

Ordained And Enacted This 5th Day of July, 1983

Carl R. Daniels  
Earl R. Daniels, Chairman  
Board of Township Supervisors

ATTEST:

Dennis R. Dougherty  
Dennis R. Dougherty, Secretary

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ARTICLE 1.

GENERAL PROVISIONS

Section 100 Title

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

Section 102 Provisions Of Ordinance Declared To Be Minimum Requirements

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance or resolutions, the most restrictive, or those imposing the higher standards, shall govern.

Section 104 Separability

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

Section 106 Repeal Of Conflicting Ordinances; Effective Date

All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall take effect five days after its enactment by the Board of Township Supervisors. Building construction begun prior to the effective date of this ordinance may continue unaffected by the provisions of this ordinance as established in Section 701.



ARTICLE 2.

PURPOSE AND OBJECTIVES

Section 200 Purpose

This ordinance is intended: to promote, protect and facilitate the public health, safety, morals and general welfare; to foster coordinated and practical community development, proper density of population; to assist in providing adequate light and air for habitable buildings, police protection, adequate vehicular parking, improved transportation system; to provide in suitable locations water and sewerage service, schools, public grounds and other public services; to prevent the overcrowding of land; to counter blight, traffic congestion and the loss of life or property from fire and flooding.

Section 201 Community Development Objectives

The following community development objectives established through the Township's comprehensive planning process and set forth in the Township's Comprehensive Plan as adopted by the Board of Township Supervisors November 1, 1980, and as amended by the Board from time to time are the basis for the provisions of this ordinance.

- 201.1 To be prepared for population growth so that adequate community services and facilities can be provided in a timely manner.
- 201.2 To exercise some control over the location and type of growth so that the predominant "rural character" of the Township is preserved to the fullest possible extent.
- 201.3 To preserve existing productive agricultural land and to expand agricultural use where possible.
- 201.4 To encourage higher density community development in the vicinity of Conneautville where the potential for common sewer and water systems exist and in the villages of Norrisville and Dicksonburg.
- 201.5 To encourage industrial development and to accept commercial growth that is compatible with the township's rural character.
- 201.6 To assure that the extraction of minerals, such as: natural gas, oil, gravel and timber is carried on so as to preserve the natural character of the environment and to protect the health and safety of the citizens.



ARTICLE 3.

DEFINITIONS

Section 300 Interpretation Of Words

For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows: The word "shall" is always mandatory; the word "may" is permissive; the word "should" is a preferred requirement. Words used in the present tense shall include the future; words used in the singular shall include the plural; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Section 301 Meaning Of Words

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

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

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

Adjoining. That which touches or is contiguous to, as distinguished from lying near.

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

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

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

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

Board of Supervisors. The governing body of Summerhill Township, sometimes referred to as the "Board" or the "Supervisors".

Boarding House or Rooming House. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are



provided for compensation, for one or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

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

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

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

Building Line. A line fixed normally parallel to the lot line and beyond which a building cannot extend under the terms of this ordinance. It is equivalent to the set back or yard line, and is measured perpendicular to the nearest road right-of-way line.

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

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

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

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

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

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

Comprehensive Plan. The Summerhill Township Comprehensive Plan,

adopted by the planning commission and the Board of Supervisors November 1st, 1980. This Plan shows the general location and extent of present and proposed land uses and physical facilities including housing, agricultural and commercial uses, major streets, parks, and other community facilities. The plan establishes the goals, objectives, and policies of Summerhill Township.

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

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

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

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

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

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

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

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

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

Dwelling. A building, or portion thereof, used for residential occupancy, including single family and multifamily dwellings, but, for the purpose of this ordinance, not including hotels, apartment

hotels, rooming and boarding houses, mobile homes, modular homes, or travel trailers.

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

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

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

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

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

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

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

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

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

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

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

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

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

Garage, Private. A detached accessory building or portion of a principal building used for parking or storage of automobiles, travel

trailers, boats, other vehicles and/or other miscellaneous material of the occupants of the premises.

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

Group Home. The coming together of more than 3 persons not related by blood, marriage or adoption in a single housekeeping unit which provides the physical and social needs normal to a residence and whose management is under the direction of a public or semi-public institution operating in pursuit of its objectives.

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

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

Home Lot Occupation. The additional use of a lot (which accommodates a household) for activities which provide gainful employment involving the manufacture, provision or sale of goods and/or services; it being characteristic of this condition, (1) that there is a residence on the lot in which is conducted the main or principal use of the lot, and (2) that one or more structures on the lot, associated with the gainful employment activity, are used in their entirety for gainful employment and are not sited, designed and constructed as accessory structures to the principal use on the lot. This condition, it may be said, involves two very different principal activities on the lot in separate structures.

Household. A building or portion thereof used for residential occupancy, including single family, two family and multifamily dwellings and mobile homes, modular homes, travel trailers, rooming and boarding houses. This term is used in this ordinance in a collective or inclusive manner.

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

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

Kennel. A structure and/or lot where 4 or more domesticated animals more than 4 months old are kept for board or propagation or treatment with the object of earning income.

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

Lot. Land occupied or to be occupied by a building and its accessory buildings, if any, together with yard spaces as are required under the provisions of this ordinance, having not less than the minimum

area and width required by this ordinance and having its principal frontage on a public road or street or on such means of access as may be determined adequate in accordance with the provisions of this ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

Modular Home (Wheelless Modular). A factory fabricated transportable building designed to be used by itself or to be incorporated with

similar units at a building site into one structure, normally requiring prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements to be incorporated into the structure at the site.

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

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

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

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

One Hundred Year Flood. A flood that, on the average, is likely to occur every 100 years, i.e. that has a one percent chance of occurring each year, although the flood may occur in any year.

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

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

Pet. A domesticated animal that is normally kept in or about a household.

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

Planning Commission. The Summerhill Township Planning Commission.

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

14 days from the date of the hearing.

Refuse. All materials which are discarded as useless.

Regulatory Flood Elevation. The 100 year flood elevation plus a freeboard safety factor of 1½ feet.

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

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

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

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

Sign, Billboard. A non-point-of-sale sign which advertises a business, organization, event, person, place or thing.

Sign, Freestanding. A sign which is mobile or portable or where the sign is not securely attached to the ground or to any other structure.

Sign, Ground or Pole. A sign which is supported by structures or supports in or upon the ground and independent of support from any building.

Sign, Point-of-Sale. A sign which carries the name of the firm, major enterprise or products offered for sale on the premise, or a combination of these things.

Sign, Wall. A sign painted or attached to the face of the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

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

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

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

Structure. Any man-made object constructed or erected, which requires a fixed location on the ground or an attachment to something having a fixed location on the ground including, but not limited to, buildings, billboards, signs, carports, porches, swimming pools, wellhead casings, fences, walls and other building features but not

including sidewalks, drives, and patios.

Subdivision. The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, or lease, transfer of ownership or building lot development; providing, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

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

Arterial Road. A general term denoting a highway primarily for through traffic. Arterial roads are always continuous and are of intermunicipal importance.

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

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

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

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

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

Tourist Home. A building, other than a hotel, a motel, rooming house or conversion apartment where lodging accommodations are offered to transient guests. The period of residence would normally range from one night to several weeks.

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

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

Use, Permitted. A use which is or may be lawfully established in a particular district, provided it conforms with all requirements for the district in which such use is located.

Use, Principal. The main use on a premises as distinguished from an accessory use.



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

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

Yard, Front. A yard extending along the full length of a front lot line and back to a line drawn parallel with such front lot line at a distance therefrom equal to the required front yard. For corner lots, one of the abutting streets, for the purposes 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 facade facing the designated front yard.

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

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

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

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

Zoning Hearing Board. A board of appeals appointed by the Board of Supervisors in order to provide for certain administrative and due process requirements as set forth in this ordinance.

Zoning Officer. An enforcement officer duly appointed by the Board of Supervisors to handle the day to day administration and enforcement of this ordinance.

ARTICLE 4.

THE OFFICIAL ZONING MAP

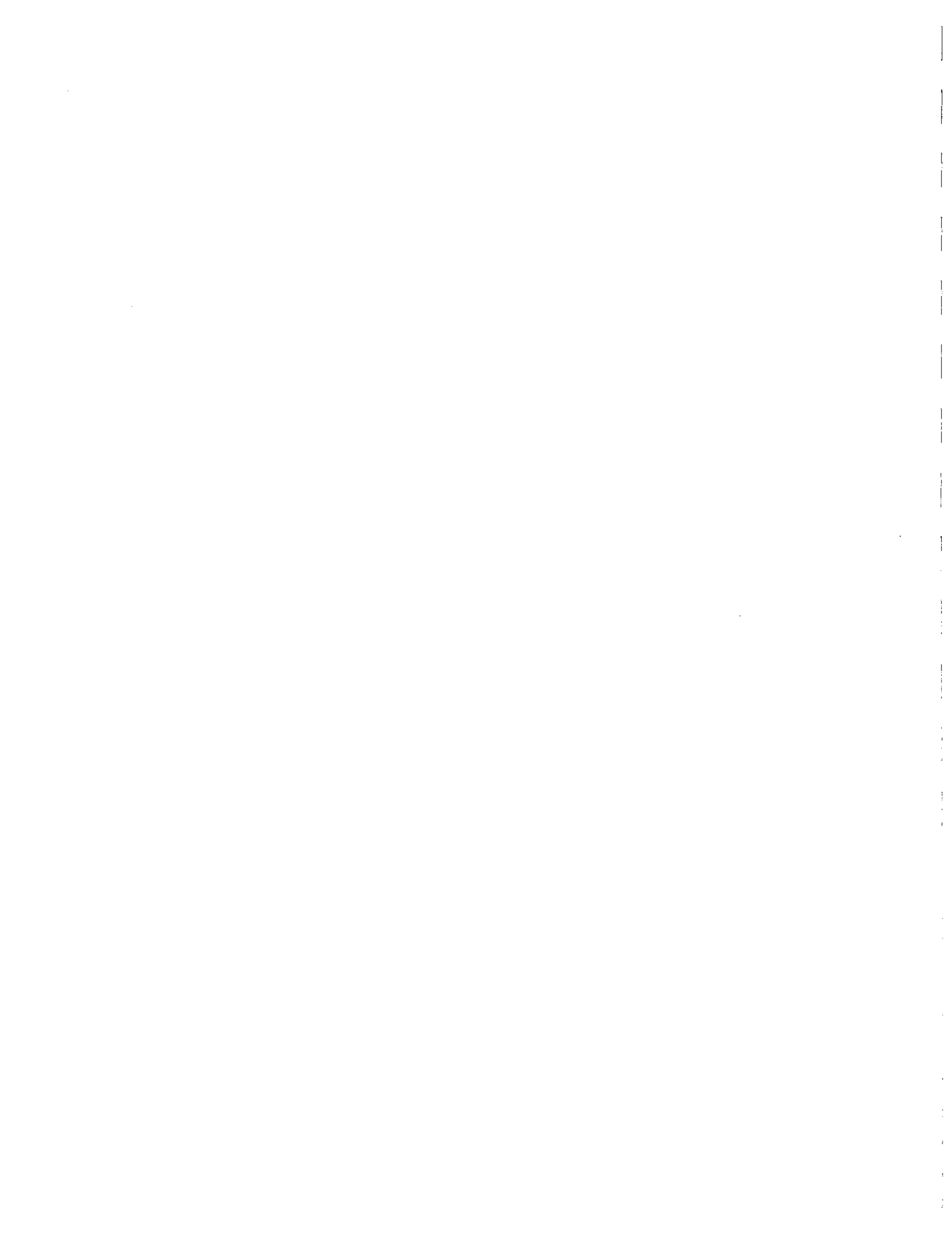
Section 400 The Official Zoning Map

The districts established in Article 5. of this ordinance are shown on the Official Zoning Map and which, together with all explanatory matter thereon, is hereby adopted as part of this ordinance. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Supervisors, and attested by the Township Secretary.

Section 401 Interpretation Of District Boundaries

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

1. District boundaries indicated as approximately following the center lines of streets, highways, alleys, or streams shall be construed to follow such lines.
2. District boundaries indicated as approximately following platted lot or property parcel lines shall be construed as following such lot and parcel lines.
3. District boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits.
4. District boundaries indicated graphically as parallel to the center lines of streets, highways or streams shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such distances shall be determined by the use of the map scale as shown on the Official Zoning Map.
5. Where the Zoning Officer cannot definitely determine the location of a district boundary by the rules 1 to 4 as listed above, he shall refer the matter to the Zoning Hearing Board which shall be responsible for interpreting the district boundary.



ARTICLE 5.

ESTABLISHMENT, PURPOSE AND REGULATIONS OF  
ZONING DISTRICTS

Section 500 Establishment Of Zoning Districts

In order to carry out the purposes of this ordinance Summerhill Township is hereby divided into the following zoning districts.

- A-1 Agricultural District
- R-1 Rural Residential District
- CD-1 Community Development District
- FH Flood Hazard Overlay District

Section 501 Compliance With District Regulations

The regulations for each district set forth in this ordinance shall be minimum regulations and shall apply as hereinafter provided. No land shall be used or occupied and no structure or part thereof shall be constructed, reconstructed, moved, structurally altered or occupied except in conformity with the regulations specified for the district in which it is located, and except as regulated in applicable sections of this ordinance.

- 501.1 No lot or yard existing at the time of the adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in this ordinance. Yards or lots created after the adoption of this ordinance shall meet, at least, the minimum requirements of this ordinance.

Section 502 General Regulations

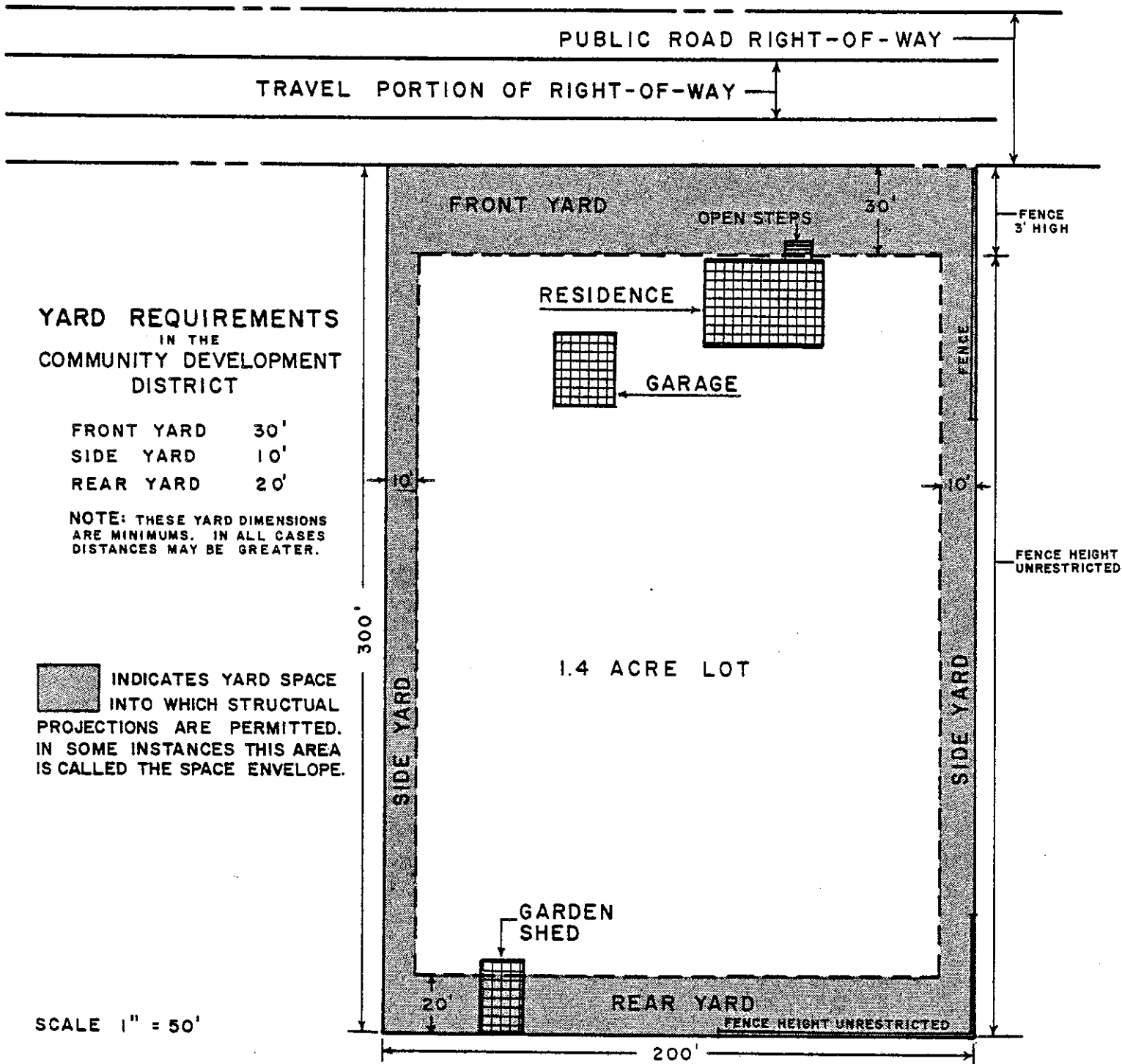
The regulations set forth in this Section shall be applicable in all zoning districts, or, where so stated, to a specific group of zoning districts.

- 502.1 Prevention of Accelerated Erosion And Resulting Sedimentation. All earth moving activities shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation. To accomplish this any person or applicant engaged in earthmoving activities shall develop, implement and maintain erosion and sediment control measures which effectively minimize accelerated erosion and sedimentation; this shall be done in accordance with the Pennsylvania Department of Environmental Resources (PennDER) requirements as established in Title 25, Part I. Subpart C. Article II, Chapter 102 Erosion and Sediment Control. The Township, depending on the scope of earthmoving activities, may require the applicant to possess an erosion and sediment control plan which has been recommended for approval by the Crawford Conservation District; said plans shall be designed based on the guidelines established in the Crawford County Erosion and Sediment Control Handbook dated June 1972 and as amended. This requirement is not applicable to practices normal to carrying on agricultural activities.
- 502.2 Essential Services. The erection, construction, alteration or maintenance and operation by public utilities, municipal governments or

authorities of underground, surface, or overhead gas, electrical, storm sewer or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith as shall be reasonably necessary for the furnishings of adequate service by such public utilities, municipal governments or authorities for the public health or general welfare, - all shall be permitted as a matter of right, subject, of course, to other pertinent regulations in this ordinance, i.e. yard requirements; providing, however, major public utility structures and buildings, other than such buildings as are primarily enclosures of the above essential service equipment, shall be regulated as in Section 502.3 following.

- 502.3 Major Public Utility Structures. Public utility structures including but not limited to storage tank farms, electric substation and power generation plants, sewage treatment plants and major cross country transmission lines shall be permitted as a matter of right in the A-1 District and shall be permitted as conditional uses in the R-1 and CD-1 Districts.
- 502.4 Property Owned, Leased Or Operated By Public Agencies. Property owned, leased, or operated by the Commonwealth of Pennsylvania, the United States or Summerhill Township or any other public or governmental body created by the Township shall be subject to the requirements of this ordinance as follows:
- a. Where such public or governmental uses are specifically listed in this ordinance, they shall be regulated as indicated.
  - b. Where such public or governmental uses are not specifically listed in this ordinance, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature, - otherwise they shall not be permitted.
- 502.5 Lots Of Record. Any lot or parcel of record in separate ownership existing at the effective date of this ordinance may be used for the erection and construction of a structure conforming to the use regulations of the district in which it is located even though its area and width are less than the minimum requirements of this ordinance.
- 502.6 On-Lot Sewage Treatment Requirement. Where on-lot sewage treatment is utilized the minimum lot size shall not be less than required by the regulations promulgated and enforced by the Pennsylvania Department of Environmental Resources (PennDER) and the Township Supervisors. In no case shall the minimum lot size or the density provisions of this ordinance take precedence over the regulations promulgated by PennDER where PennDER regulations are more strict.
- 502.7 Permitted Structural Projections And Obstructions Into Required Yard. Except for the specified projections and obstructions listed below, every part of the required yard, with respect to structures, shall be open and unobstructed to the sky. In the following listing projections into yards are permitted.

# DRAWING ILLUSTRATING PROJECTIONS INTO REQUIRED YARDS



## YARD REQUIREMENTS IN THE COMMUNITY DEVELOPMENT DISTRICT

FRONT YARD	30'
SIDE YARD	10'
REAR YARD	20'

NOTE: THESE YARD DIMENSIONS  
ARE MINIMUMS. IN ALL CASES  
DISTANCES MAY BE GREATER.

INDICATES YARD SPACE  
INTO WHICH STRUCTURAL  
PROJECTIONS ARE PERMITTED.  
IN SOME INSTANCES THIS AREA  
IS CALLED THE SPACE ENVELOPE.

SCALE 1" = 50'

and the yards into which the projections are permitted are indicated by "F" for the yard adjacent to the main abutting street, "S" for the side yards including a street corner side yard, "R" for the rear yard. The extent of the permitted projections into a yard is indicated by a number, or, where no number is given, the projection is unlimited. The following drawing, Drawing No. 1., illustrates the meaning of this section as it would apply to the Community Development District. This section is intended to introduce flexibility into the ordinance.

- |   |       |
|---|-------|
| a. Arbors or trellises attached to the principal structure, - not more than 3 feet  | F,S,R |
| b. Arbors or trellises, free standing   | S,R   |
| c. Air conditioning units, - not less than 3 feet from any lot line   | F,S,R |
| d. Awnings or canopies for a window, porch, or door - not more than 4 feet  | F,S,R |
| e. Balconies, open - not more than 4 feet   | F,S,R |
| f. Chimneys - not more than 2 feet  | F,S,R |
| g. Cornices, eaves, belt courses, sills, one-story bay windows, and other similar architectural features - not more than 3 feet   | F,S,R |
| h. Fences and walls; there shall be no height restrictions on fences or walls and they may be placed in any location in all yards, except that in the Community Development District their height shall be limited to 3 feet in the front yard. | F,S,R |
| i. Fire escapes open or enclosed - not more than 3 feet   | R     |
| j. Flag poles   | F,S,R |
| k. Garages, detached - not more than 3 feet   | S     |
| l. Garages, detached  | R     |
| m. Lawn furniture such as benches, sundials, birdbaths  | F,S,R |
| n. Open off-street parking and loading spaces   | F,S,R |
| o. Ornamental light standards   | F,S,R |
| p. Playground and laundry-drying equipment  | R     |
| q. Playhouses and outdoor fireplaces  | R     |
| r. Porches, open, with or without roof, and not more than one-story in height - not more than 8 feet  | F, R  |
| s. Signs and nameplates as regulated in this ordinance  | F,S,R |
| t. Steps, open  | F,S,R |
| u. Swimming pools and tennis courts   | R     |
| v. Terraces and patios, open  | F,S,R |
| w. Toolhouses and other similar structures for the storage of accessory supplies  | R     |

- x. Solar devices, attached or free standing, used to collect and/or store heat that is to be used as a heat source for a building on the property

-not more than 10 feet

F

-not more than 6 feet

S

502.8 Height Regulations. No structure shall exceed 3 stories in height providing, however, that this requirement shall be waived for the following: belfries, chimneys, cupolas, domes, flagpoles, flues, stacks, monuments, spires, steeples, water towers and tanks, wind generators, cooling towers, elevator enclosures, skylights, stage towers, air conditioning units, all buildings accessory to agricultural operations, grain elevators, utility poles, parapet walls provided such walls shall not exceed such height as necessary to screen mechanical equipment, television and radio towers. Where a building floor level is so constructed as to permit a direct entrance to the building at, or nearly at, outside grade level either into the front side or rear yard such building level shall be considered a story for the purpose of interpreting this ordinance.

502.9 Prohibited Uses. As provided in the provisions of this ordinance any building may be erected, altered or used for any residence, trade, industry, business or institutional purpose that is in compliance with the applicable district regulations. It is the intention of this ordinance that no uses are established which are obnoxious or offensive by reason of odor, dust, smoke, gas, noise, vibrations, glare or illumination or otherwise create a nuisance or hazard to public health, safety and welfare. In addition to uses which may be prohibited by reason of the above the following uses are specifically prohibited:

- a. The incineration of animal waste
- b. Open dumps
- c. Paper or paper pulp manufacture
- d. Fertilizer manufacture
- e. Nuclear waste disposal sites

Nothing in these requirements shall be interpreted to prohibit practices normal to carrying on agricultural activities.

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



it may recommend that the Township consider amending the ordinance to permit the use. Amendments to this ordinance may be initiated as set forth in Section 813.

- 502.11 Minimum Floor Area. No single family detached dwelling - as distinguished from a seasonal dwelling - shall have a floor area of less than 720 square feet. Basements shall not be included in this accounting.
- 502.12 Access Drives and Off-Street Parking Areas. Access drives and off-street parking areas should be planned and constructed in a manner so that vehicles preparing to leave a site may conveniently turn around on the site. Vehicles should re-enter the public right-of-way from a forward position. This requirement is applicable to access drives from all public roads which have continuity and are classified as collector or arterial roads in the Township's Comprehensive Plan dated June 1979.
- 502.13 Recovery Of Subsurface Gas And Oil Deposits. All activities associated with the recovery of subsurface gas and oil deposits are permitted in all zoning districts, except the Flood Hazard Overlay District (in which District they are prohibited), subject to the following requirements.
- a. All structures including wellhead casings shall comply with the yard requirements established for the zoning district in which they are located. A zoning permit shall be obtained before any activity is begun at a site.
  - b. The gas and oil well casing and tank structures normally used in drilling and recovery operations shall be a minimum of 200 feet from any habitable building, whether a residence, a commercial or an institutional building, and shall be a minimum of 100 feet from a stream with year-round flow.
  - c. The recovery of subsurface gas and oil deposits shall be conducted in such a way that brines, drilling muds and other refuse, which because of its chemical content may be injurious to the natural environment, resulting from the recovery operations shall not be deposited in the natural environment in a manner which would violate the state's Clean Streams and Erosion Control legislation. The township is aware that any enforcement of this provision must be coordinated with PennDER which, in fact, is obliged to handle the enforcement.
- 502.14 Private Swimming Pools. The private swimming pool shall be permitted as accessory uses in all districts.
- 502.15 Keeping Of Pets. The keeping of pets shall be permitted in all districts as an accessory use.

### Section 503 Agricultural District, A-1

Purpose: The Agricultural District is intended to protect and encourage the continuing use of land for agriculture where it is suitable for, and/or is currently being used for agricultural and related activities including forestry. The protection envisioned in this ordinance is primarily that of discouraging concentrations of housing, commercial or industrial uses which will make excessive demands on the Township's modest facility system, mainly its gravel road network. The Township's gravel road system which includes all its drainage devices can serve reasonably well agricultural and scattered rural development.

But without major improvements the system is not readily capable of accommodating new development of the type and density which greatly increases traffic and which, in turn, requires the construction of new roads accessed by the present system. The Township is conscious of the gradual reduction in the amount of land in active agricultural both in Crawford County and the whole of Pennsylvania. Accordingly the district regulations are established so as to permit reasonable alternatives to active farming use, such as rural residences, commercial and industrial enterprises where they can be accessed by the existing road network and built at low densities. In order to insure that commercial and industrial uses locate in a scattered manner and that they do not introduce conditions incompatible with agricultural activity, such uses shall be permitted through special review processes.

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

503.2 Permitted Uses.

- a. Agricultural and related activities including but not limited to farming, dairying, pasturage, gardening, animal and poultry husbandry, butchery, forestry, horticulture, floriculture nursery operations, and the pressing of fruits to make juices;
- b. Single family and two family detached dwellings, mobile homes, modular homes, seasonal dwellings including hunting cabins, boarding and rooming houses;
- c. Installation of a travel trailer, motor home, tent trailer or pickup camper where used for occasional living quarters (not more than 15 consecutive days of occupancy), where not part of a travel trailer park, and where the facility is located adjacent to an established residence which serves said facility with sewage and water needs.
- d. Keeping of kennels;
- e. Livestock sales and exhibition facilities; horse stables and riding academies;
- f. The selling at either retail or wholesale of agricultural produce;
- g. Cheese manufacture;
- h. Sawmill operations including but not limited to millworking, barking, edging, chipping, washing and shredding processes;
- i. Private recreational establishments including but not limited to archery and skeet ranges, gun clubs, golf courses, country clubs; public park and recreation uses;
- j. Veterinary clinic;
- k. Municipal, state and federal and public utility outdoor service/storage areas;

- l. Grain milling and/or storage;
- m. Cemetery;
- n. Accessory uses and structures.

503.3

Conditional Uses. The following uses may be permitted subject to the provisions of Article 9. and subject to any other applicable regulations and standards established in this ordinance. In addition, in reviewing conditional use applications the public officials shall be guided in their deliberations by the principle that the development should be located on land least suitable for agricultural production as established in the Township Comprehensive Plan.

- a. Junk yard. See requirements in Article 6.;
- b. Processing and disposal area for solid wastes. See requirements in Article 6.;
- c. Tool and die shops and establishments engaged in manufacturing special toolings, fixtures and molds which are used for die casting, foundry casting and plastic working;
- d. Establishments engaged in the fabrication of metal products of all types except those listed in Section 503.3c above; providing, however, the normal hours of operations are between 8:00 a.m. and 6:00 p.m.;
- e. Warehousing and wholesale establishments;
- f. General automotive repair shops; welding shops;
- g. Contractor and construction shops and supply yards;
- h. Lumber yards and uses incidental thereto;
- i. Open air entertainment establishments; see requirements in Article 6.;
- j. Open pit mining including soil borrow pits, sand and gravel quarrying including where applicable stone washing, screening and crushing;
- k. Campground, but not including a travel trailer park.

503.4

Special Exception Uses. The following uses may be permitted subject to the provisions of Section 1010.4 and subject to any applicable regulations established in Article 6.

- a. Home occupation;
- b. Home lot occupation;
- c. Installation of a travel trailer, motor home, tent trailer or pickup camper where the facility is not located adjacent to an established residence on the same property; See Section 608.

503.5

Bulk Regulations.

- a. Lot Area -- For each principal use there shall be a minimum of 2 acres; providing, however, that on any lot 2 acres or greater where an existing residential, commercial, industrial or institutional building is located, additional principal residential uses, such as dwellings or mobile homes or modular homes may be located without regard to this minimum area, where the uses are not (and are not intended to be) income producing and

where (1) no new lot of record is established, (2) on-lot sewage permits are obtained from appropriate authorities, (3) the minimum setback from the centerline of the public road is 75 feet, and (4) the minimum distance between buildings is 30 feet.

- b. Front Yard -- Minimum of 50 feet from the abutting road right-of-way line (or 75 feet from the centerline of the road).
- c. Side Yard -- Minimum of 20 feet.
- d. Rear Yard -- No requirement.
- e. Width Of Lot Measured At The Public Right-Of-Way -- Minimum of 250 feet.

Section 504 Rural Residential District, R-1

Purpose: The Rural Residential District is intended as area where residential uses of a rural character predominate. It is expected that these residential uses would usually be associated with some agricultural activity of one type or another. Commercial and industrial uses are not to be encouraged in this District except that they are associated with a residential use on the same property. Institutional uses are discouraged because they normally involve the assembly of larger numbers of people and are more appropriate in or near established settlements. This District is characterized by a more substantial road system, i.e. paved roads, and can accommodate housing at greater densities and in situations where new roads are constructed to serve residential subdivisions. New non-farm, residential growth seeking rural surroundings is admirably suited to this District.

504.1 Permitted Uses.

- a. Single family and two family detached dwellings, mobile homes, modular homes, seasonal dwellings, boarding and rooming houses;
- b. Agricultural and related activities including but not limited to farming, dairying, pasturage, gardening, animal and poultry husbandry, forestry, horticulture, floriculture and nursery operations; providing, however, that (1) buildings or stables used to house livestock, poultry, etc. exclusive of grazing or penned areas, shall be a minimum of 200 feet from the nearest building used for human occupancy, and (2) pig pens or grazing areas shall be a minimum of 300 feet from the nearest building used for human occupancy;
- c. Installation of a travel trailer, motor home, tent trailer or pickup camper where used for occasional living quarters (not more than 15 consecutive days of occupancy), where not part of a travel trailer park, and where the facility is located adjacent to an established residence which serves said facility with sewerage and water needs.
- d. The selling of agricultural produce produced on the property;
- e. The keeping of kennels; providing, however, that the area in which the animals are maintained is no closer to the nearest neighboring building used for human occupancy than 500 feet.
- f. Veterinary clinic providing that all facilities are situated within a building except for outdoor kennel runs which shall be a minimum of 300 feet from the nearest neighboring building used for human occupancy;
- g. Golf courses; public park and recreation areas;
- h. Accessory uses and structure.

504.2 Conditional Uses. The following uses may be permitted subject to the provisions in Article 8. and subject to any other applicable regulations and standards established in this ordinance.

- a. Cluster development; see Article 12;
- b. Travel trailer park, providing that the development has direct access to a paved public road; see Article 13;
- c. Mobile home park, providing that the development has direct access to a paved public road; see Article 13;

- d. Multifamily dwellings, providing that for developments of more than six dwelling units the site has direct access to a paved public road;
- e. Tool and die shops and establishments engaged in manufacturing special toolings, fixtures and molds which are used for die castings, foundry casting and plastic working;
- f. General automotive repair shops and welding shops providing the work is carried on mainly within a building; outdoor service areas are permitted and shall be reviewed in the conditional use approval process.

504.3 Special Exception Uses. The following uses may be permitted subject to the provisions of Section 1010.4 and subject to any applicable regulations established in Article 6.

- a. Home occupation
- b. Home lot occupation
- c. Installation of a travel trailer, motor home, tent trailer or pickup camper where the facility is not located adjacent to an established residence on the same property; see Section 608.

504.4 Bulk Regulations. Same as required in the Agricultural District.

Section 505 Community Development District, CD-1

Purpose: Although Summerhill Township's existing development character is distinctly rural it borders the Borough of Conneautville and two small villages exist within its boundaries, Dicksonburg and Norrisville. It is the intent of this district to allow for higher density residential uses and for the establishment of commercial, industrial, institutional and community service uses in these areas - should the dynamics of development display a market for such activities in the township. The regulations set forth in this district are based on public reviews of specific site plan proposals, realizing that zoning regulations cannot possibly anticipate developer's interests or land planning arrangements. This is the district which should receive growth and development which is non-rural, which should have sewerage and water supply systems serving it and which aims to establish a sense of community.

505.1 Permitted Uses.

- a. Single family and two family detached dwellings, modular homes, mobile homes;
- b. Multifamily dwellings; boarding and rooming houses;
- c. Agricultural and related activities providing, however, that (1) buildings or stables used to house livestock, poultry, etc. exclusive of grazing or penned areas shall be a minimum of 200 feet from the nearest building used for human occupancy, and (2) pig pens or grazing areas shall be a minimum of 300 feet from the nearest building used for human occupancy;
- d. Public and semipublic buildings of the following types: church facilities normally incidental there to, libraries, philanthropic and institutional buildings, clubs, lodges;
- e. Public and private schools, including day care and nursery activities;
- f. Health care facilities;
- g. Funeral and nursing homes;
- h. Motel;
- i. Offices including municipal, State and Federal administrative and service buildings; providing, however, that outdoor equipment and storage areas shall be screened to a height of 6 feet from ground level at the property line with neighboring uses and at road right-of-way by a wall, fencing, planting and/or terrain features in a manner that is perceived immediately throughout all seasons of the year;
- j. Public recreation and park areas;
- k. Installation of a travel trailer, motor home, tent trailer or pickup camper where used for occasional living quarters (not more than 15 consecutive days of occupancy), where not part of a travel trailer park, and where the facility is located adjacent to an established residence which serves said facility with sewage and water needs;
- l. Accessory uses and structures.

505.2 Conditional Uses. The following uses may be permitted subject to the provisions of Article 8. and subject to any other applicable regula-

tions and standards established in this ordinance. The reviewing officials shall evaluate the need for the buffer areas requirements as established in Section 802 when considering conditional use applications.

- a. Shopping center
- b. Retail stores and personal service shops
- c. Restaurants and taverns
- d. Service stations and uses normally ancillary thereto; general automotive repair shops; welding shops;
- e. Artisan shops
- f. Contract tool and die shops and establishments engaged in manufacturing special toolings, fixtures and molds which are used for die casting, foundry casing and plastic working
- g. Warehousing and wholesale establishments
- h. Establishments for the sales and service of machinery used in agricultural production and for the storage and sale of feed, seed, fertilizer and other products essential to agricultural production
- i. Miscellaneous manufacturing activities
- j. Contractor and construction shops and supply yards
- k. Lumber yards and uses incidental thereto
- l. Drive-in establishments
- m. Processing, packing and/or canning food products
- n. Cluster development
- o. Mobile home park
- p. Veterinary clinic

505.3 Special Exception Uses. The following uses may be permitted subject to the provisions of Section 1010.4 and subject to any applicable regulations established in Article 6.

- a. Home occupation
- b. Home lot occupation
- c. Installation of a travel trailer, motor home, tent trailer, or pickup camper where the facility is not located adjacent to an established residence on the same property; see Section 608.

505.4 Bulk Regulations.

- a. Minimum Lot Area ...



Type of Use	No Public Water or Sewer	Public Sewer Only	Public Water and Sewer
Single family detached dwelling, mobile home, modular home and all other uses not listed below	20,000 sq. ft.	14,000 sq. ft.	10,000 sq. ft.
Two family detached dwelling	25,000 sq. ft.	15,000 sq. ft.	12,000 sq. ft.
Multifamily dwellings	20,000 sq. ft. for first unit plus 3,000 sq. ft. for each additional unit	10,000 sq. ft. for first unit plus 2,500 sq. ft. for each additional unit	6,000 sq. ft. for first unit plus 2,000 sq. ft. for each additional unit

- b. Front Yard -- Minimum of 30 feet from the abutting road right-of-way line (or 55 feet from the centerline of the road)
- c. Side Yard -- Minimum of 10 feet
- d. Rear Yard -- Minimum of 20 feet.

Section 506 Flood Hazard Overlay District, FH

Purpose: The purpose of this district is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- a. regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;
- b. restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding;
- c. requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage;
- d. protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

506.1 Warning and Disclaimer Of Liability. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that areas outside the floodplain overlay district, or that land uses permitted within such districts, will be free from flooding or flood damage. This ordinance shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

506.2 Identification Of Flood Hazard Areas. The identified flood hazard areas shall be those areas of Summerhill Township subject to the 100 year flood which are identified as Special Flood Hazard Areas (Zone A) on the Flood Insurance Rate Map issued by the Federal Insurance Administration dated June 25, 1982.

506.3 Determination Of The Regulatory Flood Elevation. For the purposes of this ordinance the regulatory flood elevation, i.e. the 100 year flood elevation plus a freeboard safety factor of 1½ feet, shall be used. To determine the 100 year flood elevation the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question shall be used. In helping to make this necessary elevation determination other sources of data, where available, shall be used such as

- a. Corps of Engineers, Floodplain Information Reports
- b. U. S. Geological Survey - Flood Prone Quadrangles
- c. Soil Survey of Crawford County, May 1979
- d. Pennsylvania Department of Environmental Resources, Flood Control Investigations
- e. Known highwater marks from past floods
- f. Other sources.

In lieu of the above the Township may require the applicant to determine

the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township.

- 506.4 Changes In Identification Of Area. The delineation of the identified floodplain area may be revised by the Township Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted by the U. S. Corps of Engineers or other qualified agencies or individuals document the need for such changes. Prior to any such change approval must be obtained from the Federal Insurance Administration.
- 506.5 Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Hearing Board and any party aggrieved by this decision may appeal to the Township Supervisors. The burden of proof shall be on the applicant.
- 506.6 Overlay Concept. The identified flood hazard areas in the Township shown by the extent of the Flood Hazard Overlay District, FH. This District is overlaid on the other zoning districts of the Township and serves as a supplement to the provisions of the underlying districts. In the identified flood hazard area as delineated by the Flood Hazard Overlay District the development and/or use of any land shall be permitted only as it is in compliance with the requirements of this District as set forth herein and with any other applicable Township codes and ordinances. Where there is a conflict between the requirements of the Flood Hazard Overlay District and those of an underlying district the more restrictive provisions and/or those pertaining to the flood hazard area shall apply. In the event any provisions concerning the Flood Hazard Overlay District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the underlying district provisions remain applicable.
- 506.7 Issuance Of Building Permit And Zoning Permit.
- a. A building permit and a zoning permit shall be issued only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
  - b. Prior to the issuance of any building and zoning permit the application shall be reviewed to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U. S. Clean Water Act, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.
  - c. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the

Township Supervisors, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township Supervisors prior to any alteration or relocation of any watercourse.

- 506.8 Application Procedures and Requirements. If proposed construction or development is located entirely or partially within an identified flood hazard area the applicant shall provide, in addition to the normal requirements of this ordinance, the following more specific information:
- a. A plan of the entire site drawn at a scale of 1 inch equal to 100 feet or less showing:
    - (1) North arrow, scale and date
    - (2) A location showing the vicinity in which the proposed development is to be located
    - (3) Topography based on the National Geodetic Vertical Datum of 1929 showing existing and proposed contours at intervals of 2 feet
    - (4) All property dimensions and the size of the site expressed in acres or square feet
    - (5) The location of existing streets and other accessways affecting the proposed development with information concerning widths, pavement types and elevations
    - (6) The location of existing bodies of water, watercourses, buildings, structures and other public or private facilities and any other natural or man-made features affecting or affected by, the proposed development
    - (7) The location of the identified flood hazard area boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities
    - (8) A general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements including the location of any existing or proposed subdivision and land development in order to assure that:
      - (a) all proposals are consistent with the need to minimize flood damage;
      - (b) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
      - (c) adequate drainage is provided so as to reduce exposure to flood hazards.
  - b. Plans of all proposed buildings, structures and other improvements drawn at a suitable scale showing the following:
    - (1) Detailed architectural or engineering drawings including building size, floor plans, sections and exterior building

elevations as appropriate

- (2) Proposed lowest floor elevations of any proposed building based upon National Geodetic Vertical Datum of 1929
- (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100 year flood
- (4) Detailed information concerning any proposed flood-proofing measures
- (5) Cross-section drawings for all proposed streets and other accessways and parking areas showing all rights-of-way and pavement widths
- (6) Profile drawings for all proposed streets and vehicular accessories including existing and proposed grades
- (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities
- (8) Soil types

c. The following data and documentation:

- (1) A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand 100 year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the 100 year flood. Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.
- (2) Detailed information needed to determine compliance with Section 506.4g., Storage, and Section 506.15, Development Which May Endanger Human Life, including:
  - (a) the amount, location and purpose of any materials or substances referred to in Sections 506.4g. and 506.15 which are intended to be used, produced, stored or otherwise maintained on site;
  - (b) for any proposed structure regulated under Section 506.15 a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above mentioned materials or substances during a 100 year flood.
- (3) The appropriate component of the Department of Environmental Resources "Planning Module for Land Development".
- (4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

506.9 Review By The Crawford Conservation District. A copy of all applications and plans for any proposed construction or development in any identified flood hazard area to be considered for approval shall be

submitted by the Zoning Officer to the Crawford Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

- 506.10 Changes. After the issuance of a permit by the Zoning Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.
- 506.11 Permit Required From PennDER. Within this District, which delineates the extent of the identified flood hazard area in the township no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse unless a permit is obtained from the Department of Environmental Resources (PennDER), Bureau of Dams and Waterway Management.
- 506.12 Elevation Requirement For Residential Structures. Within the identified flood hazard area, the elevation of the lowest floor (including basement) of any new or improved residential structures shall be 1½ feet or more above the 100 year flood elevation.
- 506.13 Elevation Requirement For Non-Residential Structures. Within the identified flood hazard area, the elevation of the lowest floor (including basement) of non-residential structures shall be 1½ feet or more above the 100 year flood elevation or be floodproofed up to that height. Any structure or part thereof which will not be completely or adequately elevated shall be floodproofed in accordance with the provisions of this section (Section 506). Additional information maybe obtained from the publication entitled, "Flood-Proofing Regulations" (U. S. Corps of Engineers, June 1972).
- 506.14 Design And Construction Standards. The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified flood hazard area:
- a. Fill. If fill is used, it shall:
    - (1) extend laterally at least 15 feet beyond the building line from all points;
    - (2) consist of soil or small rock materials only; sanitary landfills shall not be permitted;
    - (3) be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
    - (4) be no steeper than one vertical to two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and
    - (5) be used to the extent to which it does not adversely affect adjacent properties.
  - b. Drainage. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets,

and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

- c. Sanitary Sewer Facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- d. Water Facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.
- e. Streets. The finished elevation of proposed new streets shall be more than one foot below the Regulatory Flood Elevation.
- f. Utilities. All utilities such as gas lines, electrical and telephone systems being placed in an identified flood hazard area should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- g. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 506.15, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.
- h. Placement Of Buildings And Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- i. Anchoring.
  - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
- j. Floors, Walls and Ceilings.
  - (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
  - (2) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
  - (3) Walls and ceilings at or below the Regulatory Flood

Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

- (4) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

k. Paints and Adhesives

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

l. Electrical Systems And Components.

- (1) Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- (2) Electrical distribution panels shall be at least three feet above the 100 year flood elevation.
- (3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

m. Plumbing.

- (1) Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- (2) No part of any on-site sewage disposal system shall be located within any identified flood hazard area.
- (3) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.
- (4) All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

506.15 Development Which May Endanger Human Life.

- a. In accordance with the Pennsylvania Floodplain Management Act, the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or structures or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume



or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

(1) Acetone, (2) Ammonia, (3) Benzene, (4) Calcium carbide, (5) Carbon disulfide, (6) Celluloid, (7) Chlorine, (8) Hydrochloric acid, (9) Hydrocyanic acid, (10) Magnesium, (11) Nitric acid and oxides of nitrogen, (12) Petroleum products (gasoline, fuel oil, etc.), (13) Phosphorus, (14) Potassium, (15) Sodium, (16) Sulphur and sulphur products, (17) Pesticides (including insecticides, fungicides and rodenticides), (18) Radioactive substances, insofar as such substances are not otherwise regulated.

- b. Within the identified flood hazard area any new or substantially improved structure of the kind described in item a. above shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- c. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in subsection a., above, shall be:
  - (1) elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100 year flood, and
  - (2) designed to prevent pollution from the structure or activity during the course of a 100 year flood.

Any structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication, "Flood-Proofing Regulations", (U. S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

#### 506.16 Special Requirements For Mobile Homes.

- a. Within any identified flood hazard area all mobile homes and any additions thereto shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- b. Where permitted within any identified floodplain area all mobile homes and additions thereto shall be:
  - (1) Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for Installation of Mobile Homes Including Mobile Home Park Requirements (NEPA No. 501A-1974 (ANSI A119.301975)) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:
    - (a) over-the-top ties shall be provided at each of the four corners of the mobile home, with

two additional ties per side at intermediate locations for units 50 feet or more in length, and one additional tie per side for units less than 50 feet in length.

- (b) frame ties shall be provided at each corner of the mobile home, with five additional ties per side at intermediate locations for units 50 feet or more in length, and four additional ties per side for units less than 50 feet in length.
- (c) all components of the anchoring system shall be capable of carrying a force of 4800 pounds.

(2) Elevated in accordance with the following requirements:

- (a) the stands or lots shall be elevated on compacted fill, or on piling so that the lowest floor of the mobile home will be at or above the elevation of Regulatory Flood.
- (b) adequate surface drainage is provided.
- (c) adequate access for a hauler is provided.
- (d) where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; reinforcement shall be provided for pilings that will extend for 6 feet or more above the ground level.

c. An evacuation plan indicating alternative vehicular access and escape routes shall be filed with the appropriate township officials for mobile home parks.

506.17 Prohibited Uses. The following activities are prohibited if located entirely or partially within the Flood Hazard Overlay District

- a. Hospitals, public or private
- b. Nursing homes, public or private
- c. Jails or prisons
- d. New mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and development.

506.18 Nonconforming Structures In The Flood Hazard Overlay District. Structures existing in any identified flood hazard area prior to the enactment of this ordinance and which are not in compliance with these provisions may continue to remain, provided that any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this ordinance. Also see the provisions in Article 8. of this ordinance.

506.19 Variances. If compliance with any of the requirements of this ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Township may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Township in accor-

dance with the provisions of Article 10. of this ordinance and in accordance with the following:

- a. Except for a possible modification of the freehand requirement involved, no variance shall be granted for any of the other requirements set forth in Sections 506.15 and 507.17.
- b. Whenever a variance is granted the Township shall notify the applicant in writing that:
  - (1) the granting of the variance may result in increased premium rates for flood insurance;
  - (2) such variance may increase the risks of life and property.
- c. In reviewing any request for a variance the Township shall consider at a minimum that the granting of the variance will,
  - (1) neither result in an unacceptable increase in flood heights, additional threats to the public safety or extraordinary public expense,
  - (2) nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state or local ordinances or regulations.
- d. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

## ARTICLE 6.

### SUPPLEMENTARY REGULATIONS

#### Section 600 General

In this article regulations are established which supplement the provisions found in other articles (principally Article 5.) of this ordinance; they are placed in this article for convenience inasmuch as these regulations apply to proposed activities which are permitted outright or through review procedures in more than one of the zoning districts established in this ordinance.

#### Section 601 Home Occupation

A home occupation may be permitted as a special exception providing the proposed activity is judged to be in compliance with the general requirements established in Section 1010.4 and the following more specific requirements. The purpose of the home occupation is to allow the conduct of an avocational pursuit and/or business activity for primary or supplemental income. It is recognized that new businesses often begin in the entrepreneur's home and this ordinance intends to accommodate this activity providing the use will not be a nuisance to adjacent activities nor operate to destroy neighborhood property values. Home occupations shall be limited to those uses which may be conducted on a residential grounds (in the building where the dwelling unit is established and/or in a structure which is accessory to the principal building or structure) without altering its basic residential character:

- a. There shall be no more than one sign permitted on the premises advertising the home occupation, and its size shall be limited to a maximum of 9 square feet. There shall be no business displays which will substantially alter the visual dominance of residential use for the property.
- b. There shall not be more than 3 persons engaged at one time in the home occupation activity in addition to family members living on the premises who participate in whole or in part in the home occupation activity.
- c. There shall be sufficient off-street parking spaces to accommodate one space for each person engaged in the home occupation plus two additional spaces. Off-street parking requirements, except for members of the family occupying the residence, shall be met in an area other than the required front yard.
- d. Outdoor work, service and storage areas, if any, where readily visible from adjoining properties and from the abutting road and where the reviewing officials judge them to be destructive to the neighborhood character, shall be screened from such views. Screening may be accomplished by walls, fencing, plantings and/or terrain or landscape features and shall be in effect when the use is occupied.
- e. There shall be no electrical disturbance that would create visual or audible interference in radio or television receivers off the premises.

#### Section 602 Home Lot Occupation

A home lot occupation may be permitted as a special exception providing the proposed gainful employment activity is judged to be in compliance with the general requirements established in Section 1010.4 and the following more specific requirements.

- a. There shall be no more than one sign permitted on the premises advertising the gainful employment activity, and its size shall be limited to a maximum of 12 square feet.
- b. There shall not be more than 4 persons engaged at one time in the gainful employment activity in addition to family members living on the premises.
- c. There shall be sufficient off-street parking spaces to accommodate each employee residing off the premises plus a minimum of 2 additional spaces, and no more than 3 off-street parking spaces shall be located within the front yard setback area requirement.
- d. There shall be no more than 6 vehicular trips to and from the premises, generated by the gainful employment activity, at the busiest hour of the normal operating day.
- e. Outdoor work, storage and service areas, where they are installed, shall be screened from all views at the public road and from adjacent residences off the premises where this is judged necessary in order to soften detrimental visual characteristics. The screening shall be established by plant materials, fencing, walls or terrain features (or a combination of these) such that this screening is effective simultaneous with the occupancy of the use.
- f. There shall be a minimum front yard setback of 100 feet.
- g. There shall be a minimum of 100 feet between the location of any structure used for the gainful employment activity and the nearest habitable building excluding buildings on the applicant's property, and a minimum of 80 feet between the location of any structure used for the gainful employment activity and the nearest side or rear property line.
- h. Buildings shall be constructed so that they are appropriately similar to the buildings in the general neighborhood.
- i. The normal working day hours for the gainful employment activity shall be between 7:00 a.m. and 9:00 p.m. each day of the week.

Section 603 Access To Lots

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

Section 604 Roadside Stands

Where the selling of agricultural produce is permitted the following requirements shall be met:

- a. The stand shall be located a minimum of 20 feet back from the road right-of-way (45 feet back from the centerline of the road); this requirement takes precedence over the front yard requirement.
- b. A minimum of 5 off-street parking spaces shall be provided off the road pavement and road shoulder.
- c. The sign advertising the roadside stand shall be no larger than 6 square feet in area.

Section 605 Building Setback Modification

Where one or more existing structures are located on adjacent lots and on the same side of the road within 300 feet in either direction of a proposed structure, the setback of the proposed structure may conform with the average of the setbacks of these applicable existing structures if such "average setback" is less than that required in the District. Where additions are proposed to an existing building the setback of the addition need not be any greater than that of the existing building.

Section 606 Dumping, Depositing And/Or Storage Of Solid Waste

606.1 Open dumping or depositing of solid waste on the surface of the ground, into the ground, or into the waters of the Township (establishing or perpetuating a dump) without having obtained a permit as under the regulations established in Section 613 of this ordinance shall not be permitted in any zoning district; providing, however, this requirement shall not prohibit:

- a. The use of solid wastes in normal farming operations.
- b. The depositing by individuals of solid waste resulting from their own residential activities on to the surface of the ground or into the ground owned or leased by them when such wastes are managed with proper soil cover and/or compaction and do not thereby constitute a dump as defined in this ordinance or create a public nuisance or adversely affect the public health.

606.2 The storage of solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances.

Section 607 Parking Of Vehicles Used In Vocational/Avocational Pursuits

Nothing in this ordinance shall be considered to prohibit the occupant of the residential property from parking a truck or bus, owned and/or used by the occupant in his vocational or avocational pursuits, on the occupant's property at times when said truck or bus are not used in said vocational or avocational pursuits; providing, however, that truck tractors and/or semi trailers shall not be parked in the open air (not in a garage) any closer than 150 feet from the nearest residence on a neighboring property.

Section 608 Temporary Structures

- 608.1 Construction trailers are permitted in all districts during the period construction work is covered under a valid zoning permit. Such temporary structures may be used as offices but may not be used for living quarters.
- 608.2 Travel trailers, motor homes, tent trailers, and pickup campers (located outside of a campground or travel trailer park approved by the Pennsylvania Department of Environmental Resources and, after the effective date of this ordinance, approved by the Township Supervisors), may be permitted as temporary living quarters for a maximum period of 30 consecutive days where such an arrangement is approved as a special exception. In approving this arrangement the Zoning Hearing Board shall

require (1) that adequate provisions are made on the property for the disposal of sewage wastes generated on the property, either through the use of an existing on-lot sewage system with adequate capacity or through the installation of a new system, (2) that potable water is available, and (3) that the use of the property in the manner proposed shall not cause a nuisance to adjacent uses. A longer period of time may be permitted for such living arrangements, if the applicant can establish that adequate facilities to support the longer time of residence are present on the property.

- 608.3 Mobile home may be permitted as living quarters on construction sites for the period of time the construction process is carried on providing this arrangement is approved as a special exception. The mobile home installation in this instance need not be fastened to a frost free foundation.
- 608.4 Residence in a basement structure during the time of home construction may be permitted as a special exception providing the maximum time this living arrangement shall be permitted in 5 years. This requirement is not applicable to earth sheltered dwellings, which are permitted.

#### Section 609 Mobile home Requirements

Mobile homes shall be installed in compliance with the following requirements:

- a. Stable Foundation. Each mobile home shall be securely fastened to a frost free foundation structure. Foundation structures may be of slab type, continuous wall, cross wall or pier type construction.
- b. Skirting. An enclosure of a compatible material and design shall be installed on all sides of the mobile home in a manner so as to provide continuous facades from the ground level upwards. Such enclosure shall provide sufficient ventilation to prevent deterioration.

#### Section 610 Junk Yards

Junk yards are permitted as a conditional use providing they meet the general criteria established in Section 802, providing they comply with all other Township ordinances and providing they comply with the following requirements. When the provisions applicable to the junk yard use in this ordinance are more restrictive than the requirements established in the Township's Junk Yard Ordinance the requirements of the Zoning Ordinance shall be observed.

- a. The operations area of the junk yard shall be a minimum of 100 feet from every property line bounding the parcel of land on which the junk yard is located. For purposes of this ordinance the operations area shall be the area in which activities normal to a junk yard use are carried on exclusive of buffer areas.
- b. Views into junk yard operations area from adjacent properties and from adjacent public roads shall be completely obscured throughout all seasons of the year by either fencing, walls, landscape plantings, terrain or topographic features, or a combination of these techniques. The screening of views into the junk yard operations area shall be in effect when this use commences activities.
- c. Sufficient off-street parking spaces shall be provided to accommodate a minimum of 5 vehicles and the necessary aisle and maneuvering area to service these spaces.

## Section 611 Sand And Gravel Quarries

Sand and gravel quarries may be permitted as conditional uses in the applicable districts of this ordinance providing they meet the general criteria established in Section 802 of this ordinance and the following more specific requirements; and providing they comply with all applicable regulations established by the Bureau of Land Protection and Reclamation, Pennsylvania Department of Environmental Resources under the Surface Mining Conservation and Reclamation Act of May 31, 1945 as amended:

- a. Quarrying operations shall not be closer than 300 feet from existing residences nor closer than 200 feet from the boundary of any zone where such operations are not permitted; nor shall quarrying operations be conducted closer than 100 feet from the boundary of an adjoining property line or from the right-of-way line of an existing or platted road.
- b. Existing trees, shrubs and ground cover along public road frontage shall be preserved, for the depth of the roadside setback (100 feet) as established in item (a) above. Weeds and any other unsightly or noxious vegetation, shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance to the sand and gravel operations from adjacent public roads and nearby residential, commercial, and industrial uses. Buffer or screening plantings may be required to insure an approximate appearance of the quarrying site in the community.
- c. During quarrying operations when excavations will have a depth of 20 feet or more and will create slopes of more than 50 percent and where, for a period of operation 30 days or longer, the quarrying is located within 300 feet of occupied residential structures or a public road, a fence shall be erected at least 20 feet outside the edge of the excavation, which fence shall be at least 3 feet high and shall effectively control access to the area in which such excavation is located.
- d. Upon completion of operations the land shall be left in a safe condition. All cut slopes shall be at a gradient no greater than 50 percent and shall be graded in substantial conformity to the surrounding natural topography. Sufficient drainage shall be provided so as to prevent water pockets from forming. The final grading shall be such that all storm water drainage leaves the property at the original, natural drainage points and that the area drainage to any one natural drainage point is not materially increased. All excavated areas shall be back-filled with topsoil to a minimum depth of 6 inches; upon replacement of topsoil, trees, shrubs, legumes, grasses or other ground cover shall be planted to avoid erosion as far as is practical.
- e. In addition to the information required on the plan to be submitted with the conditional use application as set forth in Section 801 the following items shall be shown:
  1. Existing topography including the location of drainage systems;
  2. An outline of the area to be excavated;
  3. The sequence of operations and the schedule of finishing or rehabilitation measures to be performed including plans and proposals for reuse, if any.

## Section 612 Open Air Entertainment Establishment

Where the activity may be permitted as a conditional use, in addition to meeting



the requirements of Section 802 of this ordinance the following specific requirements shall be complied with:

- a. All vehicular access to and from the site shall be from a minor arterial or major collector highway as established in the Summerhill Township Comprehensive Plan. Site access roads and off-street parking areas shall be paved with a hard surface material and be dust-free. All vehicles visiting the entertainment establishment shall be parked on the premises, off the public road right-of-way.
- b. No activity area shall be closer than 1000 feet from the nearest habitable building, except that vehicular access ways and off-street parking areas shall be a minimum of 500 feet from the nearest habitable building; providing, however, that all activity areas including off-street parking areas shall be a minimum of 200 feet from the sites property lines.
- c. No programmed entertainment shall be held between 11:00 o'clock p.m. and 10:00 o'clock a.m.
- d. The owner and/or manager of the open air entertainment establishment shall not condone nor permit the presence of alcoholic beverages or drugs or the consumption of same on the property.

#### Section 613 Processing And Disposal Facilities For Solid Waste

Processing and disposal facilities may be permitted as a conditional use in the applicable district of this ordinance providing they meet the general criteria established in Sections 802, providing they comply with all of the regulations and permit requirements of the Pennsylvania Department of Environmental Resources (PennDER); and providing that the following more specific process and requirements are met:

- 613.1 Local Permit Required. It shall be unlawful for any applicant to use land for solid waste processing or disposal without first obtaining a permit from the Township and PennDER: providing, however, activities as set forth in Section 606 are permitted.
- 613.2 Additional Standards. In addition to the application requirements which PennDER enforces, the following requirements shall be met wherever they are more restrictive than PennDER requirements:
  - a. Ingress and egress to the processing and disposal facility areas shall be from a minor arterial or major collector highway as established in the Summerhill Township Comprehensive Plan. Site access roads shall be paved with a hard surface material and shall be kept dust-free.
  - b. The disposal and/or processing areas on the site shall be, (1) a minimum of 1000 feet from the nearest residence and the nearest commercial, semi-public, public or industrial establishment on adjacent properties, (2) a minimum of 300 feet from the nearest stream with year-round or nearly year-round flow, (3) located and constructed such that views to said areas (including parking and service facilities) shall be completely screened from adjacent uses by walls, fences, plantings and/or terrain or landscape features such that this visual screening shall be perceived immediately and through all seasons of the year.
- 613.3 Prohibited Activities: It shall be unlawful for any applicant to:

- a. Place or allow to be placed any solid waste upon the road, streets, public or private property, or waters of the township contrary to the provisions of this ordinance.
- b. Store, collect, transport, process or dispose of solid waste within the township contrary to the laws, rules, regulations, standards or orders of the State of Pennsylvania.
- c. Transport any solid waste within the township in any vehicle which permits the contents to blow, sift, leak or fall therefrom.
- d. Operate a solid waste processing or disposal facility whereby any noxious or offensive odors, putrid or polluted water, or other discharge, smoke, soot, ash, refuse, rubbish, or filth of any nature whatsoever are blown, carried or discharged in any manner onto public roads or upon premises of other persons or municipalities. The solid waste management facility site itself shall not be allowed to become littered or be unsightly and shall be strictly policed by the permittee.
- e. Operate a solid waste processing or disposal facility whereby unauthorized dumping is allowed to occur and solid waste is allowed to accumulate outside of the fence or access gate which may border the solid waste management facility. The operator of a solid waste management facility shall routinely police the outside perimeter and areas immediately adjacent thereto, including any transportation routes within one-quarter mile of the entrance to the solid waste processing or disposal facility, and shall prevent said areas from becoming littered, unsightly and offensive to other persons.

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

- a. Submit specifications with the final permit application for the construction of an appropriate fence which shall be erected around the perimeter of any land on which a solid waste processing or disposal facility will be operated and which will provide external security and prevent solid waste from being blown or otherwise removed from the site.
- b. Enter into a written agreement with the township obligating the applicant to repair any damage that may be caused to township roads by vehicles transporting solid waste to and from the facility. Said agreement shall be in accordance with terms and specifications formulated by the Board of Supervisors and calculated to compensate the township for any administration, inspection, maintenance, or other expenses resulting from damages associated with the operation of a solid waste management disposal and/or processing area within the Township.

613.5 Processing Requirements. It is recognized that the applicant, in order to construct processing and disposal facilities for solid waste, must comply with a lengthy application process which PennDER administers. The Township's review process should parallel the PennDER process in an appropriate manner; the township's review process is set forth in Article 8. and is termed a conditional use permit process. In no event shall the Township resolve to grant a permit for said facilities

without making the issuance of a Township permit dependent on PennDER's issuance of a permit.

- 613.6 Municipal Liability. The grant of a permit or approval of a solid waste processing or disposal facility shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the township, its officials or employees. The Board of Supervisors or any of its duly authorized representatives or deputies charged with the enforcement of this Ordinance, acting in good faith and without malice, in the discharge of its duties, shall not hereby render itself personally liable and it is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required by reason of any act or omission in the discharge of its duties.

Section 614 Storage Of Vehicles, Machinery And Other Items Of General Storage

Automotive vehicles including trailers and travel trailers of any kind or type without current license plates and inspection stickers and other machinery which are clearly abandoned, deteriorated and which are defined as refuse and which are established as constituting a threat to public health and safety shall not be parked or stored in the open air on a property such that they are visible and/or accessible by the public. No portions of a property shall be used for the storage of garbage, old appliances, rubbish or miscellaneous refuse where such storage is open to the public view and access where it is established that said storage constitutes a threat to public health and safety. Outdoor storage of such abandoned vehicles, machinery, and items of general storage where it is established that this public health and safety shall be considered a public nuisance; the Township under the State Laws and the provisions of this ordinance and other applicable Township ordinances, may abate such nuisances.

Section 615 Buffer Areas

Buffer areas are designed to ameliorate possible nuisances among adjacent land use activities which are markedly different in character; properly used buffer areas can promote compatible relationships among very different land uses where negative characteristics are present, i.e. a great amount of vehicular access and off-street parking, the use of outdoor work and storage areas, the introduction of greater levels of noise. The following requirements are applicable where designated in this ordinance for all special exception and conditional uses as interpreted by the reviewing officials.

- 615.1 Buffer Area Techniques. Buffer area techniques shall include,
- a. fencing and walls a minimum of 5½ feet high consisting of a solid material that will effectively block views;
  - b. plant materials providing they are dense and high enough; plant materials may include, but are not limited to small deciduous trees where lateral branches emerge from the main stem or multiple stems near ground level, i.e. the hawthorn, the crabapple; evergreen trees and shrubs; i.e. the hemlock, the spruce, the yew, the arbor vitae; deciduous shrubs, i.e.

the privet, the honeysuckle; and, where space is adequate, shade trees, i.e. the maple, the ash; the type, amount and spacing of the planting will depend on the space available and the nature of the activities requiring the buffer area.

- c. landscape forms such as a mound of earth a minimum of 5½ feet high.
- d. a minimum amount of space between uses.

615.2 Buffer Area Requirements.

- a. Where the distance between the area of a land use activity, carried on either on the open land or in a structure, and an adjoining property line is less than 20 feet or, where the distance between the area of a land use activity, carried on either on the open land or in a structure, and an adjacent building on an adjoining property used in whole or part as a residence, is less than 40 feet, the Township may require fence and/or wall techniques to be used to form the buffer area. The use of plant materials or land forms to achieve the buffer area. The use of plant materials or land forms to achieve the buffer effect would not be mandatory in these instances but usually are recommended, as supplementary to the fence or wall. Vehicular access ways and off-street parking are considered part of a land use activity as are outdoor work and storage areas.
- b. Where the distance between the area of a land use activity, carried on either on the open land or in a structure, and an adjoining property line is 20 feet or greater, or where the distance between the area of land use activity, carried on either on the open land or in a structure and an adjacent building, used in whole or in part as a residence, is 40 feet or greater, fence and/or wall techniques are not required; the buffer effect shall be achieved through the use of plant materials or land forms; where plant materials are used they shall be chosen, sized and located in such a way that within 3 years from planting the foliage of these materials shall effectively screen views at an eye level height of 5½ feet.

615.3 Effectiveness Of Plant Materials As Buffers. Where plant materials are used as the buffering technique it may be required by the Zoning Hearing Board or the township supervisors that the effect of these plant materials as a screening agent by immediate, that is, to be "in place" at the first installation of the buffer planting and that the screening shall be effectively perceived throughout all seasons of the year. Should immediate effectiveness not be necessary this condition shall be made a part of the record of the public review of the application.

Section 616 Sign Regulations

It is recognized that signs serve an important function, yet reasonable regulations for their display is desirable.

616.1 Section 1100 not withstanding (1) temporary signs such as those advertising the sale or rental of a property or goods on a property, mechanics! signs indicating they are performing work on a property,

signs advertising a special impending event, political signs, (2) trespassing signs, (3) signs directing and guiding traffic on private property and bearing no advertising matter, - these signs need no zoning clearance.

- 616.2 No sign shall be placed in such a position that it will cause danger to traffic on a road because of obscuring a view.
- 616.3 No signs other than those erected by public officials in order to identify roads and to guide the public in the use of the road system and to control and render traffic safe, shall be placed in the public road right-of-way unless authorized in writing by the township supervisors or by the appropriate state officials.
- 616.4 Other than under Items 616.2 and 616.3 immediately preceding in this section, this ordinance shall not regulate signs which are 35 square feet in area or less. The area of a sign shall be computed as the entire display including framing members.
- 616.5 Signs over 35 square feet in area are permitted in all zoning districts and shall comply with the yard requirements of the applicable zoning district.
- 616.6 Ground signs 100 square feet in area or more shall be located no closer than 500 feet from a residential, public or institutional use.

## ARTICLE 7.

### NONCONFORMITIES

#### Section 700 Intent

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

#### Section 701 Avoidance Of Hardship Where Construction Or Use Has Begun

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

#### Section 702 Single, Separate, Nonconforming Lots Of Record

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

#### Section 703 Multiple And Contiguous Nonconforming Lots Of Record

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

#### Section 704 Nonconforming Uses Of Land

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

- 704.1 A nonconforming use of land may be enlarged or extended to occupy an area which is greater by 50% than the area occupied at the effective date of adoption of this ordinance or an amendment thereto, providing such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.
- 704.2 A nonconforming use of land may be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this ordinance or amendment thereto providing that such use shall not be enlarged or extended except as permitted in Section 704.1, and providing such move is permitted as a special exception by the Zoning Hearing Board.
- 704.3 In the event a nonconforming use of land ceases or is abandoned, for whatever reason, for a period of more than 18 months, any subsequent use of the land shall conform to the regulations specified by this ordinance for this district in which such land is located.

Section 705 Nonconforming Uses Of Structures Or Of Structures And Premises In Combination

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

- 705.1 A nonconforming use of part of a building may be extended throughout the building if no exterior structural changes are made and no additional floor area is added to the building.
- 705.2 A nonconforming use of a whole or part of a building may be enlarged or extended to occupy additional building area which is greater by 50% than the area occupied at the effective date of adoption of this ordinance or amending thereto, providing such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.
- 705.3 A nonconforming use may be changed to another nonconforming use providing this change is permitted as a special exception by the Zoning Hearing Board. In considering such an action the Zoning Hearing Board shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
- 705.4 Where a nonconforming use is superseded by a permitted use, the permitted use shall thereafter conform to the district regulations and the nonconforming use may not thereafter be resumed.
- 705.5 A nonconforming use which has been damaged or destroyed by fire, wind-storm, explosion or similar cause, which was no fault of the owner, may be rebuilt on the same foundation providing, however, the rebuilding is initiated no later than 18 months after the event of the destruction.
- 705.6 In the event a nonconforming use of building or building and premises in combination ceases or is abandoned, for whatever reason, for a period of more than 18 consecutive months such nonconforming uses, build-

ing or building and premises in combination, shall not be reconstituted and any future use shall be in conformity to the district regulations.

Section 706 Repairs And Maintenance

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

Section 707

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





## ARTICLE 8.

### CONDITIONAL USES AND AMENDMENTS

#### Section 800 Conditional Uses

There are times when decisions as to what particular uses shall or shall not be allowed to locate in a district should be based upon special facts and characteristics peculiar to the specific application. A sample listing of permitted or prohibited uses may be too inflexible to accommodate basically sound development proposals. Where uses are generally consistent with a particular zoning district they should be permitted of right; where uses are generally inconsistent with a particular zoning district they should be prohibited; but a number of decisions on uses fall between these two "extreme" situations. The conditional use is designed to provide some flexibility in locating uses in particular districts; it provides a middle ground between the extremities of "permitted" and "prohibited" uses. The conditional use is much like the special exception use explained in Article 10. except that it is permitted or denied by the Board of Township Supervisors; the Planning Commission has an opportunity to review and make recommendations on conditional use applications. Conditional use proposals may be permitted based upon a review of the particular characteristics they are represented to possess including their size, physical design, method of operation, vehicular circulation requirements, and general impact on community facilities.

#### Section 801 Application For Conditional Use

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

1. Name, address and phone number of applicant
2. Legal description of property
3. Description of existing use
4. Present zoning district
5. Description of proposed use
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscape treatment on all surfaces, refuse and service areas, utility services, signs, yard areas and such other information as the Supervisors may require to determine if the proposed use meets the requirements of this ordinance.
7. A narrative statement: (a) evaluating the effect of such elements as noise, glare, odor, fumes, and vibrations on adjoining property; (b) discussing the general compatibility with other properties in the district; and (c) explaining the relationship of the proposed use to the Township's Comprehensive Plan.
8. Any such other materials as may explain how the proposed use will comply with the requirements established in Section 802 of this ordinance.

Section 802 Standards Applicable To All Conditional Uses

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

- 802.1 Will be in accordance with the community development objectives set forth in Article 2.;
- 802.2 Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located:
- 802.3 Will not be hazardous or disturbing to existing or future neighboring uses;
- 802.4 Will be served adequately by public facilities and services such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated in relation to the proposed use;
- 802.5 Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 802.6 Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, vibrations, smoke, dust, fumes, glare or odors; and more specifically the uses shall meet the following standards
  - a. There shall be no undue pollution of the air by dust, dirt, fumes, smoke or odor which will cause damage to human health or to animals, vegetation or other property or which will soil property and be perceptible beyond the boundary or lot line of the proposed use.
  - b. There shall be no direct or reflected glare or heat perceptible by the average person beyond the boundary or lot line of the proposed use.
  - c. There shall be no discernable vibration perceptible without instruments beyond the boundary or lot lines of the proposed use.
  - d. There shall be no activity permitted which produces radioactivity.
  - e. There shall be no electrical disturbances adversely affecting the operation of equipment, such as radio and television apparatus, at any point beyond a line 10 feet outside of the boundary or lot lines of the proposed use.

- f. There shall be no noise which is normal to the use and which is considered objectionable, because of its volume, frequency or beat, to the average persons' sense of hearing perceptible at any point beyond a line 10 feet outside of the boundary or lot lines of the proposed use.
- g. There shall be no emissions and/or discharges into the air or water which do not meet the standards established by the Pennsylvania Department of Environmental Resources.

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

- 802.7 Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance and significance.
- 802.8 Will, - when the character of outdoor service, storage, operational and parking activities are such that unsightly views shall be exposed to adjacent uses in such a way as to cause, in the judgement of the reviewing officials, property devaluation, - provide through, minimum distances, screening by wall, fence, plantings and/or terrain or landscape features an effective barrier which blocks said unsightly views to a height of 6 feet, from ground level at the property line with adjacent uses and at road rights-of-way, at the time of occupancy of the use and throughout its future operations. See Section 615, Buffer Areas.

### Section 803 Supplementary Requirements For Conditional Uses

Supplementary standards may be established for specific conditional uses as established in the appropriate sections of this ordinance. In granting a conditional use the Board of Township Supervisors may prescribe additional requirements and safeguards providing they are in harmony with the community development objectives set forth in Article 2. Violations of such additional requirements, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 1114.

### Section 804 Procedure For Approval Of Conditional Uses

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

Within 50 days of the date of the application was accepted by the Zoning Officer as complete the Board of Township Supervisors, after giving public notice, shall con-

sider the proposal. The Supervisors within 30 days after the termination of the hearing before their Board shall render a decision. The decision shall be accompanied by findings of fact and conclusions.

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

#### Section 805 Expiration Of Conditional Uses Permit

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

#### Section 810 Zoning Ordinance Amendments

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

#### Section 811 Initiation Of Zoning Amendments

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

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

#### Section 812 Contents Of Zoning Amendment Application

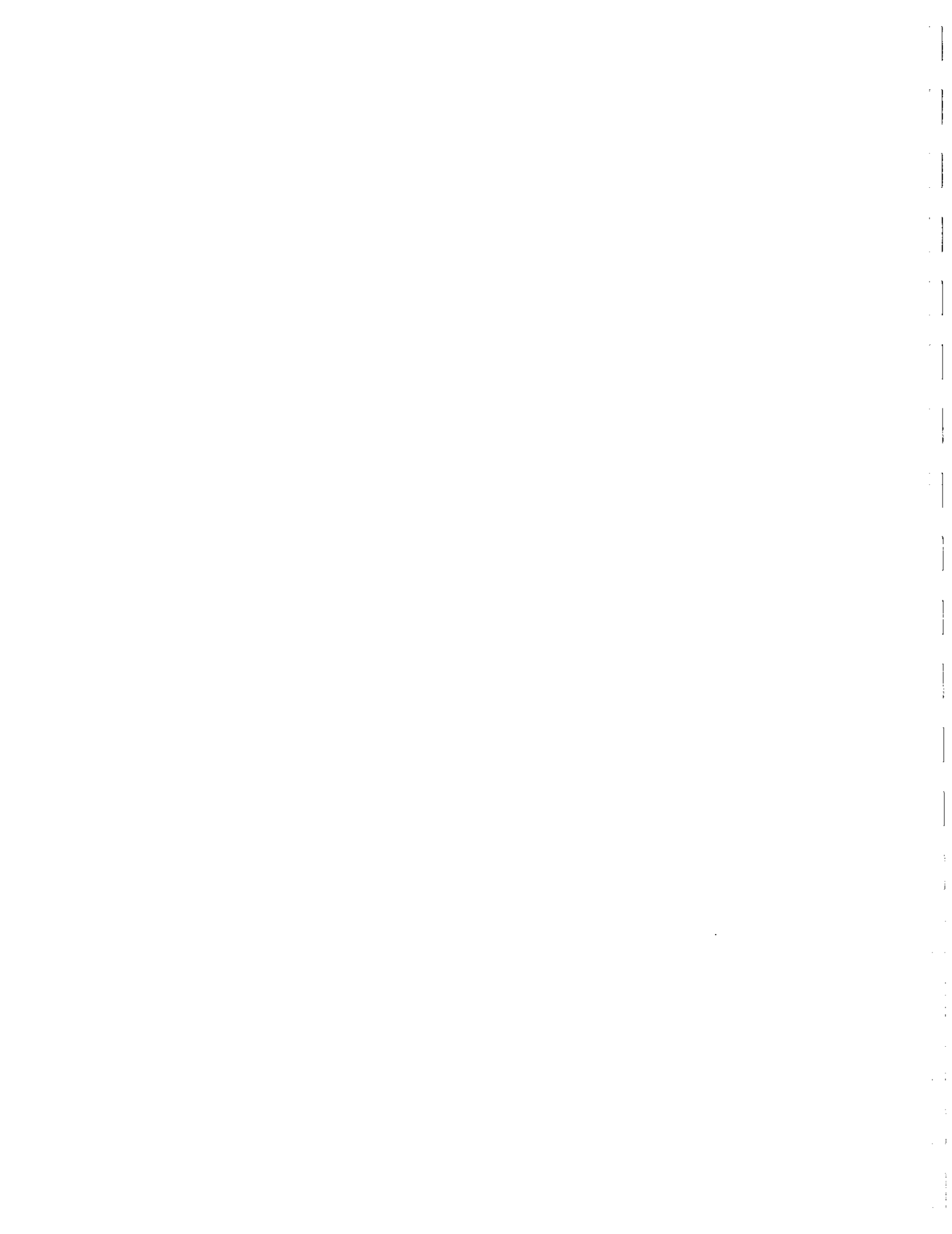
The application for an amendment shall contain at a minimum the following:

1. Name, address and phone number of applicant.
2. Specific language of proposed amendment to the text, and/or the legal description of any district or boundary change.
3. The present use and zoning district.
4. The proposed use and zoning district.

5. An accurate map at a reasonable scale showing property lines, streets, existing and proposed zoning and other items that may clarify the application and/or may be required by the Zoning Officer.
6. A listing of all property owners within, contiguous to, and directly across the road from the parcel proposed to be rezoned. Also all other property owners that may have a substantial interest in the proposed amendment shall be listed.
7. A statement on how the proposed amendment relates to the Township's comprehensive plan.
8. A fee as may be established by the Board of Township Supervisors.

Section 813 Procedure For Zoning Amendments

- 813.1 In the instance of the initiation of a zoning amendment by a landowner the application shall be filed with the Zoning Officer. Before a proposed amendment may be voted on by the Board of Township Supervisors opportunities shall be offered the Township Planning Commission to review the amendment. The Township Supervisors shall hold a public hearing on the proposed amendment pursuant to public notice before taking action. The Township Supervisors may initiate a zoning amendment.
- 813.2 The Township Planning Commission and the Crawford County Planning Commission shall have a maximum of 45 days from the date of their receipt of a proposed amendment during which time they shall review the amendment and transmit their comments and recommendations to the Supervisors. Action by the Supervisors on the amendment need not be delayed beyond the 45 day limit set for the reviewing organizations.
- 813.3 If, after a public hearing is held on an amendment, the proposed amendment is revised to include land previously not affected by the proposal, or, if substantial alterations are made in the text of the ordinance, the Supervisors shall hold another public hearing, pursuant to public notice, and shall provide for reviews as established in Section 813.2 before proceeding to a decision on the amendment.
- 813.4 Content of Public Notice - Public notices of proposed zoning amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place in the municipality where copies of the proposed amendment may be examined. The time and place of the hearing also shall be indicated.
- 813.5 Publication after Enactment - After enactment, if the advertisement of a zoning amendment is required by other laws respecting the advertisement of ordinances the advertisement may consist solely of a reference to the place within the municipality where copies of such ordinance or amendment may be obtained for a charge not greater than cost, or a reference to the place where the ordinance is available for examination without charge.



ARTICLE 9.

OFF-STREET PARKING REGULATIONS

Section 900 General Requirements

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

Section 902 Size And Number Of Parking And Loading Spaces

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

Section 904 Paving, Drainage And Maintenance

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

Section 906 Location Of Parking Spaces

Parking spaces for all detached and semi-detached residences shall be located on the same lot as the uses which they are intended to serve. Parking spaces for



apartments, single family attached residences and similar residential uses may be located on the same lot or a different lot but not more than 200 feet from the principal use. Parking spaces for commercial, industrial or institutional uses may be located on the same lot or on an adjacent lot in which case they shall be located no more than 300 feet from the principal use they serve.

Section 908    Parking Space Requirements

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

<u>Type Of Use</u>	<u>Minimum Parking Spaces Required</u>
<b>Residential</b>	
Single family detached dwelling . . . . .	.Two per unit
Two family detached dwelling (2 units) . . . . .	.Three per building
Mobile and modular home . . . . .	.Two per unit
Seasonal dwelling . . . . .	.Two per unit
Single family semi detached dwelling . . . . .	.Two per unit
Single family attached dwelling . . . . .	.One per unit
Multi family detached dwellings (apartments) . . . . .	.One and one-half per unit
Boarding and rooming houses . . . . .	.One per sleeping room
Group homes . . . . .	.One for each supervising staffer and one for every four persons that can be served in the home
<b>Commercial</b>	
Automotive service station . . . . .	.One for each gasoline pump and two for each service bay
Agricultural produce sales from farm or production center . . . . .	.Five spaces
Bowling alleys . . . . .	.Five for each alley
Golf course . . . . .	.Two for each hole
Golf driving range . . . . .	.One for each driving tee
Laundromat . . . . .	.One for each three machines on the premises
Motel and hotel . . . . .	.One for each rental unit and one for each two employees
Office buildings, including muni- cipal, State and Federal offices, professional services establish- ments and banks . . . . .	.One for each 200 square feet of floor area

Repair shops of all types . . . . .	Three for each full and part-time employee
Restaurants, taverns and nightclubs . . . . .	One for each 100 square feet of floor area
Retail stores and service shops . . . . .	One for each 200 square feet of floor area
All other commercial uses permitted . . . . .	One for each 300 square feet of floor area
Churches, theaters and other places of assembly . . . . .	One for each three seats
Clubs, lodges, philanthropic and charitable institutions, and funeral parlors . . . . .	One for each 200 square feet of floor area
Convalescent and nursing homes . . . . .	One for each three beds
Day nurseries and day care centers . . . . .	One and one-half for each employee
Private schools . . . . .	One for each teacher and staff member plus one for each six seats in the auditorium
Health care facilities and veterinary clinic . . . . .	Four for each professional health care staffer
All other public and semi-public buildings . . . . .	One for each 300 square feet of floor area
<b>Industrial</b>	
Manufacturing; warehouse storage and wholesale uses; printing establishments; upholstering shops; artisans' shops and similar uses . . . . .	One for every two employees plus one for each motor vehicle used in the business
Truck terminals . . . . .	One for every two employees and one for each motor vehicle maintained on premises



ARTICLE 10.

ADMINISTRATION

Section 1000 Zoning Officer

A Zoning Officer shall be appointed by the Board of Township Supervisors. The Zoning Officer shall administer this ordinance; he may not hold any elective office in the Township.

Section 1002 Duties Of The Zoning Officer

The Zoning Officer shall have the following duties:

1. Receive applications for zoning permits including sign permits and issue same; he shall administer the zoning 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;
2. Identify and register all nonconforming uses and structures existing in the Township at the effective date of this ordinance;
3. Issue certificates of occupancy;
4. Maintain a permanent file of all applications for zoning permits, certificates of occupancy and all other actions as he is required to perform under this ordinance;
5. Inspect premises as may be necessary;
6. Order the action necessary to correct any violation of this ordinance where violations are found to exist;
7. Order discontinuance of illegal uses of land, buildings or structures; removal of illegal structures; discontinuance of any illegal work; and
8. Utilize proceedings before district magistrates to enforce the provisions of this ordinance.

Section 1004 Duties Of The Planning Commission

The Summerhill Township Planning Commission shall have the following duties:

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

Section 1006 Zoning Hearing Board

Creation and Appointment - A Zoning Hearing Board shall be created by the Board of

Township Supervisors. The Board shall consist of three members appointed by the Township Supervisors. Each member shall be a resident of the Township. The term of office of the members shall be three years and shall be so fixed that the terms of office of one member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, except that no more than one member of the Board may also be a member of the Planning Commission.

#### Section 1008 Organization Of Zoning Hearing Board

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

#### Section 1010 Functions Of Zoning Hearing Board

- 1010.1 The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the administration of this ordinance.
- 1010.2 The Board shall hear challenges to the validity of the zoning ordinance and/or map and any parts thereof; except it may not hear challenges pertaining to the process of enactment or adoption of the ordinance and map. At the conclusion of the hearing the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.
- 1010.3 The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance, strictly applied, inflict unnecessary hardship upon the applicant; public notice shall be given for such hearings. The Board may vary the application of any requirements of this ordinance wherein strict enforcement would result in practical difficulty or unnecessary hardship which would deprive the applicant of a reasonable use of his land or building. A variance may be granted provided the following findings are made by the Board;
  - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and shape, or exceptional topographic or other physical conditions peculiar to the property and that the unnecessary hardship is due to these conditions and not due to circumstances or conditions generally created by the provisions of the zoning ordinance.
  - b. That because of such physical circumstances there is no possibility that the property can be developed in strict conformity

with the provisions of this ordinance;

- c. That such unnecessary hardship has not been created by the applicant;
- d. That the variance, if authorized will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use of adjacent property nor be detrimental to the public welfare;
- 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.

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

- f. Nonconforming uses of neighboring lands, or certain types of structures in the same district and permitted or nonconforming uses of land or structures in other districts shall not be considered grounds for the issuance of variances.
- g. The Board shall not permit variances which allow a use not permissible under the terms of this ordinance in the district involved unless the Board finds that the applicant cannot make a reasonable use of his land.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this ordinance and punishable under Section 1114.

1010.4 The Board shall issue special exception permits for any of the uses requiring such permits under the terms of this ordinance. The Board shall hear and decide requests in accordance with the established standards and criteria; public notice shall be given for such hearings. In granting special exception permits the Board shall prescribe the basis upon which the permit was issued and the conditions deemed necessary or desirable for the protection of public interests. No special exception permits shall be granted by the Board unless it finds that the use for which such permit is sought will not be injurious to the neighborhood, not be inconsistent with the objectives of this ordinance as established in Section 200, not be inconsistent with the character of the surrounding neighborhood or otherwise detrimental to the public health and welfare, and that the use will not substantially impair an adequate supply of light and air to adjacent properties or overcrowd the land, or create undue concentration of population or substantially increase congestion in the streets, or create hazardous traffic conditions or increase the danger of fire.

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

- 1010.5 Where the Board has jurisdiction over matters pursuant to the above subsections the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any other municipal ordinance or requirement pertaining to the same development. In any such case, the Board shall have no power to pass upon nonzoning issues but shall take evidence and make a record thereon as provided in this ordinance. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.

Section 1012 Zoning Hearing Board Procedures

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

- 1012.1 Any appeal for a variance from the strict requirements of the zoning ordinance or an appeal from an order, decision or interpretation of the Zoning Officer shall be taken by filing a notice of appeal with the Zoning Officer who shall transmit immediately said notice of appeal to the Zoning Hearing Board. The Zoning Officer shall transmit to the Board all of the documentary material constituting the record upon which the action for appeal was taken.
- 1012.2 The appellant shall, at the time of filing his appeal, pay the Zoning Officer a fee as determined by the Township Supervisors to defray or help defray the cost of the appeal, including advertising.
- 1012.3 Each appeal shall be tried on its merits at a public hearing. Public notice of such appeal shall be given. The Board also shall give notice to the applicant, the Zoning Officer and such other persons as the Township Supervisors may designate by ordinance. Notices shall be given at such time and in such manner as shall be prescribed by ordinance, or, in the absence of ordinance provisions, by rules of the Board. The Board may adjourn any hearing for the purpose of giving further notice.
- 1012.4 The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.
- 1012.5 The Chairman of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers.
- 1012.6 The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- 1012.7 The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings, and copies of graphic or written mater-

ial received in evidence shall be made available to any party at cost. Proceedings may be taped.

- 1012.8 The Board shall hold the required hearing within 60 days from the date of the applicant's request for the hearing. The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.
- 1012.9 Where the Board fails to hold the required hearing within the time limit required and/or where the Board fails to render a decision within the time period required the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.
- 1012.10 A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed not later than one day following the date of the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- 1012.11 No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development has been approved by an appropriate municipal official, agency, or body if such procedure is designed to secure the reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

Section 1014 Relationships: Zoning Officer, Zoning Hearing Board, And Board Of Township Supervisors

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





ARTICLE 11.

ENFORCEMENT

Section 1100 Actions Requiring Zoning Permits

No structure, as defined in Article 3. of this ordinance, shall be constructed, erected, moved, added to, or altered; nor shall any structure, or land use be established or changed in use, except that a zoning permit is lawfully obtained in full compliance with the provisions of this ordinance; providing, however, that, (1) accessory buildings, fences, and walls incidental to agricultural operations shall not require a zoning permit, although such accessory buildings incidental to agricultural operations, except for silos, shall require a building permit, (2) structures such as sidewalks, steps, driveways, terraces, patios, flagpoles, doghouses, and lawn furniture such as benches, birdbaths, and sundials shall not require a zoning permit, and (3) alterations to building interiors not affecting the external form and size of a building, and alterations involving shingling and siding where no substantial change is made to the building form or size shall not require a zoning permit although such alterations, where the value of the improvement exceeds \$1,000, shall require a building permit. Notwithstanding the exceptions listed above, within the identified floodplain area, all construction and development shall require a zoning permit.

Section 1102 Zoning Permit Application Requirements

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

1. Name, address and phone number of applicant
2. Legal description of property
3. Existing use of property
4. Proposed use of property
5. Description of work contemplated
6. Zoning District
7. Plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact size and location of an existing building on the lot, if any; the location and dimensions of the proposed building(s) or alterations; and the location of drives and drive entrances.
8. Building heights
9. Number and location of off-street parking spaces, and loading spaces where applicable.
10. Number of dwelling units where applicable.
11. Estimated time for completion

12. Estimated cost

13. Such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

Section 1104 Approval Of Zoning Permit

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

Section 1106 Expiration Of Zoning Permit

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

Section 1108 Certificate Of Occupancy

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

1108.1 Temporary Certificate of Occupancy: A temporary certificate of occupancy may be issued by the Zoning Officer for occupancy of a building undergoing construction or alteration pending final completion of the construction and/or alteration work.

Section 1110 Construction And Use To Be As Provided In Applications, Plans, Permits, And Certificates

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

Section 1112 Complaints Regarding Violations

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

Section 1114 Penalties For Violation

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

Section 1116 Fees

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

Section 1118 Municipal Liability

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



ARTICLE 12.

CLUSTER DEVELOPMENTS

Section 1200 Purpose

This ordinance provides for cluster developments in order:

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

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

Section 1202 Relationship To Other Articles Of This Ordinance And To Subdivision Regulations

Because of the special characteristics of cluster developments a different process and different requirements shall govern development. Whenever there is a conflict between the provisions of this article and other articles of this ordinance, or between the provisions of this article and subdivision regulations applicable to the township the provisions of this article shall prevail.

Section 1204 General Requirements

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

- 1204.1 Ownership. Throughout the planning and approval process land to be developed under the provisions of this article shall be in single ownership, or in the case of multiple ownership, satisfactory evidence shall be presented indicating that the development will have a single, responsible administrative organization which can act for the multiple ownership. Upon approval of the development dwellings may be sold in fee simple or through a cooperative or condominium arrangement; or the dwellings may be managed as rental properties. In any event a satisfactory structure shall be established by the developer to maintain common areas designated in the development plan and improvements or utilities that are not accepted for public maintenance.
- 1204.2 The tract of land shall be located in a zoning district which permits the cluster development.

## Section 1206 Permitted Uses

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

## Section 1208 Minimum Size And Density Of Development

Cluster development, where permitted as conditional uses, shall have a minimum gross area of 2 contiguous acres. Using the cluster development technique the applicant may increase the residential density of the development by 20% over what would normally be permitted based on the bulk regulations established in this ordinance. Where single family attached dwellings (townhouses) or semidetached dwellings are proposed common sewer and water systems shall be utilized. Minimum lot areas for the aforementioned dwelling types shall be, 3,000 square feet per single family attached dwelling and 6,000 square feet per single family semidetached dwelling; these lot areas would be subject to the 20% "bonus" as indicated above. For cluster development proposals in the Rural Residential District the bulk regulations to be used as a basis for the application shall be as established in the Community Development District and as established in this section.

## Section 1210 Processing Procedures

Applications shall be processed in 2 steps: (1) preliminary plan review and (2) final plan review. Prior to submission of the preliminary plan an optional step, the pre-application conference, is encouraged. Where the process outlined below differs from the conditional use process the requirements in this Article shall prevail.

- 1210.1 Pre-Application Conference. At the pre-application conference the applicant discusses all aspects of the proposed development, including rough sketches of site and building plans, with members of the Planning Commission and the Board of Township Supervisors. This conference enables the developer to obtain the views of the Township officials before more expensive engineering and architectural work is begun. Scheduling a pre-application conference is handled through the Zoning Officer.
- 1210.2 Administrative Responsibilities, The Preliminary Plan. The preliminary plan shall be filed with the Zoning Officer. Within 60 days of the acceptance of the plans as complete by the Zoning Officer: (1) the Planning Commission shall review the application, (2) the Board of Township Supervisors, after public notice is given, shall hold a public hearing on the application, (3) the application shall be sent to the Crawford County Planning Commission which shall have 45 days in which to review and make recommendations on the proposal as required in the Pennsylvania Municipalities Planning Code. Within 30 days following the public hearing the Board shall notify the applicant by letter of

its approval, denial, or approval subject to specific conditions. All pertinent review comments shall be included in this letter.

- 1210.3 Administrative Responsibilities, The Final Plan. Within 6 months of the date of preliminary plan approval, unless the developer requests and is granted a time extension, the developer shall submit the final plan application to the Zoning Officer. After the acceptance of the final application as complete by the Zoning Officer the application shall be provided to the Planning Commission which shall have 30 days in which to review it. Within 45 days the application shall be acted upon by the Board. The Board shall notify the applicant by letter of its action on the proposal.
- 1210.4 Recording Of Final Plan. The original plan drawing(s), or reproducible and equally excellent copies thereof, shall be in the hands of the Board of Township Supervisors before its final action on these plans. Upon approval of these plans they shall be recorded in the office of the County Recorder at the applicant's expense.
- 1210.5 Cluster Development Involving Subdivision Plat. Where a subdivision plat is involved in the development it shall be processed in accordance with an applicable subdivision, if one exists. Where a subdivision plat is prepared it shall be approved and recorded concurrent with the final plan as approved for the cluster development.

Section 1212 Plan Requirements

- 1212.1 Preliminary Plan Review. The following items of information shall be submitted to the Zoning Officer for preliminary plan review. Additional information may be submitted where appropriate. Plans shall be submitted by an engineer, landscape architect, and/or architect under appropriate seal.
- a. Information on all pertinent existing conditions.
  - b. General site plan and various detailed plans as appropriate showing all proposed structures, uses, circulation systems, utility systems, and common open space.
  - c. Architectural plans showing the intent of the development for typical buildings.
  - d. Statement of intent regarding ownership and maintenance of required common open space and of the development's improvements including its utility systems.
  - e. Schedule of stages of development where applicable.
- 1212.2 Final Plan Review. The following items of information shall be submitted to the Zoning Officer for final plan review. Additional information may be required where it is deemed essential to the public review. Plans shall be submitted by an engineer, landscape architect, and/or architect under appropriate seal.
- a. A general site plan legibly prepared on tracing film or equal material at a scale not smaller than one hundred feet to one inch showing boundaries (distances, bearings and monumentation), streets, walks, parking areas, all buildings and uses of lands, and common open space. Certification statements as required by the Township shall be fixed on the general site plan.



- b. Engineering plans detailing the construction of the required improvements as listed in Section 1216 following.
- c. All supportive material including information submitted at preliminary review including but not limited to plans, maps, sketches, elevations, cross sections, reports and narrative.
- d. Evidence of approvals by appropriate public authorities, or agencies where applicable.
- e. Evidence of the organizational structure of a resident's association where this form of management will be used to maintain common open space and other such private systems.

Section 1214 Design Standards

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

- 1214.1 Performance Requirements. The development plan shall indicate how adequate privacy, light, air and protection from noise shall be achieved through building design, street layout, screening, plantings and the special siting of buildings.
- 1214.2 Public and Private Streets. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or a residents' association. Private streets shall meet Township standards regarding subgrade preparation, base and surfacing construction. Off-street parking areas may be integrated with public street design and construction providing maintenance responsibilities are mutually agreed upon.
- 1214.3 Common Open Space. A minimum of 20% of the net acreage shall be reserved for common open space. Where staged construction is utilized, at no time shall the total area of dedicated open space be less than 20% of the area of the project approved for development.

Section 1216 Required Improvements

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

- 1216.1 Common Open Space. Where areas of common open space are proposed for improvements they shall be improved by the developer. Unless the Township agrees to a public dedication of the open space and to its maintenance, the developer shall formulate an acceptable method for maintaining this land.
- 1216.2 Assurances. Before the final plan is approved by the Board of Town-

ship Supervisors required public improvements to be maintained by the developer or a residents' association shall be:

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

Section 1218 Amendments

Major revisions to the approved final plan, such as changes in land use, streets, major changes in the common open space system, major changes in building locations, shall be considered as amendments to the final plan and shall be processed as set forth in Sections 1210.2, 1210.3, and 1210.4 of this ordinance. All other changes to the approved plan shall be submitted to the Board of Township Supervisors and, with the Board's concurrence that such changes are minor in nature, shall be filed in the Township records as normal changes occurring through the "dynamics of living." All changes submitted to the Board should be delineated graphically on plans with accompanying text as needed.



ARTICLE 13

MOBILE HOME PARK, TRAVEL TRAILER PARK AND  
CAMPGROUND DEVELOPMENTS

Section 1300 Conditional Use Permit Required

It shall be unlawful for an applicant to establish, construct, or extend a mobile home park, a travel trailer park or a campground (These three installations shall be referred to collectively in this Article as Developments.) unless such applicant obtains a valid permit issued by the Pennsylvania Department of Environmental Resources (PennDER) and in addition has had the proposed Developments approved as a conditional use under the provisions of this ordinance. The regulations herein apply to all three of these Developments, mobile home parks, travel trailer parks, and campgrounds except as otherwise noted; in a number of instances certain requirements are applicable only to one or two of these Developments.

Section 1302 Referral To Crawford County Planning Commission

These Developments are classified as land developments based on the provisions of the Pennsylvania Municipalities Planning Code, Act 247, and shall be reviewed by the Crawford County Planning Commission. Two copies of the application for approval for these Developments shall be submitted to the Township Zoning Officer. The application shall contain the information as required in Section 801 of this ordinance as well as adequate plans, details and narrative to cover all the requirements listed in this Article. One complete application shall be submitted to the Crawford County Planning Commission which shall have 45 days to forward its review to the Township. The Township shall not make its final decision on the approval of these Developments until the 45 day review period provided the County Planning Commission has elapsed.

Section 1304 Minimum Area Requirement

The minimum gross area of the site for each of these Developments shall be 2 contiguous acres of land.

Section 1306 Required Facilities

Each mobile home stand shall contain only a one family unit and shall be supplied with connections to sanitary, water and electrical systems. Common sewerage and water systems shall be provided subject to PennDER requirements. Each mobile home shall have a toilet, bathtub or shower, heating system, and kitchen in good working order. Each dependent travel trailer unit and each campground "set-up" area shall be located no more than 200 feet from a common service building containing water, toilet and bath facilities. The Developments shall make adequate provision for refuse handling and removal and for the storage and supply of fuel where applicable. The Development owner shall be responsible for maintaining the site in a clean and sanitary condition. An adequate system of storm water drainage shall be shown on development plans and shall be part of the required facilities.

Section 1308 Site Requirements

- 1308.1 The locations of mobile home and travel trailer stands or campground "set-up" areas shall be carefully related to the topography and shall be organized into a well conceived site plan, preserving as much as possible of the natural site.
- 1308.2 Mobile home lots within the park shall have a minimum of 4,800 square

feet; double and triple wide mobile home lots shall have a minimum of 6,000 square feet; travel trailer lots and campground "set-up" areas shall have a minimum of 1,500 square feet. Lots and areas shall be directly accessible to the internal street system. There shall be provided on each mobile home lot a patio area of at least 100 square feet with a least dimension of 10 feet. There shall be provided on all lots and "set-up" areas one off-street parking space which shall contain a minimum of 200 square feet with a least dimension of 10 feet. Driveways, parking spaces and patios shall be constructed with a permanent, stable, dust-free surface adequate for use during all seasons.

- 1308.3 There shall be a minimum of 1½ parking spaces for each mobile home stand in a mobile home park, a minimum of 1½ parking spaces for each travel trailer stand and campground "set-up" area.
- 1308.4 Stands shall be constructed of an appropriate material, properly graded, placed, compacted and drained so as to be durable and provide an adequate foundation for the support of the anticipated loads. Mobile homes shall be either permanently fastened to a foundation slab or footings or tied down to secure against uplift, sliding or overturning. A gradient on the stands shall occur in only one direction perpendicular to an edge, and shall be a maximum of 4%.
- 1308.5 There shall be a minimum distance of 20 feet between each mobile home or travel trailer unit, including accessory structures attached thereto, and any portion of any other structure in the Development. There shall be a minimum distance of 15 feet between each mobile home or travel trailer unit and the boundary of the nearest abutting internal street or common area. There shall be a minimum distance of 50 feet between each mobile home or travel trailer unit and the Development's boundary lines.
- 1308.6 Walks shall be planned and constructed so as to provide safe and convenient access throughout the Development connecting individual stands or "set-up" areas to common areas, to all facilities, and to each other. Connecting walks shall be at least 3 feet wide and walks on individual lots shall be a minimum of 1½ feet wide. Walks shall provide an all-weather walking surface, and be reasonably free from mud, dust, and standing water.
- 1308.7 A common area shall be provided to serve the residents of the Development. A minimum of 10% of the gross acreage shall be established and developed as a common area.
- 1308.8 Adequate storage facilities conveniently located to lots in the mobile home park shall be provided for storage of often used outdoor equipment, furniture and tools and such other material that is used only infrequently and which cannot be conveniently stored in the typical mobile home.

Section 1310 Access And Internal Road System

- 1310.1 The minimum width of the portion of the site used for vehicular access shall be 60 feet.
- 1310.2 The Development's internal street system shall be privately owned and maintained and shall be designed for safe and convenient access to all lots and common facilities. Streets shall provide a sound, all-weather, driving surface, be reasonably smooth and free from mud, dust and standing water. Street paved surfaces shall be a minimum width of 14 feet for one-way streets and 18 feet for two-way streets; where on-street

parking in permitted 8 feet of road surface shall be added to each side of the street on which on-street parking is permitted. Road surface widths as required herein do not include the road cross-section devoted to storm water drainage, which shall be accommodated satisfactorily.

Section 1312 Skirting On Mobile Home

All mobile homes shall be covered or skirted around the entire base of the unit in such a manner that continuous facades exist from the ground upwards. The material forming this enclosure shall be compatible with the remainder of the unit and provide sufficient ventilation to inhibit decay and deterioration of the structure.

Section 1314 Visual Relation To Surrounding Area

Either partial or full screening may be required at the boundaries of the Development depending on the nature of the site and its relation to the uses in the surrounding area. Such screening may consist of walls, fences, plantings or terrain features, or any combination of these devices. If open fencing such as chain link fence is used it should be installed within plantings so as not to be easily visible from inside or outside of the Development.

- 1314.1 Effectiveness Plantings As Screening. Where plant materials are used as the screening or buffering technique, it may be required that the effect of these plantings be immediate, that is to be "in place" and effective at the time of installation; and that the screening shall be effectively perceived throughout all seasons of the year. Should immediate effectiveness not be necessary this condition shall be made a part of the record of the public review of the application.

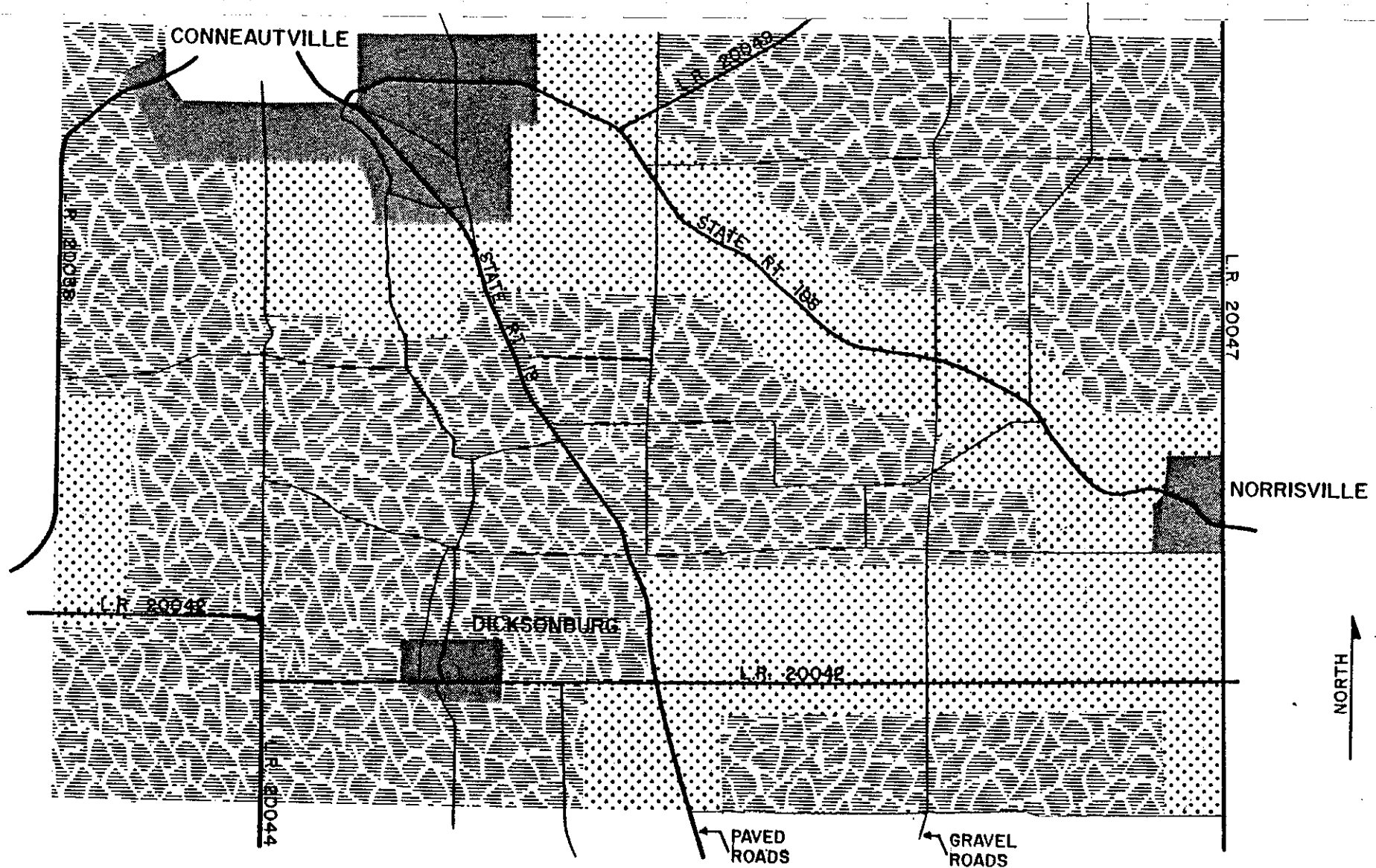
Section 1316 Signs

One free standing identification sign shall be permitted. The free standing sign shall have an area no greater than 35 square feet and a height no greater than 14 feet, and shall be positioned on the property no closer than 5 feet from the exterior property line of the Development.




Section 1318 Uses Other Than Residential

No commercial uses considered as auxiliary to the Developments shall be permitted. Service uses such as laundry and dry cleaning rooms and vending machines handling commonly needed supplies, however, shall be permitted as well as management offices.





**ZONING DISTRICTS**


-  AGRICULTURAL A-1
-  RURAL RESIDENTIAL R-1
-  COMMUNITY DEVELOPMENT CD-1

NOTE: THE FLOOD HAZARD OVERLAY DISTRICT DOES NOT SHOW ON THIS MAP

THIS IS NOT THE OFFICIAL ZONING MAP OF SUMMERHILL TOWNSHIP. THE OFFICIAL MAP IS DRAWN AT THE SCALE 1"=1000' AND SHOWS MORE DETAIL INCLUDING THE PROPERTY LINE NETWORK IN THE TOWNSHIP. FOR MOST NEEDS THIS MAP IS ADEQUATE

**ZONING DISTRICTS MAP**

SUMMERHILL TOWNSHIP  
CRAWFORD COUNTY, PENNSYLVANIA

SCALE 1"= 4000' 

PREPARED FOR THE TOWNSHIP  
BY THE CRAWFORD COUNTY PLANNING COMMISSION



