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- 6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B., Non B amebiasis, salmonella infections and shigella infections.
- 7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States – 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985 and 253,448 through December 31, 1992.
- 8) As of May 1, 1995, there have been 13,559 reported cases of AIDS in the Commonwealth of Pennsylvania.
- 9) Since 1981 and to the present, there has been an increasing cumulative number of persons testing positive for the HIV antibody test in Crawford County, Pennsylvania and in Erie County, Pennsylvania.
- 10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November, 1990.

- 11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
- 12) The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- 13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual act.
- 14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part because the activities conducted there are unhealthy, and in part because of the unregulated natures of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- 15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view “adult” oriented films.
- 16) The findings noted in ¶ 1 – 15 raise substantial government concerns.

The purpose of these conditional use provisions is to minimize, where conditions permit, the secondary concerns which include difficulties for law enforcement, municipal maintenance, trash, deleterious effects on business and residential property values, increased crime, particularly corruption of the morals of minors and prostitution, and the encouragement of residents and businesses to move elsewhere.

508.19.3

Yard and Area Regulations. In addition to the yard and area regulations applicable to all uses permitted pursuant to the provisions of Article III and Article IV, no adult entertainment use shall be located:

- 1) Within one thousand (1,000) feet of the nearest property line of a parcel containing:
 - a. A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities; or

- b. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; schools includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school; or
 - c. A licensed premises licensed pursuant to the alcoholic beverage control regulations of the Commonwealth of Pennsylvania; or
 - d. A bottle club; or
 - e. Any other adult entertainment use; or
 - f. Any government or public facilities including, but not limited to, libraries, municipal building, or similar use or facility.
- 2) Or within one thousand (1,000) feet of:
- a. A boundary of a residential district as defined in the Summit Township Zoning Ordinance _____, as amended, or a boundary of a residential district of any adjoining municipality as defined in that municipality's zoning ordinance; or
 - b. The nearest property line of a parcel containing any residence not located within a residential district; provided, however, that a person can comply with this subsection 2(b) by presenting an affidavit from all the residents of such residence, or if none of the residents is the owner of the residence, an affidavit from all the owners and all the residents of such residence, stating that such residents and/or owners consent to the specific adult entertainment use being proposed or operated.
- 3) Or within four hundred fifty (450) feet of the nearest property line of a parcel containing:
- a. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation or management of private parties and open and available for use by the general public; or

- b. An entertainment business which is oriented primarily towards children and family entertainment.

For the purposes of subsection 508.19.3 – Yard and Area Regulations, measurement shall be made in a straight line, without regard to the intervening structures or objects from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection 508.19.3 – Yard and Area Regulations. Presence of a municipal, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this subsection 508.19.3.

508.19.4 Screening and Buffering. Any lot which is to be used for any adult entertainment use shall contain screening and buffering along property lines adjoining other zoning districts or any residence.

508.19.5 Signs. No signs shall be visible from the exterior of the structure and no other advertising that indicates the adult nature of such business as defined in Section 508 of this Ordinance. This shall include but not be limited to silhouettes, pictures, or phrases such as “girls, girls, girls” which can be construed to be suggestive and/or pornographic in nature.

508.19.6 Data. Sufficient additional data shall be submitted to enable the Planning Commission and the Supervisors to determine that the requirements of this and other ordinances of the Township relevant to the proposed use have been fulfilled and that the owners and operators of proposed adult entertainment facilities demonstrate a desire and ability to comply with the ordinances of the Township and to prevent their establishments from being used for any illegal activities.

508.19.7 License. Any person proposing an Adult Entertainment Use shall comply with all licensing requirements adopted by the Township heretofore or in the future.

509 SIGN REGULATIONS:

It is recognized that signs serve an important function; yet reasonable regulation of their display is desirable. The provisions herein are intended to promote the public safety and welfare, to protect property values and to enhance the physical appearance of the Summit Township community. It is the general intent of this Ordinance to prohibit signs of a commercial nature from districts where commercial uses are prohibited.

509.1 Notwithstanding the other provisions of this ordinance, no sign shall be located so as to obstruct the line of sight of a motorist or pedestrian proceeding along a public

street or road or when entering or leaving a parking lot or driveway.

509.2. Permits. Zoning permits shall be required for the installation of all new signs except those listed as exempted.

509.2.1 Signs in or Within Ten Feet of the Public Right-of-Ways:

- a) No flashing, rotating, oscillating signs or signs that emit noise located on the site, attached or independent of buildings, shall be permitted. Any sign, which by its nature, would interfere with or be mistaken for traffic signals shall not be permitted.
- b) No signs other than those erected by public officials in order to identify streets and guide the public in the use of the street system (official traffic signs or signals) to control and render traffic safe shall be placed in any public road right-of-way or sidewalk unless authorized by township or state officials.
- c) No sign shall be permitted within 10 feet of the Public Right of Way which is more than 4 square feet.

509.2.2 Illuminated Signs. Where permitted, signs may be illuminated only by a steady, stationary (except for indicators of time and temperature), shielded light source directed solely at the sign, or internal to it, without causing glare, distraction or confusion for motorists, pedestrians or neighboring premises.

509.2.3 Painted Signs. Painted signs on building surfaces shall be considered as wall signs and permitted according to the provisions of this Ordinance.

509.2.4 Materials. All signs shall be constructed of durable material, maintained in good condition and not permitted to become unsightly or dilapidated. Where mounted on a building, as a wall sign, signs shall be firmly secured against wind.

509.2.5 Computing Sign Surface Area. The total sign area shall be considered to include all framing members as well as the display area.

509.2.6 Pole and freestanding signs. These signs shall be considered an accessory use and are required to meet the front, side and rear setback requirements required for accessory uses.

509.2.7 Non-conforming Uses. All non-conforming uses shall be permitted signs as though they were conforming uses.

509.2.8 Roof Signs. No sign shall be erected on the roof or above the roof line of the building to which it is oriented or attached.

509.2.9 Removal of Signs. All signs shall be removed when the purpose or circumstances leading to their erection or placement are no longer applicable.

509.3 Signs Permitted in all Zoning Districts Without Zoning Permits:

509.3.1 Governmental Signs. All signs erected and maintained pursuant to and in discharge of any governmental function are permitted. These are also to be considered “public signs.”

509.3.2 Political Signs. Signs announcing or supporting candidates for public office or ballot issues containing not more than nine (9) square feet. The sign shall be removed no later than seven (7) days after the election for which they were posted. (This section shall replace the provisions of Section 509.3.2 as contained in the Ordinance of No. 2002-5)

509.3.3 Mechanic’s/Artisan’s/Painter’s Signs. Signs of mechanics, painters, carpenters, and other such artisans during the period such persons are performing such work on a residential premises; providing that any such sign is not in excess of nine (9) square feet and no more than two (2) such signs are placed on the property.

509.3.4 Privacy Signs or “No Trespassing”. No trespassing signs and other signs not exceeding four (4) square feet of surface area indicating the private nature of a driveway or property and provided that the signs shall be reasonably spaced.

509.3.5 Temporary signs.

- a) Signs announcing the birth of a child, birthday, commemoration, marriage, graduation or similar event in the life of a householder shall be permitted (not exceeding 30 days) provided such signs do not exceed thirty-two (32) square feet.
- b) Not more than two (2) signs advertising the sale or rental of the premises upon which it is erected shall be permitted but shall not have more than nine (9) square feet of surface area advertising the sale, lease or development of any premises.
- c) Signs advertising the sale of tangible personal property, not in the regular course of business, such as auctions, estate auctions and sales of the type commonly known as garage sales or yard sales shall be permitted for a period not exceeding thirty (30) days. The signs shall not exceed nine (9) square feet. When any such premises has frontage on more than one public street or road, one such sign shall be permitted which is visible from each street or road.

509.3.6 Directional Signs. Signs providing information for the convenience of the public such as restrooms, exits, public telephone, and similar directional or informational signs placed for the benefit of the public or building tenants shall have not more than two (2) square feet of surface area.

509.4 Signs permitted in the R-1, A-1 districts with a permit:

509.4.1 Sign, bulletin board, announcement board or identification signs for churches, schools, hospitals, multi-family dwellings, subdivisions, allotments or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed thirty-two (32) square feet and not more than one such sign shall be erected on any one street frontage. Such signs shall only be illuminated by indirect means.

509.4.2 Signs for Home Lot Occupations and Home Occupations. One (1) sign may be located where a home lot occupation or home occupation is permitted in the Residential (R-1) or Agricultural (A-1) Zoning Districts. A zoning permit is required and the maximum area of the sign, where used, shall be nine (9) square feet. The sign must be located on the parcel on which is located the home lot or home occupation.

509.5 Signs permitted in the B-1 districts with a permit: The property owner (applicant) shall be permitted only one of the following types of signage:

509.5.1 Overhanging Signs. There shall be no more than one overhanging sign for each principal activity. There shall be no more than twenty (20) square feet in area per sign surface and project from the building no more than 6 feet.

509.5.2 Ground Signs. There shall be one ground sign permitted for each principal activity. The maximum area displayed through ground signage shall be forty-five (45) square feet. There shall be one general ground sign permitted for a shopping center or industrial park development, in addition to the individual signage permitted for each principal activity present in these developments. The maximum area permitted for this general ground sign shall be one hundred (100) square feet.

509.5.3 Freestanding Signs. There shall be one freestanding sign permitted for each principal activity. The maximum area of which shall be forty-five (45) square feet.

509.5.4 Wall Signs. Wall signs shall cover no more than 25% of the surface area of the facade of a building.

509.5.5 Awnings. Awnings projecting from service/commercial buildings containing signage advertising the name of firm, goods or services provided on the premises shall be permitted provided that they project no more than six (6) feet from the building facade

509.5.6 In the event that the property owner or applicant occupies a corner lot, they shall be permitted any two (2) such signs.

509.6 Non-Point-of-Sale Sign/Outdoor Advertising Device of 45 Square Feet or Smaller.

Either ground signs or freestanding signs, shall be permitted in the Agricultural (A-1) and the Business/Service (B-1) Zoning District, with the exception of those regulated under Section 509.8, and providing the following requirements are met:

509.6.1 All signs shall comply with all other requirements of this Ordinance.

509.6.2 Each non-point of sale sign/outdoor advertising device, as regulated under this Section 509.6, shall be no larger than forty-five (45) square feet in area.

509.6.3 The non-point of sale sign/outdoor advertising device up to forty-five (45) square feet shall be set back a minimum of one-hundred (100) feet from any public road right-of-way, a minimum of two-hundred (200) feet from the nearest residential building, and a minimum of fifty (50) feet from all other property lines.

509.6.4 All non-point of sale signs/outdoor advertising devices shall be at least one-hundred and fifty (150) feet apart.

509.7 Non-point-of-Sale/Outdoor Advertising Device Larger than 45 Square Feet up to a Maximum 180 Square Feet – Billboards. A sign permitted under this Section of the Ordinance, with the exception of those regulated under Section 509.8, shall be called a “billboard” even though it may not be designed like the conventional billboard and providing the following requirements are met:

509.7.1 Billboards shall be permitted in the Business (B-1) and Agricultural (A-1) Zoning Districts and comply with the following requirements:

- a) Be located a minimum of 500 feet from the nearest residential structure or public building
- b) Be situated at least 150 feet from the nearest property line.
- c) Be located more than 150 feet from a separate sign regulated under this Section 509.7.

509.8 Scenic Byway Location. Summit Township has designated as a “Scenic Byway” all portions of U.S. Route 6 within Summit Township and a portion of S.R.618 beginning at the shared southern municipal boundary of Sadsbury Township and Summit Township traveling northwardly and terminating at the intersection of S.R. 18 then continuing southwardly along S.R.18 and ending at the shared municipal boundary of Summit Township and Sadsbury Township. The following regulation prohibiting certain signs along these segments of roadways are intended to be in accordance with the parameters set forth in state and federal laws to enable state or federal funding to be obtained to preserve the natural beauty of these highways and to promote the public welfare.

509.8.1 Prohibition. No non-point of sale sign/outdoor advertising device, as defined, may be erected by any owner, person responsible or other person along or adjacent to a Scenic Byway:

- a) Within 660 feet of the nearest edge of the right-of-way of these portions of roadways; or
- b) More than 660 feet from the nearest edge of the right-of-way if the sign is visible from the main-traveled way of these routes and the purpose of the device is that its message be read from the main-traveled ways of these routes, except as follows:
 - 1) The official signs, notices and devices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131(relating to control of outdoor advertising);
 - 2) Point-of-sale signs advertising the sale or lease of the real property upon which they are located;
 - 3) Point-of-sale signs advertising activities conducted on the property on which they are located, including devices which display a message that may be changed at reasonable intervals by electronic process or remote control; and
 - 4) Directional signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions and other points of interest to the traveling public which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131.

509.8.2 Existing Devices. All non-point-of-sale sign/outdoor advertising devices constructed and existing on the effective date of this Ordinance, which would be prohibited under this Ordinance, shall be permitted except that if the device shall not be used for advertising for a period of one year or shall become dilapidated, the device shall be removed.

509.8.3 Landowner Responsibility. For purposes of this Ordinance, the person or persons holding legal title to property on which a person is maintaining a condition of premises in violation of this Ordinance shall be subject to the remedies, penalties and liability imposed by enforcement of the Ordinance.

510 OFFSTREET PARKING REQUIREMENTS:

Off-street parking spaces shall be provided in accordance with the specifications in this Section in any district whenever any new use is established or existing use is enlarged.

510.1 General Parking Requirements:

510.1.1 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.

510.1.2 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.

510.1.3 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.

510.1.4 No off-street parking space shall have an area less than 200 square feet exclusive of access drives.

510.1.5 Any off-street parking lot for more than five vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

511 HANDICAPPED PARKING REGULATIONS

For the first twenty-five (25) parking spaces in a lot serving a commercial/service, industrial, public, semi-public or multi-family residential facility, and for each fifty (50) spaces thereafter, one (1) handicapped parking space shall be provided. This handicapped parking space shall be at least 12 feet in width and be clearly marked for use by physically challenged individuals. Such spaces shall be accessible to a principal entrance of the building the parking area served by way of a ramp not less than three (3) feet in width, having a maximum slope of one (1) to twenty (20) and a level area within one and a half (1½) feet of the top of the threshold of the entrance door.

The number of off street parking spaces required in this Ordinance is outlined in the following table (Table #2). Where the use of the premises is specifically not mentioned, requirements for a similar use shall apply as determined by the municipal Zoning Officer.

**TABLE #2 –
Minimum Off-Street Parking Requirements**

Land Uses	Minimum Spaces Required
<i>❖ Residential Land Uses:</i>	
Single, detached dwelling	2 spaces per dwelling unit
Multi-unit dwelling	1.5 spaces per dwelling unit
Boarding House and rooming houses (Bed & Breakfasts)	1 space for each family accommodation plus 1 space for every 4 persons
Group Homes	1 space for each supervising staffer and 1 space for every 4 persons that can be served in the home
<i>❖ Commercial Land Uses:</i>	
Automobile Repair Garages/Gasoline Service Station	1 space for each gasoline pump and 2 spaces for each service bay
Bowling Alley	2 spaces for each bowling alley
Banks/Professional Offices	1 space for each 300 sq. ft of gross floor area
Car Washes	1 space for each employee
Convenience Store	Four spaces for each 1,000 sq. ft. gross leasable floor space
Funeral Homes, Mortuaries	20 parking spaces for the first parlor; and 5 for each additional parlor
Personal Service Establishment	1 space for each personal grooming/salon chair <i>and</i> 1 space for each laundry machine on premises.
Motel and Hotel	1 space per sleeping room, plus 1 for each 400 sq. ft. of public meeting area and restaurant space
Restaurants, Taverns, Private Clubs	1 space for each 3 seats
Retail stores, Grocery stores, Supermarkets	1 space for each 200 sq. ft gross floor area
All other Commercial Areas	1 space per 300 sq. ft of gross floor area
<i>❖ Industrial/Manufacturing:</i>	
Manufacturing Plants	1 space per employee on maximum shift <i>or</i> 1 space per 500 sq. ft. gross floor area, whichever is greater
Wholesale & Warehousing Establishments	1 for each 3,000 sq. ft. of gross floor area
<i>❖ Other Uses:</i>	
Churches and other places of assembly	1 space per 4 seats in the main assembly room
Community Buildings and Social Halls	1 space for each 60 sq. ft public floor area
Personal Care Homes, Nursing Facilities	1 space for each 3 beds
Schools (Institutional Uses)	1 space for each teacher/staff member and 1 space for per 6 seats in the auditorium
Medical or Veterinary Office and Clinics	3 spaces for each doctor, veterinarian, or dentist <i>and</i> 1 per 2 employees

512 ACCESS TO LOTS: No building development shall hereafter be erected on a property unless there is direct access to the building through an open space, which is part of the same property, to a public street or highway or to a private street constructed and maintained so that vehicles of all kinds may readily pass on it. Minimum lot widths are established for the various zoning districts which are part of this Ordinance and lot widths are measured at the street right-of-way line. However, this Ordinance does permit the use of an “access lane” to the public street, where the minimum width of such “access lane” shall be 15 feet. In instances where the “access lane” is used the lot width, lot area and yard requirement shall be established for the property beginning at the location where the “access lane” terminates and the bulk of the property begins.

513 OFF-STREET LOADING REQUIREMENTS: Every building which requires the receipt or distribution by vehicles of materials or merchandise shall provide for off-street loading berths. Loading spaces shall not be less than 14 feet wide, 60 feet long, and 14 feet high. The loading requirements shall be in accordance with the following table (Table 3).

**Table 3 –
Minimum Off-Street Loading Space Requirements**

Gross Floor Area	Minimum # Of Loading Spaces Required
Under 10,000	No loading spaces required
10,000 to 24,999	1 spaces
25,000 to 39,999	2 spaces
40,000 to 59,999	3 spaces
Over 60,000	4 plus one loading space for each additional 50,000 sq. ft of gross floor area

514 CLEAR SITE DISTANCE AT CORNER LOTS: At all street intersections, no obstructions to vision shall be placed or erected in the area of the “site triangle”. Obstructions shall be considered any objects which have (or will have) sufficient bulk to block vision such as buildings, landscape plantings, sign boards, etc. Objects whose surface bulk lies below 3 feet and above 10 feet, as measured from the centerline elevation of adjacent streets, shall not be considered obstructions under the terms of this Ordinance, unless the Zoning Officer interprets them as obstruction due to a unique set of circumstances peculiar to a particular site or development application.

515 BUFFER AREAS: Buffer areas are utilized to ameliorate possible nuisances among adjacent land use activities which are markedly different in character; properly used buffer areas can promote compatible relationships among different land uses where negative characteristics are presented, e.g. a great amount of vehicular circulation and/or off-street Parking; the presence of outdoor work and storage areas which are unattractive and/or noisy, very dissimilar and/or unattractive in building styles, etc. The following requirements are applicable where designated in this ordinance. These requirements may be utilized in special exception and conditional use applications.

I) Buffer Area Techniques: Buffer area techniques shall include:

- a) fencing and walls a minimum of 5 1/2 feet high consisting of a solid material that will effectively block views; and/or
- b) plant materials providing they are dense and high enough; plant materials may include, but are not limited to, small deciduous trees where many lateral branches emerge from the main stem or those with multiple stems near ground level (for example the hawthorn, the crabapple); evergreen trees and shrubs (for example the hemlock, the spruce, the yew, the arbor vitae); deciduous shrubs (for example the privet, the honeysuckle); and, where space is adequate, shade trees (for example the maple, the ash); the type, amount and spacing for the planting will depend on the space available and the nature of the activities requiring the buffer areas where plant materials are used for the buffering techniques the Zoning Hearing Board or the Township Supervisors may require that the desired effect of these plant materials as a screening agent be immediate and that the screening shall be effectively perceived throughout all seasons of the year. Should immediate effectiveness not be necessary this condition shall be made a part of the record of the public review of the application.
- c) and/or landscape forms such as a mound of earth a minimum of 5 1/2 feet high; and or
- d) minimum amounts of space between uses.

II) Buffer Area Requirements:

- a) Where the distance between the area of an activity, carried out either on the open land or in a structure, and the adjoining property line is less than 20 feet, or where the distance between the area of an activity, carried out either on the open land or in a structure, and an adjacent building on an adjoining property used in whole or part as a residence, is less than 40 feet the Township may require fence and/or wall techniques to be used to form a buffer. Where the activity is permitted as a matter of right the zoning officer shall decide whether a fence and/or wall shall be required. The uses of plant materials or land forms to achieve the buffer effect would not be mandatory in these instances but usually are recommended as supplementary to the fence or wall. Vehicular access ways and off-street parking are considered land use activities as are outdoor work and storage areas.
- b) Where the distance between the area of a land use activity, carried out either on the open land or in a structure, and an adjoining property line is 20 feet or greater, or where the distance between the area of a land use activity, carried out either on the open land or in a structure, and an adjacent building used in whole or in part as a residence is 40 feet or greater, fence and/or wall techniques are not required; the buffer effect may be achieved through the use of plant materials or land forms.

- 516 GLARE:** Exterior lights shall be shielded so that they do not cast direct light beyond the property line. Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any District.
- 517 MOBILE HOMES ON INDIVIDUAL LOTS:** For the purposes of this Ordinance, Mobile Homes, sometimes referred to as “manufactured homes” on Individual lots are included in the term “Single Family Dwelling” provided that mobile homes placed on individual lots shall be enclosed or skirted at the base of the unit with a nonflammable material of compatible design which shall be installed on all sides in a manner so as to provide continuous facades from ground level upwards. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration. All skirting must be installed within thirty (30) days of placement of the structure.
- 518 MOBILE HOME PARKS:** Mobile home parks shall be permitted only if in accordance with all State and County Laws and Regulations and with the following requirements:
- 518.1** The minimum area of a mobile home park shall be five acres.
 - 518.2** Each mobile home site within the mobile home park shall have a minimum area of 4,000 square feet for single wide site and 6,000 square feet for double wide site.
 - 518.3** Each mobile home site shall have a minimum width of 40 feet for single wide or 60 feet for double wide; each mobile home shall be enclosed or skirted in accordance with the provisions of this Ordinance.
 - 518.4** Not less than 10 percent of the gross area of the mobile home park shall be improved for recreational activities for the residents of the park.
 - 518.5** The mobile home park shall be appropriately landscaped and screened from adjacent properties where deemed necessary by the Board of Supervisors.
 - 518.6** The mobile home park shall meet all applicable requirements of the **SUMMIT TOWNSHIP** Subdivision Ordinance.
 - 518.7** Coin-operated Laundries, laundry and dry-cleaning pick-up stations and other commercial convenience establishments may be permitted in Mobile Home Parks provided: (1) they are subordinate to the residential character of the park; (2) They are located, designed and intended to serve only the needs of persons living in the park; (3) the establishments and the parking areas related to their use shall not occupy more than 10 percent of the total area of the park; and (4) the establishments shall present no visible evidence of their commercial nature to areas outside the park.
- 519 RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS:** Recreational vehicle parks and campgrounds shall be permitted as conditional uses within the B-1 Business and A-1 Agricultural Districts if in accordance with the foregoing criteria for approval and performance standards and with the following specific requirements:

- 519.1** The minimum area of a recreational vehicle park shall be five acres. The minimum area of a campground shall be three acres.
- 519.2** No recreational vehicle park or campground shall be located except with direct access to a major public road or street or a state highway, and except where there is adequate frontage thereon to permit appropriate design of entrances and exits for safe and convenient movement of traffic into and out of the park. No entrance or exit from a recreational vehicle park shall be permitted through a residential district, nor require movement of traffic to and from the park through a residential district.
- 519.3** Each recreational vehicle site within a recreation vehicle park shall have a minimum area of 1500 square feet, and shall have a minimum width of 30 feet. Each recreational vehicle site within a recreational vehicle park shall include a stabilized vehicular parking pad, which shall be paved or constructed with gravel or other appropriate materials of adequate strength.
- 519.4** Campsite located in campgrounds or within recreation vehicle parks shall not be required to meet the foregoing minimum area and width requirements, but must be designed so as to permit a minimum distance of 10 feet between each tent and other non-vehicular camping unit.
- 519.5** Every campground and recreational vehicle park shall be supplied with an adequate source and supply of safe, potable water and an adequate sewage collection and disposal system. The water supply and delivery system and the sewage collection and disposal system shall be designed and constructed in accordance with any and all applicable Federal, State and/or Local Laws, regulations, standards and permits and, if any case, so as to ensure that adequate health, safety and sanitation standards will be maintained.
- 519.6** Each individual campsite within a campground or recreational vehicle park may be, but shall not be required to be, furnished with individual water and electrical hookups, and if all individual water and electrical hookups, and if all individual campsites are not so furnished, adequate common facilities shall be provided within a reasonable distance from each campsite not so furnished. Every campground shall be provided with adequate water tap, common toilet, lavatory and shower facilities to service the number of campsites provided at their maximum occupancy. All individual and common facilities provided shall be designed and constructed in accordance with any and all applicable Federal, State and/or Local Laws, regulations, standards and/or permits, and in any case, so as to ensure that adequate health, safety and sanitation standards will be maintained and common facilities shall be located not more than 300 feet from the farthest campsite or recreational vehicle site which they serve.
- 519.7** Each individual recreational vehicle site within a recreational vehicle park may be, but shall not be required to be, furnished with individual water, sewer and

electrical hookups, and if all individual recreational vehicle sites are not so furnished, adequate common facilities, including a water station for filling recreational vehicle water storage tanks and a sanitary waste station for flushing out recreational vehicle sewage storage tanks, shall be provided within a not so furnished. Toilet, lavatory and shower facilities adequate to serve the maximum number of dependent or non-self-contained recreational vehicles which may be accommodated at any one time shall be provided. All individual and common facilities shall be designed and constructed in accordance with any and all applicable Federal, State and/or Local Laws, regulations, standards and/or permits, and in any case, so as to ensure that adequate health and safety and sanitation standards will be maintained and common facilities shall be located not more than 300 feet from the farthest campsite or recreational vehicle site which they serve.

- 519.8** Every campground and recreational vehicle park shall be provided with adequate and appropriate refuse containers and collection service. Facilities for the building of fires and/or other cooking facilities or apparatus and/or eating facilities shall be provided as appropriate to the nature and character of the campground or park and/or to the individual sites therein, and shall be located, constructed, maintained and used so as to minimize fire hazard and smoke nuisance both on the grounds and to neighboring or adjacent properties. Lighting of buildings or structures, common facilities, roads and paths, and grounds generally shall be provided as appropriate for safety and convenience.
- 519.9** All roads or traffic ways within a recreational vehicle park or campground shall be constructed with a stabilized travel way of at least 20 feet in width of adequate strength to withstand the type and amount of traffic anticipated and shall be so designed as to permit safe and convenient movement of traffic through the park, and safe and convenient movement of vehicles in an out of the individual sites within the park. The park's internal street system shall be privately owned and maintained.
- 519.10** In both campgrounds and recreational vehicle parks, sufficient parking shall be provided to accommodate 1.5 vehicles per recreational vehicle site and/or campsite, either in a common parking area or as part of the individual sites.
- 519.11** A minimum of 10 percent of the total area of a recreational vehicle park or campground shall be set aside and improved as common area for open or enclosed recreational facilities for its users. No street or road right-of-way, common parking area, storage area or utility site may be counted as part of the area so set aside.
- 519.12** The recreational vehicle park or campground shall be appropriately landscaped and/or screened from adjacent properties or public rights-of-way as deemed necessary by the Board of Supervisors. Campgrounds and recreational vehicle parks shall have set backs from perimeter property lines and public road lines of at least 70 feet and shall provide sufficient entry space so that vehicles waiting to be registered do not impede traffic upon public roads.

519.13 Structures and uses including management or administration buildings, recreational facilities, common sanitary or utility facilities, sites or buildings including toilets, lavatories, showers, and coin-operated or other laundry facilities, snack bars, coin-operated food dispensing machines, grocery and camping supply stores, and other commercial convenience establishments may be permitted as accessory uses in campgrounds and recreational vehicle parks even in districts where such uses would not be allowed as principal uses, provided that: (1) They are subordinate to the recreational camping character of the campground or park; (2) they are located, designed and intended to serve only the needs of the users of the campground or park and present no visible evidence of their commercial nature to areas outside the campground or park; (3) such establishments and the parking areas related thereto occupy no more than 10 percent of the total area of the campground or park; and (4) the structures housing such facilities are not accessible from any public street, road or highway, but only from a road or street within the campground or park.

519.13.1 The recreational vehicle park shall otherwise be planned, designed and operated so as to comply with and be in accordance with all applicable Federal, State, County or other Laws, regulations and permits, and with such other additional requirements or conditions as the Board of Supervisors shall deem necessary and/or appropriate under the circumstances with respect to a particular site or particular proposal for development.

519.13.2 Operators of campgrounds and recreational vehicle parks shall maintain registration records of all persons and vehicles camping or parking in campgrounds or parks in the manner and form as required by law for hotel and motel operators. Permanent occupancy as living quarters or residence of campsite or recreational vehicle park site by any individual is hereby prohibited, but storage of vehicles shall not be construed as occupancy.

520 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 as a matter of right, subject to other pertinent regulations in this ordinance, ie. yard requirements; providing, however, major public utility structures and buildings, other than such buildings as are primarily enclosures of the above essential service equipment, shall be regulated as in Article #5 of this Ordinance.

521 PUBLIC UTILITY STRUCTURES: Major utility structures including but not limited to storage tank farms; electric substations and power generation plants; natural gas pump stations, storage tanks and maintenance structures; sewage and water treatment

plants; and major cross country utility transmission lines shall be permitted as special exceptions and subject the requirements in Article #7.

522 PRIVATE COMMUNICATIONS STRUCTURES/WIRELESS TOWERS:

These uses may be permitted as a conditional use in the A-1 Agricultural Zone.

523 HAZARDOUS MATERIALS AND WASTES: All activities shall comply at a minimum with all local, state, and federal regulations as well as the appropriate County Emergency Management measures and City and County fire department regulations for hazardous materials and wastes.

Waste Products:

Any activity which discharges material or liquids into sanitary sewers or storm sewers shall conform with all federal, state and local discharge and release regulations. City and County sanitation ordinances may also apply. All storage areas, waste disposal areas and trash handling facilities shall be designed to prohibit wind blown debris from leaving the site. The drainage (other than through appropriate sewers) of waste or stored materials onto adjacent properties or directly into creeks and watercourses is prohibited.

524 FIRE, EXPLOSION AND STORAGE OF FLAMMABLE MATERIALS:

All activities shall comply with the Fire Codes adopted by Summit Township.

ARTICLE #6 – NON-CONFORMITIES

601 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 the original Ordinance (1972) was adopted or 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 exist, and may be sold, leased, or otherwise legally transferred and the new owner may continue such lawful non-conforming uses. It is the intent of this Ordinance to permit these non-conformities 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.

602 MULTIPLE AND CONTIGUOUS NON-CONFORMING 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 building 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.

603 NON-CONFORMING USES OF LAND

Where, at the time of adoption of the original ordinance, lawful uses of land existed 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:

603.1 A non-conforming 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.

603.2 A non-conforming 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 603.1, and providing such move is permitted as a special exception by the Zoning Hearing Board.

603.3 In the event a non-conforming use of land ceases or is abandoned, for whatever reason, for a period of more than 12 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.

604 NON-CONFORMING USES OR STRUCTURES AND PREMISES IN

COMBINATION: The following provisions shall apply to all non-conforming uses:

604.1 A non-conforming 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.

604.2 A non-conforming use may be continued but may not be extended, expanded, or changed unless to a conforming use, except as **APPROVED** by the Zoning Hearing Board in accordance with the provisions of this Ordinance.

604.3 Any non-conforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is commenced within 12 months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

604.4 In the event that any non-conforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of 12 months, or is abandoned for any period, such non-conforming use shall not be resumed.

605 REPAIRS AND MAINTENANCE

On any non-conforming 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 structure or part thereof declared to be unsafe by any public official charged with protecting the public health and safety. The owner must comply with the applicable provisions of the Township Building Code.

606 CONDITIONAL USES AND NON-CONFORMITIES

Where an existing use of premises, or of a building, or of premises and building in combination was permitted under this ordinance as a conditional use, such use shall in no way be considered non-conforming.

**ARTICLE #7 – CONDITIONAL USES, SPECIAL EXCEPTIONS
and VARIANCES**

701 GENERAL

This Article shall govern Applications for Conditional Uses, Special Exceptions and Variances.

702 CONDITIONAL USES:

A Conditional Use is similar to a Special Exception except that it falls under the jurisdiction of the Board of Township Supervisors. Like Special Exceptions, Conditional Uses are specifically listed in Article #3 Establishment, Purpose and District Regulations. Generally Conditional Uses are those uses that would have a direct affect upon the lives of all persons within Summit Township.

702.1 Application for Conditional Use: Application requirements for Conditional Uses are the same as those for Special Exceptions, outlined in Section 703.1 of this Ordinance.

702.2 Criteria for Approval: A conditional use shall be approved if and only if it is found to meet the following criteria:

- a. The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
- b. The proposed use meets any special standards, which may apply to its class of conditional uses as set forth in this Article. (See Section 704)
- c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of Section 704 and 705 (as to specific uses).
- d. The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
- e. The proposed use shall produce a total visual impression and environment, which is consistent with the visual impression and the environment of the neighborhood.
- f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

- g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

702.3 Procedures for Approval of Conditional Uses: Five copies of the complete application shall be filed with the Zoning Officer. An application fee shall be paid in the amount set by Board of Township Supervisors. The Zoning Officer shall as soon as possible refer immediately one application to the Township Planning Commission and one application to Township Supervisors. The Planning Commission shall review the proposal and forward its recommendations to the Supervisors. The Planning Commission shall forward its recommendation to the Supervisors within 45 days of the date the application is accepted by the Zoning Officer as complete.

Within 60 days of the date the application was accepted by the Zoning Officer as complete, the Township Board of Supervisors, after giving public notice, shall hold a hearing on the proposal. The Board of Supervisors, within 45 days after the termination of the last hearing, shall render a decision. The decision shall be accompanied by findings of fact and conclusion if the application is contested.

The Board of Supervisors may deny or approve a conditional use and impose conditions or requirements whether or not they have been proposed by the applicant. When considering conditions or requirements, the Board shall be guided by the provisions of § 704.

702.4 Expiration of Conditional Use Permit: A conditional use permit shall be considered to authorize only one particular use as approved by the Board of Supervisors and if the improvements described in the permit have not begun within one year from the date of approval the permit shall expire. If, for any reason, the conditional use shall cease or be abandoned for 1 year or more, it shall no longer be considered as authorized unless a new application is filed and approved.

703 SPECIAL EXCEPTIONS:

703.1 Application for Special Exceptions An application for a Special Exception (or Conditional Use § 702.1) 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 special exception 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 Zoning Hearing Board (or Board of Supervisors) may require to determine if the proposed use meets the requirements of this ordinance.

- g) A narrative statement: (a) evaluating the effect of such elements as noise, glare, odor, fumes, and vibrations on adjoining property; (b) discussing the general compatibility with other properties in the district; and (c) 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 of this ordinance.

703.2 Special Exceptions with Conditions: The following Special Exception uses may be authorized with such conditions as are deemed appropriate by the Zoning Hearing Board:

703.2.1 Living quarters in an accessory structure as an accessory use to a single-family house to accommodate domestic employees or relatives of the residents of the principal building may be permitted in the agricultural zone.

703.2.2 The accommodation of not more than two non-transient roomers as an accessory use to a single-family house provided that no sign is displayed, in any zoning district.

703.2.3 Directional signs of a reasonable size in connection with any legal business or industry provided they contain no information other than instructions for convenience of vehicular traffic in reaching such business or industry, may be permitted in any zoning district.

703.2.4 Temporary structures and trailers used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period., in any zoning district.

703.2.5 Recreational vehicles (with self contained sewage and wastewater storage tanks) used in conjunction with camping and resort-recreation activities may be permitted on individual lots for a period not to exceed 90 days in any one calendar year. Storage of the Recreational Vehicles at the residence of owner shall be permitted. These uses of recreational vehicles may be permitted in any zoning district.

703.2.6 Home occupations may be permitted as a special exception in the A-1 Agricultural and R-1 Single Family Residential Districts and Home Lot Occupations are permitted as special exceptions in the A-1 Agricultural Districts, provided that such user apply for a permit therefor and pay the required fee to the Zoning Officer, and provided further that such uses comply with the following requirements:

- (a) Signs advertising the home occupation activity shall comply with Section 509 of this ordinance;

- (b) In addition to the family members living on the premises, there are not more than 2 additional persons engaged in such use, occupation, or profession at any one time;
- (c) There is no electrical disturbance that would create visual or audible interference in radio and television reception off the premises;
- (d) There are no more than 8 vehicular trips generated by the use to and from the premises at the busiest hour of the normal operating day;
- (e) There are sufficient off-street parking spaces to accommodate one space for each employee engaged in such activity plus two additional off-street parking spaces. The provisions of Section 510 and its subsections shall be applied to off-street parking;
- (f) Outdoor work, service and storage areas, if any, shall be screened from the view of public roads and from adjacent residences;
- (g) There shall be no noise, odor, dust, fumes, glare or flashing light which normally is considered objectionable, perceptible without instruments more than 25 feet from the boundaries of the lot;
- (h) Where a new building addition or structure is proposed for construction on a premises for use in home occupation or home lot activity, the new building or structure shall:
 - (1) Comply with the requirements listed above;
 - (2) Be subordinate to the dwelling on the premises;
 - (3) Be compatible with the residential character of the premises; and
 - (4) Meet the minimum yard setback regulations of the district in which it is located.

703.3 Procedure For Approval Of Special Exceptions Five copies of the complete application shall be filed with the Zoning Officer. An application fee shall be paid in the amount set by Board of Township Supervisors. The Zoning Officer shall as soon as possible refer one application to the Zoning Hearing Board and the Township Secretary who shall schedule the hearing and notify the parties.

The Board shall conduct a hearing in accordance with the procedures listed in *Section # 905* of this Ordinance within 60 days of the date that the application was filed. In granting special exception permits, the Zoning Hearing Board must decide that such permit will not be injurious to the neighborhood; not be inconsistent with the objectives of this ordinance and the comprehensive plan; and not be inconsistent with the character of the surrounding neighborhood or otherwise detrimental to the public health and welfare. In addition, the Board shall find 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. The Board of Supervisors shall render a decision no more than 45 days following the hearing.

Upon approval by the Board, all development, 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. In initially approving a Special Exception, where not in conflict with

other provisions of this ordinance, and where supported by appropriate documentation, future expansions of the use may be included in the Board's approval.

703.4 Expiration Of Special Exception Permit A Special Exception permit shall be considered to authorize only one particular use as approved by the Zoning Hearing Board and if the improvements described in the permit have not begun within one year from the date of approval the permit shall expire. If, for any reason, the Special Exception shall cease or be abandoned for one (1) year or more, it shall no longer be considered as authorized unless a new application is filed and approved.

704 STANDARDS APPLICABLE TO ALL SPECIAL EXCEPTION AND CONDITIONAL USES:

In addition to specific requirements for Special Exceptions and conditional uses as may be specified elsewhere in this Ordinance, the Zoning Hearing Board or the Board of Supervisors shall review the particular facts and circumstances of each proposed conditional use and special exception in terms of the following standards and shall permit said use after finding adequate evidence showing that such use at the proposed location:

704.1 Proposed use is in accordance with the community development objectives set forth in this ordinance and the comprehensive plan;

704.2 Proposed use 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 and neighborhood in which the use is located;

704.3 Proposed use 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 schools; 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;

704.4 Proposed use 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;

704.5 Proposed use 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; a danger of fire or explosion; and more specifically the uses shall meet the following standards:

- a) There shall be no undue pollution of the air by dust, dirt, fumes, smoke or odor which will cause damage to human health, animals, vegetation or other property, or which will soil property and be perceptible beyond the boundary or lot line of the proposed use.
- b) 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.

- c) There shall be no discernible vibration perceptible without instruments beyond the boundary or lot lines of the proposed use.
- d) There shall be no excessive noise and no apparatus or procedure which produces or emits radioactivity.
- e) 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.
- f) 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 the boundary or lot lines of the proposed use.
- g) 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 Protection.
- h) In its review of the application, the Board of Supervisors or the Zoning Hearing Board may seek the opinion of specialists in the Pennsylvania Department of Environmental Protection or other qualified experts of their choice to advise them regarding compliance with the above listed standards.

704.6 Proposed use will not result in the destruction , loss or damage of a natural, scenic, or historic feature of major importance and significance.

704.7 Proposed use will utilize Buffers to limit the impact of the use upon the neighborhood. The Buffering provisions in Section 515 of this ordinance shall be particularly applicable in the following cases:

- a) When the impacts 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 judgment of the reviewing officials, property devaluation.
- b) When the proposed use is adjacent to residential properties.

704.8 The Governing Body or the Zoning Hearing Board may designate the specific roadways to be utilized in connection with the activity and may require the posting of a bond or other security to cover roadway repair costs resulting from the activity.

705 SUPPLEMENTARY REQUIREMENTS/PEROGATIVES FOR SPECIFIC SPECIAL EXCEPTIONS AND CONDITIONAL USES:

In addition to the requirements outlined in Section 704 the additional standards are set forth for Special Exceptions and Conditional Uses for the following uses.

705.1 Service Stations and Auto Repair Businesses

- a) Fuel pumps shall be no less than 20 feet from the front lot line and 30 feet from each side lot line, and will comply with all state and federal regulations regarding tanks and pumps.
- b) No vehicle may be parked and stored along the front lot line for more than 12 hours.
- c) There shall be no outdoor storage of new or used parts, unlicensed vehicles, or vehicles without current State inspection stickers. The overnight parking of customer's vehicles and the placement of PA DEP or Federal EPA approved waste containers shall be permitted in side or rear lot areas.
- d) Canopy structures providing shelter for gas pumps shall be no more than 20 feet from the front and side lot lines.
- e) The applicant shall supply to the township copies of all licenses or permits required by the federal government, state government or agency, and any local government agency or regulation.

705.2 Churches

- a) The minimum lot width of the site must be 100 feet and the minimum lot size must be 10,000 square feet.
- b) Where a manse, rectory, or parsonage or other building for a minister's residence is to be erected on the same site as the church, the combined area of the site shall not be less than 15,000 square feet.
- c) The design and landscaping shall be compatible with, and preserve the character of any adjoining residential land uses.

705.3 Automobile Sales Businesses (Retail)

- a) No vehicles shall be parked along the front lot line. Automobiles may parallel the front lot line, but must be set back at least 15 feet from the front lot line.
- b) There shall be no outdoor storage of new or used parts, unlicensed vehicles, or vehicles without current State inspection stickers. The overnight parking of customer's vehicles and the placement of PA DEP or Federal EPA approved waste containers shall be permitted in side or rear lot areas.

705.4 Drive-in Establishments

- a) Separate entrance and exit driveways must be provided, and shall be limited to one of each on each abutting street. The entrance and exit driveways shall be no less than 30 feet apart at the street right-of-way.
- b) Entrance and exit driveways shall be located no less than 50 feet from the intersecting right-of-way lines of the nearest street intersection.

- c) Transaction window for drive-in establishment shall be situated such as to allow stacking capacity for no less than six automobiles on the site.

705.5 Hotels and Motels

- a) No hotel or motel shall have a lot area of less than 21,600 square feet.
- b) Motel buildings or accessory structures shall be placed no closer than 30 feet to any lot line.
- c) Swimming pools shall at a minimum comply with Section 501.4 of this Ordinance.
- d) Rooms shall not be rented for a period of less than 12 hours.

705.6 Bed and Breakfasts

- a) The person operating the Bed and Breakfast must also be the owner and occupant of the premises.
- b) There shall be, in addition to the residential parking requirements, one off-street parking space provided for each guest room. Non-residential off-street parking spaces must be located in the rear of the property.
- c) One sign may be displayed identifying the name and use of the Bed and Breakfast. The sign shall not exceed six square feet in area.
- d) The residential character of the premises shall not be altered.

705.7 Day Care Centers

- a) All outdoor play areas shall be fenced by a fence of at least four (4) feet in height.
- b) The operator shall secure and keep current all applicable Commonwealth or local licenses.
- c) One parking space per employee shall be provided.

705.8 Public Utility Structures

- a) All public utility structures shall be landscaped to present a minimum intrusion upon the neighborhood.
- b) Structures shall be enclosed by a security fence. Notwithstanding any other section of this Ordinance, the height of the fence shall be adequate to provide proper security for the structure.
- c) No outdoor storage shall be permitted

- d) Public utility structures may be sited on lots smaller than those required in the bulk regulations of the applicable zoning district.

705.9 Retail Business

- a) Total commercial use size shall not exceed 2,000 square feet.
- b) Signage and exterior displays shall be limited in accordance with the signage provisions of this Ordinance.
- c) There shall be no exterior display of merchandise on a regular basis.
- d) If a conversion of a residential structure, the residential character of the building and site shall be maintained.
- e) No outdoor sound transmission shall be permitted.

705.10 Kennels

- a) Actual kennels must be located at least 50 feet from any neighboring property line.
- b) Outdoor runs and facilities for animal keeping and care shall be constructed for easy cleaning and shall be adequately buffered from neighboring properties. (see Section 515)

705.11 Home Occupations Including Home Lot Occupations

- a) Home occupations shall be limited to those uses which are customarily conducted within a dwelling and carried on by the inhabitants therein and may be conducted on a residential grounds (Home Lot Occupations - in the building where the dwelling unit is established and/or in a structure which is accessory to the principal building or structure) without altering its basic residential character.
- b) A home occupation, once approved, is transferable to new residents on the premises providing there is no change in the nature of the use of any of the requirements under which the use was approved to operate.
- c) There shall be no more than two persons engaged at any one time in the home occupation activity in addition to family members living on the premises who participate in whole or in part in said activity.
- d) Normally, there shall not be more than eight vehicular trips generated by the use to and from the premises at the busiest hour of the normal operating day.
- e) There shall be, in addition to the residential parking requirements, one parking space for each person working on the premises at any one time who is not a member of the family plus one additional space for customers. Off-street parking spaces for non-residential use shall not be located in the front yard as defined in this Ordinance.

- f) Outdoor work, service and storage areas, if any, where readily visible from adjoining properties and from the abutting road shall be effectively screened or buffered. Buffering (Section 515) may be accomplished by walls, fencing, plantings and/or terrain or landscaped features.
- g) There shall be no electrical disturbance off the premises that would create visual or audible interference in radio or television receivers.
- h) There shall be no noise, odor, dust, fumes, glare, or flashing lights which normally are considered objectionable, perceptible without instruments more than 10 feet from the boundaries of the premises.

705.12 Personal Care Homes

- a) The residential character of the structure and site shall be maintained
- b) Signage and exterior displays shall be limited to a four (4) square foot sign noting the name of the home and its use. Illumination of the sign is permitted only by indirect means.
- c) The home shall have a minimum of three parking spaces available on site or in close proximity to the site

705.13 Nursing and Convalescent Homes

- a) The structures and landscaping must be consistent with the surrounding residential areas.

705.14 Communication Towers

- a. The communication tower must have the appropriate Federal, State and local permits to exist.
- b. The area around the tower shall be fenced.
- c. The tower shall be set back from adjoining property lines the same distance as its height.

706 VARIANCES:

706.1 Uses permitted by variance are only permitted when approved by the Zoning Hearing Board in accordance with the criteria set forth in this Code and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

706.2 Applications. Requests for variance shall be first presented to the Zoning Officer for review by filing an application containing the information required

by this Ordinance with the Zoning Officer. The form of the variance application shall be as approved by the Township.

706.3 Standards for Variance. A variance may be granted where the provisions of this Ordinance inflict unnecessary hardship and all the following findings are made, where relevant, in a given case:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood of the district in which the property is located.
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- c. That such unnecessary hardship has not been created by the Applicant.
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- e. 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.

ARTICLE #8 – ZONING ORDINANCE AMENDMENT PROCEDURES & ZONING PERMITS

801 ZONING AMENDMENTS:

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

802 INITIATION OF ZONING AMENDMENTS:

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

802.1 By resolution of the Summit Board of Supervisors;

802.2 By resolution of the Summit Township Planning Commission; and

802.3 By a landowner who desires 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 the Pennsylvania Municipalities Code, Act #247, Sections 609.1, 609.2 and 916.1, as amended.

802.4 A land owner may apply for an amendment to the Zoning Ordinance for a specific parcel of land owned by land owner under the provisions of the Pennsylvania Municipalities Planning Code.

803 CONTENTS OF ZONING AMENDMENT APPLICATION:

The application for an amendment shall contain at a minimum the following:

803.1 Name, address and phone number of applicant.

803.2 Specific language or proposed amendment to the text, and/or the legal description of any district or boundary change.

803.3 The present use and zoning district.

803.4 The proposed use and zoning district.

- 803.5** 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.
- 803.6** Where applicable a listing of all property owners within, contiguous to, and directly across the road from the parcel proposed to be rezoned. Also all other property owners that may have a substantial interest in the proposed amendment shall be listed.
- 803.7** A narrative (illustrated with mapped information where applicable) explaining the applicant's viewpoint of how the proposed change will impact (1) the community's public facilities, (2) the natural features of the site and its surroundings and (3) the land use patterns in the vicinity of the proposed change.
- 803.8** A statement on how the proposed amendment relates to the Township's Comprehensive Plan.
- 803.9** A fee as may be established by the Township Supervisors.

804 PROCEDURES FOR ZONING AMENDMENTS:

- 804.1** 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 Township Supervisors opportunities shall be offered the Township Planning Commission and the Crawford County Planning Commission to review the amendment. The Summit Township Board of Supervisors shall hold a public hearing on the proposed amendment pursuant to public notice before taking action.
- 804.2** The Supervisors shall submit each proposed amendment to the Summit Township Planning Commission and the Crawford County Planning Commission at least 30 days prior to the scheduled public hearing soliciting their recommendations. Comments by the planning commissions should be in writing and should be in the hands of the Township Supervisors no later than the date of the scheduled public hearing.
- 804.3** If the proposed amendment involves a zoning map change, a notice of the scheduled public hearing shall be conspicuously posted by the Township at points deemed significant by the Township residents along the perimeter of the tract of land which is the subject of the zoning amendment in order to notify potentially interested citizens. This posting shall be done at least one week prior to the date of the hearing.
- 804.4** 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 the ordinance, the Supervisors shall hold another public hearing, pursuant to public notice, and shall provide for reviews as established in Procedures for Zoning Amendments before proceeding to a decision on the amendment.

804.5 Contents 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.

804.6 If the amendment is adopted, within 30 days after the enactment a copy of the amendment shall be forwarded to the Crawford County Planning Commission.

805 MEDIATION:

As permitted in Act #247, as amended, the Township offers a mediation option as an aid to amending this ordinance should the above stated process not prove to be satisfactory for the applicant, and should the Township and the mediating parties both agree on the use of this technique. Section 908.1 of Act #247, as amended, provides the guidelines for this mediation option.

806 ZONING PERMITS:

806.1 Permit Required.

A zoning permit shall be required for and prior to:

- a. Construction, erection, movement, alteration or enlargement of a building or structure, except for structures in Section 806.2.
- b. Placement of a mobile, modular, or manufactured home or unit.
- c. Change in use of any building or structure.
- d. Use and development of land or change in the use, except the placing of vacant land under cultivation.
- e. Change in use, alteration or extension of a nonconforming use.
- f. Placement or construction of sign.
- g. Construction of an in-ground swimming pool, a portion of which is more than 36 inches below grade level.
- h. All construction must comply with the current Township Building Code in addition to zoning requirements.

806.2 Permits Not Required.

Zoning permits are not required for:

- a. Silos, grain cribs, or grain bins, walls and fences incidental to agricultural operation, provided that the dimensional requirements of this ordinance relating to setback, height, etc. must be complied with.
- b. Sidewalks, steps, driveways, earthen terraces, ground level patios, flag poles, dog houses, and lawn and recreational equipment (such as swings, playhouses, benches, picnic tables and ornamental objects), provided that

the dimensional and setback requirements of this ordinance must be complied with.

- c. Minor repairs to existing buildings or structures, including alterations to the interiors of buildings and alterations involving exterior siding, windows and roofing which do not affect or change the layout, form and size of a building or the structural components.
- d. Sheds not exceeding 105 square feet, provided that only one (1) shed shall be permitted on each parcel. Furthermore, sheds must comply with the dimensional and setback requirements of this ordinance.
- e. Greenhouses and tent-like storage enclosures which are less than 499 square feet, provided that these enclosures must meet the dimensional and setback requirements of this ordinance.
- f. Fences used in connection with the yard area, such as picket fences, curtilage fences, and primary fences may not be placed nearer than two feet from the property boundary line.
- g. While above-ground pools, hot tubs, or spas do not require zoning permits, any use of electrical apparatus in connection with the use of the pool, hot tub or spa must be inspected by the Building Inspector.

807 APPLICATION FOR PERMITS:

All applications for zoning permits shall be made in writing on a form furnished by the Township and shall include a plot plan drawn as accurately and close to scale as possible. The following information shall be provided:

- 807.1** Name, address and phone number of applicant.
- 807.2** Description of property, including tax assessment parcel number.
- 807.3** Existing use of property.
- 807.4** Proposed use of property.
- 807.5** Zoning District (to be supplied by Zoning Officer).
- 807.6** Description of work contemplated.
- 807.7** Estimated cost.
- 807.8** Current plot plan depicting the actual dimensions of the lot and dimensions and location of buildings or proposed additions (including such things as floor area, number of floors or stories, height, and other dimensions).
- 807.9** Existing and proposed setbacks (to be supplied by the Zoning Officer).
- 807.10** Location of all buildings and structures on abutting land within fifty (50) feet of the property line.
- 807.11** Location of road access, and location and number of parking spaces and loading facilities if applicable.
- 807.12** The number of dwelling units if applicable.
- 807.13** Existing and proposed screening or visual buffers, including materials and plant type.
- 807.14** A statement that the applicant is the owner of the lot or a copy of a written agreement between the owner and the applicant to permit the proposed construction.

807.15 A statement regarding other permits required, such as water permits, sewage permits or flood plain permits, and whether they have been obtained.

807.16 All other information necessary for the Zoning Officer to determine compliance with this Ordinance and all other pertinent ordinances.

807.17 Contractor proof of Workers' Compensation insurance.

808 ISSUANCE OF PERMIT

808.1 No building and zoning permit shall be issued until the applicant has established that the proposed work will be undertaken in conformity with the requirements of this and all other applicable federal, state and local laws and regulations, including, but not limited to, the Subdivision and Land Development Ordinance, Pennsylvania Sewage Facilities Act, applicable building codes, Pennsylvania Dam Safety and Encroachments Act, Pennsylvania Fire and Panic Act, the Township Building Code and that all other permits required have been or will be issued under these laws or regulations.

808.2 Within 15 days after receipt of the application, the Zoning Officer shall issue or deny the permit or issue a written request for additional information required in order to determine whether a permit should be issued.

808.3 No permit shall be issued unless all required fees have been paid.

808.4 If, 60 days after receipt of the application, sufficient information has not been received to determine whether the permit should be issued, the application shall be denied unless the Zoning Officer finds there is good cause for allowing additional time for consideration of the application and grants a written extension of time.

809 FEES

Fees for zoning permits; applications for special exceptions, variance and conditional use; appeal proceedings before the Zoning Hearing Board or Supervisors; and other matters of zoning administration shall be established in accordance with the Pennsylvania Municipalities Planning Code and other governing law and be adopted by Resolution of the Township Supervisors. These fees shall be set forth in a schedule of fees, which shall be posted and made available to the public. The applicable fees shall be paid to the Zoning Officer at the time of application, appeal or such other time as the Zoning Officer may direct. Action on applications or appeals may be withheld if fees have not been paid in full.

810 PLACARDS

In addition to the zoning permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Zoning Permit Officer. The zoning permit or authorization may be in the form of a building permit.

811 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS AND PERMITS

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

812 INSPECTION FOR COMPLIANCE

It shall be the responsibility of the Zoning Officer to ascertain whether the applicant has performed the development activities as established in the approved permit application including any additional requirements fixed by the Zoning Hearing Board or the Township Supervisors where special exception and conditional uses are approved. Where the use, work or development are not in compliance with the permit or this Ordinance, he shall be so notified by a written statement indicating reasons for the noncompliance. Continuing noncompliance shall be considered a violation of this Ordinance and shall be prosecuted as provided for in this Ordinance.

813 EXPIRATION OF PERMITS

If the work for which the permit is issued has not begun within one year from the 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 2 years of the date of issuance, said permit shall expire and shall be revoked by the Zoning Officer; 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 of time granted. Where a zoning permit has expired or is about to expire, the applicant may request an extension of time, which the Zoning Officer may grant for good cause.

814 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 or use and shall create no liability upon, or a course of action against, such public official or employee for any damage that may result pursuant thereto.

ARTICLE #9 – ADMINISTRATION AND ENFORCEMENT

901 THE ZONING OFFICER: The Board of Supervisors shall appoint a Zoning Officer and/or assistant who shall administer this Ordinance. The Zoning Officer may not hold any elective office in the Township. Duties: The Zoning Officer shall:

901.1 Administer and enforce the provisions of this Ordinance in accordance with its literal terms. The Zoning Officer shall not have the power to issue a permit for any construction or any use or change of use, which does not conform, to this Ordinance;

901.2 Receive applications for zoning permits, review all applications for conformity with all appropriate provisions of this Ordinance, issue permits for applications that comply with the regulations contained in this Ordinance, deny permits where the application is not in compliance with the provisions of this Ordinance, and inform the applicant of the reason(s) for denial of a permit;

901.3 Maintain a permanent file of all applications for zoning permits and all other actions, which he is required to perform under this Ordinance;

901.4 Receive and process requests for conditional use approval and amendments to this Ordinance. The Zoning Officer shall forward such requests to the Board of Supervisors;

901.5 Receive and process requests for special exception use approvals, variances and appeals, by forwarding such requests to the Township Zoning Hearing Board;

901.6 Inspect premises as may be necessary for the issuance of permits and in performing the duties of administering this Ordinance;

901.7 Order the action necessary to correct any violation of this Ordinance where violations are found to exist;

901.8 Order the discontinuance of illegal uses of land, buildings, or structures; removal of illegal structures; discontinuance of any illegal work;

901.9 Utilize proceedings before District Magistrates to enforce the provisions of this Ordinance; and

901.10 Advise applicants, where appropriate, of procedures for zoning amendments, variances, and appeals, special exceptions and conditional uses, as provided for in this Ordinance.

902 THE BOARD OF SUPERVISORS: The Summit Township Board of Supervisors shall have the following duties in the administration of this Ordinance:

902.1 Review all proposed amendments to this Ordinance, conduct public hearings pursuant to legal public notice on each proposed amendment; and taking action on proposed amendments to approve or deny approval of proposed amendments. In the event that a proposed amendment is revised during the course of the public hearing(s) to include land previously not affected by the proposed amendment, the Board of Supervisors, the Township Planning Commission, or by a petition of a person residing or owning property within the Township;

902.2 Refer all proposed amendments to the Township Planning Commission and the Crawford County Planning Commission for review and comments, allowing at least 45 days for such reviews by the Township and County Planning Commission before holding the public hearing or taking action on the proposed amendment; and

902.3 Review and take action on all applications for conditional use approval, as provided for in this Ordinance and under the Municipal Planning Code.

903 THE TOWNSHIP PLANNING COMMISSION: The Summit Township Planning Commission shall have the following duties in the administration of this zoning Ordinance.

903.1 Review all proposed amendments to this Ordinance and make recommendations to the Board of Supervisors of each proposed amendment;

903.2 From time to time, as needs arise, propose to the Board of Supervisors appropriate amendments to this Ordinance; and

903.3 Conduct other reviews, provide information and make recommendations as required by the provisions of this Ordinance.

904 THE TOWNSHIP ZONING HEARING BOARD: Creation and Appointment:
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. In addition to the regular members of the Zoning Hearing Board, the Township Supervisors shall serve when there is a need for a replacement of a regularly appointed member by reason of absence, illness, conflict of interest or other reason necessitating the substitution of one or more alternates in order to carry out the functions of a three person hearing board.

Organization: The Board shall elect from its own membership a Chairman and a Secretary who shall serve annual terms as 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, three members of the Board, including one or more alternates, if required for reasons above set forth to act in a particular matter, shall be required. The decision of the Board shall be made by the vote of the majority of the Board members and/or alternates who acted upon and heard the case.

Legal Counsel: Within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract for legal counsel who shall not be the Township Solicitor.

Functions and Duties: The Summit Township Zoning Hearing Board shall have the following functions and duties:

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

904.2 The Board shall hear challenges to the validity of the zoning ordinance and/or map and any parts thereof; except it may not hear challenges pertaining to the process of enactment or adoption of the ordinance and map. At the conclusion of the 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.

904.3 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; public notice shall be given for such hearings. The Board may vary the application of any requirements of this ordinance whereby strict enforcement would result in practical difficulty or unnecessary hardship, which would deprive the applicant of the reasonable use of his land or building. A variance may be granted provided the following findings are made by the Board:

- (a) 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;
- (b) That because of such physical circumstance there is no possibility that the property can be developed in strict conformity with the provisions of this ordinance;
- (c) That such unnecessary hardship has not been created by the applicant;
- (d) 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. Furthermore, in considering requests for variances, the following rules shall apply:

- (1) 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.
- (2) The Board shall not permit variances which allow a use not permissible under the term of this ordinance in the district involved. Either Board may impose 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 and punishable under the terms herein.

904.4 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; public notice shall be given for such hearings. In granting special exception permits, the Board shall prescribe the basis upon which the permit was 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 the use for which such permit is sought will not be injurious to the neighborhood, not be inconsistent with the objectives of the Summit Township Comprehensive Plan, 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 over crowd 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. Applications for special exceptions may be subject to additional more specific standards and criteria as established in other sections of this ordinance.

904.5 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 non-zoning 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 on all relevant issues of fact, which shall become part of the record on appeal to court. The Board shall have authority employ professional court stenographers to make a record of the proceedings at the Township's expense; parties desiring transcripts of the record may obtain the same at their own expense.

905 ZONING HEARING BOARD PROCEDURES: The hearing procedure of the Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Planning Code of 1968 as amended by Act 170 of 1988 and as further 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:

- 905.1** 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 shall be taken by filing a notice of appeal with the Zoning Officer who shall transmit immediately said notice of appeal 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.
- 905.2** The appellant shall, at the time of filing his appeal, pay the Zoning Officer a fee as determined by resolution of the Township Supervisors to defray or help defray the cost of the appeal, including advertising and stenographic record.
- 905.3** Each appeal shall be tried on its merits at a public hearing. Public notice of such appeal shall be given. The Board also shall give notice to the applicant, the Zoning Officer and such other persons as the Township Supervisors may designate. Notices shall be given at such time and in such manner as shall be prescribed by Act of Assembly or ordinance, or, in the absence of Act of Assembly or ordinance provisions, by rules of the Board. The Board may adjourn any hearing for the purpose of giving further or additional notice.
- 905.4** The Planning Commission upon request shall furnish all pertinent narrative material, maps, charts and other data relative to any 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.
- 905.5** The Chairman of the Board, or acting Chairman shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers.
- 905.6** 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.
- 905.7** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 905.8** 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 his or her expense.
- 905.9** The Board shall render a written decision and make written findings on the applications within 45 days after the last hearing before the Board. Each decision shall be accompanied by findings of facts and conclusions of law based thereon together with the reasons therefore.

905.10 Where the Board fails to render a decision within the 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.

905.11 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 within a reasonable time following the date of the decision and to all other persons who have filed their name and address with the Board shall provide by mail or otherwise brief notice of the decisions of findings and a statement of the place at which the full decision or findings may be examined.

905.12 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 they had no notice, knowledge, or reason to believe that such approval had been given.

906 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 course as provided by law. It is further the intent of this ordinance that the duties of the Township Supervisors shall not include hearing and deciding questions of interpretation and enforcement that may arise.

906.1 Zoning Hearing Boards Functions:

- (a) Zoning Hearing Board shall hear and decide requests for variances;
- (b) In granting a variance, the Board may attach reasonable conditions which it deems necessary to implement this Ordinance;
- (c) The Zoning Hearing Board shall hear and decide request for special exceptions in accordance with standards and criteria set forth in this Ordinance. The Board may attach such reasonable conditions, as it deems necessary.

906.2 Conditional Uses: Township Supervisors may hold hearings and decide requests for conditional uses in accordance with the standards set forth in this Ordinance, and may attach reasonable conditions and safeguards in addition to those set forth in this Ordinance as they deem necessary to implement this Ordinance.

906.3 Exclusive Jurisdiction of Zoning Hearing Board: Zoning Hearing Board shall have an exclusive jurisdiction to hear and render final adjudications in the following matters:

- (a) Substantive challenges to the validity of any land use ordinance, except those brought before the Township Supervisors for preliminary opinion and those brought for curative amendment.
- (b) Challenges to the validity of this Ordinance for defects in the process of enactment; these must be filed in writing within 30 days after the effective date of this Ordinance of amendment thereto.
- (c) Appeals from the determination of the Zoning Officer regarding permits, or appeals from determination of the Zoning Officer regarding administration of Floodplain Provision of this Ordinance.
- (d) Applications for variances.
- (e) Applications for special exceptions generally under the terms of this Ordinance including the Floodplain provisions of this ordinance.
- (f) Appeals from the determination of the officer in charge of the administration of transfers of development rights.
- (g) Appeals from the Zoning Officers determination on preliminary opinion.
- (h) Appeals from determination Zoning Officer with respect to sedimentation and erosion controls, and storm water management not involved in Planned Residential Development nor subdivision and land development.

906.5 Township Supervisors Exclusive Jurisdiction: Township Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- (a) All applications for approval of Planned Residential Development,
- (b) All applications for approval of subdivision or land development,
- (c) Application for conditional use under express provisions of this ordinance,
- (d) Applications for curative amendments to this Ordinance or its amendments,
- (e) All petitions for amendments to this ordinance or its amendments,
- (f) Appeals from the determination of the Zoning Officer with reference to sedimentation and erosion control and storm water management, insofar as such determination relates to Planned Residential Development or to land subdivision and development.
- (g) Applications for special encroachment permits.
- (h) Applications to change the zoning of a parcel or area of land.

907 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 causes and basis thereof, shall be filed with the Zoning Officer who shall investigate the matter and take action thereon as provided by this ordinance.

908 ENFORCEMENT REMEDIES:

908.1 Any person, partnership or corporation who or which has violated the provisions of this ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by the Township of Summit shall, pay a judgment of not

more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation.

908.2 Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

908.3 Preventive Remedies:

(a) In addition to other remedies, the Township may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

(b) The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any provision of this ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

- (1) The owner of record at the time of such violation.
- (2) The vendee, devisee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

908.4 Notice of Violation Whenever a condition constituting a violation of this Ordinance is found to exist, the Municipality or its designated representative shall cause written notice to be served upon the owners of the subject premises, as well as other persons responsible for the non-point-of-sale sign/outdoor advertising device. Service of this notice may be made by personal delivery to the owners, and other Persons Responsible, or by mailing the notice to their last known

address by certified mail. The notice shall identify the subject property and owner(s), or other Persons Responsible, describe the conditions of the property with constitute the violation, set forth the applicable section (s) of the Ordinance, and set forth a reasonable time to correct or remedy the violation.

908.5 Remedies for Violation. Violation of this Ordinance may result in any one or more of the following actions:

- a) the Municipality may order the removal of non-point-of-sale signs/outdoor advertising devices installed or constructed in violation of the provisions of this Ordinance;
- b) the Municipality may institute proceedings before the District Justice or in a court of law to recover penalties and costs as provided in this Ordinance;
- c) the Municipality may institute an action in equity or at law, to abate the violation and obtain such other relief as is appropriate.

The remedies provided herein for the enforcement of this Ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Municipality.

908.6 State Byway Program. If the roadway is designated a Byway by the Township of Summit and also by the Commonwealth of Pennsylvania, Department of Transportation, the Municipality shall enforce the prohibitions set forth in this Ordinance and shall not revise this Ordinance without the prior written approval of the Department. Failure to do so may result in revocation of the Byway designation.

909 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 cause of action against, such public official or employee for any damage that may result pursuant thereto.

ARTICLE #10 – PLANNED RESIDENTIAL DEVELOPMENTS

1001 PURPOSE: This Article provides for planned residential developments in order:

1001.1 To encourage innovations in residential development and to foster greater variety in type, design and the siting of dwellings.

1001.2 To provide a creative alternative to the conventional development which occurs on a lot by lot basis subject to traditional zoning regulations; and

1001.3 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 planned residential development provides 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 the superior designs of dwellings, site relationships and land parcelization, and through the establishment special arrangements for community organization and management which fixes additional responsibilities on residents for maintenance of common areas and community services and utilities. The provisions of this article are based upon and are intended to be in compliance with the Pennsylvania Municipalities Planning Code Act #247 as amended by Act 170 of 1988.

1002 RELATIONSHIP TO OTHER ARTICLES OF THIS ORDINANCE AND TO THE SUMMIT TOWNSHIP SUBDIVISION REGULATIONS: Because of the special characteristics of planned residential developments a different process and different requirements shall govern this kind of 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 Summit Township Subdivision Ordinance, the provisions of this article shall prevail.

1003 GENERAL REQUIREMENTS: The following general requirements shall be met in order to process a development under the provisions of this article:

1003.1 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 responsible individuals 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 administrative organization 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.

1003.2 *The provisions of the Summit Township Zoning Ordinance of 2002-5 contained in Subsection 1003.2 are deleted and are replaced by other provisions of this Amendatory Ordinance.*

1004 PERMITTED USES: A planned residential 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 the permitted: single family dwellings in detached, semi-detached, and attached forms; two-family detached dwellings; seasonal dwellings; multi-family dwellings including multi-story apartments and townhouse apartments; prefabricated homes, including mobile homes in the double wide, stacked and expandable forms (if installed as required by this Ordinance); churches, schools, non-profit or philanthropic institutions, commercial uses, including offices, restaurants, retail shops, recreational facilities, marinas, hotels and similar facilities, if such uses are ancillary and supportive to the residential uses in the planned residential development, and facilities necessary for providing the public utilities serving the development.

1005 MINIMUM SIZE AND DENSITY OF DEVELOPMENT: Developments in the following zoning districts shall meet the following requirements:

Zoning District	Minimum Area	Maximum Dwelling Units Per Acre
B-1 Business	3 acres	10.0
A-1 Agriculture	5 acres	6.0
R-1 Residential	3 acres	6.0
C-1 Conservation	5 acres	6.0

No planned Residential Development shall be permitted in a Residential, Business, Agricultural or Conservation Zoning District unless the development is connected to a public wastewater treatment system or is served by a properly permitted wastewater treatment system for disposal of sanitary sewage for the entire development.

In calculating the maximum number of dwelling units allowed in a proposed development, multiply the gross acreage by the number of dwelling units permitted per acre. If the multiplication results in a number with a fraction of five-tenths (.5) or higher, the next whole number shall be used.

1006 ADMINISTRATIVE PROCEDURES: Application for approval of planned residential development shall be processed in three steps:

- (1) Pre-application conference;
- (2) Tentative preliminary Plan Review; and
- (1) Final Plan Review. The Pre-application Conference shall not be mandatory.

1006.1 Pre-application Conference: The purpose of the pre-application conference is to enable the developer, the Township Planning Commission, the Board of Township Supervisors and the Township Zoning Officer to discuss all aspects of the proposed development, including rough sketches of site and building plans, prior to the developer incurring detailed engineering and architectural work. Requests for pre-application conferences shall be made by the developer to the Zoning Officer, who shall set the date and time for such conference.

1006.2 Tentative preliminary Plan: Applications for approval of the preliminary plan shall be filed with the Zoning Officer. The Zoning Officer shall not accept for filing any preliminary plan which is incomplete or which fails to comply with the provisions of this article. The Zoning Officer shall immediately forward one (1) copy of the application for approval of preliminary plans to the Board of Township Supervisors, one (1) copy to the Township Planning Commission and (1) copy to the Crawford County Planning Commission.

- (a) Within sixty (60) days after filing the application for approval of preliminary plans, the Township Planning Commission shall review preliminary plans and shall make recommendations to the Board of Township Supervisors.
- (b) Within said sixty (60) day period the Board of Supervisors shall hold a public hearing in accordance with Act 170 of 1988, at which time said preliminary plans shall be subject to inspection by the public who shall have the right to make such comments as any member of the public may deem appropriate. The public hearing shall not be held prior to receipt of recommendations by the Crawford County Planning Commission.
- (c) Crawford County Planning Commission shall review the preliminary plans and make such recommendations to the Township Board of Supervisors as it deems fit within forty-five (45) days of receipt of the preliminary plans.
- (d) Within sixty (60) days after the aforesaid public hearing, the Board of Township Supervisors shall notify the applicant in writing of its approval or approval subject to specific conditions or denial of the application, together with all pertinent review comments.

1006.3 Final Approval: Within six (6) months after the date of tentative approval of preliminary development plans, the developer shall submit full, complete and detailed final plans to the Township Zoning Officer for final approval. Extensions of time may be granted by the Zoning Officer to the developer upon reasonable cause shown. The Zoning Officer shall immediately forward one (1) copy of the application for final approval of the final plans to the Township Planning Commission and to the Board of Supervisors. Within thirty (30) days thereafter the Township Planning Commission shall review the same and submit to the

Board of Supervisors its recommendations. The Board of Supervisors shall, within forty-five (45) days, of approval of disapproval of said final plans and in the event of disapproval of said final plans and in the event of disapproval, the reasons therefor. Thereafter, within 30 days, the landowner may refile the plan with objectionable matters removed or file a written request for a public hearing which will be held within 20 days of written request.

1006.4 Recording of Final Plan: The original final 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 by the Township Zoning Officer in the Office of the County Recorder at the applicant's expense.

1006.5 Planned residential development involving subdivision plot: Where a subdivision plot is involved in the development it shall be processed as required in the Summit Township Subdivision Ordinance and shall be given its final approval and recorded by the Township Zoning Officer at the applicant's expense concurrently with when the final plan is approved for the planned residential development.

1007 PLAN REQUIREMENTS:

1007.1 Tentative Plan Review. The following items of information shall be submitted to the Zoning Officer for tentative plan review. Additional information may be submitted where appropriate. Plans shall be submitted by an engineer, landscape architect, and/or architect under appropriate seal.

- (a) the location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;
- (b) the density of land use to be allocated to parts of the site to be developed;
- (c) The location and size of the common open space and the forms of organization proposed to own and maintain the common open space;
- (d) the use and the approximate height, bulk and location of buildings and other structures;
- (e) the feasibility of proposals for water supply and the disposition of sanitary waste and storm water;
- (f) the substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;
- (g) the provisions for parking of vehicles and the location and width of proposed streets and public ways;
- (h) the required modifications in the municipal land use regulations otherwise applicable to the subject property;
- (i) the feasibility of proposals for energy conservation and the effective utilization of renewable energy sources; and
- (j) in the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications

for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.

The application for tentative approval of a planned residential development shall include a written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan for the development of the municipality.

1007.2 Final Approval of Plan: 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 land, and common open space.
- (b) Engineering plans detailing the construction of the required improvements as listed in Section 709 following.
- (c) All supporting material including information submitted at preliminary review including but not limited to cross sections, reports and narrative.
- (d) Evidence of approvals by appropriate public authorities, or agencies where applicable.
- (e) Evidence of the organizational structure of a resident's association where this form of management will be used to maintain common open space and other such private systems.

1008 DESIGN STANDARDS: The developer shall be free to create a more physically integrated, aesthetic and functional living environment using design skills and the latest in building technology, provided, however, that such designs meet nationally recognized standards for health and safety.

1008.1 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.

1008.2 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.

1008.3 Common Open Space: A minimum of 20 percent of the net acreage shall be reserved for common open space. Where staged construction is utilized, at not time shall the total area of dedicated open space be less than 20 percent of this area of the project approved for development.

1009 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 run-off 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 Protection.

1009.1 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 and acceptable method for maintaining this land and improvements.

1009.2 Assurances: Before the final plan is approved by the Board of Township Supervisors, required public improvements (distinguished from private 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 of Supervisors, and
- (c) Insured under a performance bond approved by the Board of Supervisors, or
- (d) Covered under some agreement mutually satisfactory to both the developer and the Board, or
- (d) Covered under any combination of the above methods as listed (b) through (d).

1010 AMENDMENTS: Major revisions to the approved final plan, such as changes in land use, streets, major changes in the common open space systems, major changes in building locations, shall be considered as amendments to the final plan and shall be processed as set forth in 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.

1011 APPROVAL OF A FINAL PLAT:

- (a) Upon the approval of a final plat, the developer shall, within 90 days of such final approval, record such plat in the office of the Recorder of Deeds of Crawford County at the developer's expense, and deliver to the Zoning Officer a copy of the plat as recorded together with the recording data. Whenever such plat approval is

required by Summit Township, the recorder of deeds of the county shall not accept any plat for recording, unless such plat officially notes the approval of the governing body and review by the Crawford County Planning Commission.

- (b) The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

- (1) **Effect of Plat Approval on Official Map.** After a plat has been approved and recorded as provided in this article, all streets and public grounds on such plat shall be, and become a part of the official map of the Township without public hearing.

- (c) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the approving body and shall be filed of record forth with in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions herein stated, of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the Township and the landowner. Upon approval of a final plat, the developer shall record the plat and post financial security in an amount to be determined by the Township Supervisors.

- (d) In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the approving body in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in this Ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified in accordance with this zoning ordinance.

1012 ENFORCEMENT REMEDIES: Any person, partnership or corporation, who or which has violated the planned residential development provisions of any ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the appropriate rules of civil procedure. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of planned residential development provisions shall be paid over to the Township.

1013 APPLICATIONS MUST DISCLOSE WATER SUPPLY AND SEWAGE DISPOSAL: In applying for a new or different use, permanent for use of a lot, the applicant shall set forth

the source of water. No permit shall be issued where the water supply is to be provided other than by a private well owned and maintained by the lot owner, unless applicant presents evidence that water will be supplied by a Certified Public Utility, a bona fide cooperative of lot owners, or by a municipal corporation, a municipal authority or a municipal utility.

1014 APPLICATION MUST HAVE SEWAGE DISPOSAL PERMITS: All applications for new or different use permits shall indicate whether or not public sewage disposal is available and if so, a statement from the public sewage utility authorizing tap-in; if a private sewage disposal system is to be utilized, then a statement of approval by the Township Sewage Enforcement Officer of the system and of applicants tap-in and use of the system must be exhibited. If on-site disposal is proposed, the applicant must exhibit a permit for on-site disposal issued by the Township Sewage Enforcement Officer or an exemption approved by the Sewage Enforcement Officer.

ARTICLE #11 – TIME LIMITATIONS

1101 TIME LIMITATIONS:

- (a) The Zoning Officer shall make determinations on all applications for permits within 15 days of the filing of the application. In the event that the application is denied, the Zoning Officer shall set forth the reasons for denial in writing and shall mail or otherwise deliver a copy of the written denial to the applicant within 15 days of the date of filing the application.
- (b) Persons desiring to appeal from decisions of Zoning Officer, shall file a written Notice of Appeal with the Zoning Hearing Board within 30 days after the Zoning Officer's decision is made.
- (c) Persons desiring to appeal from decisions of the Zoning Hearing Board or from the decision of the Township Supervisors, to the Court of Common Pleas shall file written appeals within 30 days from the date of the determination by the Zoning Hearing Board or by the Township Supervisors as the case may be.

This Amendment to the Summit Township Zoning Ordinance shall be effective five (5) days after enactment.

ENACTED AND ORDAINED THIS ____ DAY OF _____ OF 20__.

Attest:

Summit Township By:

Cindy McCoy,
Township Secretary

Dennis Agnew,
Chairman, Board of Supervisors

LeRoy Bell, Supervisor

Harry E. McGrath, Supervisor