

**HAYFIELD TOWNSHIP
ZONING ORDINANCE**

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**Prepared by the
Hayfield Township Planning Commission**

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**ARTICLE 1
PURPOSE AND AUTHORITY**

Section 101 Title

This Ordinance shall be known and may be cited as the **Hayfield Township Zoning Ordinance**. The accompanying district map shall be known, and may be cited as, the **Hayfield Township Zoning Map**.

Section 102 Authority

In accordance with the authority granted to Hayfield Township through the Pennsylvania Municipalities Planning Code this Ordinance and Map are intended to:

Regulate the density of population;

Regulate the location and use of buildings, structures and land for residential, agricultural, commercial, industrial and other purposes;

Regulate the height, bulk, number of stories, size and placement of buildings and structures;

Divide the Township into districts of such size, shape and area, and to establish such zoning map, as may be deemed best suited to carry out the regulations; and

Establish procedures for the administration, enforcement, amendment, and relief from hardships under certain circumstances.

Fulfill the purposes of Section 103 and the Township's Community Development Goals and Objectives as stated in Article 2 of this Ordinance.

Section 103 Purpose

These regulations are deemed necessary in order to encourage beneficial growth in the Township while keeping the density of development consistent with existing Township facilities and the Township's ability to develop new facilities needed. These regulations are expected to:

Promote the public health, safety, morals and general welfare;

Conserve and stabilize property values through encouragement of the most appropriate uses of land in relation to adjacent properties, with consideration given to the physical characteristics of the property, and its value, as well;

Secure safety from fire, flood, panic and other dangers by providing for adequate open spaces for light, air and amenity, and by promoting emergency preparedness and operations;

Preserve steep slope forestlands, agricultural lands, historic resources, and recreation areas in their natural state, or from conflict with urban development;

Protect floodplains and manage the release of stormwater to minimize downstream flooding;

Prevent the overcrowding or improper development of land, incompatible uses of land, and/or blighting conditions;

Facilitate the economic provision of safe, adequate and reliable transportation, water supply, sewage disposal, public schools, parks and other public requirements;

Avoid congestion in travel and transportation, and maintain and improve the carrying capacity and safety of major roads;

Reduce the cost of building roads and installing utilities, and the subsequent cost of township operations; and

Encourage similar controls upon development in adjacent municipalities where logical zoning district boundaries extend across municipal lines.

Section 104 Prohibited Activities

No structure shall be located, erected, constructed, moved, externally altered, converted or enlarged, nor shall any structure or land be used or designed to be used except in full compliance with this Ordinance, and after the lawful issuance of all permits and certifications required by this Ordinance.

Section 105 Fees

Fees for zoning permits and sign permits; applications for special exceptions, variance and conditional use; appeal proceedings before the zoning hearing board or Township 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.

Section 106 Governmental Agencies

Property owned, leased or operated by the Commonwealth of Pennsylvania, or the United States, or the Township, or any other public or governmental body or agency, shall be subject to the requirements of this ordinance as follows:

- A. Where such public or governmental uses are specifically listed, they shall be governed as indicated.
- B. Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature.
- C. Governmental entities and agencies shall be exempt from the provisions of this ordinance only to the extent that it has been determined that the Township has no power to apply its zoning regulations to the particular use of land.
- D. In the interest of the protection of health and safety, the Township shall be exempt from the provisions of this ordinance in the course of municipal functions related to road maintenance and provision of infrastructure, including grading, paving, culverts bridges, directional and safety signage, pump stations, wells, and similar structures and appurtenances, in particular any applicable setback and permitting procedures. However, the Township shall maintain all lot, yard, and coverage standards for any municipal building.

Section 107 Interpretation of Regulations

Whenever the provisions of this Ordinance are at variance with provisions in other parts of this Ordinance any other lawfully adopted rules, regulations or ordinances, the more restricted requirements shall govern. However, for new subdivisions, the Township Board of Supervisors, on the advice of the Planning Commission, may permit flexible design as specified under Section 403.6 of the Hayfield Township Subdivision and Land Development Ordinance, as such regulations pertain to lot averaging.

Section 108 Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

Section 109 Repeal

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

ARTICLE 2 COMMUNITY DEVELOPMENT OBJECTIVES

In addition to the general purposes listing in **Section 103**, the following specific community development objectives, created as a direct result of a Comprehensive Plan adopted in 1999, have been considered as a basis upon which the regulations and controls of this Ordinance are derived:

Section 201 Objectives

- A. Future growth and development will be accommodated to the extent that it does not upset the balance of the pre-existing community.
- B. Family farms should always be a part of Hayfield Township. The Township will pursue policies to protect family farms from those forms of intensive development, which would endanger their ability to continue.
- C. The preservation and conservation of woodlands, streams, and stream banks should be integrated fully into the land use planning process, without endangering the traditional patterns of pre-existing use.
- D. Small-scale businesses should be encouraged to continue. Similar entities should also be encouraged where they meet the twofold criteria of no discernible land use impact to neighboring properties, and no need of increased local government services.
- E. The integration of low-density residential uses within the setting of farms, woodlands and small businesses should continue, allowing the Township to meet its needs for providing for future households while not sacrificing the other components of the Township.
- F. Future intensive, expansive or high-density uses should be located where infrastructure is available to support the intensity of development and the uses can be buffered to prevent damage to neighboring pre-existing land uses.
- G. For commercial or high-density residential land uses, future development should be where both support infrastructure and the provision of related services both are available. The Township will provide for these uses, where necessary, in a timing and location in which the public services can be integrated to the advantage of both Township and developer.

- H. Where the Township makes public investment, it should be concentrated in existing villages. Land use patterns should also encourage these villages to thrive, grow, and continue by permitting a diversity of land uses.

ARTICLE 3
DISTRICT DESCRIPTIONS

Section 301

- A. A map entitled the Hayfield Township Zoning Map is hereby adopted as part of this Ordinance. The official Zoning Map shall be kept on file and available for examination at the Township offices.
- B. Annexed Areas. Any territory hereafter annexed, or gained through a revision of mapping, re-survey, or other subsequent discovery, will be automatically zoned R-D Rural Development District until otherwise classified by the Township.
- C. District Boundaries. District boundaries that are shown between the lines of streets, streams and transportation rights-of-way shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map or by the fact that it clearly coincides with a property line he shall refuse action. 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 purpose set forth in all relevant provisions of this ordinance.
- D. Zoning District Changes. All approved changes to zoning districts shall be promptly incorporated into the Zoning Map.
- E. Permitted Uses, Conditional Uses and Special Exceptions. The permitted uses, conditional uses and special exceptions for each district are shown in the following tables of this chapter and are considered principal uses unless clearly noted. Conditional uses may be granted or denied by the Board of Township Supervisors with the advice of the Planning Commission in accordance with the express standards and criteria of this chapter. In granting a conditional use, the Supervisors may attach reasonable conditions as they may deem necessary to implement the purposes of this chapter and safeguard the neighborhood. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this chapter. In granting a special exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter and protect the neighborhood. Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article 8. Uses not specifically permitted in any district are prohibited.

Section 302 RD-Rural Development District

The Rural Development (RD) District is meant to provide for the continuation of agriculture as an important endeavor in the community. It is also meant to provide for residential opportunities in a rural setting and to foster small-scale businesses in a low-density setting, which will contribute to economic self-sufficiency and rural quality of life.

RD-Rural Development District

Permitted Uses

Conditional Uses

Agriculture
Agricultural Services
Home Occupations
Gas and Oil Drilling
Bed and Breakfast
Churches

Professional Offices

Veterinary Offices

Landscaping/Nursery

Family/Group Day Care Homes

Repair/Service Businesses

Single-Family Dwellings

Public Parks and Recreation

Private Clubs and Recreation

Golf Courses

Essential Services

Mobile Home Parks (419)

Specialized Animal Raising and Care (420)

Mineral Excavation (416)

Sawmills (411)

Cemeteries (417)

Multiple-Family Dwellings (418)

Limited Retail Businesses (Less Than 5,000 Square Feet Gross Floor Area) (405)

Personal Care Homes (409)

Mini-Storage Facilities (412)

Home- or Farm-Based Manufacturing (421)

Restaurants (426)

Billboards (507.H)

Recreational Campgrounds (404)

Convenience Stores/Service Stations (408)

Day Care Centers (410)

**TABLE 302
RD-RURAL DEVELOPMENT DISTRICT
LOT, YARD AND HEIGHTS STANDARDS**

	Single-Family Dwellings, Family Day Care Homes*	Multiple-Family Dwellings	All Other Uses
Minimum Lot Area	2 Acres	1.5 Acres for First Dwelling Unit 20,000 Square Feet For Each Unit Thereafter	3 Acres
Minimum Lot Width	150 Feet	150 Feet	150 Feet
Minimum Front Yard	40 Feet	40 Feet	40 Feet
Minimum Side Yard	30 Feet	30 Feet	30 Feet
Minimum Rear Yard	40 Feet	40 Feet	40 Feet
Maximum Height	35 Feet	35 Feet	35 Feet
Maximum Coverage	15%	15%	20%

Section 303 C-Conservation District

The C-Conservation District is established to ensure that planning for development near floodplains, steep slopes, wetlands and other environmental hazard areas fully integrates a cognizance of the limitations of the land.

<u>C-Conservation District</u>	
<u>Permitted Uses</u>	<u>Conditional Uses</u>
Agriculture	Specialized Animal Raising and Care (420)
Agricultural Services	Mineral Excavation (416)
Home Occupations	Sawmills (411)
Gas and Oil Drilling	Cemeteries (417)
Bed and Breakfast	Limited Retail Businesses (Less Than 5,000 Square Feet Gross Floor Area) (405)
Churches	Home- or Farm-Based Manufacturing (421)
Professional Offices	Recreational Campgrounds (404)
Veterinary Offices	Day Care Centers (410)
Family/Group Day Care Homes	
Single-Family Dwellings	
Public Parks and Recreation	
Private Clubs and Recreation	
Golf Courses	
Essential Services	
Accessory Uses and Structures	
Landscaping/Nursery	
Repair/Service Businesses	

**TABLE 303
C-CONSERVATION DISTRICT
LOT, YARD, AND HEIGHT STANDARDS**

	Single-Family Dwellings, Family Day Care Homes	All Other Uses
Minimum Lot Area	3 Acres	5 Acres
Minimum Lot Width	200 Feet	200 Feet
Minimum Front Yard	40 Feet	40 Feet
Minimum Side Yard	30 Feet	30 Feet
Minimum Rear Yard	40 Feet	40 Feet
Maximum Height	35 Feet	35 Feet
Maximum Coverage	15%	15%

Section 304 I-Intensive Development District

The Intensive Development District is established to provide for businesses and high impact land uses that require significant infrastructure.

I-Intensive Development District

Permitted Uses

Conditional Uses

Automobile Sales and Service
 Hotel/Motel
 Restaurant
 Drive-Through Restaurant
 Retail Businesses
 Professional Offices
 Carwash
 Mini-Storage Facility
 Light Manufacturing
 Public Utilities
 Essential Services
 Churches
 Landscaping/Nursery
 Agriculture
 Single-Family Dwellings
 Building Material/Supply Yards
 Convenience Stores/Service Stations
 Equipment Sales and Service
 Shopping Centers
 Personal Services
 Theaters
 Business Services
 Accessory Uses and Structures
 Home Occupations

Commercial Recreation (415)
 Sexually Oriented Businesses (422)
 Junk Yards (414)
 Correctional Facility/Halfway House (423)
 Heavy Manufacturing (407)
 Communication Towers (403)
 Truck Terminals/Warehousing/Distribution (406)
 Billboards (507.H)
 Sanitary Landfills (413)

**TABLE 304
 I-INTENSIVE DEVELOPMENT DISTRICT
 LOT, YARD, AND HEIGHT REQUIREMENTS**

	With Public Sewer	On-Lot Sewer
Minimum Lot Area	1 Acre	2 Acres
Minimum Lot Width	150 Feet	150 Feet
Minimum Front Yard	40 Feet	40 Feet
Minimum Side Yard	30 Feet	30 Feet
Minimum Rear Yard	40 Feet	40 Feet
Maximum Height	35 Feet	35 Feet
Maximum Coverage	25%	25%

Section 305 C-1 Commercial District

The C-1 Commercial District is established to provide for businesses that require access to interstate interchanges and can coexist in proximity to a mixed use setting without significant infrastructure.

<u>C-1 Commercial District</u>	
<u>Permitted Uses</u>	<u>Conditional Uses</u>
Automobile Sales and Service	Communication Towers (403)
Hotel/Motel	Billboards (507.G)
Restaurant	Shopping Centers (424)
Drive-Through Restaurant	Theaters (424)
Retail Businesses (Less Than 20,000 Square Feet Gross Floor Area)	Retail Businesses (Greater Than 20,000 Square Feet Gross Floor Area) (424)
Professional Offices	Convenience Stores/Service Stations (408)
Carwash	
Mini-Storage Facility	
Light Manufacturing	
Public Utilities	
Essential Services	
Churches	
Landscaping/Nursery	
Agriculture	
Single-Family Dwellings	
Building Materials/Supply Yards	
Equipment Sales and Service	
Personal Services	
Business Services	
Accessory Uses and Structures	
Home Occupations	

**TABLE 305
C-1 COMMERCIAL DISTRICT
LOT, YARD, AND HEIGHT REQUIREMENTS**

	With Public Sewer	On-Lot Sewer
Minimum Lot Area	1 Acre	2 Acres
Minimum Lot Width	150 Feet	150 Feet
Minimum Front Yard	40 Feet	40 Feet
Minimum Side Yard	30 Feet	30 Feet
Minimum Rear Yard	40 Feet	40 Feet
Maximum Height	35 Feet	35 Feet
Maximum Coverage	25%	25%

Section 306 LB-Limited Business District

The LB Limited Business District is established to provide for businesses which have lower infrastructure needs and neighborhood impacts than the C-1, and also to provide for the protection of all interests in a mixed-use setting, and to plan for the long-term quality of development in the Township.

LB-Limited Business District

Permitted Uses

Conditional Uses

Single-Family Dwellings
 Equipment Sales and Service
 Mini-Storage Facility
 Agriculture
 Retail Businesses (Less Than 5,000 Square Feet
 Gross Floor Area)
 Home- or Farm-Based Manufacturing
 Professional Offices
 Personal Services
 Agricultural Services
 Home Occupations
 Nursing Homes
 Business Services
 Accessory Uses and Structures
 Churches

Multiple-Family Dwellings (418)
 Light Manufacturing (425)
 Day Care Centers (410)

**TABLE 306
 LB DISTRICT
 LOT, YARD, AND HEIGHT REQUIREMENTS**

	All Uses with Public Sewer	Multiple-Family Dwellings	With On-Lot Sewer
Minimum Lot Area	1.5 Acres	1.5 Acres for First Dwelling Unit - 20,000 Square Feet For Each Unit Thereafter	2 Acres
Minimum Lot Width	150 Feet	150 Feet	150 Feet
Minimum Front Yard	40 Feet	40 Feet	40 Feet
Minimum Side Yard	30 Feet	30 Feet	30 Feet
Minimum Rear Yard	40 Feet	40 Feet	40 Feet
Maximum Height	35 Feet	35 Feet	35 Feet
Maximum Coverage	20%	15%	20%

Section 307 R-1 Residential District

The R-1 Residential District is established to provide for the continuation of a quality residential environment where dwellings at various densities and compatible institutions can thrive.

<u>R-1 Residential District</u>	
<u>Permitted Uses</u>	<u>Conditional Uses</u>
Agriculture	Personal Care Homes (409)
Single-Family Dwellings	Nursing Homes (402)
Two-Family Dwellings	Day Care Centers (410)
Home Occupations	Multiple-Family Dwellings (418)
Family Day Care Homes	Mobile Home Parks (419)
Group Day Care Homes	
Bed and Breakfast	
Churches	
Essential Services	
Accessory Structures and Uses	

**TABLE 307
R-1 RESIDENTIAL DISTRICT
LOT YARD AND HEIGHT REQUIREMENTS**

	With Public Sewer	Multiple-Family Dwellings	On-Lot Sewer
Minimum Lot Area	25,000 Square Feet	1.5 Acres for First Dwelling Unit - 20,000 Square Feet For Each Unit Thereafter	2 Acres
Minimum Lot Width	100 Feet	150 Feet	150 Feet
Minimum Front Yard	40 Feet, or Average of Adjacent Structures	40 Feet	40 Feet
Minimum Side Yard	30 Feet	30 Feet	25 Feet
Minimum Rear Yard	40 Feet	40 Feet	35 Feet
Maximum Height	35 Feet	35 Feet	35 Feet
Maximum Coverage	25%	15%	25%

Section 308 V-Village District

The V-Village District is established to provide for the continuation of a historic pattern of low impact mixed uses, where dwellings at various densities and compatible institutions or small businesses can thrive.

V-Village District

Permitted Uses

Agriculture
 Agricultural Services
 Single-Family Dwellings
 Limited Retail Business
 Personal Services
 Home Occupations
 Family Day Care Homes
 Professional Offices
 Churches
 Essential Services
 Accessory Structures and Uses

Conditional Uses

Personal Care Homes (409)
 Day Care Centers (410)
 Multiple-Family Dwellings (418)
 Two-Family Dwellings (428)
 Group Day Care Homes (410)
 Bed and Breakfast (427)

**TABLE 308
 V-VILLAGE DISTRICT
 LOT YARD AND HEIGHT REQUIREMENTS**

	With Public Sewer	Multiple-Family Dwellings	On-Lot Water and Sewer
Minimum Lot Area	1 Acre	1.5 Acres for First Dwelling Unit - 20,000 Square Feet For Each Unit Thereafter	1.5 Acres
Minimum Lot Width	100 Feet	150 Feet	150 Feet
Minimum Front Yard	40 Feet (or Average of Adjacent Structures)	40 Feet	40 Feet
Minimum Side Yard	30 Feet	30 Feet	30 Feet
Minimum Rear Yard	40 Feet	40 Feet	40 Feet
Maximum Height	35 Feet	35 Feet	35 Feet
Maximum Coverage	25%	15%	25%

ARTICLE 4
CONDITIONAL USES AND SPECIAL EXCEPTIONS

Section 401 Conditional Uses and Special Exceptions

Where any use is listed in Article 3 as a Special Exception or Conditional Use, specific criteria must be met per Article 4.

The criteria for specific Conditional Uses and Special Exceptions are listed below. The Board of Supervisors or the Zoning Hearing Board (as the case may be), in granting Conditional Uses and Special Exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a Conditional Use or a Special Exception, the Supervisors or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

Applications for Conditional Uses and Special Exceptions shall be made to the Zoning Officer. Conditional Uses shall be granted or denied by the Board of Township Supervisors after the recommendation of the Township Planning Commission. Special Exceptions shall be granted or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Ordinance and the Planning Code.

Section 402 Nursing Homes:

- A. Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- B. Shall be located on a paved public street with a minimum cartway width of twenty-four (24) feet.
- C. The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.
- D. All parking and recreation/play areas that abut residential uses shall provide screen planting.
- E. Any outdoor lighting shall be designed to prevent glare to adjoining properties.

- F. Such uses shall have, and present, all needed local, county, state or federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for same shall be a condition prior to issuing a Certificate of Occupancy.

Section 403 Communication Towers

- A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communication antennas.
- B. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- C. Communication towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation Regulations. Towers must comply with the Hayfield Township Subdivision and Land Development Ordinance as a subdivision for lease.
- D. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - 1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - 2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of the structure.
- E. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.
 - F. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
 - G. The maximum height of any communications tower shall be two hundred fifty (250) feet; provided, however, that such height may be increased to no more than three hundred (300) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of two hundred fifty (250) feet.
 - H. The foundation and base of any communications tower shall be set back from a property line (not lease line) with any residential use at least one hundred fifty (150) feet and shall be set back from any other property line (not lease line) at least one hundred (100) feet.
 - I. To encourage co-location and minimize the use of land for these facilities, all towers shall be secured only at the tower base. Towers secured by guide or support wires shall not be permitted unless they are the only form that is technically feasible at the site. If guide or support wires are employed, fencing and screening shall enclose the entire area (including all support apparatus) within a single compound.
 - J. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.

- K. The communications equipment building shall comply with the required yards and height requirements of applicable zoning district for an accessory structure.
- L. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association.
- M. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas.
- N. All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- O. The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.
- P. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
- Q. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.
- R. One (1) off-street parking space shall be provided within the fenced area.

Section 404 Recreational Campgrounds

Such uses are commercial in nature, normally seasonal but do have a high impact potential. They are also regulated by the Hayfield Township Subdivision and Land Development Ordinance and must comply with all provision of that Ordinance. Such uses shall:

- A. Provide evidence of compliance with Department of Environmental Protection standards for water and sanitary sewer facilities.
- B. Provide evidence of approved solid waste removal.

Section 405 Limited Retail Business

The purpose of this use is to allow smaller retail operations in a rural or village environment. Such uses shall:

- A. Provide all parking as required by this Ordinance on lot.
- B. All compressors shall be so enclosed as to baffle their sound from surrounding uses.
- C. All dumpsters and or garbage/trash storage areas shall be enclosed.
- D. All signage shall be lit by indirect means.
- E. No building shall exceed five thousand (5,000) square feet GFA in the RD – Rural Development or C – Conservation District.
- F. Type I screening shall be provided per Section 512 of this Ordinance.

Section 406 Warehousing and Distribution, Truck Terminals

Such uses are permitted subject to the following requirements:

- A. Side and rear yards shall be increased by twenty (20) feet.
- B. All outdoor storage shall be in side yards (behind the front yard line) or in the rear yard.
- C. Access to roads and highways shall be clearly defined.

- D. All parking, loading and unloading facilities shall be clearly designed so motor vehicles will not be required to back into or from streets or roads when parking or leaving the premises.

Section 407 Heavy Manufacturing

Heavy manufacturing shall be located where the emission of objectionable noise, gases, fumes, smoke, dust or other polluting substances will not be objectionable to established permitted uses nearby or is controlled by the installation of special equipment. Outside storage yards abutting or immediately across a street from any residential or retail commercial use shall be screened. Type IV screening shall be provided on all front, rear and side yard areas.

Section 408 Service Stations/Convenience Stores with Gasoline Sales

- A. Any fuel pumps or fuel tanks shall be at least thirty (30) feet from any road right-of-way and at least thirty (30) feet from a side lot line.
- B. No vehicles will be parked or stored within setback lines, except on a short-term basis (less than twelve [12] hours).
- C. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, parts of vehicles, tires or vehicles which lack current Pennsylvania inspection stickers. The overnight parking of customer vehicles and the screened storage of approved trash containers shall be permitted.
- D. All lighting shall be indirect, or designed to prevent glare to neighboring properties.
- E. All compressors shall be enclosed to muffle their sound from surrounding uses.
- F. All underground storage tanks shall be in compliance with all Federal or State regulations. Any tanks remaining unused for a period of six (6) months shall be removed by the owner of record.
- G. Type I Screening shall be employed on all side or rear yards which abut any preexisting residential use.

Section 409 Personal Care Homes

The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. Personal care homes are facilities which offer food, shelter and personal assistance for a period of more than twenty-four (24) consecutive hours for four (4) or more adult residents who are not relatives of the operator and where the residents do not require hospitalization or nursing facility care. In addition, such uses shall meet the following conditions:

- A. There shall be no sign or exterior display beyond the name of the home or its use.
- B. At least one (1) additional on-lot parking space shall be provided for each two (2) guests.
- C. No home in the RD or V District shall admit more than eight (8) guests/clients at any one time.
- D. Required local, county and/or state certifications shall be presented to the Board. Specially included are to be applicable permits from the Pennsylvania Departments of Welfare.

Section 410 Day Care Centers, Group Day Care Homes and Family Day Care Homes

Day Care Services for Children have three (3) separate types (see Article 7 for definitions), Family Day Care Homes, Group Day Care Homes and Day Care Centers. The latter use shall be allowed as a Conditional Use providing the following criteria are met:

- A. Any outdoor play area shall be effectively fenced from access to abutting properties or streets with a solid or opaque fence of at least four (4) feet in height.
- B. For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children. These will be for the safety of the children and the protection of the neighborhood. In any event, there shall be an off-street area for loading/unloading children.
- C. One (1) parking space for each employee shall be required.

- D. The operator shall secure and keep current all permits from the Commonwealth or other licensing agencies.
- E. Provide evidence they have passed all applicable regulations for on-lot sewage disposal.

Section 411 Sawmills

Such uses shall:

- A. Sawmills shall be set at least fifty (50) feet from the front setback line and at least seventy-five (75) feet from the side or rear setback lines.
- B. There shall be no storage of logs or lumber within twenty-five (25) feet of any setback line.

Section 412 Mini-Storage Facilities

These structures are also known as self-service storage facilities and consist of one or more larger buildings, which are divided into small separate units. These units, often the size of a single garage, are then rented for storage, normally for personal goods. Such uses must adhere to the following regulations:

- A. There shall be no outdoor storage of any type, at any time.
- B. In addition to the required side and rear yards, an additional ten (10) foot buffer yard shall be required. This buffer yard is to be planted in evergreen trees to provide a visual buffer to surrounding properties.
- C. Each such facility shall be serviced by at least two (2) well-marked driveways of fifteen (15) feet in width.
- D. The entire complex shall be surrounded by a security fence at least six (6) feet but not greater than eight (8) feet in height. Said fence shall be no closer to any lot line than ten (10) feet.
- E. There shall be no rental of space for active uses, such as gatherings or music practice.

Section 413 Sanitary Landfills

Sanitary landfills shall be permitted only as a Conditional Use. Plans for sanitary landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection (PennDEP), the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. Operators of sanitary landfills shall file with the Board written proof that they have met all permit requirements of the state and/or federal government as they may apply to a specific development.

- A. Local requirements which must be met prior to permit approval by the Board include:
1. A buffer yard of two hundred fifty (250) feet from all public rights-of-way and four hundred (400) feet from all dwellings, schools, churches, hospitals and similar residential uses.
 2. A barrier of natural forestry at a width of one hundred (100) feet or an eight (8) foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.
 3. The barrier shall be at a minimum distance of seventy-five (75) feet from all operations, and the area between the work area and barrier shall consist of a natural cover of vegetation or forestry. This strip shall not be of barren soil.
 4. The landfill shall have no more than two (2) access routes, unless the landfill property borders three (3) or more public rights-of-way. In such an event, approval by the Township Supervisors will be necessary to secure an additional access route.
 5. A bond will be filed with the Township Supervisors, at an amount deemed necessary by the Board of Supervisors, to provide for protection of Township roads, which may be used for access to this landfill.
 6. The operator shall submit to the Board for approval a plan for the restoration of the landfill area, which shall include anticipated future use of the restored land.

7. All such proposed uses shall be on a lot of no less than fifteen (15) acres.

Section 414 Junk Yards

Shall comply with the following requirements:

- A. All lots shall be at least two (2) acres in size.
- B. There shall be no storage of scrap, machinery or equipment of any kind in the setback areas.
- C. All yard spaces shall be increased ten (10) feet.
- D. The processing or storage of hazardous materials as the same are defined by the Department of Environmental Protection shall not be permitted.
- E. The facility will obtain an annual license as required by the Township.
- F. Shall maintain Type III screening on all front, side and rear yard areas.

Section 415 Commercial Recreation

These particular uses by their nature can generate noise or excessive activity adversely affecting neighboring properties. Outdoor uses shall:

- A. Have a lot of not less than two (2) acres in size.
- B. Operating hours shall be limited to 10:00 a.m. to 10:00 p.m. weekdays, increased to 11:00 p.m. on Friday and Saturday evening.
- C. Shall maintain Type III Screening on all side and rear yards.
- D. Lighting shall be designed to minimize glare to surrounding properties.

Indoor uses shall:

- A. Have no outdoor speakers, with the exception of emergency public address speakers.

- B. Present evidence of compliance with Labor and Industry (PA) building regulations.

Section 416 Mineral Excavation

Mineral extraction and mining, including coal, sand, gravel, limestone, clay and similar open-pit surface mining as well as oil and gas drilling operations shall:

- A. Show compliance with all applicable State and/or Federal regulations. Specifically, all needed permits from the Pennsylvania Department of Environmental Protection shall be presented to the Township prior to issuing a Certificate of Occupancy. Said permits must be fully approved and valid.
- B. No surface mining operation shall be conducted within:
 - One hundred (100) feet of a property line.
 - One hundred fifty (150) feet of a neighboring residence.
 - One hundred fifty (150) feet of any water well.

Section 417 Cemeteries

The purpose of cemeteries, under this Ordinance, is to provide a proper burial ground for persons. All uses and activities must be clearly and customarily incidental to this use. Prior to the establishment of a new facility or expansion of an existing cemetery, the owner shall:

- A. File a site plan to demonstrate the design and layout of the proposed cemetery or cemetery expansion and specifically illustrating: the proposed drainage plan, the internal circulation plan, and the location of accessory building(s).
- B. Connections to existing Township streets will be no closer than fifty (50) feet to a street intersection, fifteen (15) feet to a fire hydrant, thirty (30) feet to a driveway on the same side of the street and shall avoid streets or driveways opposite proposed means of ingress and egress.
- C. Shall demonstrate compliance with applicable state laws.

- D. All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- E. All new facilities shall have a size of at least five (5) acres.

Section 418 Multiple-Family Dwelling

Shall:

- A. In the LB-Limited Business District, development may not exceed a density greater than five (5) units per acre without public sewer and eight (8) units per acre with public sewer.
- B. Provide evidence they have passed all applicable regulations for on-lot sewage disposal.

Section 419 Mobile Home Parks

The proposed park shall meet all applicable requirements of the Hayfield Township Subdivision Regulations applied to mobile home parks. In addition, the park shall:

- A. Show evidence of compliance with Department of Environmental Protection regulations.
- B. Be screened from abutting residential uses with a Type I screening.
- C. All mobile homes within the park must meet the following standards for tiedowns/anchoring. Three types of foundation will be acceptable:
 - 1. A foundation similar to that of traditional homes (footers below the frost line). Mobile home tiedowns/anchoring as per manufacturer's instruction.
 - 2. Concrete block leveled and installed per the mobile home manufacturer's instructions. Mobile home tiedowns/anchoring as per manufacturer's instruction.
 - 3. Cylinder jack piers bolted to the mobile home's I-beams and set into reinforced concrete pads.
- D. If either foundation C.2 or C.3 is employed, the unit shall have skirting continuously in that area between ground level and the mobile home. This

skirting will be of a type and material suitable for such a purpose, and shall be maintained.

Section 420 Specialized Animal Raising and Care

While the Township recognizes the importance of these endeavors, their intensity makes them a Special Exception. Such facilities shall:

- A. Be located on a lot of two (2) acres minimum size.
- B. No pens or runs shall be closer than seventy-five (75) feet from neighboring lot lines.
- C. If containing runs or pens for more than seventy-five (75) birds or mammals, provide evidence that waste products or manure will not create a malodorous or other nuisance.
- D. Provide evidence of meeting all applicable State codes and licenses.

Section 421 Home- and Farm-Based Manufacturing

Shall be permitted as a Conditional Use, provided:

- A. All side and rear yards are increased by fifty (50) feet in those instances where they abut residential uses.
- B. No more than five (5) employees are engaged in the operation.

Section 422 Sexually Oriented Businesses

These businesses have potential negative impacts upon the community, including:

Sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

The concern over sexually transmitted diseases is a legitimate health concern of the Township, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well being of the citizens.

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing

businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

Sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighboring blight and downgrading the quality of life in the adjacent area.

Permitting and/or licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation. However, it is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance, which addresses the secondary effects of sexually oriented businesses. Nor is it the intent of the Township to condone or legitimize the distribution of obscene material.

Sexually oriented businesses as defined herein shall be permitted in the I-Intensive Development District as a Conditional Use, provided:

- A. To prevent pedestrian access to the business by persons legally barred from them (particularly persons under 18 years of age), the proposed sexually oriented business shall not lie within one thousand (1,000) feet of:
 - 1. A church;
 - 2. A public or private pre-elementary, elementary, or secondary school;
 - 3. A public library;
 - 4. A child-care facility or nursery school;
 - 5. A public park adjacent to any resident district;
 - 6. A child-oriented business.
- B. To prevent clustering of potential negative secondary effects, the proposed sexually oriented business shall not lie within five hundred (500) feet of another sexually oriented business.
- C. Compliance with all other applicable local codes and licenses is presented to the Township Supervisors.

- D. Operating hours shall be limited to 10:00 a.m. to 10:00 p.m. weekdays, *and* to 11:00 p.m. on Friday and Saturday evening. Operation is not permitted on Sundays.
- E. Shall maintain Type II screening on all side or rear yards which abut another district.

Section 423 Correctional Facility or Halfway House

- A. Shall present the Township Supervisors with a security plan, which takes into account the safety of Township residents.
- B. Shall not lie within one thousand five hundred (1,500) feet of:
 - 1. A church;
 - 2. A public or private pre-elementary, elementary, or secondary school;
 - 3. A public library;
 - 4. A child-care facility or nursery school;
 - 5. A public park adjacent to any resident district;
 - 6. A child-oriented business.
- C. Does not abut a pre-existing single-family home.

Section 424 Shopping Centers, Theaters, Retail Businesses Greater Than 20,000 Square Foot Building

These are conditional uses in the C-1 District. These uses shall:

- A. Provide means of direct vehicular access to neighboring retail developments, restaurants, or commercial recreation without entering an existing through street. This access may be curb cuts to abutting parking areas or by a secondary access road. In some cases, pedestrian footpaths will be allowed.
- B. Shall add five (5) foot of buffer yard per two thousand (2,000) feet GFA to every side or rear yard over five thousand (5,000) square feet.

- C. All compressors shall be enclosed to baffle their sound from surrounding uses.
- D. Trash pick up of dumpsters shall be pre-arranged and timed to make the least possible noise impact on neighboring residential use.
- E. Meet the performance standards of Section 512 (C-1 – Commercial District) of this Ordinance.

Section 425 Light Manufacturing

- A. Shall show through a description of activities that it can meet all performance standards of Section 506 of this Ordinance.

Section 426 Restaurants

- A. Restaurants shall not commence operations before 5:00 A.M. or after 11:00 P.M.
- B. All rear and side yards which abut a preexisting residential use shall employ Type I Screening.
- C. All compressors shall be enclosed to muffle sound from neighboring uses.

Section 427 Bed and Breakfast

Such uses are intended to provide overnight or short-term accommodations for transient guests in a home-like atmosphere. They must meet the following regulations:

- A. No more than four (4) guest rooms will be permitted.
- B. One (1) off-street parking space for each guest room shall be required.
- C. Provide evidence they have passed all applicable regulations for on-lot sewage disposal.

Section 428 Two-Family Dwelling

- A. Provide evidence they have passed all applicable regulations for on-lot sewage disposal.

ARTICLE 5
SUPPLEMENTARY REGULATIONS

Section 501 Nonconforming Uses and Structures

The following provisions shall apply to all nonconforming uses and structures. It is the intention of Hayfield Township that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this Article.

- A. Any nonconforming use may be continued but may not be extended or expanded unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the provisions of this Ordinance.
- B. Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, reconstruction being within six (6) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content.
- C. In the event that any nonconforming use voluntarily ceases, for whatever reasons, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance.
- D. The nonconforming use of a building may be extended throughout those parts thereof, which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A nonconforming use of a building or structure may, with the approval of the Board by Special Exception, be extended, enlarged or replaced if such expansion does not occupy an area greater than fifty (50%) percent more than the gross floor area of the structure occupied prior to such expansion, enlargement or reconstruction. Furthermore, such structures must meet the minimum yard regulations and height restrictions of the district in which the structure is located, and must meet all off-street parking and loading requirements of this Ordinance.
- E. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance.
- F. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

- G. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Article shall also apply to any uses which thereby become nonconforming.

Section 502 Existing Lots of Record

- A. Any lot of record existing at the effective date of this Ordinance, and 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 lot area and width are less than the minimum required by this Ordinance, however, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located. Where two (2) or more adjacent lots of record with less than the required area and width are held by one (1) owner, on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board which may require replatting to fewer lots, which would comply with the minimum requirements of this Ordinance.
- B. No provisions of this Zoning Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Zoning Officer, upon request, may grant a reduction in requirement for side yards and rear yards for lots of record, which lack required lot width and/or required lot area. However, in no event may such yards be reduced by more than fifty percent (50%) required by the lot regulations for its district without approval of the Zoning Hearing Board.
- C. Side and Rear Yard Setback Modifications: Any lot of record side yard and rear yard requirements may be reduced in any district by the Zoning Officer by no more than five (5) feet. But only after the Zoning Hearing Board and Township Supervisors have had thirty (30) days' notification of requested reduction.

Section 503 Application of Yard Regulations

- A. In the V-Village District, where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth

of the front yard shall be the average depth of the front yards of the existing adjacent structures.

- B. 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 yards except as noted in Section 503.C, Section 503.D, and Section 503.E.
- C. A wall or fence under six (6) feet in height and a terrace constructed at ground level without walls, roofs or other enclosures may be erected within the limits of any yard. Retaining walls and fences required for screening under this Ordinance are not subject to the six (6) foot high limitation. Fences may be permitted in front yard areas provided they are no higher than four (4) feet and do not impinge on the required lines of sight at intersections. Fences for safety purposes or containment of livestock that do not block public road or driveway lines of sight are exempt from these provisions.
- D. Swimming pools shall be permitted in yard areas, provided that the pool is located not less than ten (10) feet from lot line. Swimming pools shall comply with all applicable codes.
- E. Small garden sheds, storage sheds and similar structures may be permitted in yard areas, provided such structure does not exceed one hundred forty-four (144) square feet and lies no closer than ten (10) feet to an abutting lot line.
- F. Unattached Accessory Structures for Single-Family Residential Dwellings:
A single-story accessory structure which is not attached to the principal structure on the lot by means of common wall or connecting permanent roof, may be erected within one of the side yards or within the rear yard in accordance with the following requirements:
 - 1. Front yard - forty (40) feet
 - 2. Side yard [interior lot] - fifteen (15) feet
 - 3. Side yard [lot abutting two (2) public streets] - same as for principal structure
 - 4. Rear yard – three (3) feet; if fronting on an alley - fifteen (15) feet

5. Not closer to a principal structure than ten (10) feet.

However, any such accessory structure in excess of one hundred forty-four (144) square feet so erected shall submit to the Zoning Officer a plan for drains, gutters, sumps, or grading which will assure no runoff from the building will enter a neighboring property.

- G. Attached Accessory Structures in R-1 Residential and V-Village Districts:
When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

Section 504 Temporary Structures

Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six (6) month period. Temporary structures are subject to all use and setback requirements.

Section 505 Height Limitations:

When the following conditions are met, height limits may be increased:

- A. Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one (1) foot for each additional foot of height; however, such increase shall be limited to no more than ten (10) additional feet. In addition, any structure with a height in excess of fifty (50) feet will be first referred to the Hayfield Township Volunteer Fire Department for a review and comments relative to public safety considerations. Such comments shall be considered by the Board.
- B. The following structures are exempt from height regulations provided they do not constitute a hazard: church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, agricultural barns, silos and similar farm structures, standpipes, elevated water tanks, derricks and similar structures. However, for the above structures, all yard and set-back requirements must be met.

Section 506 Off-Street Loading and Parking

Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

- A. Off-Street Loading: Every use listed in the following table shall provide off-street loading berths in accordance with its size.

OFF-STREET LOADING SPACE REQUIREMENTS

<u>Use</u>	<u>First Berth</u>	<u>Second Berth</u>
Industrial:		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000
Commercial:		
Wholesale	20,000	50,000
Retail	20,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	80,000
Office Building	40,000	100,000
Hotel	10,000	100,000
Institutional:		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
Public Buildings:		
Auditoriums	30,000	100,000
Arenas	30,000	100,000

Note: All figures are given in gross feet of floor area (GFA) for each listed use.

1. Size and Access: Each off-street loading space shall be not less than ten (10) feet in uniform width and sixty-five (65) feet in length. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto.

B. Off-Street Parking:

1. Size and Access: Off-street parking spaces shall have an area determined by their use. In the case of multi-family dwellings, mobile home parks, industrial and manufacturing establishments, warehouses, wholesale, and truck terminals, each space shall be not less than one hundred forty-four (144) square feet, being at least eight (8) feet wide and eighteen (18) feet long. For all other uses, each space shall have a uniform area of one hundred eighty (180) square feet, being at least ten (10) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be consistent with requirements for private streets in the Hayfield Township Subdivision and Land Development Ordinance. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street.
2. Off-Street Parking: Off-street parking lots in excess of twenty thousand (20,000) square feet shall meet the following standards for storm water management: Minimum planting strips of ten (10) feet between the parking lot and all lot lines to be planted with one (1) hardwood or coniferous tree per each two (2) parking spaces or combination thereof. Trees that die shall be replaced annually. Eight percent (8%) of the total interior space shall be devoted to interior planting strips to be maintained in trees, shrubbery, annual plants or similar pervious dust- and mud-free material.
3. Number of Parking Spaces Required: The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1)

use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.

PARKING

<u>USE SPACES</u>	<u>REQUIRED PARKING</u>
1. Auto Sales and Service	1 for each 200 square feet GFA
2. Service Stations	1 for each 200 square feet GFA
3. Single-Family Dwelling and Duplex	2.0 per dwelling unit
4. Multi-Family Dwelling	2.5 per dwelling unit*
5. Mobile Home Parks	2.0 per each space
6. Hotels and Motels	1 per guest room**
7. Funeral Home and Mortuaries	25 for the first parlor 10 for each additional parlor
8. Hospitals	1 per each bed**
9. Nursing Homes	1 per each 3 beds**
10. Churches	1 per each 4 seats
11. Schools	1 per each teacher and staff 1 for each 4 classrooms + 1 for each 4 high school students
12. Sports Arenas, Stadiums Theaters, Auditoriums, Assembly Halls	1 per each 3 seats
13. Community Buildings, Social Halls, Dance Halls, Clubs and Lodges	1 space for each 60 square feet of public floor area
14. Roller Rinks	1 space for each 200 square feet GFA
15. Bowling Alleys	5 per alley
16. Banks and Offices	1 for each 250 square feet GFA
17. Medical Office and Clinics	8 spaces per doctor
18. Dental Offices	5 spaces per doctor
19. Retail Stores	1 per each 200 square feet GFA
20. Fast Food/Drive-Thru Restaurants	1 per each 2 patron seats**
21. Furniture Stores	1 per each 400 square feet GFA
22. Food Supermarkets	1 per each 200 square feet GFA
23. Trailer and Monument Sales	1 per each 2,500 square feet of lot area
24. Restaurants, Taverns and Nightclubs	1 for each 2.5 patron seats
25. Industrial and Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 space per employee, on the largest shift, plus 1 spare for each 10,000 square feet for visitors
26. Commercial Recreation (not otherwise covered)	1 space for every 3 persons permitted in maximum occupancy

*Multi-family units devoted to the elderly shall only be required to provide .5 parking spaces per unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.

**Plus one (1) space per employee and staff on major shift.

Note: GFA means gross floor area.

4. Location and Parking: Required parking spaces shall be located on the same lot with the principal use.
5. Screening and Landscaping: Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened, as defined, on any side which adjoins a residential zoning district (see definition of Screening) or use. In addition, there shall be a planting strip of at least five (5) feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.
6. Minimum Distance and Setbacks: No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential zoning district, school, hospital, or similar institution.
7. Surfacing: With the exception of single-family and two-family dwellings, all parking and loading areas and access drives shall have a dust-free surface, graded with positive drainage to prevent the flow of surface water onto neighboring properties. Parking areas larger than ten thousand (10,000) square feet shall submit a plan, including drainage provisions, to the Township for approval. Lots shall be designed to provide for orderly and safe loading and parking.
8. Lighting: Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential zoning district or use and away from roads or highways.

Section 507 Signs

The following sign regulations shall be observed in all districts:

- A. The following signs shall be permitted in all districts, and no permit shall be required to erect such signs:
 1. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided such sign shall not exceed thirty-two (32) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event.

2. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
 3. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed thirty-two (32) square feet, and provided that such sign shall be removed upon completion of the work.
 4. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of such sign shall not exceed four (4) square feet.
 5. Signs advertising the sale of agricultural products. Such signs shall not exceed thirty-two (32) square feet in area, and shall be removed within thirty (30) days following the cessation of sales for the applicable products.
- B. No signs shall be permitted within street lines, except traffic signs and similar regulatory notices placed by a duly constituted governmental body.
- C. Directional and information signs, not exceeding two (2) square feet in area and used for the direction and protection of the public, shall be permitted in all districts.
- D. Construction and Maintenance: All signs shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards. The owners of signs shall keep them in safe and good repair. Signs that become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal.
- E. No sign structure erected directly upon the ground within fifteen (15) feet of the front lot line shall have less than three (3) feet six (6) inches of clear

space between such sign and the ground; however, necessary supports may extend through such open space.

- F. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- G. Each use may have a combination of freestanding, roof, or wall signs meeting the standards of the following table. For the RD, V, and C-2 Districts, aggregates shall be calculated based upon per-lot basis. For the C-1 District, aggregates shall be based upon separate tenancy.

Zoning District	RD, C	V, R-1	C-1	I, LB
Signage Area Permitted	Aggregate of 64 Square Feet 2 Signs per Property	Aggregate of 32 Square Feet 2 Signs per Property	Aggregate of 400 Square Feet	Aggregate of 96 Square Feet
Maximum Area per Sign	32 Square Feet	16 Square Feet	144 Square Feet	64 Square Feet
Maximum Height per Sign	12 Feet	7 Feet	35 Feet	12 Feet
Setback	10 Feet from R-O-W 20 Feet from Property Lines	10 Feet from R-O-W 20 Feet from Property Lines	10 feet from R-O-W 20 Feet from Property Lines	10 Feet from R-O-W 20 Feet from Property Lines
Illumination	External Only	External Use	Internal or External	External Only

H. Billboards - Billboards shall be permitted as a conditional use in the C-1 Commercial I-Intensive Development and RD-Rural Development Districts, provided:

1. Such signs shall not be placed within one hundred fifty (150) feet of another on the same side of the road or one hundred (100) feet of another on the opposite side of a road.
2. Such signs shall not be placed within two hundred fifty (250) feet of any residence, church, school or similar edifice.

3. In the RD-Rural Development District, such signs shall not be placed within two hundred fifty (250) feet of any road intersection, or at a curve or at any place where vehicular line-of-sight could be partially or completely obstructed.
4. In the RD-Rural Development District, such signs shall not exceed thirty-two (32) square feet when viewed from its widest silhouette. In the C-1 Commercial District, such signs shall not exceed two hundred fifty (250) square feet when viewed from its widest silhouette.
5. Show evidence of compliance with all applicable regulations of the Pennsylvania Department of Transportation.

Section 508 Flood Hazard Areas

The Township of Hayfield has adopted an ordinance regulating development within floodplains. All development within designated floodplain areas is required to follow the regulations contained in said ordinance.

Section 509 Steep Slope Areas

Any development of slopes of more than twenty-five percent (25%) must be submitted on a plan prepared by a registered engineer or architect showing how the development will treat the slope problem. The Zoning Officer shall refer the plan to the Township Engineer or a consulting engineer for review and advice before issuing any permit. A permit may be denied if the Township Engineer determines that the development as planned poses a danger or hazard to public safety.

Section 510 Individual Mobile Homes

Mobile homes on individual lots must meet the following conditions:

- A. The proposed lot shall meet all area and yard requirements of the district.
- B. All mobile homes must meet the following standards for tiedowns/anchors. Three types of foundation will be acceptable:
 1. A foundation similar to that of traditional homes (footers below frost line). Mobile home tiedowns/anchoring as per manufacturer's instruction.

2. Concrete block leveled and installed per manufacturer's instructions. Mobile home tieowns/anchoring as per manufacturer's instruction.
 3. Cylinder jack piers to the mobile home's I-beam and set into reinforced concrete pads.
- C. If either foundation B.2 or B.3 is employed, the unit shall have skirting continuously in that area between ground level and the mobile home. This skirting will be of a type and material suitable for such a purpose, and shall be maintained.

Section 511 C-1 Commercial District

Because the C-1 Commercial District is established specifically to provide commercial development in a semi-rural, high-quality setting, the following development standards must be observed by all commercial or retail uses.

- A. All property lines which abut other districts or pre-existing residential uses shall maintain one of the following buffer yard types:
1. A fifty- (50) foot wide buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless insufficient for screening or of species generally recognized as inferior for shade, erosion control, or screening. If deemed so, the developer shall maintain a planting standard of eight (8) deciduous trees and sixteen (16) coniferous trees per each five thousand (5,000) square feet of buffer yard.
 2. A screening yard of spruce, planted to the following standards: An initial row of trees to follow a lineal centerline with additional rows planted at oblique angles on each side of the centerline row, sufficient to provide complete and constant opaque screening from the time of planting. This screen of plantings shall be situated at the interior edge of the natural vegetation buffer yard and may be included in calculations of required yard areas.
- B. Planting Standards: At the time of planting, all coniferous trees shall be a minimum of six (6) feet in height, as measured from the ground. Hardwood trees shall be a minimum of twelve (12) feet in height, as measured from the ground. The zoning officer may inspect plantings as necessary. Trees that have died shall be replaced as needed.

- C. Lighting: Any lighting used to illuminate buildings, parking or loading areas shall be arranged to reflect the light away from the adjoining premises of any residential district or use.
- D. Parking areas may not encroach on front yard setback areas.
- E. All conditional use retail businesses of twenty thousand (20,000) square feet or greater, shopping centers and restaurants within this district shall submit a plan for future traffic access. This plan shall include reserve areas for connecting parking lots to abutting properties, maintaining sufficient setback for future collector streets or other standard arterial access limitations. As a part of conditional use approval, the developer shall agree to permit the interconnection of future abutting parking lots to his property and make such necessary improvements.

Section 512 Screening

The following screening shall be employed where required by conditional use, special exception or any supplementary regulation of the Hayfield Township Zoning Ordinance.

- A. Type I Screening: To consist of a triple row of Norway spruces planted at oblique lines to one another so that a continuous screen is provided. All trees shall be a minimum of six (6) feet at the time of planting. Trees which die shall be replaced within six (6) months. As an alternative to the triple row of Norway spruces, the developer shall maintain a fifty- (50) foot wide buffer yard of natural vegetation sufficient for screening. This buffer area shall not be used for parking or other uses. This buffer yard should maintain natural vegetation unless such vegetation is considered insufficient for shade screening, stormwater management or erosion control. In such case, the planting standards shall be twenty-eight (28) conifer and eight (8) deciduous trees per each five thousand (5,000) square feet of yard area. Trees shall be a minimum of six (6) feet at planting and replaced within six (6) months of death.
- B. Type II: A Type II screening shall consist of either:
 - 1. An opaque fence at least eight (8) feet in height.
 - 2. A barrier fence at least ten (10) feet in height.

On the outside perimeter of the fence, a ten (10) foot plant strip shall be maintained at a planting standard of ten (10) coniferous or deciduous trees, per one hundred (100) lineal feet. Trees shall be a minimum of six (6) feet tall at planting and replaced within six (6) months of death.

- C. Type III Screening: Type III screening shall consist of both Type I and Type II, for a total width of no less than sixty-five (65) feet.
- D. Type IV Screening: Type IV screening shall consist of an earthen berm of at least six (6) feet in height, planted with fast-growing erosion control plantings. The berm shall have an opaque fence of at least eight feet (8) in height at its summit. The front perimeter shall be landscaped with trees each ten (10) feet.
- E. Alternate Landscaping Plans: The Board imposing a screening requirement may consider alternative forms of screening if it can be shown that the alternate form will accomplish the same effect.

**ARTICLE 6
RESERVED FOR FUTURE ENACTMENT**

ARTICLE 7 DEFINITIONS

Section 701 Interpretation

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

Section 702 Specific Terms

The following words and phrases shall have the meaning given in this section.

Accessory Building – a subordinate building, incidental to, and located on the same lot as, the principal building, and used for an accessory use.

Accessory Use – a use incidental to, and subordinate to and located on the same lot occupied by the principal use to which it relates.

Agriculture – any agricultural use, including farming, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture, viticulture, horse keeping, animal and poultry husbandry, and forestry (including the harvesting of timber), but excluding specialized animal raising and care or dog kennels as defined by this Ordinance. Agriculture also includes the home sale of fruits, meats, vegetables and similar agricultural produce, or an "Agricultural Operation," as defined in the Pennsylvania Municipalities Planning Code.

Agricultural Services – businesses selling goods or services to a substantially agricultural clientele, including: feed mills, seed sales, feed grinding services, and agricultural implement dealers.

Area – area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

Basement – a floor level completely below grade or floor level in which more than two-thirds (2/3) of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first floor line to the finished grade is five (5) feet or less, and the slope of the finished grade extending ten (10) feet from the building walls does not exceed thirty (30) degrees.

Bed and Breakfast – an owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

Billboard – a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Building – a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

Building or Set-Back Line – imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.

Business Service – any business activity that renders service to other commercial or industrial enterprises.

Car Wash – an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery – land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Church – a place of religious instruction or public worship, including accessory private accredited religious schools.

Commercial Recreation – a facility which offers various indoor or outdoor recreational opportunities for its patrons including such games as: pool, billiards, bowling, video games, miniature golf, racing and similar pursuits.

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

Coverage – the percentage of a lot covered by buildings or structures and impervious surfaces such as paved parking areas, measured as gross floor area divided into lot area.

Day Care Services for Children (Day Care) – provides out-of-home care for part of a 24-hour day to children under sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children:

- a. Family Day Care Homes – facilities in which child day care is provided at any one time to four (4), five (5), or six (6) children who are not relatives of the care giver.
- b. Group Day Care Homes – facilities in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence. [Care of one (1) to twelve (12) children where the childcare areas are not used as a family residence will be considered a Day Care Center.]
- c. Day Care Centers – facilities in which care is provided for seven (7) or more children, at any one time, where the child care areas are not used as a family residence.

Childcare for less than four (4) children will not be considered as Day Care Services. Day Care for elderly or disabled adults shall be considered as the same use based upon the number of persons being cared for. .

Dog Kennel – any facilities identified and licensed as a kennel by the laws or regulations of Pennsylvania.

Dwelling – a building arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include "hotel," or "motel."

- a. Single-family dwelling – a building containing only one (1) dwelling unit.
- b. Two-family dwelling – a building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.

- c. Multi-Family Dwelling – a building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments.
- d. Detached dwelling – a dwelling with yards on all four (4) sides.

Dwelling Unit – 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, and used or intended to be used by one (1) family.

Essential Services – the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

Equipment Sales and Service – businesses involved in the sale, rental, or servicing of motor vehicles or machinery not necessarily intended for registration, licensing, and travel on highways, including those used for agriculture, forestry, and construction.

Family – an individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Group Home, Assisted Living Facility, or Nursing Home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act.

Fugitive Air Contaminant – an air contaminant of outdoor atmosphere not emitted through a flue, including, but not limited to, industrial process losses, stockpile losses, re-entrained dust, and construction/demolition activities.

Gasoline Service Station – an area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

Golf Course – land for playing the sport of golf, consisting of a minimum of nine holes, but excluding miniature golf, par-three golf, pitch and putt, and similar golf-associated activities except as accessory uses on a golf course.

Gross Floor Area – the sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

Halfway House – a transitional residential facility, licensed and operated by a government or social service agency, that provides a supervised environment to residents who require psychiatric, correctional or behavioral treatment between periods of institutional and independent living.

Height of Building – the vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

Home- and Farm-Based Manufacturing – a form of light manufacturing conducted as accessory to a home or farm by an owner resident.

Home Occupation – any use customarily carried on entirely within a dwelling, by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Examples include, but are not limited to: professional offices, such as legal, financial, accounting or engineers, personal services barber and beauty shops, studios of artists, writers and associations. (See Professional Office.)

Junk – any discarded material or article, and shall include, but not be limited to, scrap metal, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. For the purpose of this Ordinance, a proper container shall mean a solid plastic or metal container, with a sealable lid, specifically designed for the storage of waste matter.

Junk Yard – any place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses and the storage of four (4) vehicles lacking current inspection or registration for a period exceeding ten (10) days. However, it does not include municipal recycling centers where no materials are stored in an exterior environment.

Light Manufacturing – the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce: noise, light, vibration, air pollution, fire hazard, or emissions, or noxious which would unreasonably interfere with the use and enjoyment of neighboring properties. Light manufacturing includes production of the following goods: Home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).

Limited Retail Business – small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by smaller size [less than five thousand (5,000) square feet Gross Floor Area] and confining all commercial activities indoors.

Lot – an undivided area of land designated by lot lines occupied or to be occupied by a building and its accessory buildings, if any, together with yard spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance and having its principal frontage on a public road or street or on such means of access as may be determined adequate in accordance with the provisions of this Ordinance. The terms shall include the terms, tract, or parcel.

Lot, Frontage – the front of a lot is the portion of the lot nearest the major abutting street. For the purpose of determining yard requirements on corner lots and through lots, all sides adjacent to the streets may be considered frontage, but once the front yard is designated (see Yard, Front), the remaining yards are established by definition.

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

Lot Line – a lot line is a line that divides a lot from an adjoining lot or from a street right of way, and which, when combined with other lot lines, delineates a lot or parcel of land.

- a. Lot Line, Front – any lot line separating the lot from a right-of-way boundary of a street.
- b. Lot Line, Rear – the lot line opposite and most distant from the front lot line.
- c. Lot Line, Side – any lot line other than a front or rear line; a side lot line separating a lot from a street is called a side street lot line. For the purposes of this Ordinance, corner lots shall be required to maintain front yard setbacks on all streets which they front.

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

Lot Width – the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Mini-Storage Facilities – 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.

Mobile Home – a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site, complete 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 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.

Mobile Home Park – a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

Motel – a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. The definition includes hotels, motor lodges and similar uses.

No-Impact Home-Based Business – a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking signs or lights.
- e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- h. The business may not involve any illegal activity.

If the business meets all such requirements, it shall be considered a lawful accessory use to a dwelling.

Nonconforming Lot – a lot the area or dimension of which was lawful prior to the adoption or amendment of this 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 of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use – a use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Nursing Home – a facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania.

Parking Space – an open space with a dustless all-weather surface, or space in a private garage or other structure with an effective length of at least eighteen (18) feet and a uniform width of at least eight (8) feet for multi-family dwellings, mobile home parks, industrial and manufacturing establishments, warehouses, wholesale and truck terminals or a uniform width of at least ten (10) feet for all other usages for the storage of one (1) automobile and accessible from a public way.

Personal Care Home – a facility giving geriatric care in a home-like setting and licensed as such by the Commonwealth of Pennsylvania.

Personal Services – any enterprise conducted for man which primarily offers services to the general public, such as: shoe repair, valet services, watch repairing, barber shops, beauty parlors Funeral Parlors, and related activities.

Planning Code – the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act No. 170 of 1988 and Acts 67 and 68 of 2000, and as further amended from time to time.

Professional Office – the office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation. This category also includes government offices and facilities such as public libraries and similar civic institutions.

Public Parks and Playgrounds – parks and playgrounds that are owned and operated by the Township of Hayfield or by an entity created for such purposes by the Township of Hayfield or any government agency.

Recreational Campground – an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and recreational vehicles.

Repair/Service Business (see also Service Station) – a building designed and used for the storage, care, repair or refinishing of motor vehicles or engines including both minor and major mechanical overhauling, paint, and body work.

Restaurant – a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state.

Sanitary Landfill – a disposal site licensed by the Commonwealth of Pennsylvania, and maintained in accordance with all Commonwealth and Federal regulation, employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Screen Planting – screen planting for this Ordinance shall mean an evergreen hedge at least six (6) feet high at time of planting, planted in such a way that it will block a line of sight. The screening may consist of either one (1), or multiple rows of bushes or trees and shall be at least four (4) feet wide. It shall be the responsibility of the property owner to maintain a screen planting, replacing trees as needed. The Zoning Officer may require replacement of screening trees.

Screening – screening shall mean a fence, screen planting or wall at least six (6) feet high, provided in such a way that it would block a line of sight.

Service Station – buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires and motor vehicles.

Sexually Oriented Business – businesses which require a license and meet the definitions contained in the Hayfield Township Sexually Oriented Business Licensing Ordinance.

Shopping Center – a commercial facility developed as a mixture of uses, including retail sales, theaters, personal services and restaurants, but planned, constructed, managed or promoted as an integral whole.

Sign – any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant,

insignia, device, or other representations used for announcement, direction, advertisement or identification. The word "sign" includes the word "billboard," but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs, nor religious or devotional displays. (See also Billboard.)

The "area of a sign" shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered the smallest rectangle, which can be drawn to encompass all of the letters and symbols.

Sign, Business – a sign that directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

Special Exception – a use permitted with special permission by the Zoning Hearing Board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

Specialized Animal Raising and Care – for the purposes of this Ordinance, specialized animal raising and care shall include:

- a. Feed lots or similar institutions where cattle, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.
- b. Pens or structures for the raising and care of fur-bearing animals, game birds, or similar operations for profit.
- c. Licensed kennels.

Story – that portion of a building located between the surface of any floor and the next floor above; if there is not more than one (1) floor the space between any floor and the ceiling next above it shall be considered a story.

Street – a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street Line – a line defining the right-of-way boundaries of a street.

Structure – any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Township – the Township of Hayfield, including its Board of Township Supervisors, Planning Commission, and Zoning Officer.

Truck Terminal – land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Veterinary Clinic – a facility used for the treatment of domestic animals for pay with health treatment provided by a licensed veterinarian.

Warehousing and Distribution – a use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. For the purpose of this Ordinance, storage of explosive, inflammable, hazardous or community-recognized offensive conditions shall be considered heavy industry.

Yard – the open space on a lot which is unoccupied and unobstructed from the lowest level to the sky except for the permitted obstructions listed in this Ordinance. Yard 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. All other yards are established by definition once the front yard is fixed. 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 or an alley separating such side yard from another lot.

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

Yard, Side – a yard extending along the side lot line 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.

Zoning Officer – the Zoning Officer of the Township of Hayfield, or his/her authorized representative.

ARTICLE 8 ZONING HEARING BOARD

Section 801 Creation

There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of three (3) residents of the Township appointed by the Board of Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

Section 802 Appointment

The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies that 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, nor be a member of the Planning Commission. The Board of Supervisors shall also appoint one (1) alternate member to the Board. The appointment, rights and duties of the alternate shall be in accordance with applicable provisions of the Pennsylvania Municipalities Planning Code.

Section 803 Organization of Board

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where two (2) members are disqualified to act in a particular matter, the alternate member shall be seated. The Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with Township ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

Section 804 Legal Counsel

Where legal counsel is desired, an attorney, other than the Township Solicitor, shall be used.

Section 805 Hearings

The Board shall conduct hearings and make decisions in accordance with the following requirements.

- A. Notice shall be given to the public by notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- C. The hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. 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.

- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- I. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to hold the required hearing within sixty (60) days from the date of the applicant's

request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

- K. 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 to him not later than the day following its date. To all other persons who have filed their name and address with the Board nor later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 806 Board's Functions:

The Board shall have exclusive jurisdiction for the following:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance,

pursuant to Section 910.2 of the Planning Code and Section 808(H) of this Ordinance.

- F. Appeals from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.
- G. Variances: The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant, in accordance with criteria set forth in the Planning Code and this Ordinance.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.

Section 807 Parties Appellant Before Board

Appeals under Section 806 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 806 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

Section 808 Time Limitations; Persons Aggrieved

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.

Section 809 Stay of Proceedings

Upon filing of any proceeding referred to in Section 806 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a

restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. See also Section 915.1 of the Planning Code.

ARTICLE 9
VARIANCES, SPECIAL EXCEPTIONS, CONDITIONAL USES

Section 901 Variances and Special Exceptions

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

Section 902 Conditional Uses

Uses permitted by conditional use are only permitted when approved by the Township Supervisors in accordance with the criteria set forth in this Ordinance and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

Section 903 Applications

Requests for variance, special exception or conditional use shall be first presented to the Zoning Officer for review by filing an application containing the information required by Section, with the Zoning Officer who shall determine whether a variance, special exception or conditional use is necessary.

Section 904 Standards for Variance

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

- A. That there 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 Code in the neighborhood or 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 Code and 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 appellant.
- 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.

Section 905 Standards for Special Exception and Conditional Uses

Special exceptions and conditional uses shall be granted where the following findings are made:

- A. The use is permitted as a special exception or conditional use, as applicable, under the terms of this Ordinance.
- B. The specific criteria, if any, for allowing the use by special exception or conditional use, as applicable, will be met.
- C. The use, if permitted, will be consistent with the community and economic development objectives and plans, and suitable to the tract with respect to matters such as highway access, availability of utilities and services, traffic impact, economic impact and impact on the neighborhood.
- D. The use would be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located.
- E. The use will be adequately served by public facilities and services such as highways, 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.
- F. The use will not involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, and would not be hazardous, disturbing, or detrimental to existing or future neighboring uses, physically, environmentally, socially or economically.

- G. The use will cause no emissions and/or discharges into the air or water which do not meet governmental standards, and will cause no excessive traffic, noise, vibration, electrical disturbances, glare, fugitive air contaminant, dirt, fumes, smoke, odor, or other polluting substances.
- H. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance and significance.
- I. The use will provide and maintain appropriate screening to buffer or block unsightly views and noise from adjacent properties.
- J. It has not been established that the use for which the permit is sought would be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare; that the proposed use would create unreasonable traffic congestion, traffic hazards, fire hazards, water hazards, sanitary, or other health hazards; or that the proposed use would unreasonably interfere with or impair the supply of adequate and safe light, water, or air, the availability of adequate drainage or sewage or refuse facilities, or other utilities, or otherwise impose an undue threat to the health and safety of adjoining property owners.

Section 906 Conditions

The Zoning Hearing Board may approve variances and special exceptions and the Township Supervisors may approve conditional uses subject to reasonable and appropriate conditions.

Section 907 Expiration of Special Exceptions, Variances and Conditional Uses

The validity of a special exception variance, or conditional use permit shall not exceed one (1) year from the date of authorization and shall expire if the applicant has failed to obtain other appropriate permits, and commence work or use as planned and approved within one (1) year.

Section 908

The Township Supervisors shall conduct hearings on applications for conditional uses in the manner provided in Article 8 for Zoning Hearing Board proceedings unless expressly governed in a different manner by the provisions of the Municipalities Planning Code.

ARTICLE 10
ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 1001 Zoning Officer

The Township of Hayfield shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall also have the duties as set forth by Article 10 of this Ordinance. The Zoning Officer shall not hold any elective office in the Township.

Section 1002 Duties of the Zoning Officer

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use, which does not conform to this Ordinance. The Officer shall be considered as qualified to perform his/her duties by meeting the qualifications established by the Township. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

- A. Application for Zoning Permits: The Zoning Officer shall receive applications for Zoning Permits and/or Certificate of Occupancy.

- B. Inspections: The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Zoning Permit or a Zoning Certificate has been requested. Such inspections may be before, during and after construction and shall be made upon the termination of construction and prior to the issuance of a Certificate of Occupancy.

- C. Permits: The Zoning Officer shall issue building/zoning permits if the application and other informational presented establishes that the proposed development conforms with the requirements of this and related ordinances. If denied for lack of conformance with the requirements of the Ordinance, a written statement of the reasons for denial shall be given. No permit shall be issued unless all required fees have been paid. Where a zoning decision is made by the Board of Supervisors or Zoning Hearing Board, the Zoning Officer shall implement the decision.

- D. Appeals: The Zoning Officer shall receive all applications for Conditional Uses, Special Exceptions, Variances, and Appeals from decisions of the

Zoning Officer. The Zoning Officer shall forward them to the appropriate Board for action.

- E. Enforcement: The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance and to revoke or refuse permits as authorized.

Section 1003 Permits and Certificates

- A. Building/Zoning Permits: A building/zoning permit is an application filed before the start of construction, development, or use of land to determine whether the proposed building, development or use will conform with this and related ordinance. These applications will be on forms approved by the Township, and shall be accompanied by a fee as set by the Township.. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plat plans as well as the number of copies, time limits and fees for such applications shall be determined by the Township.
- B. Certificate of Occupancy: A Certificate of Occupancy shall be required prior to the occupancy or use of any vacant land or prior to the occupancy or use of any structure hereafter constructed, reconstructed, moved, altered or enlarged. The purpose of the Certificate of Occupancy is to confirm that the development described in the Zoning Permit Application has been completed in compliance with the application and this Ordinance. Certificates of Occupancy shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure. Said applications shall be on forms as approved by the Township and shall be accompanied by a fee as set by the Township.
- C. Zoning Certificate: The Zoning Certificate shall be issued upon request to confirm that the use of land or a building within the Township is in compliance with this Ordinance. The exact form of the Certificate and fees charged shall be determined by the Township.
- D. Sign Permit: A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Section 508 of this Ordinance.
 - 1. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such Officer

to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.

2. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.
3. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:
 - a. Dimensions of lot or building upon which the sign is proposed to be erected.
 - b. Exact size, dimensions and location of the said sign on lot or building.
 - c. Any other lawful information which may be required by the Zoning Officer.

Section 1004 Violations

- A. Enforcement Notice: When it appears to the Township and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:
 1. The name of the owner of record and any other person against whom the Township intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- B. Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any 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 five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. 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, unless the district justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

Section 1005 Appeals

All appeals from a decision of the Zoning Hearing Board or Board of Supervisors shall be taken in accordance with the requirements of the Pennsylvania Municipalities Planning Code and other applicable laws.

**ARTICLE 11
AMENDMENTS**

Section 1101 General

The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Board of Supervisors, the Planning Commission, or by a petition of a person or persons residing or owning property within the Township.

Section 1102 Petitions

Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the Township.

Section 1103 Referral

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Hayfield Township Planning Commission and the Crawford County Planning Commission, shall be referred to these agencies for their review and recommendations prior to the public hearing by the Board of Supervisors. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the Township and County Planning Commissions.

Section 1104 Action

Before acting upon a proposed amendment, the Board of Supervisors shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing.

Ordained and enacted into an Ordinance this _____ day of _____, _____ A.D.

HAYFIELD TOWNSHIP INFORMATIONAL ZONING MAP 2004

