

ZONING ORDINANCE
PINE TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA

ORDINANCE NO. 1996 - _____

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR PINE TOWNSHIP, CRAWFORD COUNTY, PENNSYLVANIA, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS REENACTED BY ACT 170 OF 1988, AND ITS AMENDMENTS.

Whereas, Article VI of the Pennsylvania Municipalities Planning Code, as reenacted by Act 170 of 1988 and amendments thereto, empowers the Township to adopt zoning regulations; and

Whereas, Pine Township Supervisors deem it necessary for the purpose of promoting the health, safety, morals and general welfare of the Township to enact such regulations; and

Whereas, all requirements of the Pennsylvania Municipalities Planning Code with regard to the preparation of this Zoning Ordinance have been met.

Now, Therefore, be it ordained and enacted by Pine Township, Crawford County, Pennsylvania, on this _____ day of _____, 1996, as follows:

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**ZONING ORDINANCE OF PINE TOWNSHIP
ORDINANCE NO. 1996 - _____**

ARTICLE 1. – GENERAL PROVISIONS

Section 100 Title

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

Section 101 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. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted regulations or ordinances, the most restrictive or those imposing the higher standards shall govern.

Section 102 Separability

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

Section 103 Repeal of Conflicting Ordinances; Effective Date

The Pine Township Zoning Ordinance, adopted April 15, 1974, and as amended, is hereby repealed on the effective enactment of this Ordinance. All other ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.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 (5) days after its enactment.

Section 104 Status of Applications Submitted Prior to Effective Date

All applications for zoning permits submitted prior to the effective date of this Ordinance shall be processed and approved subject to the provisions of the Pine Township Zoning Ordinance adopted April 15, 1974, and the amendments thereto, providing, however, zoning permits issued under the provisions of the 1974 ordinance shall be void one year after the effective date of this Ordinance if there has been no construction or development on the subject property based on the permit. Where a permit may be voided under this section, the applicant may request the Township Supervisors to extend the one year period to allow for completion of the activity covered under the zoning permit issued and the Township Supervisors may grant a reasonable extension of time.

ARTICLE 2 – OBJECTIVE

Section 200

Pine Township Development Objectives

The following objectives establish the general ends which the Township seeks to achieve through the enactment and administration of this Ordinance. These objectives are set forth explicitly and implicitly in the Pine Township Plan for Development dated November, 1994.

- 200.1 To actively promote the growth of Pine Township and within a ten year time horizon to encourage primarily residential and light manufacturing growth as delineated in the Township's land use plan printed in the 1994 Plan for Development.
- 200.2 To accommodate growth within the ten year time horizon mainly with on-lot sanitary sewer and water supply systems.
- 200.3 To promote the health and general welfare of the Township residents; to lessen congestion in the streets; to provide adequate light and air around all habitable buildings; and to avoid undue concentrations of people on the land where the carrying capacity of the land, in terms of sanitary sewer, stormwater drainage and potable water supply needs, is limited.
- 200.4 To allow citizens maximum opportunities to develop their properties consistent with the constraints deriving from the implementation of the other objectives of this Ordinance.
- 200.5 To severely restrict development in the land areas which are a source of the spring-fed water collection system, part of the water supply resources of the Borough of Linesville's public water system.
- 200.6 To regulate building lot sizes so they are adequate to handle on-lot sewage and potable water needs but small enough so that later conversions to public sanitary sewer and water service systems can be carried out without undue economic hardship to property owners.
- 200.7 To guide development into locations and patterns which will serve to protect property values and preserve neighborhood character, preventing incompatible use (of buildings and sites) which would have the effect of undermining said values and character.
- 200.8 To regulate building development in areas designated as subject to the hazards of flooding as required by the state and federal governments.

ARTICLE 3 – DEFINITIONS

Section 300

Meaning of Words

It is not intended that this article include all words that may be subject to varying interpretations which are used in this Ordinance. The words and phrases used in this Ordinance shall be interpreted as having the same meaning they have in normal, "everyday" usage, unless defined differently herein.

Accessory Use or Structure. A use or structure customarily incidental and subordinate to the principal use or structure and which contributes to the comfort, convenience and necessities of occupants of the principal use or structure, and which is located on the same lot with the principal use or structure. Off-street parking and loading serving the principal structure or use on a property shall be considered accessory use.

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

Alteration. 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.

Basement. A portion of a building all or partly underground, having at least one-half of its height below the average level of the adjoining ground and wherein at no point is there an entrance at, or nearly at, outside grade level. A basement shall not be considered as a story for the purpose of this Ordinance.

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

Boarding or Rooming House. A building having a residential character and occupied by the landowner or his agent, where 6 or less rooms are available for sleeping or lodging, with or without common dining facilities, for persons on a commercial basis. The term includes tourist home. The term does not include hotel, motel, dormitory, bed and breakfast or group home.

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

Building. Any covered structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, goods or property.

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

Building Line. An imaginary line located a fixed distance from a lot line and interpreted as being the nearest point that a building may be constructed to the lot line. It may also be referred to in some instances as a setback or yard line or a front yard line in the instances where the front yard (the yard adjoining the access road) is at issue.

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 may include: height of building; location of exterior walls with respect to lot lines; building coverage; yard requirements; and the amount of lot area provided per dwelling unit. Their purpose is to assure sufficient light, air and open space, and to prevent an overcrowding of the land.

Civic/Cultural Building. Any non-residential building, structure, facility or complex used by the general public, whether occupied by any federal, state, county, or municipal agency, or private non-profit association. Examples include municipal buildings, court-facilities, museums, armories, social service agency offices, libraries and government offices.

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

Cluster Development. A building venture developed by a single owner or a group of owners acting jointly involving a number of dwelling units, often of various types, common areas, and in some instances commercial uses ancillary thereto, and planned as an entity, therefore amenable to development and regulation as one complex land use unit rather than as an aggregation of individual buildings located on separate lots where height, lot size, yard and land use requirements normally govern development. The cluster development resembles the planned residential development.

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

Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes. An application to add one dwelling unit to a single family detached dwelling, turning the building into a two family detached dwelling, shall be considered a conversion under the terms of this Ordinance.

Conversion Unit. The remodeling of a single family or a two family dwelling to accommodate one additional dwelling unit.

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

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

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

Drive-In Establishment. A business 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 premises 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 premises.

Dwelling. A building, or portion thereof, used for residential occupancy, including single family and multi-family dwellings. The term "dwelling" shall not include rooming house, tourist home, hotel, motel or dormitory.

- a. Dwelling, Single-Family. A building accommodating one (1) family, and having no party wall or walls in common with an adjacent house or houses, but not a trailer, mobile home, or other transient or vehicular dwelling.
- b. Dwelling, Two-Family Dwelling. A building accommodating two (2) families living independently of each other and of a one- (1) or two- (2) story design.
- c. Dwelling, Multiple-Family. A building or portion thereof containing, or designed to contain, three (3) or more separate dwelling units with or without common access facilities. Multiple-family dwellings shall include condominiums, townhouse complexes and apartment buildings. (See also Conversion Unit.)
- d. Dwelling, Mobile Home. A transportable single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) units, designed to be joined into one (1) integral unit capable of again being separated for repeated towing, built upon or having a frame or chassis to which wheels may be attached, by which it may be moved upon a highway, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without permanent foundation.
- e. Dwelling, Seasonal. A dwelling intended for resort purposes and normally occupied on a seasonal or short-term basis.

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.

Family.

- a. A single person occupying a dwelling unit and maintaining a household; or
- b. any number of persons related by blood, marriage or adoption, occupying a dwelling unit, living together and maintaining a common household; or
- c. not more than four (4) unrelated persons occupying a dwelling unit and maintaining a common household, or not more than three (3) unrelated persons occupying a dwelling unit with any number of persons related by blood, marriage or adoption; or
- d. a supervised family-like community living arrangement, of a non-transient character, for a group of disabled or handicapped persons as defined by the Fair Housing Act, where the number of supervisors, administrators, caregivers or other staff on the premises at one time sufficient for the proper and safe care of the residents is no more than three (3).

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.

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. All dimensions shall be measured between exterior faces and walls.

Garage, Private. A detached accessory building or portion of a principal building used for the parking or storage of automobiles, travel trailers, boats, other vehicles and/or other miscellaneous material belonging to the occupants of the premises, and for not more than one additional vehicle owned and used by others.

Garbage. Means any solid waste derived from animal, grain, fruit or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

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

Health Care Facilities. A building or buildings in which medical, dental or other health science professional care is provided, including but not limited to, doctors or dentists offices; clinics providing emergency or other types of medical services; establishments providing support to health care providers such as laboratories, physical therapy and technical service providers, and ambulance services; the term does not include hospitals, rehabilitation, nursing skilled care, group homes or related institutions or any place providing overnight care.

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

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.

Hospital. A place for the diagnosis, treatment or other care of human ailments and having facilities for in-patient care.

Hotel or Motel. A building or buildings where rooms are provided, commercially, for transient sleeping or lodging, with or without dining facilities. The term includes inn, motor lodge, and does not include boarding and rooming houses, bed and breakfast,

dormitories, group homes or skilled care facility.

Junk. Items which have no utility due to their damaged, decayed or disassembled condition and which have been abandoned but which may retain some commercial salvage value. It may include appliances, machinery, tools, construction materials, household furnishings, vehicles and parts thereof. The term "junk" shall include any vehicle, boat, recreational trailer or other trailer, of any kind which does not have a current registration, license, or inspection certificate as required by applicable laws or regulations for use on highways or waterways, and which is physically inoperable or unusable for the purposes and in the manner for which said property is customarily and lawfully used, and which is in a state of disassembly, major disrepair or a damaged condition, and which has been maintained in these conditions for a period in excess of sixty (60) days. The term "junk" shall not include farm machinery which is used in connection with a *bona fide* farming operation.

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

Kennel. A structure where 4 or more domesticated animals more than 6 months old are kept and fed for purposes of boarding, selling, breeding, grooming or training.

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 in 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 the streets may be considered frontage, but once the front yard is designated (See Yard, Front), the remaining yards are established by definition.

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

Lot Line. A lot line is a line, generally established by metes and bounds, which, when combined with other lot lines, delineates a lot or parcel of land.

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

Lot, 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.

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.

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, and to exclude modular homes.

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 site or tract of land or contiguous tracts of land under single ownership or controlled by a group of owners acting jointly upon which two or more mobile homes, used for living, eating or sleeping quarters by persons not related to the proprietor or his agent, are (or are intended to be) located, whether operated for or without compensation; the land shall be under ownership aforementioned at the time the initial and basic park improvements are made after which time ownership may be extended to the users of the park under some accepted form.

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 truss, 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 on the date of enactment or applicable amendments thereto, 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 on the date of enactment or applicable amendments thereto, which use was lawfully in existence prior to the enactment of this Ordinance.

Open Air Entertainment Activity. A for-profit activity involving a public gathering where a large number of persons (150 or more) not related by blood or marriage having a common purpose of entertainment or recreation assemble in the open air, *i.e.*, the viewing of automobile or motorcycle racing, viewing and listening to unusual entertainments, *etc.* This term shall not include an assembly of people for the purpose of listening to lectures on political, cultural or religious subjects or for viewing cultural exhibitions or for participating in church or school affairs.

Principal Use and/or Structure. The main or dominant use and/or structure occurring on an individual lot.

Recreational Vehicle. A vehicle primarily designed and utilized as temporary living quarters for recreational, camping, or travel use, whether self-propelled or mounted on or drawn by another vehicle, and including travel trailers, recreational trailers, camping trailers, truck campers, motor homes and similar types of vehicles. It shall also include house trailers used for such purposes. The term shall not mean or include a mobile home or seasonal dwelling.

Recreational Vehicle Park. A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles for transient use consisting of two or more recreational vehicle stands or lots.

Refuse. All non-putrescible waste except garbage and other decomposable matter. This category includes but is not limited to ashes, household bedding, cardboard, cans, crockery, rags, yard cleanings and containers and objects made of glass, plastic, metal, rubber, paper, wood and the scraps and parts therefrom.

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 conterminous with the street right-of-way; no structure may be located above ground between the street right-of-way and this line except as may be provided under the provisions of this Ordinance. This line is also referred to as a building line or a setback.

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

Sign, Billboard. A ground or pole sign advertising the name of a firm, goods and/or services normally not provided on the premises (a non-point of sale sign) and which for the purposes of this Ordinance is 140 square feet or greater in area.

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, Non-Point-of-Sale. A sign advertising the name of a firm, goods and/or services not provided on the same premises; sometimes referred to as a directional sign, or an off-premises advertising sign.

Sign, Point-of-Sale. A sign which advertises the name of a firm, major enterprise, goods and/or services offered for sale on the same premises.

Sign, Wall. A sign painted or attached to the face of the outside wall of any building and supported by such wall; the overhanging sign, at or nearly at a right angle to the building facade and having one or two advertising surfaces, is included in this definition.

Skilled Care Facility. Any facility as defined in the licensing provisions of the Pennsylvania Public Welfare Code of 1967, as amended, Section 1001 (62 P.S. § 1001), or amendments thereto, and shall include hospitals, nursing homes, personal care homes, mental health establishments, and day care centers (adult and child), all of which are licensed under the Code by the Pennsylvania Department of Public Welfare, or its successor.

Solar Collector. A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

Solar Energy System. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

Story. That part of a building between the surface of a floor and the ceiling immediately above. A habitable attic shall be counted as a story.

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

Supervisors. The governing body of Pine Township, also referred to as the Board, the Township Supervisors, the Supervisors and the Township.

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.

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

Yard, Front. A yard extending along the full length of a front lot line and back to a line drawn parallel with such front lot line at a distance therefrom equal to the required front yard depth. For corner lots, one of the abutting streets, for the purpose of this Ordinance, shall be designated as the frontage street in order to establish the front lot line and, accordingly, the front yard. All other yards are established by definition once the front yard is fixed. Note, the front or main door of a building need not be located on the facade facing the designated front yard.

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

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

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

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

Section 301 Interpretation of Words

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

301.1 The word "shall" is mandatory.

301.2 The word "may" is permissive.

301.3 The word "should" is a preferred requirement.

301.4 Words used in the present tense shall include the future.

301.5 Words used in the singular shall include the plural.

301.6 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Section 302 Incorporation of Definitions of Pennsylvania Municipalities Planning Code

The definitions set forth in the Pennsylvania Municipalities Planning Code, as reenacted and amended by Act 170 of December 21, 1988, and as may hereafter be amended, are hereby adopted and incorporated by reference as the definitions applicable to the interpretation, administration and enforcement of this Zoning Ordinance. Whenever there is a conflict between a definition set forth in this Ordinance and a definition set forth in the Pennsylvania Municipalities Planning Code, the definition set forth in the Pennsylvania Municipalities Planning Code shall control.

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 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:

- 401.1 District boundaries indicated as following the centerlines of (or following along the rights-of-way of) streets, highways, alleys or streams shall be construed to follow said centerlines.
- 401.2 District boundaries indicated as following platted lot or property boundary lines shall be construed as following said platted lot or property boundary lines.
- 401.3 District boundaries indicated as following municipal limits shall be construed as following such municipal limits.
- 401.4 District boundaries indicated graphically as parallel to the centerlines of the streets, highways, alleys or streams or indicated graphically as parallel to property boundary lines shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such distances shall be determined by the use of the map scale as shown on the Official Zoning Map.

ARTICLE 5. – ESTABLISHMENT OF ZONING DISTRICTS AND APPLICATION

Section 500 Establishment of Zoning Districts

In order to carry out the purpose of this Ordinance, the Township is hereby divided into the following districts:

Restricted Residential, R-1
General Residential, R-2
General Commercial, C
Light Manufacturing, LI
Public Open Space, POS
Conservation, C-1

Section 501 Prohibited Activities

No land shall be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, structurally altered or occupied except in conformity with all of the regulations herein specified for the district in which it is located.

ARTICLE 6 – ZONING DISTRICT REGULATIONS

Section 600

Restricted Residential District, R-1

Purpose: The Restricted Residential District is intended to provide a secure environment for conventionally built housing and chiefly single family detached housing. New development in this district should be entirely compatible with single family residential dwellings which currently dominate the pattern of existing land use in this district. Public uses, semi-public uses and private uses also would be permitted in this district where conducted in a way that would be compatible with and supportive of the most stable and well developed housing in Pine Township.

600.1 Permitted Uses

- a. Single and two family dwellings;
- b. Bed and breakfast establishments providing (1) that no more than 3 sleeping rooms, not counting the suite of rooms occupied by the primary residential use, are devoted to this activity and (2) that off-street parking requirements for bed and breakfast occupants are accommodated in the rear yard;
- c. Parks and playgrounds;
- d. Churches and buildings normally incidental thereto;
- e. Agricultural and related activities including but not limited to general farming, dairying, pasturage, gardening, animal husbandry, forestry and plant nursery operations; providing, however, that (1) buildings and pens for livestock exclusive of grazing areas shall be a minimum of 100 feet from the nearest neighboring residences, and that (2) pig pens and sheds shall be a minimum of 300 feet from the nearest neighboring residences;
- f. Accessory uses, including the storage of recreational vehicles.

600.2 Conditional Uses. The following uses may be permitted subject to the provisions of Article 14. and any other applicable provisions of this Ordinance:

- a. Cluster development

600.3 Special Exception Uses. The following uses may be permitted subject to the provisions of Article 14. and any other applicable provisions of this Ordinance:

- a. Home occupation
- b. Conversion units

600.4 Bulk Regulations.

- a. Minimum Lot Area and Width (All lot widths shall be measured at the public right-of-way.) Where only public water is available, the applicable minimum lot area requirements are those listed under "No Public Water Or Sewer".

	No Public Water or Sewer	Public Sewer Only	Public Sewer and Water
Single Family Modular home, bed and breakfast establishments	20,000 sq. ft. 100 ft. width	12,000 sq. ft. 80 ft. width	9,000 sq. ft. 75 ft. width
Single Family and modular home, corner lot	20,000 sq. ft. 120 ft. width	12,000 sq. ft. 100 ft. width	10,000 sq. ft. 85 ft. width
Two family dwelling	25,000 sq. ft. 120 ft. width	18,000 sq. ft. 100 ft. width	12,000 sq. ft. 80 ft. width
Two family dwelling, corner lot	25,000 sq. ft. 120 ft. width	18,000 sq. ft. 110 ft. width	12,000 sq. ft. 90 ft. width
All other uses except park and recreation uses which have no minimum area or width requirements	20,000 sq. ft. 100 ft. width	12,000 sq. ft. 90 ft. width	10,000 sq. ft. 80 ft. width

- b. Front Yard - A minimum of 50 feet measured from the centerline of the road; where the abutting road right-of-way is greater than 50 feet, a minimum of 25 feet from the right-of-way line.
- c. Side Yards - A minimum of one side of 10 feet and a total minimum of 25 feet.

Street Corner Locations - A minimum of 25 feet at the corner lot location and a total minimum of 35 feet.

- d. Rear Yard -
Principal Structure - A minimum of 40 feet
Accessory Structure - A minimum of 5 feet

Section 601 General Residential District, R-2

Purpose: The General Residential District is intended to provide for a wide variety of housing in ways that will insure reasonable stability to the residential neighborhoods that are formed in its territories. Public uses, semi-public uses and private uses conducted in a way generally subordinate to housing use would be permitted in this district.

601.1 Permitted Uses.

- a. Single family and two family dwellings, mobile homes and seasonal dwellings.
- b. Multi family dwellings of 4 dwelling units or less.
- c. Agricultural and related activities including but not limited to general farming, dairying, pasturage, gardening, animal husbandry, forestry and plant nursery operations; providing however that (1) buildings and pens for livestock exclusive of grazing areas shall be a minimum of 100 feet from the nearest habitable buildings, and that (2) pig pens and sheds shall be a minimum of 300 feet from the nearest habitable buildings.
- d. Churches; parks and playgrounds; cemeteries; golf courses.
- e. Accessory uses, including the storage of recreational vehicles.

601.2 Conditional Uses. The following uses may be permitted subject to the provisions of Article 14. and any other applicable provisions of this Ordinance:

- a. Multi-Family Dwellings of 5 dwelling units or more.
- b. Mobile home parks; recreational vehicle parks.
- c. Cluster developments.
- d. Skilled care facilities.
- e. Schools.

601.3 Special Exceptions. The following uses may be permitted subject to the provisions of Article 14. and any other applicable provisions of this Ordinance:

- a. Home occupation; home lot occupation.
- b. Bed and breakfast establishments; boarding houses; conversion units.
- c. Group homes.
- d. Civic/cultural buildings.
- e. Clubs and lodges.

601.4 Bulk Regulations.

- a. Minimum Lot Area and Width. (All lot widths shall be measured at the public right-of-way.) Where only public water is available, the applicable minimum lot areas and width requirements are those listed under "No public water or sewer".

	No Public Water or Sewer	Public Sewer Only	Public Sewer and Water
Single family modular home, mobile home (all forms)	18,000 sq. ft. 90 ft. width	10,000 sq. ft. 80 ft. width	7,200 sq. ft. 60 ft. width
Single family modular home mobile home corner lot	18,000 sq. ft. 100 ft. width	10,000 sq. ft. 90 ft. width	8,400 sq. ft. 70 ft. width
Two family dwelling	20,000 sq. ft. 100 ft. width	12,000 sq. ft. 80 ft. width	9,000 sq. ft. 75 ft. width
Two family dwelling, corner lot	20,000 sq. ft. 110 ft. width	12,000 sq. ft. 90 ft. width	10,200 sq. ft. 85 ft. width
Multi-family dwellings	20,000 sq. ft. plus 7,850 sq. ft. for each unit more than two; 110 ft. in width	13,000 sq. ft. plus 3,000 sq. ft. for each unit more than two; 100 ft. width	10,000 sq. ft. plus 1,850 sq. ft. for each more than two; 90 ft. width
All other uses except park and recreation uses which have no minimum area or width requirements	22,000 sq. ft. 110 ft. width	12,000 sq. ft. 90 ft. width	10,000 sq. ft. 90 ft. width

- b. Front Yard Area and Width. A minimum of 50 feet measured from the centerline of the road; where the abutting road right-of-way is greater than 50 feet, a minimum of 25 feet from the right-of-way line.
- c. Side Yard Area and Width. A minimum of one side of 8 feet and a total minimum width of 20 feet; a minimum of 20 feet on the "open" side of all semi-detached dwellings; and 20 feet for the end of a group for all attached dwellings.

Street Corner Side Yard Area and Width. A minimum at the street corner location of 20 feet and a total minimum of 28 feet.

- d. Rear Yard Area and Width. Principal structure ... A minimum of 20 feet.
Accessory structure ... A minimum of 5 feet

- e. Front Yard - A minimum of 50 feet measured from the centerline of the road; where the abutting road right-of-way is greater than 50 feet, a minimum of 25 feet from the right-of-way line.

- f. Side Yards - A minimum of one side of 8 feet and a total minimum width of 20 feet on the "open" side of all semi-detached dwellings; and 20 feet for the end of a group for all attached dwellings.

Street Corner Side Yard - A minimum at the street corner location of 20 feet and a total minimum of 28 feet.

- g. Rear Yard - Principal structure -- A minimum of 20 feet.
Accessory structure -- A minimum of 5 feet

Section 602

General Commercial District, C

Purpose: The General Commercial District is intended to provide for a broad range of commercial activities, particularly those which need direct highway access, which require on-site parking and which can stand alone unrelated to adjacent commercial establishments. This Ordinance recognizes that the primary retail shopping and commercial service center in the Linesville regional area is located in the Borough of Linesville.

602.1 Permitted Uses.

- a. Retail sales and service (including personal services) businesses normally conducted within buildings.

- b. Eating and drinking establishments including drive-in businesses.
- c. Offices: business, professional, governmental.
- d. Health care facilities.
- e. Motels/hotels.
- f. Clubs, lodges.
- g. Automobile service stations.
- h. Automobile and boat sales and services.
- i. Funeral homes; banks.
- j. Laundromats; dry cleaners
- k. Building material and supply establishments.
- l. Artisan and craft shops.
- m. Commercial recreation establishments including but not limited to theaters, bowling alleys, billiard parlors, skating rinks, miniature golf courses.
- n. Printing and publishing establishments.
- o. Building contractor, electrical, plumbing and heating establishments including yard storage areas.
- p. Off-street parking.
- q. Wholesale and warehouse establishments.
- r. Rental storage establishments.
- s. Accessory uses.

602.2 Conditional Uses. The following uses may be permitted subject to the provisions of Article 14. and other applicable provisions of this Ordinance:

- a. Multi-family dwellings.

- b. Manufacturing including the production, processing, cleaning, testing and distribution of materials, goods and products, but excluding those which would emit excessive smoke, fumes, noise, vibration or obnoxious odors. Examples are set forth in Section 603.2(a).

602.3 Special Exception Uses. The following uses may be permitted subject to the provisions of Article 14. and any other applicable provisions of this Ordinance:

- a. Automobile repair garages.

602.4 Bulk Regulations.

- a. Minimum Lot Area and Width. (All lot widths shall be measured at the public right-of-way.) Where only public water is available, the applicable minimum lot area and width requirements are those listed under "No public water or sewer".

	No Public Water or Sewer	Public Sewer Only	Public Sewer and Water
All other uses except park and recreation uses which have no minimum area or width requirements	22,000 sq. ft. 110 ft. width	12,000 sq. ft. 90 ft. width	10,000 sq. ft. 90 ft. width

- b. Front Yard - A minimum of 60 feet measured from the centerline of the road; where the abutting road right-of-way is greater than 60 feet, a minimum of 30 feet from the right-of-way line.
- c. Side Yards - A minimum width on each side of 15 feet.
- d. Rear Yard - Principal structure -- A minimum of 20 feet.
Accessory structure -- A minimum of 5 feet.

Section 603 Light Manufacturing District, LI

Purpose: The Light Manufacturing District is intended to provide a reservation of land for light manufacturing uses in order that the Linesville regional areas can accommodate manufacturing uses that will provide employment opportunities for its residents. Although sanitary sewer and

water supply systems do not currently serve the areas in this district, such systems could be extended to the land in this district. Because the land in this district is located adjacent to residential districts and because the quantity of land in this district is relatively limited, the manufacturing activities would be asked to comply with standards that can insure building and site development harmonious with residential development.

603.1 Permitted Uses.

- a. Tool, die and pattern making establishments.
- b. Agricultural and related activities; providing however that (1) buildings and pens for livestock and poultry, exclusive of grazing areas shall be a minimum distance of 150 feet from the nearest habitable building and (2) pig pens and sheds shall be a minimum distance of 300 feet from the nearest habitable building.

603.2 Conditional Uses. Manufacturing and related uses may be permitted subject to the provisions of Article 14. and any other applicable provisions of this Ordinance.

- a. Manufacturing including the production, processing, cleaning, testing, and distribution of materials, goods and products, but excluding those uses which would limit excessive smoke, fumes, noise, vibration or obnoxious odors. Examples of such uses include, but are not limited to, the following:
 - i. Artisans' and craft work establishments.
 - ii. Beverage manufacture and bottling.
 - iii. Cameras and other photographic equipment manufacture.
 - iv. Computer center; data processing service.
 - v. Electronic components and instruments manufacture.
 - vi. General government service center.
 - vii. Manufacture of laboratory apparatus.
 - viii. Manufacture of business and office machinery.
 - ix. Medical equipment manufacture.

- x. Novelty products manufacture.
 - xi. Off-street parking.
 - xii. Optics equipment manufacture.
 - xiii. Plastic products manufacture.
 - xiv. Printing, publishing and book binding.
 - xv. Professional, scientific and controlling instruments manufacture.
 - xvi. Public utility service center.
 - xvii. Research and testing laboratory.
 - xviii. Wholesale and warehouse establishments.
- b. Automobile and boat repair garages.
 - c. Building materials and supply establishments.
 - d. Civic/Cultural

603.3 Bulk Regulations.

- a. Minimum Lot Area ... For lots with no public sewer or water and for lots with only public water - 30,000 sq. ft.; for lots with public sewer only - 25,000 sq. ft.; for lots with public sewer and public water - 20,000 sq. ft.
- b. Land Coverage ... The maximum amount of the site which may be covered with buildings of all types is 60%.
- c. Lot Width ... There shall be a minimum lot width of 90 feet measured at the public right-of-way.
- d. Front Yard ... A minimum of 80 feet measured from the centerline of the road; where the abutting road right-of-way is greater than 60 feet, a minimum of 50 feet from the right-of-way line.
- e. Side Yards ... A minimum of 20 feet.
- f. Rear Yard ... A minimum of 40 feet.

- g. Additional Siting Requirements ... Where a site is adjoining a property developed with a residential use, buffer areas in accordance with Section 709 shall be established; and there shall be a minimum of 25 feet between the edge of any off-street parking and/or loading area and/or vehicular access drive and an adjoining property line where that property is developed with a residential use.

Section 604

Public Open Space District, POS

Purpose: The Public Open Space District is intended to designate the land area under the ownership of the Commonwealth of Pennsylvania, part of Pymatuning State Park, and managed by the Commonwealth as a public park. The land in this district would be managed by the state government, presumably, in harmony with accepted conservation and ecological principles. A broad range of activities characteristic of state parks would be permitted.

604.1 Permitted Uses.

- a. All uses including necessary buildings, structures and paved surfaces, planned and constructed to provide active and passive recreation including but not limited to the following activities: swimming, boating, picnicking, camping, fishing, hunting, bird watching, hiking, driving for pleasure, bicycling, the use of fields and marked playgrounds for playing games, overnight accommodations in residential facilities, interpretive and museum exhibits; and all related activities involving food handling and waste removal.
- b. All agricultural activities.

604.2 Bulk Regulations.

- a. Lot Area ... There shall be no requirements.
- b. Lot Width ... There shall be no requirements.
- c. Front Yard ... A minimum of 60 feet measured from the centerline of any abutting road.
- d. Side Yards ... There shall be a minimum distance between any two buildings of 20 feet.
- e. Rear Yard ... There shall be no requirements.

Section 605

Conservation District, C-1

Purpose: The Conservation District is intended to designate areas where man's development options are severely limited in order (1) to protect land that is a source of groundwater, replenishing Linesville Borough's water supply and (2) to insure that strict land conservation management practices are implemented for designated wetland areas and for properties owned by recognized sportsmen/conservation organizations.

605.1 Permitted Uses.

- a. Construction of structures related to the sound management of groundwater resources and conservation.
- b. Passive recreation activities involving the construction of roads, trails, off-street parking areas and open shelters.
- c. Temporary (over the winter) storage of row boats, canoes and catamarans.

605.2 Prohibited Uses.

- a. Habitable buildings with on-lot sewage systems are prohibited.

605.3 Bulk Regulations. There shall be no bulk regulations.

ARTICLE 7. — SUPPLEMENTARY REGULATIONS

Section 700 Home Occupation

A home occupation may be permitted in the various residential districts as a special exception providing the activity is judged to be in compliance with the general requirements established in Article 13. and the following more specific requirements. 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 home occupation use, once approved, is transferable to new residents on the premises providing there is no change in the nature of the use or any of the requirements under which the use was approved to operate.

- 700.1 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. It may be a wall, pole or freestanding sign. There shall be no business displays which will substantially alter the visual dominance of residential use for the property.
- 700.2 The sale of goods not produced or fabricated on the premises shall not constitute, either by volume or by amount of dollars, more than 1/2 of total sales. This provision is not meant to, and does not, exclude a person who may have a plumbing and heating contracting or an electrical contracting business proposal, *etc.* (where the principal work is done away from the home) from using his home and/or grounds for an office or to accommodate equipment display and storage areas.
- 700.3 There shall not be more than 2 persons engaged at any one time in the home occupation activity in addition to family members living on the premises who participate in whole or in part in said activity.
- 700.4 Normally there shall not be more than 6 vehicular trips generated by the use to and from the premises at the busiest hour of the normal operating day.
- 700.5 There shall be sufficient off-street parking spaces to accommodate the family members as required in Section 905 plus one space for each person working on the premises at any one time who is not a member of the family plus one additional space for customers. Off-street parking spaces for employees not members of the family and for customers shall not be located in the front yard as defined in this Ordinance.

- 700.6 Outdoor work, service and storage areas, if any, where readily visible from adjoining properties and from the abutting road shall be effectively screened. Screening may be accomplished by walls, fencing, plantings and/or terrain or landscape features.
- 700.7 There is no electrical disturbance off the premises that would create visual or audible interference in radio or television receivers.
- 700.8 There shall be no noise, odor, dust, fumes, glare or flashing lights which normally are considered objectionable, perceptible without instruments more than 25 feet from the boundaries of the premises.
- 700.9 Where a new structure is proposed for purposes of use in a home occupation activity, the new structure shall be an accessory structure to the dwelling on the premises and be compatible with the residential character of the premises.

Section 701 Home Lot Occupation

The following standards shall be applicable to all home lot occupation uses. The applicant shall demonstrate in the application process that he will meet the following standards:

- 701.1 The applicant's property shall have a minimum area of 1 acre.
- 701.2 There shall be no more than 4 persons engaged in the home lot occupation at any one time in addition to family members who reside on the premises.
- 701.3 Normally there shall be no more than 8 vehicular trips to and from the premises generated by the use at the busiest hour of the normal operating day.
- 701.4 There shall be a minimum of 150 feet between the location of any structure used for gainful employment activity and the nearest habitable building, excluding buildings on the applicant's property, and a minimum of 50 feet between the location of any structure used for gainful employment activity and the nearest side or rear property line.
- 701.5 There shall be a minimum front yard setback of 100 feet.
- 701.6 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 the screening is effective simultaneous with the occupancy of the use.

- 701.7 There shall be sufficient off-street parking spaces to accommodate the family members as required in Section 905 plus one space for each person working on the premises at any one time who is not a member of the family plus two additional spaces for customers. Off-street parking spaces for employees not members of the family and for customers shall not be located in the front yard as defined in this Ordinance.
- 701.8 The building(s) shall be constructed to retain the residential character of the general neighborhood.
- 701.9 The normal work day hours at the activity shall be between 7:00 a.m. and 7:00 p.m.
- 701.10 The activity shall be permitted one sign and it shall be a maximum of 9 square feet in area. The sign may be a wall, pole or freestanding sign.

Section 702 Mobile Home Standards

Mobile homes shall comply with the following standards:

- 702.1 Stable foundation. Each mobile home shall be securely fastened to a frost free foundation structure. Foundation structures may be of the slab, continuous wall, cross wall or pier types. Where piers are used, the maximum spacing between them in the long dimension shall be 10 feet.
- 702.2 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 ground level upwards. Such enclosure shall provide sufficient ventilation to prevent deterioration.
- 702.3 Site location. The applicant is encouraged to consider locating the mobile home parallel or generally parallel to the road which the lot abuts in order that the residence presents a substantially similar appearance as conventional housing. Where the mobile home application is processed as a special exception, "parallel siting" may be a consideration.
- 702.4 Anchoring. Each mobile home shall be anchored to resist flotation, collapse or lateral movement by providing either over-the-top or frame ties to ground anchors. (Both anchoring techniques are preferred but not required.) Over-the-top ties shall be provided at each of the 4 corners of the mobile home, with 2 additional ties per side at intermediate locations for units 50' or more in length and one additional tie per side for units less than 50' in length. Frame ties shall be provided at each corner of the mobile home with 5 additional ties per side at intermediate locations for units 50' or more in length and 4 additional ties per

side for units less than 50' in length. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

Section 703 Conversion Dwelling Units

A conversion dwelling unit shall have a minimum floor area of 500 square feet, and a minimum lot area requirement for the number of proposed dwelling units as established in this Ordinance. Basements as defined in this Ordinance cannot be used in accounting for this minimum floor area. The conversion dwelling unit shall have a bathroom and three additional habitable rooms. For living space to be counted as habitable, there shall be a minimum of 7 feet of clearance from floor to ceiling measured.

Section 704 Regulations for the Storage and Use of Recreational Vehicles

- 704.1 No more than two recreational vehicles may be stored or maintained outside of an enclosed structure on a lot in any zoning district, except the commercial zoning district, and except in approved and properly permitted recreational parks. For purposes of this Section, contiguous lots owned by the same persons shall be considered one lot.

- 704.2 Where permitted as an accessory use, recreational vehicles shall be stored only in side or rear yards, except that self-propelled recreational vehicles may be stored in the front yard of a lot. The zoning officer may grant a variance from this restriction if it is determined that storage is not possible or practical in side or rear yards.

- 704.3 No recreational vehicle which is not registered, licensed and inspected in accordance with the requirements of the laws of Pennsylvania or in accordance with the requirements of the laws of the state of residence of the owner, shall be stored or maintained outside of an enclosed structure on any premises except for purposes of sale or repairs.

- 704.4 No recreational vehicle which is not registered, licensed and inspected, in accordance with the requirements of the laws of Pennsylvania or in accordance with the requirements of the laws of the state of residence of the owner, shall be used or occupied for living quarters or residential purposes, whether temporary or permanent.

- 704.5 No structural additions shall be constructed onto or attached to a recreational vehicle and no recreational vehicle shall be physically attached to or become a part of any other building.

704.6 No recreational vehicle shall be used as a dwelling, for residential use or for living quarters, whether permanent or temporary, except under the following circumstances:

- a. In an approved and properly permitted recreational vehicle park.
- b. Where permitted as an accessory use and located adjacent to a dwelling which provides occupants of the recreational vehicle with sewage, water, and utility services provided that they are used as temporary living quarters for periods of time not exceeding fifteen consecutive days and thirty cumulative days in any calendar year.
- c. Where otherwise permitted and not located adjacent to an existing dwelling on the same lot, for temporary living quarters for a period of time not exceeding thirty consecutive days and one hundred eighty cumulative days in any calendar year, providing the recreational vehicle is connected to a sewage system as required by and in accordance with the applicable regulations of the Township and the Department of Environmental Protection pursuant to a properly issued permit, providing the sewage disposal system shall be maintained in accordance with said regulations, and providing there is adequate provision for a potable water supply on the property.

Section 705

Temporary Structures and Residences

- 705.1 Construction trailers are permitted in all districts for use as offices during the period construction work is covered under a valid zoning permit; but they may not be used for living quarters.
- 705.2 Mobile homes may be permitted as living quarters on residential construction sites for the period of time construction is in process providing this arrangement is approved by the zoning officer and providing the mobile home is not positioned on the site more than one year. The requirements of Section 702 shall apply.
- 705.3 Residence in the basement of a structure during the time of home construction may be permitted in the General Residential District by the zoning officer providing the maximum time this living arrangement shall be permitted is 3 years. This requirement is not applicable to earth sheltered dwellings which are permitted.

Section 706

Front and Rear Yard Modifications

- 706.1 Building Setback Line (Front Yard) Modifications. Where one or more existing structures are located on adjacent lots and on the same side of the road within 150 feet in either direction of the applicant's lot, the minimum setback of a proposed new 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 an addition is proposed to an existing structure which has a setback less than that required in the district, the setback required for the proposed addition need not be more than the existing setback of this existing structure.
- 706.2 Rear Yard Modification for Principal Structures. Where one or more existing principal structures are located on adjacent lots and on the same side of an alley or a road within 150 feet in either direction of the applicant's lot, the minimum rear yard requirements of a proposed new principal structure may conform with the average of the rear yard distances of these applicable existing structures if such average rear yard distance is less than that required in the applicable district. Where an addition is proposed to an existing principal structure which has a rear yard distance less than that required in the applicable district, the rear yard required for the proposed addition need not be more than the existing rear yard distance of this existing structure.

Section 707

Access Drives and Off-Street Parking Areas

Access drives and off-street parking areas shall be planned and constructed in a manner so that vehicles preparing to leave the site may conveniently turn around on the site. Vehicles shall re-enter the public right-of-way from a forward position. This requirement is applicable to access drives from all public roads classified as major collector roads in the Township's Comprehensive Plan adopted January 17, 1995. See Appendix A.

Section 708

Clear Site Distance at Corner Lots

At all street intersections, no obstructions to vision shall be placed or erected in the area of the "site triangle" as hereinafter defined. Obstructions shall be considered any objects which have (or will have) sufficient bulk to block vision such as buildings, landscape plantings and sign boards. Objects whose surface bulk lies below 3 feet and above 10 feet, as measured from the centerline elevation of adjacent streets, shall not be considered obstructions under the terms of this Ordinance, unless the zoning officer determines that they are obstructions due to a unique set of circumstances peculiar to a particular site or development application.

- 708.1 The site triangle shall be formed by the edges of the travel surfaces of the intersecting roads abutting a property and a line drawn between the two points along the edges of the travel surfaces each 40 feet distant from the point of intersection of the edges of the travel surfaces. See the following illustration.

Section 709

Buffer Areas

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

- 709.1 Buffer Area Techniques. Buffer area techniques may include any or all of the following:
- 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 many lateral branches emerge from the main stem or those with multiple stems near ground level (for example the hawthorn, the crabapple); evergreen trees and shrubs (for example the hemlock, the spruce, the yew, the arbor vitae); deciduous shrubs (for example the privet, the honeysuckle); and, where space is adequate, shade trees (for example the maple, the ash); the type, amount and spacing for the planting will depend on the space available and the nature of the activities requiring the buffer areas. Where plant materials are used for the buffering techniques, the Zoning Hearing Board or the Township Supervisors may require that the desired effect of these plant materials as a screening agent be immediate and that the screening shall be effectively perceived throughout all seasons of the year. Should immediate effectiveness be necessary, this condition shall be made a part of the record.
 - c. Landscape forms such as a mound of earth a minimum of 5½ feet high.

Section 710

Private Swimming Pools

A private swimming pool shall be permitted as a residential accessory use in all districts providing the swimming pool is:

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

Section 711

Storage of Junk

- 711.1 No junkyard, as defined, shall be maintained on any premises in any zoning district.
- 711.2 No junk, as defined herein, shall be stored, maintained or accumulated outside of appropriate refuse containers or a totally enclosed structure unless it is stored and maintained on a site at least 50 feet from adjoining properties, road rights-of-way and water courses and is enclosed or screened so that it is not visible and not readily accessible from adjoining properties and roads.
- 711.3 No junk, as defined herein, shall be stored, maintained or accumulated where such maintenance, storage or accumulation constitutes a threat or hazard to the health and safety of the public.

Section 712

Dumping, Depositing and/or Storage of Refuse or Solid Waste

- 712.1 Open dumping or depositing of refuse or solid waste on the surface of the ground, into the ground, or into the waters of the Township is prohibited with the following exceptions:
 - a. The use of solid waste in normal farming operations.
 - b. The depositing by individuals of solid waste resulting from their own residential activities onto the surface of the ground or into the ground owned or leased by them when such wastes are managed in accordance with the applicable laws and regulations of the Commonwealth of Pennsylvania with proper soil cover and/or

compaction and do not thereby constitute a public nuisance or adversely affect the public health.

- 712.2 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 713 Recovery of Subsurface Gas and Oil Deposits

Activities associated with the recovery of subsurface gas and oil deposits are permitted as a matter of right in the General Residential, Light Manufacturing and Public Open Space Districts. In these districts the following specific requirements are applicable:

- 713.1 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 the site.
- 713.2 The gas and oil well casing, tank structures and any other structures used in the 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 the nearest property line, except in the instance of the property line at the road right-of-way in which case the front yard setback requirement shall prevail; and shall be a minimum of 100 feet from a stream with year-round flow.

Section 714 Utility Services

The erection, construction, alteration or maintenance and operation by public utilities, municipal governments or authorities of underground, surface, or overhead gas, electrical, storm sewer or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities, municipal governments or authorities for the public health or general welfare shall be permitted as a matter of right in all zoning districts, subject to other pertinent regulations including yard requirements, where applicable.

Major utility structures including but not limited to storage tank farms; electric substations and power generation plants; natural gas pump stations, storage tanks and maintenance structures; sewage and water treatment plants and facilities; and major cross country utility transmission lines shall be permitted as conditional uses in all zoning districts.

Section 715

Property Owned, Leased or Operated by Public Agencies

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

- 715.1 Where such public or governmental uses are specifically listed in the zoning districts, they shall be regulated as indicated.
- 715.2 Where such public or governmental uses are not specifically listed, they shall be permitted only in districts allowing private uses of a similar or substantially similar nature.
- 715.3 Property owned or leased by the Commonwealth of Pennsylvania or the United States shall be exempt from the provisions of this Ordinance only to the extent that it has been determined that the Township has no power to apply its zoning regulations to the particular use of land.

Section 716

More than One Principal Use Per Lot

Unless otherwise permitted, there shall be no more than one principal use of any separate lot of record. Exceptions to this requirement exist for land development, cluster development, the mobile home park and the recreational vehicle park, home occupations and home lot occupations.

Section 717

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 Protection.

Section 718

Permitted Projections and Obstructions into Required Yards

In "yard" areas required by bulk regulations in this Ordinance, there shall be no buildings, structures or similar obstructions or projections thereof except as herein permitted. The following lists structures or similar obstructions which are permitted. The yards into which these projections are permitted are indicated by, "F", for the front yard, normally the yard adjacent to the main abutting street; "S" for the side yards including street corner side yards; and "R", for the rear yard. All structures, with the exception of fences, walls and hedges and shrub plantings, when permitted as projections and obstructions in this subsection, shall be, at the minimum, 5 feet from a property line. The extent of the permitted projection into a yard area is indicated by a number. Where no number is given, the projection is unlimited. Drawing No. 1 illustrates the meaning of this section. This section is intended to introduce flexibility into the Ordinance.

- 718.1 Apparatus or architectural structures needed for the efficient operation of solar energy systems, including but not limited to overhangs, insulating walls and roofs, solar collectors, or reflectors - not more than 4 feet ... F,S,R.
- 718.2 Arbor or trellises attached to the principal structure - not more than 3 feet ... F,S,R.
- 718.3 Arbors or trellises freestanding ... S,R.
- 718.4 Air conditioning units - not more than 3 feet ... F,S,R.
- 718.5 Awnings or canopies for window, porch or door - not more than 3 feet ... F,S,R.
- 718.6 Balconies, open - not more than 3 feet ... F,S,R.
- 718.7 Chimneys - not more than 2 feet ... F,S,R.
- 718.8 Cornices, eaves, belt courses, sills, one-story bay windows, and other similar architectural features - not more than 1½ feet ... F,S,R.
- 718.9 Fences, walls and hedge plantings - not more than 4 feet in height, subject to site distance requirements at street corner lots (Section 708) ... F.
- 718.10 Fences and walls - not more than 6 feet in height ... S,R.
- 718.11 Fire escapes open or enclosed - not more than 6 feet ... R.
- 718.12 Fire escapes open or enclosed - not more than 3 feet ... S.
- 718.13 Flag poles ... F,S,R.
- 718.14 Lawn furniture such as benches, sundials, birdbaths ... F,S,R.
- 718.15 Open off-street loading spaces ... R.
- 718.16 Open off-street parking places ... F,S,R.
- 718.17 Ornamental light standards ... F,S,R.
- 718.18 Playground and laundry-drying equipment ... R.
- 718.19 Porches, open, with or without roof, and not more than one-story in height (including what are called decks) - not more than 8 feet ... F, R.

718.20 Signs and nameplates as regulated in this Ordinance ... F,S,R.

718.21 Steps, open ... F,S,R.

718.22 Tennis courts ... R.

718.23 Terraces and patios, open ... F,S,R.

718.24 Toolsheds and other similar structures for the storage of accessory materials - not more than 3 feet ... S.

718.25 Toolsheds and other similar structures for the storage of accessory materials ... R.

Section 719 Height Regulations

No structure shall exceed three stories or 35 feet, whichever is the greater height; providing, however, this requirement shall be waived in all districts for the following: belfries, chimneys, cupolas, domes, flagpoles, flues, stacks, ground signs, monuments, spires, steeples, water towers and tanks, cooling towers, elevator enclosures, skylights, solar equipment, stage towers, air conditioning units, utility poles, parapet walls providing such walls shall not exceed such height as necessary to screen mechanical equipment, television and radio towers, windmills and all buildings accessory to agricultural operations.

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 from the front or rear yard, such building level shall be considered a story for the purposes of interpreting this Ordinance and any measurement of height shall be taken from the outside grade level at said entrance area.

Section 720 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.

Section 721 Minimum Floor Area Requirement

No single family dwelling shall have a floor area of less than 720 square feet. Basements shall not be included in calculating this requirement.

Section 722 Fences and Walls

No fence or wall, except a retaining wall, or a wall of a building permitted under the terms of this Ordinance, over six feet (6') in height, shall be erected within any required yards. No fence

or wall shall obstruct vision at street intersections or along streets, in accordance with Section 708. The exterior side of a fence, *i.e.*, the side facing adjoining properties, shall be constructed and maintained with a proper finish (whether stain, paint or other appropriate material), and shall be maintained in good condition. Supporting members for a fence shall be placed on the interior side of the fence.

Section 723 Floodplain District

Any construction, development and use of lands and structures within the designated floodplain areas in Pine Township as shown on the Pine Township Zoning Map shall comply with the applicable floodplain management regulations found in the Pine Township Floodplain Management Ordinance or amendments thereto.

ARTICLE 8. – SIGN REGULATIONS

It is recognized that signs serve an important function; yet, reasonable regulations for their display is desirable. The provisions herein are intended to promote the public safety and welfare, to protect property values, and to enhance the physical appearance of the community.

Section 800 General Regulations

- 800.1 Zoning permits shall be required for the erection of all signs except those listed in Section 801.
- 800.2 No flashing, rotating, or oscillating signs, located either within a building, attached to a building or located on the site independent of buildings, shall be permitted. Any sign which, by reason of its intensity, design, color, location or movement, may interfere with or be mistaken for traffic lights, signals or other traffic controls shall not be permitted.
- 800.3 No signs other than those erected by public officials in order to identify streets and guide the public in the use of the street system and to control and render traffic safe shall be placed in the public road right-of-way unless authorized by Township or state officials.
- 800.4 Except as otherwise required in Section 801 of this Ordinance, signs may be placed at (or adjoining) the public road right-of-way in the declared front yard area; on corner lots, one frontage shall be declared the front yard and the provisions of Section 708 shall be noted.
- 800.5 Notwithstanding the other provisions of this Ordinance, no sign shall be placed in such a position that it will cause danger to traffic on a road because of obscuring views.
- 800.6 All signs may have a reflective surface. Signs preferably should be illuminated from within the sign; they may, however, be illuminated by lights on the sign's surface or by lights directed upon the sign from outside of the sign. Where illuminated by exposed lights on the sign's surface or from lights outside of the sign, said lights shall be totally directional casting beams only on the sign display and/or they shall not be the cause of glares to the operation of vehicles on the public roads or on access drives from the public roads and they shall not cause glares for adjacent activities.
- 800.7 Painted signs on building surfaces shall be considered as wall signs and permitted according to the provisions of this Ordinance.

- 800.8 All signs shall be constructed of durable material, maintained in good condition and not permitted to become dilapidated. Where not mounted on a building as a wall sign, signs shall be firmly secured against blow downs.
- 800.9 For the purpose of computing the surface area of a sign, the sign area shall be considered to include all framing members as well as the display area. However, in instances where signs are suspended by wire, cable or the like, from their support structure, only the area of the suspended surface shall be included in sign area computations.
- 800.10 Pole and freestanding signs shall meet the side and rear yard setback requirements for the zoning district in which the sign is located; providing, however, for street corner locations the street corner side yard requirement need not be met and signage may be positioned adjoining the public right-of-way, but the provisions of Section 708 shall be complied with. Unless otherwise indicated, front yard setback requirements need not be met.
- 800.11 Nonconforming uses shall be permitted signs as though they were conforming uses.
- 800.12 Signage shall not be positioned on vehicles which are driven and parked in various locations on a property; this provision includes vehicles which are moved daily or on a periodic basis, and vehicles which are parked in a position for long periods of time. This Ordinance permits freestanding signs (moveable).

Section 801 Signs Permitted in All Zoning Districts Without Zoning Permits

- 801.1 All signs erected and maintained pursuant to and in discharge of any governmental functions are permitted. These are also to be considered "public signs".
- 801.2 Signs advertising the sale or rental (or indicated "sold" or "rented") of the premises upon which they are erected; providing, (1) the size of any such sign is not in excess of 9 square feet, and (2) there are not more than two such signs placed upon the property.
- 801.3 Signs of mechanics, painters and other such artisans during the period such persons are performing work on a residential premises; providing, (1) the size of the sign is not in excess of 9 square feet, and (2) the sign is removed upon completion of the work.
- 801.4 Trespassing signs and signs indicating the private nature of a driveway or property; providing the size of the sign shall not exceed 3 square feet.

- 801.5 Signs directing and guiding traffic and parking on private property and bearing no advertising matter.
- 801.6 Signs not exceeding 9 square feet in area installed on a temporary basis, not exceeding three months, to sell an occasional item from the premises, or to hold a garage sale or similar event.
- 801.7 Temporary signs not exceeding 35 square feet in area announcing special public or institutional events, the erection of a building, the architect, and/or the contractors may be erected for a period of 60 days plus the construction period.

Section 802 Signs for Home Occupations and Home Lot Occupations

As established in Sections 700 and 701, where a home occupation use or a home lot occupation is permitted, the maximum area of the sign, where used, shall be 9 square feet.

Section 803 Specific Regulations for Point-of-Sale Signs by Type of Land Use

The following regulations are given based upon the type of the principal land use activity occurring on a property. These regulations are applicable where a land use activity is functioning on a property - not on vacant land. All land use activities are divided among the following categories: residential, institutional, commercial, industrial and public open space:

- 803.1 Signs on Residential Properties. On properties with established residential land use (households), signs shall not be installed except as provided in Section 801 of this Ordinance; providing, however, that for housing developments (subdivision and apartment complexes) one ground sign not exceeding 35 square feet may be installed for each such development, denoting its name and/or other items of pertinent information.
- 803.2 Signs on Institutional Properties. Signs designating and/or explaining institutional uses such as churches, schools, nursing homes, philanthropic and charitable institutions, private clubs, lodges, *etc.*, may be of the wall, ground and/or freestanding types. There shall be no limit on amount of wall signage used except there shall be no more than one overhanging sign. There shall be no more than one ground sign installed and its area shall be a maximum of 35 square feet. There shall be no more than one freestanding sign on the property and its area shall be a maximum of 35 square feet.
- 803.3 Signs on Commercial and Industrial Properties. Signs designating, advertising and/or explaining commercial and industrial uses (including agricultural operations) shall be subject to the following regulations:

- i. There shall be no limit on the area of wall signage that may be used except that there shall be no more than one overhanging sign for each principal activity.
- ii. There shall be one ground sign permitted for each principal activity; the maximum area that may be displayed through ground signage shall be 100 square feet. Should an applicant want to install more than one ground sign, he may request permission to do so making his case before the Zoning Hearing Board. In presenting his appeal to the Board, he shall provide a plan, including sketches and elevation drawings, where possible, showing the overall signage plan for the site.
- iii. There shall be one freestanding sign permitted for each principal activity; the maximum area of which shall be 45 square feet.
- iv. There shall be one ground sign permitted for a shopping center or industrial park development in addition to the signage permitted each principal activity in these developments. The maximum area permitted for this ground sign shall be 100 square feet.

803.4 Signs in the Public Open Space District, POS. Signs in this district shall be regulated by the Commonwealth of Pennsylvania; no signage requirements shall be administered by the Township in this District; however, where applicable in Section 800, the Commonwealth shall obtain zoning permits from the Township.

Section 804 Non Point-of-Sale Signs

Non point-of-sale signs, either ground signs or freestanding signs, shall be permitted in the Restricted Residential, General Residential, General Commercial, Light Manufacturing and Conservation Districts providing the following requirements are met:

804.1 All other requirements of this Ordinance are complied with.

804.2 Each sign shall be no larger than 50 square feet in area; providing, however, signs 140 square feet or larger may be permitted in certain districts as established in Section 805.

804.3 Each sign shall be:

- i. A minimum of 100 feet from the nearest side property line; providing, however, that at corner properties a principle of the "1st sign" shall be observed in which case no front or side yard setbacks shall be required; however, the provisions of Section 708 shall be complied with;

- ii. A minimum of 150 feet from any other non-public sign on the same side of the road as the proposed sign; and
- iii. A minimum of 300 feet from the nearest residence in any direction.

Section 805 Non point-Of-Sale 140 Square Feet or Larger (Billboards).

A sign permitted under this section shall be called a billboard even though it may not be designed like the conventional billboard:

805.1 Billboards shall be permitted only in the General Commercial and the General Residential Districts.

805.2 Billboards shall comply with the following requirements:

- i. Be positioned a minimum of 25 feet back from the public road right-of-way; (from both roads if on a corner lot);
- ii. Be located a minimum of 500 feet from the nearest residential, public or institutional building in any direction;
- iii. Be located a minimum of 150 feet from the nearest side property line.

ARTICLE 9. – OFF-STREET PARKING AND LOADING 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 in 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 additional building area added.

Section 901 Size of Off-Street Parking and Loading Areas

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. For parking spaces where 90 degree angle (perpendicular) parking is utilized, the aisle and parking space, together, shall be a minimum of 40 feet. For parking spaces where 45 degree angle parking is utilized, the aisle and parking space, together, shall be a minimum of 30 feet.

Section 902 Off-Street Loading Spaces

The number of required off-street loading spaces is not fixed in this Ordinance. Where loading spaces are a consideration, they vary depending on the type and size of the activity. Normally, one off-street loading space is sufficient to serve the average establishment.

Section 903 Paving, Drainage and Maintenance

The required number of parking and loading spaces, together with driveways and aisle, 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.

Section 904 Location of Off-Street Parking and Loading Spaces

Parking and loading spaces shall be located on the same lot as the uses which they are intended to serve. Where the developer cannot meet the required number of off-street parking spaces on his property, he may request a variance from the strict requirements of this Ordinance, and he may propose to provide additional needed off-street parking spaces on nearby property within a reasonable distance of the proposed development.

Section 905 Parking Space Requirements

For purposes of this Ordinance, the following minimum parking space requirements shall apply. Parking space requirements for other permitted, special exception 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:

Type of Use	Minimum Parking Spaces Required
<u>Residential</u>	
Single family	Two per dwelling
Mobile and modular homes	Two per dwelling unit
Conversion dwelling	One per dwelling unit
Multi-family dwellings	Two per dwelling unit
Boarding and rooming houses and bed and breakfast	One for each family accommodation plus one for every four persons
Group homes	One for each supervising staffer and one for every four persons that can be served in the home
<u>Commercial</u>	
Automobile service station	One for each gasoline pump and two for each service bay
Bowling alley	Four for each alley
Drive-in establishment	Ten plus one for each employee
Laundromat	One for each machine on the premises
Motel and hotel	One for each rental unit and one for each two employees
Office buildings, both municipal and private, professional service establishments, banks	One for each 300 square feet of floor area
Restaurants	One for each four seats
Retail stores and personal service establishments	One for each 200 sq. ft. of floor area
Shopping center	Two sq. ft. of gross parking area for each one sq. ft. of commercial floor area

Type of Use	Minimum Parking Spaces Required
<u>Commercial (Cont.)</u> All other commercial areas	One for each 300 square feet of floor area
<u>Industrial</u> Manufacturing activities, upholstering shops, artisan shops and printing establishments	One for each two employees and one for each motor vehicle used in the business
Wholesale & warehousing establishments	One for each 3,000 square feet of floor area
<u>Other Uses</u>	
Churches and other places of assembly	One for each five seats
Clubs and lodges	One for each 200 square feet of floor area
Skilled care facility	One for each three beds and one for each employee
Day care centers	One for each two employees and one for each vehicle used in the activity
Elementary school	One for each teacher and staff member and one for each six seats in the auditorium
Funeral home	One for each 50 square feet of aggregate floor area in the viewing room, slumber rooms, and individual funeral service rooms and one for the family in residence, if any
Health care facilities	Three for each doctor or dentist and one for each two employees
Civic/cultural, schools	One for each 300 square feet of floor area

ARTICLE 10. – CLUSTER DEVELOPMENTS

Section 1000 Purpose

This Ordinance provides for cluster development in order:

- 1000.1 To encourage innovations in residential development and to foster greater variety in the type, design and siting of dwellings;
- 1000.2 To provide a creative alternative to the conventional development which occurs on a lot by lot basis subject to traditional zoning regulations; and
- 1000.3 To provide residents with greater access to common open space and recreation facilities than would be possible under the more conventional land development process.

The 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 the cluster development technique through the superior designs of dwellings, site relationships and land parcelization, and through the establishment of a special arrangement for community organization and management which fixes additional responsibilities on residents for maintenance of common areas and community services and utilities. The provisions of this Article are based upon and are intended to be in harmony with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 1001 General Requirements

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

- 1001.1 Ownership. Throughout the planning and approval process, land to be developed under the provisions of this Article shall be in single ownership, and 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 administrative structure shall be established by the developer to maintain common areas designated in the development plan and site improvements or utilities that are not accepted for public maintenance.

1001.2 The tract of land shall be located in a zoning district which permits the cluster development.

Section 1002 Permitted Uses

A cluster development may include all housing types, except mobile homes, customary residential accessory uses, and recreation uses serving the development. 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 apartment and townhouse apartments; prefabricated homes including mobile homes in the double wide, stacked and expandable forms; churches, schools, nonprofit 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 1003 Minimum Size and Density of Development

Cluster developments shall have a minimum gross area of 1.5 contiguous acres. Using the cluster development technique, the applicant may increase the residential density of the development by 20% over what would normally be allowed based upon the bulk regulations established in the applicable district.

Section 1004 Processing Requirements

A cluster development shall be subject to review and approval in accordance with Land Development Standards and Requirements set forth in Article VI of the Pine Township Subdivision and Land Development Ordinance. The procedure for review and approval shall follow the requirements set forth in Section 601 of the Pine Township Subdivision and Land Development Ordinance.

Section 1005 Recording of Final Development Plan

The original site development plan drawing, or a reproducible and equally satisfactory copy thereof, shall be in the hands of the Supervisors before its final action on these plans. Upon approval of this plan, it shall be recorded in the office of the County Recorder at the applicant's expense.

Section 1006

Cluster Development Involving Subdivision Plat

Where a subdivision is involved in the development, it shall be processed as required in the Township subdivision regulations and shall be given its final approval when the final development plan is approved for the cluster development and recorded concurrently with the final development plan.

Section 1007

Plan Requirements

1007.1

Preliminary Plan Review. In addition to the preliminary plan requirements set forth in Section 602.1 of the Pine Township Subdivision and Land Development Ordinance, the following items of information shall be submitted for review. Additional information may be required 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 housing types, all proposed structures, uses (residential and nonresidential), traffic circulation systems, all utility systems, and common open space; and other required improvements.

1007.2

Final Plan Review. In addition to the final plan requirements set forth in Section 602.2 of the Pine Township Subdivision and Land Development Ordinance, the following items of information shall be submitted for final plan review. Additional information may be required as necessary for the public review. Plans shall be submitted by an engineer, landscape architect and/or architect under appropriate seal.

- a. A general site development plan legibly prepared on tracing film or equal material at the 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.

Section 1008

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.

- 1008.1 Performance Requirements. The development plan shall indicate how adequate privacy, light, air and protection from noise shall be achieved through building design, street layout, screening, plantings and the special siting of buildings.
- 1008.2 Public and Private Streets. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or a residents association. Private streets shall meet Township standards regarding subgrade preparation, base and subsurface construction. Off-street parking areas may be integrated with public street design and construction providing maintenance responsibilities are acceptable to the Township.
- 1008.3 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.
- 1008.4 Compliance with the design standards set forth in Article IV entitled Design Standards and Improvement Requirements of the Pine Township Subdivision and Land Development Ordinance shall be required unless clearly inapplicable.

Section 1009

Required Improvements

The developer shall make satisfactory provision for the community improvements necessary to the proper functioning of the development.

- 1009.1 Improvements and Utilities. Survey and boundary monuments, streets, street signs, water supply, sewage disposal, storm water runoff devices and structures, and open space improvements shall be provided as necessary. All water supply and sewage disposal facilities shall be planned, designed, and approved in accordance with the requirements of the Pennsylvania Department of Environmental Protection and any other authority, governmental entity or agency having responsibility therefor.
- 1009.2 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.

1009.3

Assurances. Before the final plan is approved by the Township Supervisors, required public improvements (distinguished from private improvements to be maintained by the developer or a residents association) shall be:

- a. Approved or licensed under the regulations and procedures, where applicable, of the Public Utility Commission or Authority or such other responsible entity.
- b. Constructed by the developer and approved by the Township.
- c. Guaranteed in accord with Article V of the Pine Township Subdivision and Land Development Ordinance.
- d. Covered under some agreement mutually satisfactory to both the developer and the Supervisors and in the best interests of the Township.
- e. Covered under any combination of the above methods as listed b. through d.

1009.4

Organization. In addition, the developer shall demonstrate that he has completed all of the organizational requirements necessary to the functioning of the residents association where this entity will be used. The articles of incorporation and the bylaws of this association shall be recorded in the office of the County Recorder along with the site development plan.

Section 1010

Amendments

Major revisions to the approved final plan, such as changes in land use, major realignment of streets, major changes in the common open space systems, major changes in building locations, shall be considered as amendments to the final plan and shall be processed in the same manner as the initial plan. All other changes to the approved plan shall be submitted to the Supervisors and, with the Supervisors' concurrence that such changes are minor in nature, shall be filed in the Township records as approved normal, nonsubstantial changes to the final cluster development plan. All proposed changes submitted to the Township shall be delineated graphically on plans, as applicable, with accompanying text as needed.

ARTICLE 11. – MOBILE HOME PARK, RECREATIONAL VEHICLE PARK AND CAMPGROUND (COLLECTIVELY REFERRED TO AS "DEVELOPMENTS")

Section 1100 Process Requirements

It shall be unlawful for an applicant to establish, construct, or extend a mobile home park, recreational vehicle park and campground (collectively referred to as "Developments"), unless such applicant obtains a valid permit issued by the Pennsylvania Department of Environmental Protection and approval under the provisions of this Ordinance as a conditional use. One copy of the conditional use application for the development, which contains adequate plans, details and narrative, shall be submitted as required under the Township's Subdivision and Land Development Ordinance. In its review of the application, the Board of Township Supervisors may seek the opinions of qualified experts of their choice to advise them regarding compliances with the required standards. Any expense associated with obtaining expert advice from qualified experts may be charged to the applicant.

Section 1101 Minimum Area Requirements

The minimum gross area of the site for mobile home park, recreational vehicle park and campground developments shall be four (4) contiguous acres of land.

Section 1102 Required Facilities for Mobile Home Park

Each mobile home stand shall contain only a one family unit and shall be supplied with connections to sanitary, water and electrical systems. Common sewage and water systems shall be provided in accordance with applicable laws and regulatory requirements. Each mobile home shall have a toilet, bathtub or shower, heating system, and kitchen in good working order. The mobile home park owner shall make adequate provisions for refuse handling and removal and 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 site facilities.

Section 1103 Site Requirements for Mobile Home Park

- 1103.1 The locations of mobile homes 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.
- 1103.2 Mobile home lots within the park shall have a minimum of 5,000 feet; double and triple wide mobile home lots shall have a minimum of 6,500 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 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.

- 1103.3 There shall be, overall, a minimum of 2 parking spaces for each mobile home stand in the mobile home park.
- 1103.4 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 footing 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%.
- 1103.5 There shall be a minimum distance of 20 feet between each mobile home, 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 and the boundary of the nearest abutting internal street or common area. There shall be a minimum distance of 100 feet between each mobile home and the development's boundary lines.
- 1103.6 Walks shall be planned and constructed so as to provide safe and convenient access throughout the mobile home park, connecting individual stands 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.
- 1103.7 A common area(s) shall be provided to serve the residents of the mobile home park. A minimum of 10% of the gross acreage shall be established and developed as a common area.
- 1103.8 Adequate storage facilities conveniently located to lots in the mobile home park shall be provided for storage of outdoor equipment, furniture and tools and such other material that may be used only infrequently and which cannot be conveniently stored in the typical mobile home.
- 1103.9 Where the mobile home park accommodates 20 or more mobile home lots, a street lighting system shall be constructed. In the event the park's initial development includes less than 20 lots, the street lighting system need not be installed at this initial development; however, where an expansion of the park to 20 or more mobile home lots is contemplated, the lighting shall be planned

and installed when the expansion phases are reached. The developer shall indicate with plans and specifications how the street lighting system shall be constructed, showing in particular the method of mounting the lights.

- 1103.10 In the vicinity of the mobile home park street system and lots there shall be the equivalent of one shade tree per lot. Existing trees may be counted as meeting this requirement providing their trunks measure 2½ inches in diameter at a point 2 feet from the ground. In meeting this requirement, newly planted trees shall be 2½ inches in diameter measured, again, 2 feet from the ground.

Section 1104 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 1105 Required Facilities and Length of Occupancy for Recreational Vehicle Park and Campground

Each dependent recreational vehicle 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 provisions for refuse handling and removal and for the storage and supply of fuel where applicable. The owner shall be responsible for maintaining the site in a clean and sanitary condition. An adequate system, or storm water drainage shall be shown on development plans and shall be part of the required site facilities. The length of occupancy for any one customer shall be limited to no more than eight months.

Section 1106 Site Requirements for Recreational Vehicle Parks and Campgrounds

- 1106.1 The locations of recreational vehicle stands and 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.
- 1106.2 Recreational vehicle 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 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 (where installed) shall be constructed with a permanent, stable, dust-free surface adequate for use during all seasons.

- 1106.3 There shall be a minimum of 1½ parking spaces for each recreational vehicle stand and campground "set-up" area. Additional off-street parking over and above that required on recreational vehicle lots and campground "set-up" areas shall be provided in specially constructed common parking lots.
- 1106.4 There shall be a minimum distance of 15 feet between each recreational vehicle unit, including accessory structures attached thereto, and any portion of any other structure in the park. There shall be a minimum distance of 15 feet between each recreational vehicle unit and the boundary of the nearest abutting internal street or common area. There shall be a minimum distance of 100 feet between each recreational vehicle unit and campground "set-up" area and the park's boundary lines; providing, however, where the development is adjacent to one of the residential districts as established in this Ordinance the minimum distance between a recreational vehicle unit or a campground "set-up" area and the residential district boundary shall be 150 feet.
- 1106.5 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.
- 1106.6 A common area(s) 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(s).

Section 1107

Access and Internal Road System for Developments

- 1107.1 The minimum width of the portion of the site used for vehicular access to the Township's public street system shall be 60 feet.
- 1107.2 The internal street system shall be privately owned and maintained and shall be designed for safe and convenient access to all lots, stands, "set-up" areas 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 is permitted, 8 feet of street 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. No internal street that is constructed as part of a development shall be located closer than 100 feet from a

residential district as established in this Ordinance.

Section 1108

Visual Relation to Surrounding Area

Either partial or full screening may be required at the boundaries 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. The screening techniques required may be of the type that effectively block views immediately upon installation.

Section 1109

Signs for Development

One ground sign identifying the development shall be permitted. The sign shall have an area no greater than 40 square feet and shall be positioned on the property such that the bottom portion of the display area is a minimum of 7 feet above the grade level of the centerline of the nearest adjacent public road.

Section 1110

Uses Other Than Residential

No auxiliary commercial uses 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.

ARTICLE 12. – NONCONFORMITIES

Section 1200 Intent

Within the districts established by this Ordinance or amendments that may be later adopted, there exists lots, structures, uses of land, uses of structures, and characteristics of use which were lawful before this Ordinance was adopted or amended, but which are or would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments to this Ordinance. These uses of structure and/or land may exist, and may be sold, leased, or otherwise legally transferred and the new owner may continue such lawful 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 1201 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 lot 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; providing, however, for the aforementioned lots of record the Zoning Officer shall exercise the authority to grant side and rear lot yard variances for single family dwelling development proposals in the following instances, (1) for side yards to a total of 15 feet wherein one of the side yards shall be a minimum of 10 feet and wherein no side yard shall be less than 5 feet, and (2) for accessory uses in rear yards to 5 feet from the property line.

Section 1202 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 building thereon do not meet the requirements established for lot width and area, the lands involved shall be considered to be a single undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

Section 1203 Nonconforming Uses and Structures

The following provisions shall apply to all nonconforming uses and structures:

- 1203.1 Any nonconforming use may be continued, but may not be extended or expanded unless to a conforming use, except as permitted in accordance with the provisions of this Ordinance.
- 1203.2 Any nonconforming building which has been damaged or destroyed by fire or any other casualty may be reconstructed and used as before, if such reconstruction is performed within twelve (12) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content.
- 1203.3 In the event that any nonconforming use, conducted in a structure or on land, is terminated for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance.
- 1203.4 The nonconforming use of a building may be extended throughout those parts of the building which were manifestly arranged or designed for such use at the time of adoption of this Ordinance.
- 1203.5 A nonconforming use may be changed to a different nonconforming use with the approval of the Zoning Hearing Board as a special exception, provided that the Board finds the new use less potentially injurious to the health, safety and welfare of its neighborhood, and more consistent with the permitted uses within the zoning district.
- 1203.6 A building or structure hosting a nonconforming use may, with the approval of the Zoning Hearing Board as a special exception, be extended, enlarged or replaced if the floor area of the additional or expanded building space is less than 50% of the floor area of the building occupied by the nonconforming use before the expansion or enlargement.
- 1203.7 Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance and where construction is completed within six (6) months from the date of issuance of the permit.
- 1203.8 Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- 1203.9 If a nonconforming structure is reoccupied by any lawful use within that district, which involves no physical change to the structure's dimensions, all yard, lot and area requirements shall be waived.

1203.10 Yard, lot and area requirements shall apply to nonconforming use or structure changes requiring a special exception.

Section 1204 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 structure or part thereof declared to be unsafe by any public official charged with protecting the public health and safety.

Section 1205 Not Nonconforming Uses

Where an existing use of premises, or of a building, or of premises and building in combination was permitted under this Ordinance as a conditional use, special exception or variance, such shall not be considered nonconforming.

ARTICLE 13. – ADMINISTRATION

Section 1300

Building and Zoning Permits

1300.1 Permit Required. A building and zoning permit shall be required for and prior to:

- a. Construction, erection, movement, alteration or enlargement of a building or structure.
- b. Placement of a mobile, modular, or manufactured home or unit.
- c. Change in use of any building or structure.
- d. Use and development of land or change in the use, except the placing of vacant land under cultivation.
- e. Change in use, alteration or extension of a nonconforming use.
- f. Placement or construction of sign.

1300.2 Permits Not Required. Building and zoning permits are not required for:

- a. Accessory buildings, silos, walls and fences incidental to agricultural operation.
- b. Sidewalks, steps, driveways, terraces, patios, flag poles, dog houses, fences and lawn and recreational equipment (such as swings, playhouses, benches, picnic tables and ornamental objects).
- c. Minor repairs to existing buildings or structures, including alterations to the interiors of buildings and alterations involving exterior siding, windows and roofing which do not affect or change the layout, form and size of a building or the structural components.

Section 1301

Application for Permits

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

1301.1 Name, address and phone number of applicant.

- 1301.2 Description of property.
- 1301.3 Existing use of property.
- 1301.4 Proposed use of property.
- 1301.5 Zoning District.
- 1301.6 Description of work contemplated.
- 1301.7 Estimated cost.
- 1301.8 Actual dimensions of the lot and dimensions and location of buildings or proposed additions (including such things as floor area, number of floors or stories, height, and other dimensions).
- 1301.9 Existing and proposed setbacks.
- 1301.10 Location of all buildings and structures on abutting land within fifty (50) feet of the property line.
- 1301.11 Location of road access, and location and number of parking spaces and loading facilities if applicable.
- 1301.12 The number of dwelling units if applicable.
- 1301.13 Existing and proposed screening or visual buffers, including materials and plant type.
- 1301.14 A statement that the applicant is the owner of the lot or a copy of a written agreement between the owner and the applicant to permit the proposed construction.
- 1301.15 A statement regarding other permits required and whether they have been obtained.
- 1301.16 All other information necessary for the Zoning Officer to determine compliance with this Ordinance and all other pertinent ordinances.

Section 1302

Issuance of Permit

- 1302.1 No building and zoning permit shall be issued until the applicant has established that the proposed work will be undertaken in conformity with the requirements of this and all other applicable federal, state and local laws and

regulations, including, but not limited to, the Subdivision and Land Development Ordinance, Pennsylvania Sewage Facilities Act, applicable building codes, Pennsylvania Dam Safety and Encroachments Act, Pennsylvania Fire and Panic Act and that all other permits required have been or will be issued under these laws or regulations.

- 1302.2 Within 15 days after receipt of the application, the Zoning Officer shall issue or deny the permit or issue a written request for additional information required in order to determine whether a permit should be issued.
- 1302.3 No permit shall be issued unless all required fees have been paid.
- 1302.4 If, 60 days after receipt of the application, sufficient information has not been received to determine whether the permit should be issued, the application shall be denied unless the Zoning Officer finds there is good cause for allowing additional time for consideration of the application and grants a written extension of time.

Section 1303

Fees

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

Section 1304

Placards

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

Section 1305

Construction and Use to be as Provided in Application, Plans and Permits

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

Section 1306

Inspection for Compliance

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

Section 1307

Expiration of Permits

If the work for which the permit is issued has not begun within one year from the date of issuance, the permit shall expire. It shall be revoked by the Zoning Officer, and written notice thereof shall be given to the applicant. If the work described in any zoning permit has not been substantially completed within 3 years of the date of issuance, said permit shall expire and shall be revoked by the Zoning Officer; written notice thereof shall be given to the applicant, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension of time granted. Where a zoning permit has expired or is about to expire, the applicant may request an extension of time which the Zoning Officer may grant for good cause.

Section 1308

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 14. — VARIANCES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

Section 1400 Board Approval Required

Uses permitted by special exception or conditional use are only permitted when approved by either the Zoning Hearing Board or Board of Supervisors, as appropriate, after public hearing pursuant to public notice.

Section 1401 Applications/Procedures for Variance, Special Exceptions and Conditional Uses

- 1401.1 Requests for variance, special exception or conditional use shall be first presented to the Zoning Officer for review by filing an application containing the information required by Section 1301 above with the Zoning Officer to determine whether a variance, special exception or conditional use is necessary.
- 1401.2 If a variance, special exception or conditional use is necessary in order to proceed with a proposed use or development, the applicant shall submit an application for variance, special exception or conditional use on a form prescribed by the Township which shall include a site diagram and reasons why the application should be granted under the applicable criteria referred to below. When the completed application and required fee shall have been received by the Zoning Officer, he shall make arrangements for a public hearing.
- 1401.3 Additional Conditional Use Requirement. Within 10 days of the receipt of a completed application for conditional use and the required fee, the Zoning Officer shall transmit the application, together with comments, to the Township Planning Commission which shall, within 30 days of receipt, review the application and forward its recommendations to the Board of Supervisors.
- 1401.4 Hearing Procedures. A public hearing shall be held by the Zoning Hearing Board on any request for variance or special exception and by the Board of Supervisors on any request for conditional use in the manner required by the applicable provisions of the Pennsylvania Municipalities Planning Code and Section 1603 of this Ordinance.

Section 1402

Standards for Variance

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

- 1402.1 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
- 1402.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 1402.3 That such unnecessary hardship has not been created by the appellant.
- 1402.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 1402.5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

Section 1403

Standards for Special Exception

Special exceptions shall be granted by the Zoning Hearing Board where the following findings are made:

- 1403.1 The use is permitted as a special exception under the terms of this Ordinance.
- 1403.2 The specific criteria, if any, for allowing the use by special exception will be met.
- 1403.3 The use, if permitted, will be consistent with the community and development objectives and plans, and suitable to the tract with respect to

matters such as highway access, availability of utilities and services, traffic impact, economic impact, and impact on neighborhood.

- 1403.4 It has not been established that the use for which the permit is sought would be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare; the proposed use would create unreasonable traffic congestion, traffic hazards, fire hazards, water hazards, sanitary, or other health hazards; and the proposed use would unreasonably interfere with or impair the supply of adequate and safe light, water, or air, the availability of adequate drainage or sewage or refuse facilities, or other utilities, or otherwise impose an undue threat to the health and safety of adjoining property owners.

Section 1404

Standards for Conditional Use

A conditional use permit shall be granted by the Board of Supervisors where the following findings are made:

- 1404.1 The use is permitted as a conditional use under the terms of the ordinance.
- 1404.2 The specific criteria, if any, for allowing a conditional use will be met.
- 1404.3 The use conforms with the community and economic development objectives; would be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located; and would not be hazardous, disturbing, or detrimental to existing or future neighboring uses, physically, environmentally, socially or economically.
- 1404.4 The use will be adequately served by public facilities and services such as highways, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated.
- 1404.5 The use will not involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of unreasonable or excessive traffic, noise, vibrations, smoke, dust, fumes, glare or odors.
- 1404.6 The use will cause 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.

- 1404.7 The use will cause no noise which is considered objectionable, because of its volume, frequency or beat, to the average person's sense of hearing perceptible at any point beyond a line 10 feet outside the boundary or lot lines of the proposed use.
- 1404.8 The use will cause no emissions and/or discharges into the air or water which do not meet government standards.
- 1404.9 The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance and significance.
- 1404.10 The use will provide, through maintenance of setbacks and screening by plantings, fences or other landscape features, an effective buffer to block unsightly views and noise from adjacent properties and public roadways.

Section 1405

Expiration of Special Exceptions, Variances and Conditional Uses

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

ARTICLE 15 – VIOLATIONS, ENFORCEMENT, PENALTIES AND APPEALS

Section 1500 Violations

No land shall be used, developed or occupied, and no building or structure shall be constructed, erected, altered, used or occupied, except in conformity with the regulations established for the district in which such land, building or structure is located, in conformity with permits issued under this Ordinance and in conformity with the requirements of this Ordinance.

Section 1501 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Officer stating fully the cause and basis for the complaint. The Zoning Officer shall investigate the matter and take action as appropriate.

Section 1502 Enforcement Notice

When it appears to the Township Supervisors and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested, in writing, by the owner of record. The enforcement notice shall state the following:

- 1502.1 The name of the owner of record and any other person against whom the Township intends to take action.
- 1502.2 The location of the property in violation.
- 1502.3 The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
- 1502.4 The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- 1502.5 That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- 1502.6 That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Note: See Section 616.1 of the Pennsylvania Municipalities Planning Code.)

Section 1503

Enforcement

If no appeal is taken from the Enforcement Notice within thirty (30) days, then the Township or Zoning Officer may seek any remedy provided by the Pennsylvania Municipalities Planning Code or amendment thereto, or otherwise permitted by law including a civil enforcement proceeding before the District Justice to obtain a civil penalty as provided in Section 1105.

(Note: See Sections 617 through 617.2 of the Pennsylvania Municipalities Planning Code.)

Section 1504

Civil Penalty

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation continues shall constitute a separate violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

(Note: See Section 617.2 of the Pennsylvania Municipalities Planning Code.)

Section 1505

Other Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township or the Zoning Officer, with the approval of the Supervisors, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by

serving a copy of the complaint with the Township Secretary. No such action may be maintained until such notice has been given.

(Note: See Section 617 of the Pennsylvania Municipalities Planning Code.)

Section 1506 Time and Manner for Appeal

Any person receiving an Enforcement Notice or aggrieved by determination or decision of a Zoning Officer has thirty (30) days from the date of the Enforcement Notice or determination or decision to institute an appeal. The appeal shall be taken to the Zoning Hearing Board by filing with the Zoning Officer or Township Secretary a written request for appeal on a form prescribed by the Township.

(Note: See Sections 615, 909.1, 913.3 and 914.1 of the Pennsylvania Municipalities Planning Code.)

**ARTICLE 16 – ORGANIZATION, FUNCTION AND RESPONSIBILITY OF
ZONING OFFICER, ZONING HEARING BOARD AND BOARD
OF SUPERVISORS**

Section 1600

Zoning Officer

A Zoning Officer shall be appointed by the Board of Supervisors to administer and enforce the provisions of this Zoning Ordinance. The Zoning Officer shall have such duties and powers as are assigned to him in this Ordinance and the Pennsylvania Municipalities Planning Code and as are reasonably implied for that purpose. The duties of the Zoning Officer shall include, but are not limited to the following:

- 1600.1 Receive, examine and issue all applications for building and zoning permits in conformance with the terms of this Ordinance. Issue permits if it is determined that an application is in compliance with the provisions of this Ordinance and deny permits if it is determined that an application is not in compliance with the provisions of this Ordinance.

- 1600.2 Issue permits for uses and structures involving special exception variances and conditional uses only after such uses and/or buildings have been approved by the Zoning Hearing Board or Board of Supervisors as appropriate in accordance with the regulations of this Ordinance.

- 1600.3 Inspect to ascertain that building and development have been completed in conformity with the requirements of this Ordinance and the permits issued.

- 1600.4 Maintain an official record of all business and activities, including complaints of violations of any of the provisions of this Ordinance and of the action taken on each such complaint. Record and file all applications for permits with any accompanying plans and documents. Maintain the official copy of the zoning ordinance and map including all amendments thereto.

- 1600.5 Identify and register nonconforming uses and structures created as a result of the adoption of the zoning ordinance or created as a result of any subsequent amendment.

- 1600.6 Order the action necessary to correct any violation of this Ordinance where violations are found to exist, and order discontinuance of illegal uses of land, buildings or structures; removal of illegal structures; and discontinuance of any illegal work.

- 1600.7 Take action to enforce the Ordinance in accordance with the powers provided in this Ordinance and the Pennsylvania Municipalities Planning Code including, but not limited to, issuing Enforcement Notices and filing actions

with the District Justice, as authorized by the Supervisors, for imposition of civil penalties.

1600.8 Inspect premises as may be necessary for the enforcement of this Ordinance.

Section 1601 Zoning Hearing Board

There shall be a zoning hearing board appointed by the Board of Supervisors consisting of three (3) members and two (2) alternates, all of whom are to be appointed in accordance with the provisions of the Pennsylvania Municipalities Planning Code. The Zoning Hearing Board shall be organized and conduct hearings in accordance with requirements set forth in the Pennsylvania Municipalities Planning Code and amendments thereto.

The Zoning Hearing Board shall hear and decide requests for variances, special exceptions, appeals from Enforcement Notices and other Zoning Officer determinations, challenges to the validity of the Ordinance and all other matters over which it has jurisdiction and which have been requested by written application on a form prescribed by the Township and shall have all other powers and duties with respect to its proceedings as are set forth in the Pennsylvania Municipalities Planning Code and amendments thereto.

(Note: See Sections 906-908, 909.1, 910.2, 912.1, 913.3, 914.1, 915.1 and 916.1 of the Pennsylvania Municipalities Planning Code and amendments thereto.)

Section 1602 Functions of Board of Supervisors

The Board of Supervisors shall hear and decide requests for conditional uses, curative amendments and other zoning amendments and all other matters over which it has jurisdiction and which have been requested by written application on a form prescribed by the Township and shall have all other powers and duties with respect to its proceedings, as are set forth in the Pennsylvania Municipalities Planning Code and amendments thereto.

(Note: See Sections 607 through 610, 909.1, 913.2, 913.3 and 916.1 of the Pennsylvania Municipalities Planning Code.)

Section 1603 Procedure for Hearings

The Zoning Hearing Board with respect to hearings for variances, special exceptions and all other manner of appeals within its jurisdiction, and the Board of Township Supervisors, with respect to hearings for conditional uses and all other manner of appeals within its jurisdiction, shall conduct hearings in accordance with the applicable requirements of the Pennsylvania Municipalities Planning Code which are summarized below.

- 1603.1 Notice shall be given to the public by notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing, identify the subject property and applicant and describe the particular nature of the matter to be considered at the hearing. The two publications shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing. Written notice shall be given to the applicant, Township officials and to any person who has made timely request for the same. Written notice of said hearing shall also be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- 1603.2 The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.
- 1603.3 The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the Board for that purpose.
- 1603.4 The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- 1603.5 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. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 1603.6 A stenographic record of the proceedings shall be made. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the transcripts shall be borne in the manner provided in the Pennsylvania Municipalities Planning Code.
- 1603.7 The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any

communication, reports, memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

1603.8 The Board shall make its decision at a public hearing/meeting either at the originally scheduled hearing or at a reconvened hearing date. The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Ordinance or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

1603.9 A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their names and addresses with the Board no later than the last day of the hearing, the Board shall provide, by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 1604 Planning Commission

The Pine Township Planning Commission shall have the following duties:

1604.1 Review all proposed conditional use applications and amendments to this Ordinance and make recommendations to the Township Supervisors thereon.

1604.2 From time to time as needs arise, propose to the Supervisors amendments to this Ordinance.

1604.3 Conduct other reviews and make recommendations as required by the provisions of this Ordinance.

Section 1605 Relationships: Zoning Officer, Zoning Hearing Board, and the 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 Supervisors shall not include hearing and deciding questions of interpretation and enforcement that may arise.

Section 1606 Amendments

This Zoning Ordinance and the provisions thereof may be amended at any time by the Township Supervisors in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, and other applicable laws. Amendments may be proposed by the Township Supervisors, the Township Planning Commission or landowners. If a zoning amendment is proposed by a landowner, it shall be submitted to the Zoning Officer in writing on a form prescribed by the Township. The determination of whether to proceed with the procedures for zoning amendments as set forth in the Pennsylvania Municipalities Planning Code shall rest with the sound discretion of the Township Supervisors.

(Note: See Section 609 of the Pennsylvania Municipalities Planning Code.)

Ordained and Enacted into law by the Board of Supervisors of Pine Township this 4th day of November 1996, A.D. 1996.

Pine Township Board of Supervisors

By: Daniel W. Footman
Chairman

By: Donald E. Meyer
Supervisor

By: James P. Stewart
Supervisor

Attest:

By: Jane Davis
Secretary

Certification

I hereby certify the within to be a true and correct copy of the original ordinance duly enacted by the Pine Township Supervisors on November 4, 1996, a quorum being present for the transaction of business.

Jane Davis
Secretary

REC'D MAR 24 2008

PINE TOWNSHIP,
CRAWFORD COUNTY, PENNSYLVANIA

ORDINANCE NO. 2008-1

AN ORDINANCE TO AMEND THE PINE TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 1 OF 1996, TO ADD AND CLARIFY REGULATIONS RESTRICTING SIGNAGE ALONG U.S. ROUTE 6 AND STATE ROUTE 3011 CONSISTENT WITH THE SCENIC BYWAYS PROGRAM.

Whereas the Board of Supervisors of Pine Township desires to participate in the Pennsylvania Scenic Byways Program to protect and preserve the scenic quality of U.S. Route 6 and State Route 3011 within the Township and to make certain changes to its zoning regulations to implement this state wide program.

Now, Therefore, be it ordained and enacted by the Board of Supervisors of Pine Township and it is hereby ordained and enacted by and with the authority thereof as follows:

Section 1. Amendment to Definitions. Section 300 of Article 3 entitled Definitions of Ordinance No. 1 adopted November 4, 1996, as thereafter amended, the Pine Township Zoning Ordinance (hereinafter referred to as the Pine Township Zoning Ordinance) is hereby amended by adding the following definitions:

Erect (as related to signs). To construct, build, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. The term shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance and repair of a sign or sign structure.

Municipality or Municipal. Pine Township and its Board of Supervisors or designated representatives.

Owner. Any person with a legal or equitable ownership interest in property and any person holding title to property under deed, lease, contract or other legal right.

Person Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, or any other legal entity recognized by law. Whenever used in a provision prescribing and imposing a penalty, fine or imprisonment, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or public or private corporation.

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

Sign, Non-Point-of-Sale. Any outdoor sign, display, light figure, painting, drawing, message, plaque, poster or billboard or other thing which is designated, intended or used to advertise or inform of an activity or use conducted at a site and parcel of real estate different from the property on which the sign is located.

Sign, Point-of-Sale. Any outdoor sign, display, light, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform of an activity or use conducted on the premises on which it is located.

Section 2. Scenic Byway Sign Regulations Added. Article 8 entitled "Sign Regulations" of the Pine Township Zoning Ordinance, is hereby amended by adding a new Section 806 as follows:

Section 806. Scenic Byway Non-Point-of-Sale Sign Regulations.

806.1 Purpose. The following regulations are intended to implement the "Scenic Byway" designation within Pine Township along portions of U.S Route 6; Beginning Segment 0130, Beginning Offset 0000, Ending Segment 0130, Ending Offset 2945, beginning at the Conneaut and Pine Township municipal boundary and ending at the Linesville Borough municipal boundary, thence Beginning segment 0180, Beginning Offset 0000, Ending Segment 0210, Ending Offset 1976, continuing from the Lineville Borough and Pine Township municipal boundary to the Pine and Summit Township municipal boundary; S.R. 3011, Beginning segment 0160, Beginning Offset 0000, Ending Segment 0190, Ending Offset 2138, beginning at the Pine and North Shenango Township municipal boundary to the Pine and Linesville Borough municipal boundary by prohibiting non-point-of-sale signs along U.S. Route 6 and S.R. 3011 in accordance with the parameters set forth in state and federal law, and to enable state or federal funding to be obtained to preserve the natural beauty of this highway and to promote the public welfare.

806.2 Non-Point-of-Sale Signs Prohibited. No non-point-of-sale sign, as defined, may be erected by any owner, person responsible or other person:

- A. Within 660 feet of the nearest edge of the right-of-way of U.S. Route 6 and State Route 3011; or
- B. More than 660 feet from the nearest edge of the right-of-way of U.S. Route 6 and State Route 3011 if the sign is visible from the main-traveled way of U.S. Route 6 and State Route 3011 and the purpose of

the sign is that its message be read from the main traveled way of U.S. Route 6 and State Route 3011.

- 806.3 Exceptions.** The prohibition set forth in Section 806.B above shall not apply to:
- A. Official signs and notices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. §131 (relating to control of outdoor advertising);
 - B. Signs advertising the sale or lease of the real property upon which the sign(s) are located.
 - C. Signs advertising activities conducted on the property on which they are located including devices which display a message that may be changed at reasonable intervals by electronic process or remote control; and
 - D. Directional signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions and other points of interest to the traveling public which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. §131.
- 806.4 Existing Signs.** All non-point-of-sale signs constructed and existing on the effective date of this Ordinance, which would be prohibited under this Ordinance, shall be permitted except that if the sign or device shall not be used for advertising for a period of one year or shall become dilapidated, the sign or device shall be removed and shall not be replaced.
- 806.5 Landowner Responsibility.** Persons holding legal title to property on which a condition of premises is being maintained in violation of this Ordinance shall be subject to the remedies, penalties and liability imposed by enforcement of the Ordinance as well as other persons responsible.
- 806.6 State Byway Program.** If the roadway is designated a Byway by the Commonwealth of Pennsylvania, Department of Transportation, the Township shall enforce the prohibitions set forth in this Ordinance and shall not revise this Ordinance without the prior written approval of the Department. Failure to do so may result in revocation of the Byway designation.

Section 3. Amend Section 804. Section 804 of Article 8 entitled "Non-Point-of-Sale Signs" of the Pine Township Zoning Ordinance is hereby amended by amending the introductory paragraph to read as follows:

"Except as regulated by Section 806, non-point-of-sale signs, either ground signs or freestanding signs, shall be permitted in the Restricted Residential, General Residential, General Commercial, Light Manufacturing and Conservation Districts providing the following requirements are met:"

Section 4. Amend Section 805. Section 805.1 of Article 8 entitled "Non-Point-of-Sale 140 Square Feet of Larger (Billboards)" of the Pine Township Zoning Ordinance is hereby amended by amending the Section 805.1 to read as follows:

"Except as regulated by Section 806, billboards shall be permitted only in the General Commercial and General Residential Districts."

Section 5. Remaining Provisions Preserved. All other provisions of Ordinance No. 1 of 1996, the Pine Township Zoning Ordinance as amended and supplemented from time to time shall remain in full force and effect as herein modified.

Section 6. Repealer. All Ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.


Section 7. Severability. The provisions of this Ordinance shall be severable, and if any provisions hereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provision not been included herein.

Section 8. Effective Date. This Ordinance shall become effective five (5) days after enactment.

Ordained and Enacted this 10 day of March, 2008, by the Board of Supervisors of Pine Township.

Pine Township Board of Supervisors

By: 
Chairman

Attest:
By: 
Secretary