

ZONING ORDINANCE

TOWNSHIP OF SOUTH SHENANGO, CRAWFORD COUNTY, PENNSYLVANIA

ARTICLE 1 GENERAL PROVISIONS

Section 101 Title:

The official title of this Ordinance is: "Zoning Ordinance, Township of South Shenango, Crawford County, Pennsylvania", and may be referred to as the " South Shenango Township Zoning Ordinance".

Section 102 Effective Date:

This Ordinance shall become effective Seven (7) days after final passage by the Board of Supervisors.

Section 103 Compliance:

Any structure or building to be or being constructed, placed, located, erected, reconstructed, altered, moved, converted, or enlarged shall be constructed, placed, located, erected, constructed, reconstructed, moved, converted, altered, or enlarged in full compliance with all the provisions of this Ordinance and only after the lawful issuance of all permits and certificates required by this Ordinance. Any structure or land to be used, or being designed to be used, or being used shall be in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

Section 104 Severability:

The provisions of this Ordinance shall be severable, and, if any of its provisions shall be unconstitutional, the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional provisions not been included therein.

Section 105 Repeal:

All ordinances or part thereof conflicting herewith be and the same are hereby repealed. Specifically repealed is Section 302 of the Township Subdivision and Land Development ordinance, related to minimum lot size.

Section 106 Authority:

This Ordinance is adopted pursuant to the powers granted to the Township by Article VI and Section 601 of the Pennsylvania Municipalities Planning Code (herein referred to as "MPC")

Section 107 Purpose and Provisions:

The purposes and provisions of this Ordinance are those as set forth by Sections 603, 603.1, and 604 of the Pennsylvania Municipalities Planning Code, as same may be amended from time to time.

Section 108 Statement of Community Development Objectives:

This Ordinance is intended to implement the South Shenango Township Comprehensive Plan of 1979, as adopted. All Community Development Goals and Objectives from that document are adopted herein by reference.

Section 109 Schedule of Fees

- A. The Township Board of Supervisors shall, from time to time, establish, by resolution, a schedule of fees, charges and expenses and a collection procedure for zoning permits and certificates, appeals and other matters pertaining to this Ordinance. The schedule of fees may be posted in the Township office, and may be amended only by official action by the Township Board of Supervisors.
- B. No permit, certificate, application or variance shall be issued, nor shall any action be taken on proceedings before the Zoning Hearing Board unless, or until, such costs, charges, fees or expenses have been paid in full.
- C. A zoning permit or certificate shall be required for all new construction, additions or alterations affecting exterior dimensions of existing structures; and, for any structural or interior changes required for a change of the structure's use, or for any change in use.
- D. Any application for amendment, variance, special exception, conditional use, permit or any other application or certificate within the scope of this Ordinance, shall be accompanied by a fee, such fee to be established by resolution of the Township Board of Supervisors, who may, from time to time revise such fees in order to bear a reasonable relationship to the costs involved.

Section 110 Municipally Owned Property

This Ordinance shall not apply to South Shenango Township, Crawford County, in the exercise of its normal municipal functions of emplacing signs and essential services within public rights of way. The Township will adhere to all use and dimensional requirements for any municipal building.

Section 111 Interpretation of Regulations

Whenever the provisions of this Ordinance are at variance with provisions in other parts of this Ordinance, or any other lawfully adopted and applicable rules, regulations or ordinances, the more restrictive requirements shall govern.

Section 112 Uses not provided for

If the zoning officer determines that a proposed use of land is not provided for within any districts within the bounds of the Township and the use is not substantially similar to any defined uses, he shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use as a special exception in the Agricultural District (AD), only, pursuant to all other regulations of said district and with the imposition of any reasonable additional conditions and safeguards as may be imposed pursuant to Section 601.

Section 113 Other Government Properties

- 113.1 Property owned, leased or operated by the Commonwealth of Pennsylvania, or the United States, or any other public or governmental body or agency, shall be subject to the requirements of this Ordinance as follows:
- A. Where such public or governmental uses are specifically listed, they shall be governed as indicated.
 - B. Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature.
- 113.2 Governmental entities and agencies shall be exempt from the provisions of this Ordinance only to the extent that it has been determined that the Township has no power to apply its zoning regulations to the particular use of land.
- 113.3 Public Utilities subject to Pennsylvania Public Utility Commission regulation shall be exempt from requirements of this Ordinance with regards to safety signs, essential service structures no greater than one hundred (100) Square Feet gross area by ground coverage and four (4) Feet in height, poles for electric, telephone, and fiber optic line, subsurface wire and conduit, and underground piping. Other public utility structures and buildings, including but not limited to telecommunications towers, sewage treatment plants and structures, must comply with all use and setback requirements for the applicable zoning district.

Section 114 Prohibited Conduct

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

ARTICLE 2

DEFINITIONS

Section 201 Interpretation

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage. Definitions taken directly from the Pa. Municipalities Planning Code (herein referred to as "MPC") are followed by the note "MPC." Definitions related to Oil and Gas Development are found in Section 405.

Section 202 Specific Terms

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

Abut - A lot that shares a property line with another and has no intervening street or navigable stream right of way.

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

Accessory Use - A use incidental to and subordinate to and located on the same lot occupied by the Principal Use to which it relates.

Agricultural Operation - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. (MPC)

Agricultural Sales and Services - Businesses selling goods or services to a substantially agricultural clientele, including: feed mills, seed sales, feed grinding services and agricultural implement dealers, or businesses that process and sell agricultural products produced upon the same premises, or primarily within the local community. Such businesses may include other incidental retail sales, such as hardware and pet supplies.

Artisan and Craftwork - A business involved in both producing and selling unique or distinctive items made from ceramic, textile, metal, or wood, with an emphasis on handwork and non-mechanized production. Artisan and craftwork differ from other manufacturing in that no machinery requires greater than consumer 220 volt electrical service.

Assisted Living - Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

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

Bed and Breakfast Inn - A single family, owner occupied, residence offering, for pay, overnight or short-term lodging and meals for transient guests.

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

Bottle Club – An establishment operated for profit or pecuniary gain, which has a capacity for the assemblage of twenty (20) or more persons and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, or any organization as set forth in Section 6 of the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act.

Buffer Yard-an area of a lot reserved for landscaping, fencing, or other techniques to minimize light and noise impacts upon surrounding properties.

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

Building or Set-Back Line – The line to which a building or structure may encroach towards a yard or setback.

Bulk Fuel Oil Storage Yard - Businesses involved in the storage of propane, fuel oil, gasoline, or other similar substances for wholesale distribution or delivery. This definition does not include accessory sales of portable propane tanks or consumer fuel pumps as part of a retail store.

Business Services - Any business activity that renders service to other commercial enterprises such as office supplies, computer repair and network services, retail print scanning and copy services, or financial services including banks, check cashing, credit unions and similar financial services.

Campgrounds and Recreational Vehicle Parks - An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins (which may lack plumbing or toilet facilities) tents, and recreational vehicles. (See also definition of recreational vehicle)

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

Cemetery - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery. This definition does not include accessory burial of family members on land belonging to an agricultural operation or single family dwelling.

Commercial Recreation, Indoor - A facility which offers various indoor recreational opportunities for its patrons including such games as: pool, billiards, bowling, video games, miniature golf and similar pursuits.

Commercial Recreation, Outdoor Intensive - A facility which offers various outdoor recreational or spectator opportunities for its patrons including go-cart raceways, paintball, auto raceways, motor sports, commercial shooting ranges, and similar pursuits. This definition also includes a facility that has amplified music performances in an outdoor setting. This category does not include annual or seasonal festivals held by nonprofit community organizations, or businesses, which may include occasional accessory or incidental outdoor performances.

Commercial Stable or Riding Academy - An equine facility that leases space for care of equines not owned by the proprietor, and may include riding lessons, use of proprietor's animals, and care of animals. It may include events for equine enthusiasts.

Communications Antenna – A device used for radiating or receiving electromagnetic waves (especially microwaves and radio waves).

Communications Tower - A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

Companion Dwelling Unit An accessory dwelling unit located upon a lot occupied by a single family dwelling, provided the accessory dwelling is occupied by a qualified occupant as specific under Section 308.

Conditional Use - A use to be allowed or denied by the Board of Supervisors pursuant to public notice and hearing and recommendations by the South Shenango Township, Crawford County, Planning Commission and pursuant to the express standards and criteria set forth in this Ordinance. In allowing a Conditional Use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and of this Ordinance.

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

Contractor's Office, Garage and Storage Yard/Lumber Yard and Building Materials Sales The office and storage yard of a construction business, or the storage of material in outdoor yards for retail sale, including, lumber, pipe, culverts and block.

Correctional Facility or Halfway House - A facility that provides lodging, meals, counseling, treatment, and rehabilitation to adjudicated delinquents, parolees, and individuals, with security to confine said persons.

Convenience Store – A small store, selling a limited variety of food and nonfood products, including prepared food but with limited or no patron seating, typically with extended hours of operation. Convenience stores may also sell gasoline or other motor vehicle fuels.

Coverage – The percentage of a lot covered by buildings or structures, measured as gross floor area of the largest floor divided into lot area.

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

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

Childcare for less than four (4) children will not be considered as Day Care Services. Day care for seniors or other persons in need will be considered the same use based upon number of such persons cared for.

Dog Kennel - A facility for care of canines when licensed as such by the Pennsylvania Department of Agriculture or a similar facility for boarding domestic felines whether licensed or not.

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

- (a) Single family dwelling - a building containing only one (1) dwelling unit.
- (b) Two family dwelling - a building containing two (2) dwelling units, regardless of configuration.
- (c) Multi family dwelling - a building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments.

Dwelling Unit - A building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one (1) family. No multiple family dwelling unit shall have a gross floor area of less than five hundred fifty (550) square feet, and no single family dwelling shall have a gross floor area of less than one thousand one hundred (1100) square feet, exclusive of basements.

Eating and Drinking Places - A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state.

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

Exotic Animal Raising and Care - The keeping of exotic wildlife as defined and regulated by the Pennsylvania Game Commission. The phrase "exotic wildlife" includes, but is not limited to, all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals were bred or reared in captivity or imported from another state or nation.

Family - An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than Four (4) unrelated persons living together as permanent residents without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together as permanent residents in a group living arrangement with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Group Home, Assisted Living Facility, or Nursing Home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act or persons who constitute a direct threat to others or their physical property. Family does not include transient guests as herein defined except that no more than two (2) transient guests may lodge on a temporary basis in a dwelling also occupied by a family.

Family Day Care Homes - (See Day Care Services)

Flea Market – A business which leases outdoor, tent or partially enclosed space to persons who wish to vend a variety of new and used goods for sale to the general public by displaying those goods on tables, in or on motor vehicles, or on the ground. This definition does not include farmers' markets, which sell produce, flowers, and similar agricultural products.

Forestry - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes. Pursuant to Section 603f of the Pa Municipalities Planning Code, forestry shall be a Permitted Use by right in all zoning districts wherein harvesting of timber is not conducted pursuant to any land development.

Funeral Home - A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial (including cremation on-site in compliance with Commonwealth law), the performance of autopsies and other surgical procedures, the storage of caskets, funeral urns and other related funeral supplies, and the storage of funeral vehicles.

Garage Sale - A temporary event to sell used household goods from a single family dwelling, an accessory building, or a yard area. Garage sales are a permitted temporary accessory to a single family dwelling, provided that no such sales shall exceed seven (7) days in duration, and no more than thirty (30) days of such sales occur within any calendar year from the premises.

Golf Course - Land for playing the sport of golf or practicing driving, consisting of a minimum of nine holes or a two hundred yard driving range, but excluding miniature golf, and similar golf-associated activities except as accessory uses on a golf course.

Gross Floor Area (GFA) - total floor area inside the building envelope, including all areas under the roof and enclosed by four walls.

Group Day Care Homes - (See Day Care Services)

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

Heavy Industry – The manufacture, storage, processing, and treatment of materials which are potentially hazardous, or processes which produce significant amounts of smoke, noise, glare, or dust or odor as a primary or secondary effect of the Principal Use of the land or buildings. Heavy Industry characteristically employs some of such equipment such as smokestacks, tanks, distillation or reaction columns, chemical processing equipment, scrubbing towers, pickling equipment and waste-treatment lagoons. Heavy industry, although conceivably operable without polluting the environment, has the potential to pollute when equipment malfunctions or human error occurs. Examples of heavy industry are oil refineries, basic steel manufacturing plants (such as foundries, blast furnaces, and stamping mills), industries handling animal offal or hides, basic cellulose pulp-paper mills and similar fiberboard and plywood production, production of cement and asphalt, lime manufacturing, ore and metal smelting and refining, and chemical plants such as petrochemical complexes. An incinerator structure or facility which, including the incinerator, contains five thousand (5,000) Square Feet or more, whether public or private, is “heavy industry” for purpose of this Ordinance, as is any electric power production plant which is a Principal Use, whether said power is generated by coal, natural gas, cogeneration or more than three (3) wind turbines (unless such turbines are clearly accessory and incidental to a dwelling or other business).

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

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

Home-Lot Occupation – A form of light manufacturing or service or repair business conducted as accessory to a home or an owner resident, but conducted in a fully enclosed accessory building. In addition to home occupations, which may be conducted as home lot occupations in an accessory building; examples may include woodworking enterprises, repair services such as welding or machinery repair, and incidental retail sales of items generally produced on the premises. This definition may also include small-scale retail enterprises of no greater than three thousand (3,000) square Feet in size and limited to hours of operation of no greater than 9:00 a.m. to 8:00 p.m.

Hospital - An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, but not providing for care or residential services of persons who are legally incarcerated or residents of a halfway house, except in an incidental manner. This definition includes clinics which dispense controlled substances, including but not limited to methadone as an outpatient service

Indoor Commercial Recreation - See “Commercial Recreation, Indoor”

Intensive Outdoor Recreation - See “Commercial Recreation, Outdoor Intensive”

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

Junk Yard - Any place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses and vehicles lacking current inspection or registration except for storage. However, it does not include municipal recycling centers where no materials are stored in an exterior environment.

Landscaping, Nursery and Farm Markets - A business involved in the outdoor sale of garden supplies, retail plants, or bulk materials such as mulch, topsoil and stone. These businesses may include greenhouses and agricultural activities, or storage of equipment for installing landscaping at other sites as well as retail sales or wholesale. This definition also includes farm markets that do not produce agricultural products upon the premises.

Light Industry - The assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce: noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within four hundred (400) Feet, including but not limited to, production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats). This definition also includes truck terminals as defined herein and a use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or materials stored outside buildings.

Limited Retail Business - Small commercial establishment providing light retail goods or services for the convenience of residents of the municipality, which is compatible with the essential character of the neighborhood or district; is not disruptive to neighboring residential uses; confines sales, services and storage activities to the interior of the building; and conforms with the other requirements of the district in which it is located. Limited commercial establishments shall further be defined as those which do not exceed three thousand (3,000) Square Feet of gross floor area.

Livestock are domesticated animals generally raised in an agricultural setting for production of commodities such as milk or food or wool. The term includes cattle, goats, sheep, pigs and hogs.

Lot - A tract or parcel of land, regardless of size, held in single or joint ownership, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean "parcel," "plot," "site," or similar term. (MPC)

Lot, Corner – A lot at the point of intersection of and abutting on two (2) or more intersecting streets.

Lot, Flag - A lot which has a narrow strip connecting the lot to a public road in order to provide owned access to the main part of the lot. The access strip shall be a part of that lot but shall not be used in computing the minimum lot area. No structure may be placed within the access strip except for driveways, vehicle parking, fencing or a lawful sign.

Lot, Line - Any line dividing a lot from another lot or from an abutting street or other right of way.

Minerals - Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, lime stone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas. (MPC)

Mineral Extraction - Mineral extraction shall include all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

Mobile home - A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. (MPC). However, the Township requires all such units to be installed upon a permanent foundation prior to occupancy.

Mobilehome Lot - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome. (MPC)

Mobilehome Park - A parcel of land under single ownership which has been planned and improved for the placement of mobile_homes for non-transient use, consisting of two (2) or more mobile home lots. (MPC) However, a single family dwelling of mobile home type with one (1) accessory mobile_home also located upon the lot and meeting all other standards of this Ordinance, shall be regarded as a companion dwelling unit as defined by this Ordinance.

Motel or Hotel - A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for travelers. The definition includes hotels, motor lodges, cottages with full bath and toilet, and similar uses.

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

Nonconforming Lot - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment. (MPC)

Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. (MPC)

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

Nursery greenhouse sales, Landscaping Supply - A retail business which includes outdoor sales where stock in trade is limited to products from an agricultural operation, live plants, or bulk quantities of stone, mulch or similar natural materials, except for incidental other items .

Nursing Home - A facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania. For the purposes of this Zoning Ordinance, a nursing home, as licensed by the Commonwealth of Pennsylvania may also include personal care or assisted living options.

Outdoor Commercial Recreation - A facility which offers outdoor recreational or spectator opportunities for its patrons including such games as: miniature golf, driving ranges, tennis, team sports such as soccer or baseball, camps and clinics for sport instruction and similar pursuits. This category does not include recreation fields accessory to schools, churches or community based non-profit organizations.

Parking Space - An open space with a dustless all-weather surface, or space in a private garage or other structure with an effective length of at least eighteen (18) Feet and a uniform width of at least nine (9) Feet for the storage of one (1) automobile and accessible from a public way.

Permitted Use- A principal or accessory use that is permitted outright or as a matter of right in the ordinance provided that all general and specific conditions are met.

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

Personal Services - Any enterprise conducted for man which primarily offers services to the general public, such as: shoe repair, valet services, clothing alternations, barber shops, beauty parlors, tanning salons, tattoo and body piercing,

exercise and fitness studios, pet grooming (when not including overnight kenneling) and massage services (when certified by the Pennsylvania State Board of Massage Therapy).

Place of Worship and Assembly - A place of religious instruction or public gathering, which may include accessory instruction, office and charitable activities. Examples include Churches, Synagogues, Mosques and Temples, government assembly halls, Municipal buildings and structures, indoor museums and libraries. This definition does not include a public school, university, college, trade or commercial school, day care services, or any form of group residence or halfway house.

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

Principal Use - The main or dominant use and/or structure occurring upon a lot.

Private Clubs and Lodges – Buildings and related facilities owned and operated by an association or group of individuals established for fraternal, social, educational, conservation, recreational or civic benefit of members. Full access to facilities is typically restricted to members and their guests. Facilities may include a clubhouse, dining facilities, golf courses, swimming, tennis, non-commercial shooting ranges when operated in daylight hours, primitive camping, or cabins. For the purposes of this Ordinance, this definition does not include miniature golf, golf driving ranges (unless accessory to a full golf course), paintball, commercial hunting, commercial motor sports, or other uses defined by this Ordinance as various forms of commercial recreation. It also may not include any sexually oriented business or bottle club.

Professional Office - The office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation. This definition also includes offices where information is stored, received or processed, but no manufacturing occurs except printing services on a desktop scale.

Public Parks and Playgrounds - Parks and playgrounds that are owned and operated by the Township of South Shenango, Crawford County, the Commonwealth of Pennsylvania or by an authority created for such purposes by the Township or any government agency.

Public Utility Structure - A part of an electrical generation, transmission and distribution system. Structures transform voltage from high to low, or the reverse, or perform any of several other important functions.

Recreational Vehicle- Any licensed or unlicensed trailer or other vehicle designed or used for temporary living or sleeping purposes, regardless of whether the wheels are attached or unattached or a permanent or semi-permanent foundation is constructed underneath. "Recreational vehicle" shall include, but not be limited to, travel trailers, pickup coaches, motorized homes and recreation transport trailers and shall be defined as follows:

- A. Travel Trailer - A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation purposes, and when equipped for the road, must be licensed.
- B. Pickup Coach: - A structure designed primarily to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- C. Motor Home - A motorized vehicle with sufficient equipment to render it suitable for use as a temporary dwelling of travel, recreational and vacation uses. Such units must be licensed and inspected.

Research Lab - A facility that conducts quasi industrial testing of materials and products, such as crash testing, toxicity, and explosive research. Facilities doing light research such as water testing or registered geologists shall be regarded as professional offices or business services.

Retail Business - A building which houses durable and non-durable goods for sale to the general public, but only includes incidental outdoor sales, and incidental sales of prepared food for consumption on site.

Rooming and Boarding House - A dwelling which leases at least two sleeping rooms occupied, or intended to be occupied, to more than two persons not related by blood, marriage, or adoption to the owner or a named tenant.

Sanitary Landfill/Waste Disposal Site - A disposal site employing an engineering method of disposing of solid or other lawful wastes in a manner that minimizes environmental hazards. This definition includes solid waste transfer stations and other processing facilities.

Sawmill - A business that cuts raw logs into lumber for construction or other uses, and may include planing, or lumber drying services.

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

Service and Repair Business – A form of equipment service or repair which may include woodworking enterprises, repair services such as welding, vehicle or machinery repair, and incidental fabrication or retail sales of items.

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

Sexually Oriented Business-A business enterprise requiring a license pursuant to Township Ordinance ___of ___

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

Screening - Screening shall mean an opaque fence, screen planting or wall at least six (6) Feet high, provided in such a way that it will block a line of sight.

Shopping Center - A building or group of buildings that may contain individual businesses devoted to retail, eating and drinking places, professional offices, and business services and personal service shops.

Sign- any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification. The actual area of any sign shall be measured in square feet and determined by the sum of the geometrically computed area(s) encompassing separate individual letters, words, or graphic elements on the background.

Sign, Electronic – a sign or portion thereof that displays electronic alphanumeric, video or graphic information using different combinations of single color light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, and capable of changeable copy or images. Electronic signs include computer programmable, microprocessor or other remotely controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs with no other content. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

Sign, Multi-Vision – any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows, on a single sign structure, the display at any given time, one of two or more images.

Sign, Façade, Fascia, or Wall - a sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

Sign, Freestanding - a sign principally supported by one or more columns, poles, or braces placed in or upon the ground.

Sign, Window - a sign affixed to the surface of a window with its message intended to be visible to exterior environment.

Single Family Dwelling - See "Dwelling"

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

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

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

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

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

Theater - A building that houses an auditorium for live or film performances, but is not a bottle club or hosts regular performances of sexually explicit live entertainment.

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

Transient Guest: A transient person who maintains legal residency elsewhere or otherwise does not meet expectations of permanent residency, but may be lodging in the township under a commercial basis for a period of less than thirty (30) days. No more than two (2) transient Guests shall occupy any dwelling or dwelling unit at any one time unless approved as a bed and breakfast.

Transitional Housing Facility - A structure whose Principal Use is to provide shelter for more than a 12 hour period to two (2) or more persons who are homeless, subject to abuse, under a protection from abuse order, or whom otherwise need transitional housing, but are not persons in group housing due to being adjudicated a juvenile delinquent, having a criminal record, or have a status as a sex offender, or persons who currently use illegal drugs, or persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others. (See also Halfway House)

Two Family Dwelling - See "Dwelling, Two Family"

Variance A request for relief from provisions of a zoning ordinance, pursuant to Article 600.8 H of this ordinance and Section 910.2 of the Pennsylvania Municipalities Planning Code.

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

Yard - That portion of a lot that is unoccupied and open to the sky and extends from the lot line or right of way to a setback or yard line.

Yard, Front – A setback line from an adjacent right of way extending for the full width of the lot.

Yard, Rear – A yard between the rear lot line and a line drawn, parallel thereto at such distance as may be specified herein for any zoning district, and extending for the full width of the lot.

Yard, Side – An open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

Yard Sale - See Garage Sale

Zoning Officer - The Zoning Officer of the Township of South Shenango, Crawford County, or his/her authorized representative.

ARTICLE 3

DISTRICT DESCRIPTIONS AND REGULATIONS

Section 301 Zoning Map

A map entitled "Zoning Map, Township of South Shenango, Crawford County, Pennsylvania" which identifies the Zoning Districts, is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file, available for examination at the Township Office. Copies of the Zoning Map, together with the Zoning Ordinance, shall be made available to the general public by the Township at a reasonable fee to be determined by resolution of the Board of Supervisors.

Section 302 Zoning Districts:

The Township is divided into the following zoning districts as shown by the district boundaries on the Zoning Map.

302.1 **The Agricultural District (AD)** is intended for rural areas where agriculture is historically present, intense development is not anticipated and sewer and water facilities are not planned. Within this context, a wide variety of development is permitted, but intended density is low. Minimum lot size and required setbacks are larger to mitigate possible land use conflict, and ensure adequate space for development in an area of the Township with soil and other environmental limitations.

302.2 **The Lake Residential District (LRD)** is established to provide a residential growth area consistent with the Comprehensive Plan and to protect areas of single family residential development from land use conflict which could be caused by nonresidential development. Other uses will be permitted only to the extent they do not jeopardize the quiet use and enjoyment of single family dwellings and residential neighborhoods.

302.4 **RO Rural Opportunity District (ROD)** is established to provide for both residential dwellings limited commercial activities which are deemed compatible with nearby residential areas on major transportation corridors within the Township. Greater density can be accommodated in these areas where public water or sewer is planned or available.

Section 303 District Boundaries

District boundaries that are shown within the lines of streets, streams, and transportation right of ways shall be deemed to follow the center lines. The vacation of streets shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this Ordinance. Any territory hereafter annexed by the Township or gained through discovery, survey, or mapping error will be automatically zoned (A) Agricultural District until otherwise classified by the Township.

Section 304 Permitted Principal Uses, Conditional Uses and Special Exceptions

The **Permitted Principal Uses, Conditional Uses and Special Exceptions** for each district are shown in Table 304A below, and are considered Principal Uses unless clearly noted. Conditional Uses may be granted or denied by the Board of Supervisors after the recommendation of the Planning Commission and in accordance with the provisions of this Ordinance. Special Exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a Conditional Use or Special Exception, the Township Supervisors or the Zoning Hearing Board, as the case may be, may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood. Permitted Uses will be approved or denied by the Zoning Officer per the provisions of this Ordinance, including any and all standards and conditions. Uses in each category shall be per the common meaning of the term or according to definitions set forth in Article 2.

In the AD, and ROD Districts, more than one principal Use or principal structure may be located upon a single lot, provided that all minimum lot sizes and setbacks can be complied with individually for each use by devoting sufficient sizes to each use. In the LRD District, only one principal use or principal structure is permitted per each lot, except that no impact home based businesses, home occupations, in-home day care services, and similar endeavors within a dwelling shall be considered accessory to the use of the dwelling.

South Shenango Township Zoning Table 304A

P – Permitted Use CU Conditional Use SE Special Exception NP Not Permitted
Numbers in parenthesis refer to the location of additional specific standards required for specific uses within this ordinance.

Use /Zoning District	Agricultural District (AD)	LR Lake Residential District (LRD)	RO Rural Opportunity District (ROD)
Agricultural Sales or Service Business	P	P (See Section 402)	P
Agriculture Operation	P	P (See Section 401)	P
Artisan and Craftwork	P (see Section 437)	NP	SE (see Section 437)
Bed and Breakfast	P (See Section 423)	SE (See Section 423)	SE (See Section 423)
Billboards	SE (See Section 502.14)	NP	NP
Boat Sales and Service and Off-Season Storage	P	SE (See Section 420)	SE (See Section 420)
Bottle Clubs	CU (See Section 431)	NP	NP
Bulk Fuel Oil Storage Yard	CU (See Section 432)	NP	NP
Business or Commercial School	CU (See Section 425)	NP	CU (See Section 425)
Business Services	P (See Section 425)	NP	P (See Section 325)
Campgrounds and Recreational Vehicle Parks	CU(See Section 408)	CU(See Section 408)	CU(See Section 408)
Car Wash	SE (See Section 424)	NP	SE (See Section 424)
Cemeteries	P	NP	P
Commercial Stable or Riding Academy	P	NP	P
Communications Antennae	P	NP	P
Communications Tower	SE See Section 416)	NP	NP
Companion Dwelling Unit	P (See Section 308)	NP	NP
Contractor’s Office, Garage and Storage Yard Lumberyard and Building Materials Sales	P (See Section 422)	NP	SE (See Section 422)
Convenience Store, including Gasoline Sales	NP	NP	CU (See Section 428)
Correctional Facility or Halfway House	CU (See Section 417)	NP	NP
Day Care Center	P	NP	SE (See Section 413)
Dog Kennel	CU(See Section 409)	NP	NP
Eating and Drinking Place	CU (See Section 428)	CU(see Section 428)	CU (See Section 428)
Essential Services	P	P	P
Exotic Animal Raising and Care	CU(See Section 407)	NP	NP
Family Day Care Home	P	SE (See Section 413)	SE (See Section 413)
Flea Market	NP	NP	CU (See Section 427)

Use /Zoning District	Agricultural District (AD)	LR Lake Residential District (LRD)	RO Rural Opportunity District (ROD)
Forestry	P	P	P
Gasoline Service Station/ Repair and Service Business	SE (See Section 424)	NP	SE (See Section 424)
Golf Course	P	NP	P
Group Day Care Home	P	NP	SE (See Section 413)
Heavy Industry, including Power Generation	CU (See Section 436)	NP	NP
Home Lot Occupations	P (see Section 404)	NP	P (See Section 404)
Home Occupations	P	SE (See Section 404)	P
Indoor Commercial Recreation	NP	NP	SE(See Section 403)
Intensive Outdoor Recreation	CU (See Section 403)	NP	NP
Junk Yards	CU (See Section 433)	NP	NP
Light Industry	P (See Section 438)	NP	NP
Medical, Dental or Chiropractic Offices	P (See Section 425)	SE (See Section 425)	P (See Section 425)
Mineral Extraction	CU(See Section 406)	NP	NP
Mobilehome Park	CU(See Section 411)	NP	NP
Motel or Hotel, including Restaurant Conference Rooms and Supporting Facilities	NP	CU (see Section 426)	CU (See Section 426)
Multiple Family Dwelling		SE (See Section 410)	SE (See Section 410)
Municipal, Public Authority, or Volunteer Fire Department Facility	P	P	P
Natural Gas and Oil Development (See Section 405 for definition)	CU(See Section 405) Conventional Wells as defined by Act 13 are permitted uses	NP	NP
No-Impact Home-Based Business	P	P	P
Nursery greenhouse sales, Landscaping Supply	P	NP	P
Nursing Home Personal Care Home	P (See Section 410)	NP	SE (See Section 410)
Offices (All Types except Medical and Contractor's, including Professional Services)	P	SE (See Section 439)	P
Outdoor Commercial Recreation	CU (See Section 403)	NP	NP

Use /Zoning District	Agricultural District (AD)	LR Lake Residential District (LRD)	RO Rural Opportunity District (ROD)
Outdoor Sales and Rentals; including Automobiles, Agricultural and Contractor's Equipment, Recreational Vehicles, and Mobile Homes	P (See Section 420)	NP	SE (See Section 420)
Personal Services	P (See Section 425)	NP	P (See Section 325)
Place of Worship and Assembly	P	P	P
Private Membership Recreational Facility	CU (See Section 418)	NP	NP
Public and Private Accredited Schools, Hospitals, Colleges and Universities	CU (See Section 419)	NP	CU See (Section 419)
Public Parks and Playgrounds	P	P	P
Research Lab	P (See Section 436)	NP	SE (See Section 438)
Sanitary Landfill/Waste Disposal Site	CU (See Section 435)	NP	NP
Sawmills	CU (See Section 434)	NP	NP
Self-Service Storage Facilities	P(See Section 421)	NP	SE (See Section 421)
Sexually Oriented Business/Adult Entertainment Business	CU (See Section 439)	NP	NP
Shopping Centers and Retail Sales of Greater than 10,000 Square Feet of Floor Area	NP	NP	CU (See Section 428)
Shopping Centers and Retail Sales, All Types (Floor Area 10,000 Square Feet of Floor Area or Less)	P	CU(See Section 428)	P
Single Family Dwellings	P	P	P
Theater	NP	NP	CU (See Section 428)
Transitional Housing Facility	CU (See Section 414)	NP	NP
Two Family Dwelling		SE (See Section 410)	
Veterinary Clinics	P	NP	P

Section 304B Permitted Accessory Uses

The types of Accessory uses listed in Table 304B shall be permitted as indicated. Accessory uses that require a UCC permit, or application exemption, shall apply for and receive a building permit or certificate. Other accessory uses shall be permitted provided they can be shown to be substantially similar to a listed accessory use, and they shall be located on the same lot as the Principal Use. All accessory uses are also subject to lot, dimension, and use standards.

Table 304.B Use Class	Typical incidental and accessory uses
All Uses	Parking and driveways, lawful signs, solid waste storage areas, gardening and landscaping, small storage sheds for property maintenance, small recreational and play structures, religious symbols, walls, fences, lamp posts, necessary stormwater management structures and facilities
Agricultural Operations	Buildings and structures for storage of machinery, equipment, and livestock, fences, grain or forage storage and treatment structures, manure management structures, water storage and irrigation, structures and uses for on farm sales of items produced upon the premises, exterior fuel and fertilizer tanks
Single Family Dwellings	Residential garages (noncommercial for storage and incidental repair of vehicles) , swimming pools, gazebos, storage sheds, home gardening and noncommercial greenhouses, dog kennels, home play or exercise equipment, home communication reception devices
Multiple Family Dwellings	All single family accessory uses plus laundry facilities, community recreation buildings for residents of a development
Retail and Service Business	Drive in and drive through facilities, business communication reception devices
Industry	Buildings for grounds maintenance, small storage sheds, exterior fuel tanks for fueling vehicles, loading docks and bays, outdoor scales, storage silos for noncombustible and non-explosive materials. Antennae mounted upon existing towers

Section 305 Standards for Lots, Required Setbacks, Height Limitations and Coverage

No lot shall be created and no building or structure erected, emplaced, constructed or expanded, except in compliance with Table 305. However, any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its lot area and width are less than the minimum required by this Ordinance. Such a lot of record must comply with the yard, height and coverage standards of the zoning district wherein it is located. Where two (2) or more adjacent lots of record with less than the required area and width are held by one (1) owner, on or before the date of enactment of this Ordinance; the Township shall require replatting to fewer lots, or deed restrictions, or a deed of consolidation to bring the lots of record to greater conformity with the minimum requirements of this Ordinance. **(See also Section 500.9)**

Table 305 Lots, Required Setbacks, Height Limitations and Coverage

Zoning District	Min. Lot Area	Min. Lot Width	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height#	Max. Coverage
Agricultural District (AD)							
Single-Family Dwelling* (With approved on lot sewer systems)	5 Acres	150 ft.	40 ft.	25 ft.	25 ft.	35 ft.	15%
All Other Permitted uses and conditional uses or special exceptions when not otherwise specified	5 Acres	200 ft.	40 ft.	40 ft.	25 ft.	45 ft.	20%
LR Lakeside Residential District (LRD) /RO Rural Opportunity District (ROD)							
Single-Family Dwelling*(With public Sewer)	15,000 sq. ft.	100 ft.	40 ft.	25 ft.	25 ft.	35 ft.+	25%
Single-Family Dwelling* (With approved on lot sewer systems)	1 Acre	150 ft.	40 ft.	25 ft.	25 ft.	35 ft.+	15%
All Other Permitted uses and conditional uses or special exceptions when not otherwise specified (With public sewer or water)	1 Acre	200 ft.	40 ft.	40 ft.	25 ft.	35 ft.	15%
All Other Permitted uses and conditional uses or special exceptions when not otherwise specified (With approved on lot sewer systems)	2 Acres	200 ft.	40 ft.	40 ft.	25 ft.	35 ft.	20%

* includes No-impact home based business, homes occupations, and family or group day care homes

The following structures may be exempt from height regulations provided they do not constitute a hazard and meet all applicable construction code requirements: church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, agricultural barns, silos and similar farm structures, standpipes, elevated water tanks, and derricks. However, all structures in excess of height requirements pursuant to Table 305 shall be set back from all abutting property lines by the height of the structure.

+ 35 feet, limited to two stories.

Section 306 Application of Yard Regulations

- A. All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in this section.
- B. In the LRD District, a wall or fence under four (4) feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Retaining walls and fences required as a condition of approval for screening under this Ordinance are not subject to the four (4) foot high limitation. Fences in other districts, or fences for agricultural operations that do not block public road or driveway lines of sight are exempt from these provisions.
- C. Swimming pools shall be permitted in yard areas, provided that the pool is located not less than ten (10) feet from the lot line. All swimming pools shall be enclosed by a permanent fence at least four (4) feet in height. Above-ground pools may use a combination of sides and screen to reach the required height.
- D. Corner Lots: All Lots that abut two (2) or more public streets shall meet the front yard setback for each public street; and side yard setbacks for other property lines.
- E. No accessory structure can be placed in a private or public road right of way.
- F. Alternative Setbacks for small accessory buildings: small garden sheds, storage sheds and similar structures may be permitted in yard areas pursuant to table 306E. However no, accessory structure of any size may be placed between a principle structure and a public right of way within the LRD or RO Districts. Accessory structures greater than 1,000 square feet gross floor area must meet setbacks for principal structures.

Table 306E

Setback Requirements for Accessory Buildings	Accessory Structure of 0-144 Square Feet Gross Floor Area	Accessory Structure of 145-1,000 Square Feet Gross Floor Area
Side Yard Requirements	5 Feet	15 Feet
Rear Yard Requirement	3 Feet	10 Feet
Required Distance from Principle Structure	10 Feet	10 Feet

Section 307 Animal Keeping

Agricultural Operations as defined by the Pa. Municipalities Planning Code are permitted in all districts. Any expansion or creation of a new Agricultural Operation in the LRD shall be on a lot of at least 5 acres per Section 401. Gardening and horticulture is permitted by right as accessory to any use or as a principle use in all zoning districts. The keeping of horses or other livestock for personal recreation, consumption, or incidental sales of products such as eggs, is permitted as an accessory use to a dwelling in the LR Lakeside Residential District only in conformity to the following standards:

A. A lot of any size in LRD District may keep up to ten (10) hens (*gallus domesticus*) or domestic rabbits provided that:

1. No male chickens (roosters) shall be kept on a lot of less than five acres.
2. Animals shall be kept within a pen or fence sufficient to confine them.
3. No coop, pen or enclosure shall be permitted within seventy five (75) feet of a dwelling on an adjoining lot.
4. Manure from coops, pens, or enclosures shall be managed through composting, deep litter bedding, or other means to prevent malodorous nuisance.

B. Other livestock, including horses, cattle, other poultry, or goats may be kept in the LR Lakeside Residential District if the following performance standards are met:

1. No member of a swine species may be kept on a lot of less than five acres in the LR District, except for a single miniature pig (commonly known as pot-bellied pigs) kept within a dwelling as a household pet.
2. No Male un-castrated goat may be kept in the LR District on a lot of less than five acres.
3. In the LRD District, no coop, pen or enclosure for the keeping of livestock (other than poultry under 307A3) shall be permitted within one hundred (100) feet of a dwelling on an adjoining lot.
4. In the LRD District all fenced areas or enclosures shall be at least four (4) feet in height, and of sufficient design to contain livestock.
5. In the LRD District no area for the storage of manure shall be permitted within one hundred fifty (150) feet of a dwelling on an adjoining lot. Manure shall be managed through composting to prevent a malodorous nuisance.
6. In the LRD District the lot shall have a minimum of ten thousand (10,000) square feet of pasture or fenced yard for each goat or sheep and forty thousand (40,000) square feet of pasture or fenced yard for each horse or cow.

7. In the LRD District, no more than four (4) dogs or ten (10) domestic cats over the age of six (6) months old shall be kept accessory to any residential premises.

Section 308 Companion Dwelling Unit

The purpose of this section is to provide for temporary living quarters as an accessory to a permanent single-family dwelling to facilitate the family care of persons who are qualifying occupants. This shall only be permitted where consistent with Pennsylvania DEP hardship provisions for temporary mobile_homes under Act 537 and implementing regulations. Upon approval, the Zoning Officer shall issue a temporary use permit for an accessory dwelling. The use shall be valid for as long as the occupant meets the standards of a qualifying occupant and shall be renewed annually. Qualifying occupants include persons who (a) are sixty (60) years of age or over, or convalescent, or have a physical or mental impairment that substantially limits one or more major life activities; and (b) have a record of such impairment or are regarded as having such impairment, and (c) are related by blood, marriage, or adoption to the occupant of the single family dwelling on the same lot by a degree of kinship limited to parent, child, or sibling.

- A. The accessory dwelling unit shall have access to potable water and a sewage disposal system approved by the sewage enforcement officer. The unit must be installed in conformity to all requirements of the Pennsylvania Uniform Construction Code and related Commonwealth regulations. However, the unit may not be installed or attached to any kind of permanent masonry foundation.
- B. The accessory dwelling unit shall not be located within a setback area.
- C. The accessory dwelling must be located at least twenty (20) Feet from the permanent dwelling unit.
- D. A temporary permit shall expire if the accessory dwelling unit is removed from the property or no longer occupied by a qualifying occupant for a ninety (90) day period.

Section 309 LRD District Performance Standards

- A. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted. No permanent light shall exceed .5 foot-candles at the property line.
- B. No outdoor burning shall be permitted except for wood for campfires, non-plastic household waste in a safe container, or wood and leaves from brush and lot clearing activities.

ARTICLE 4
Specific Use Provisions

Section 400 Permitted Uses with Supplemental Regulations, Conditional Uses and Special Exceptions

The criteria for Permitted Uses with Supplemental Regulations, Conditional Uses and Special Exceptions are listed within this article. In granting a Special Exception or Conditional Use, the Zoning Hearing Board or Board of Supervisors (as appropriate) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance. Such Conditions may include but are not limited to:

- A. Establishment of screening and buffering or an increase in screening and buffering normally required.
- B. Limitations upon hours of operation.
- C. Establishment of fencing for purposes of security, limiting vehicular access, or control of windblown trash.
- D. Limits upon future subdivision of property to prevent the creation of a lot too small for the approved use.
- E. Changes in the proposed location or design of access drives or parking areas to prevent traffic hazards, congestion, or the impacts of increased traffic upon local access and residential streets.
- F. Any compressors shall be so enclosed as to muffle their sound from surrounding uses.
- G. Placement of high activity or service areas in a rear or side yard, or similar requirements to prevent noise, excessive light, and malodorous nuisance.

The applicant will be notified in writing of any such reasonable additional conditions and safeguards imposed by the applicable Board as part of an approval.

Permitted Uses that have supplemental regulations attached will be granted or denied by the Zoning Officer based solely upon the criteria set forth in this section as well as other appropriate sections of this Ordinance. The Zoning Officer does not have the authority to attach any conditions to such approvals.

Section 401 Agriculture Operation

The Township supports the continuation of agriculture in areas where it has been historically present. However, new agricultural operations shall meet the following conditions in the LRD District.

- A. No animal agriculture shall occur on a lot of less than five (5) acres.
- B. No building containing livestock shall be within one hundred (100) Feet of a neighboring lot line.

Section 402 Agricultural Sales or Service Business

- A. No equipment for sale shall be placed within any front yard setback in a manner that would block a line of sight for exiting vehicles .
- B. Silos and grain drying facilities shall be set back from all lot and right of way lines by the height of the structure.

Section 403 Commercial Recreation

403.1 Indoor and Outdoor uses shall:

- A. No use activities shall be permitted or conducted within any required front, side or rear setback area.
- B. No public or commercial activities shall be permitted within one hundred feet (100') of any lot line in an adjoining LRD District.
- C. All lot boundaries abutting any adjoining residential districts shall be enclosed by a landscaped buffer that meets the requirements set forth in Article 5 of this Ordinance.
- D. Fencing may be required in cases where deemed necessary by the Township for purposes of safety or security. The installation, material and design of the fencing shall be subject to recommendations and final approval of the Board of Supervisors.
- E. All lighting shall be designed and utilized in a manner that is compatible with adjacent land use and highway safety standards.

403.2 Intensive Outdoor Recreation shall meet the following additions standards:

- A. Maintain a minimum lot size of twenty-five (25) acres.
- B. Outdoor commercial shooting ranges and commercial hunting operations shall not undertake activities between the hours of sunset and sunrise. The Board of Supervisors may limit hours of operation for other intensive uses as a reasonable additional condition of approval.
- C. Commercial shooting ranges shall illustrate that the design and direction of all firing lanes shall not present a danger to public health and safety. The developer shall show adherence to best design practices, such as the National Rifle Association's NRA Range Source Book to ensure safety. Other intensive uses shall present a plan to minimize any noise created by activities through

buffering, acoustic engineering, or topography.

Section 404 Home Occupations and Home Lot Occupations

404.1 Home Occupation

- A. The home occupation must be carried on entirely within the dwelling unit.
- B. No more than twenty percent (20%) of the gross floor area of the dwelling may be used for the home occupation.
- C. No offensive noise, vibration, smoke (or other particulate matter), heat, humidity, glare, or other objectionable effects shall be produced.
- D. No equipment or processes shall be used which create interference in radio or television receivers off the premises or which cause fluctuation in utility line transmissions. Applicant will also show that electric or electronic equipment will not create an electrical fire hazard.
- E. Not more than two (2) persons other than the occupants of the dwelling unit shall be employed

Section 404.2 Home Lot Occupation

- A. No more than fifty percent (50%) of the area devoted to the business shall be covered by buildings, parking lots, or any other impervious surface.
- B. The owner or occupant of the home must be engaged in the business.
- C. No more than two (2) full-time and two (2) part-time persons, other than individuals who reside on the property, may be employed in the family business.
- D. Any outdoor storage of supplies, materials, or products shall be located behind the building in which the family business is conducted.
- E. Waste shall be properly disposed in conformity with applicable state law

Section 405 Natural Gas and Oil Development

The following definitions are intended to be interpreted exclusively in light of oil and gas operations within the Township and are not applicable to other land uses or other forms of development.

“Derrick” -- Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-drilling a well for the production of oil or natural gas.

“Emergency Responders” -- The Pennsylvania State Police, all fire companies serving the Township, all EMT and ambulance companies serving the Township, and the Township and county Emergency Management offices.

“Natural Gas” – A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen,

nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas, natural gas fields known as non-associated gas, coal beds, shale beds and other formations. The term does not include coal bed methane.

“Natural Gas Compressor Station” -- A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field. The term includes one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

“Natural Gas Processing Plant” -- A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

“Oil” -- Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA. This term is also referred to as petroleum.

“Oil and gas operation(s)” -- The term includes the following:

1. Well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;
2. Water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
3. Construction, installation, use, maintenance and repair of:
 - a. Oil and gas pipelines;
 - b. Natural gas compressor stations; and
 - c. Natural gas processing plants or facilities performing equivalent functions.
4. Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in paragraphs (1), (2) and (3) above, to the extent that:
 - a. The equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
 - b. The activities are authorized and permitted under the authority of a federal or commonwealth agency.

“Oil or Gas Well” --A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal. This term shall include an “unconventional gas well.”

“Oil or Gas Well Site” -- The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

“Operator”-- The person designated as the well operator or the operator of another oil and gas operation on the permit application or well registration.

405.1 Regulations pertaining to all Oil and Natural Gas Development

Oil and gas well sites, natural gas compressor stations, and natural gas processing plants that were permitted or constructed prior to the adoption of this ordinance shall not be required to meet the requirements of this ordinance; provided that any modification to an existing or permitted oil or gas well site that occurs after the effective date of this ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing natural gas compressor station or natural gas processing plant shall require compliance with and a permit under this ordinance. Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. South Shenango Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses and the act of land development. In addition to meeting all requirements under 405, oil and gas drilling operation shall also comply with the following as a conditional use:

- A. Accepted professional standards pertaining to minimum traffic sight distances for all street or road access points shall be adhered to.
- B. Drilling Rig Derricks are exempted from height requirements of the zoning district, provided that the period of drilling does not exceed six (6) months. It is the responsibility of the developer to inform the Township when drilling rigs are emplaced upon the site to determine the period of exemption. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
- C. The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the zoning district in which the oil or gas well site is located.
- D. When drilling is being conducted within 500 feet of a dwelling in separate ownership from the property upon which the drilling proposed, the developer shall mitigate light and noise through the following standards:
- E. Lighting. Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the oil or gas well development.
- F. Noise. The applicant shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development.

1. Prior to drilling of an oil or gas well the applicant shall establish by generally accepted testing procedures, the continuous seventy-two hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or one-hundred feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test the applicant may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

2. The applicant shall provide the township documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.

3. The noise generated during the oil and gas operations or the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in subsection (2) by more than 5 decibels during drilling activities or 10 decibels during hydraulic fracturing operations.

4. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.

5. Exemption from the standards established in this subsection may be granted by the Township during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the township.

6. Complaints received by the township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight hours at the nearest property line to the complainant's residential or public building or one hundred feet from the complainant's residential or public building, school medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

G. Screening and Fencing.

1. Security fencing shall not be required at oil or gas well sites during the initial drilling, or redrilling operations, as long as manned 24-hour onsite supervision and security are provided.

2. Based upon the proposed location of the well pad and all appurtenant structures , the Township may require screening and/or fencing as a reasonable additional condition of approval. When required, fencing shall meet the following minimum standards:
 - i. When required, a permanent chain link fence shall be promptly installed at the oil or gas site upon completion of drilling.
 - ii. Well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.
 - iii. Fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide.
 - iv. Emergency Responders shall be given means to access oil or gas well site in case of an emergency.
 - v. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.

405 .2 - Additional regulations for natural gas compressor stations, and natural gas processing plants, which shall fall under the conditional use for Oil and Gas Drilling.

- A. No Natural Gas Processing Plant or Natural Gas compressor station shall be located within two thousand (2,000) feet of the boundary of an LRD zoning district, or one thousand (1,000) feet of a principle structure on an adjoining parcel in separate ownership from the one proposed for development of the station or plant.
- B. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.
- C. The applicant shall address any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts.

Section 406 Mineral Extraction

- A. No surface extraction (stripping) shall be conducted upon a lot of less than twenty-five (25) acres. All applications submitted for consideration of the Township Planning Commission and Board of Supervisors shall include, at a minimum, the following documentation, and all other pertinent data deemed

necessary to process the application.

- (1) A description of the character of the proposed operation, its timing and proposed duration, together with duplicates of maps and plans to be submitted to Commonwealth and federal regulatory agencies or authorities for the issuance of necessary permits.
 - (2) Identification of seams of coal, rock, ore, beds of sand and gravel, strata of soil or other material to be removed in connection with the proposed extractive operation.
 - (3) The location and identify of ownership of all structures and land uses which may be affected by the proposed operation, and the measures which will be taken to protect all structures and land uses from adverse impacts from the proposed extractive operation.
 - (4) Plans for the restoration or reclamation of all land affected by the extractive operations.
 - (5) Receipt of a certification from each Commonwealth or federal agency or authority, having enforcement jurisdiction for the issuance of all necessary permits, licenses or grants of authority for the installation and operation of the proposed extractive operation, that the owner or operator seeking the conditional use has fully complied with all requirements for the issuance of such permits, licenses or grants of authority.
 - (6) A description of plans for the transportation of materials, products and equipment to be used, removed from, or marketed in connection with the proposed extractive operation including routes of travel, number and weight of vehicles to be used and procedures which will be made to maintain and repair roads that are targeted for use.
- B. No top of slope or quarry wall shall be located closer than one hundred feet (100') of any street or property line except where contiguous property lines fall within a common operational area. Operational area perimeters shall be fenced securely with a fence at least six feet (6') high to prevent access by children and animals.
- C. No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating such products shall be permitted within three hundred (300) feet of a property line abutting the mine.
- D. Prior to beginning operation, the designated operator shall deposit a bond issued by a reputable bonding company in an amount agreed to by the Township. The period designated for the bond shall start with the issuance date of the permit. Said bond shall be returned to the operator upon completion of the backfilling operation and reconstruction of any damaged roadway due to excess weight. Any failure to complete the reconstruction as required by this Ordinance shall result in the forfeiture of the required bond. Those portions of Township roads which have been damaged shall be as determined by the Township Engineer and reconstructed to Township specifications.

Section 407 Exotic Animal Raising and Care

- A. No Exotic Animal Raising and Care may be conducted on a lot of less than ten (10) acres. The developer shall agree to not subdivide any parcel below these stated minimums, while the said use remains active.
- B. No cages, pens or buildings containing exotic animals shall be closer than one hundred (100) Feet from neighboring lot lines.
- C. Provide evidence that waste products or manure will be disposed of in a proper and lawful manner and will not create a malodorous or other nuisance.
- D. Provide evidence of meeting all applicable Commonwealth codes, regulations and licenses.

Section 408 Campgrounds and Recreational Vehicle Parks

- A. The request for approval as herein required, shall be accompanied by a site plan showing the scale to which it is drawn, showing the location of the proposed Campground and/or Recreational Vehicle Park (herein referred to as "Campground") in relation to all roads and lot lines within two hundred (200) Feet of the Campground boundaries, the location size and arrangement of all roads and lots, screening, the location of all proposed central sanitary facilities and wells or other sources of water supply and the location of special buildings and other pertinent features. This Plan shall meet all other applicable specifications of the Township Subdivision and Land Development Ordinance.
- B. Campgrounds in existence on the effective date of this Ordinance may continue to operate under present regulations. However, any new addition onto existing parks shall conform to the requirements set forth in this Ordinance.
- C. Design Requirements:
 - 1. The Campground shall be located on a well-drained site of a minimum of 10 acres, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - 2. Tent or Recreational Vehicle spaces shall be dimensioned, improved and arranged so that when any space is occupied, no portion of any unit (including awning or other accessory attachments) shall be within fifteen (15) Feet of any other unit or building within the camp or one hundred (100) Feet from any property line bounding the camp. The 100 foot buffer area adjacent to the camp boundaries shall be suitably planted and screened as may be required by the Township.

Section 409 Dog Kennel

- A. The applicant shall show compliance with all Commonwealth dog law standards, as it

would apply to their operation.

- B. All parking and recreation/play areas that abut residential uses shall provide screen planting, and fencing, as necessary, to contain animals. The kennel shall be constructed so that the animals cannot stray therefrom.
- C. All animals must be kept indoors between 10:00 p.m. and 7:00 a.m.
- D. Minimum lot size shall be five (5) acres.
- E. The total number of animals shall not exceed ten (10) dogs or twenty-five (25) domestic cats per acre, not including dogs or cats under six months old.
- F. Any exercise yards shall be surrounded by a six foot, opaque fence.
- G. The applicant must submit a written plan to explain all measures to be used to ensure all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions. Such a plan will be kept on file at the Township.
- H. The applicant must submit a written plan for the storage and disposal of deceased animals. Disposal shall occur within 24 hours of an animal's death, and said plan will be kept on file at the Township

Section 410 Two Family Dwellings, Multiple Family Dwellings, Nursing Homes or Personal Care Homes

- A. Structures containing more than one dwelling unit shall meet the minimum lot size for a single family dwelling plus an additional 10,000 square feet for each dwelling unit in excess of the single family dwelling unit. Personal care and Nursing homes do not need to meet this provision.
- B. Shall be located on a paved public street which has two means of entrance and exit, and with a minimum cartway width of twenty-four (24) feet.
- C. The design and landscaping shall be compatible with, and preserve the character of, adjoining residential uses.
- D. All parking areas that abut residential uses shall provide screen planting.
- E. Any Nursing or personal care facility shall have, and present, all needed local, county, state, or federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for same shall be a condition prior to issuing a Certificate of Occupancy.
- F. The Township may require screening or buffering of species and type subject to Township approval.

Section 411 Mobilehome Park

The proposed park shall meet the following requirements as well as all applicable requirements of the South Shenango Township Subdivision and Land Development Ordinance. Approval of the

application as a conditional use must precede submission of a land development plan to the Township.

A. Minimum areas and setbacks:

1. The minimum gross area for a mobile home park shall be fifteen (15) contiguous acres.
2. The minimum lot area required for each mobile home shall be twenty thousand (20,000) square feet.
3. The minimum width of each mobile home lot shall be Seventy Five (75) feet.
4. The minimum width of each side yard shall be twenty-five (25) feet from the furthest projected part of or addition of each mobile home.

B. Open Space Requirements: All mobile home parks shall provide and so indicate on the plan of the mobile home park, suitable areas for recreation and open space uses by using the standard of twenty percent (20%) of the total area of the mobile home park of which one half of the area shall be in one piece. The recreation and open space shall be located as centrally as possible within the mobile home park in order to be easily accessible to the residents of the mobile home park. Such areas shall be free from undevelopable wetlands or slopes and shall be usable for recreation.

C. All mobile home parks shall be screened from adjoining residential uses per Section 503

D. The management of the Park shall agree to ensure that all mobile home installations occur pursuant to the standards of the Uniform Construction Code, and that tenants do not alter any installations.

Section 412 Reserved For Future Enactment

Section 413 Day Care

Day Care services will be permitted in various districts in conformity to the license type as required by the Pennsylvania Department of Welfare

413.1 Family Day Care Homes

Such operations must obtain any permits/certificates required by the state.

413.2 Group Day Care Homes

- A. Such operations must obtain any permits/certificates as required by the state.
- B. Outdoor play areas shall be effectively screened from nearby residential uses through fencing or screening.
- C. At least one (1) additional parking place shall be required.

- D. The operator shall demonstrate how children shall be dropped off and picked up considering their safety and the safety of other pedestrian and vehicular traffic in the area.

413.3 Day Care Centers

- A. Any outdoor play area shall be effectively screened from abutting properties.
- B. For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children off public streets. These facilities are intended for the safety of the children and the protection of the neighborhood. In any event, the developer shall demonstrate how entrance and delivery shall occur in a safe manner.
- C. One (1) parking space for each employee shall be required.
- D. Such facilities must be licensed or registered (as appropriate) by the Pennsylvania Department of Public Welfare.

Section 414 Transitional Housing Facility

- A. The facility operator shall present to the Township applicable information about any and all limits upon residency to determine the facility will not operate as a halfway house or correctional facility.
- B. If the facility is proposed within a former single family dwelling, no more than ten (10) residents are permitted at any one time. Maximum residency of other building types is limited to sixteen (16) persons. In all cases, the applicant shall demonstrate that the structure has adequate and safe ingress and egress, kitchen and restroom facilities, and bedroom space for the proposed number of occupants consistent with all occupancy codes and state and federal regulations. The Township may reduce or limit total residents based upon any inadequacy.
- C. No transitional housing facility shall be located within three hundred (300) Feet of another transitional housing facility or two hundred (200) Feet of a pre-existing single family dwelling.

Section 415 Reserved For Future Enactment

Section 416 Communications Tower

- A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communication antennas.
- B. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable

standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

- C. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
- D. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- E. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- F. The maximum height of any communications tower shall be no more than three hundred (300) feet.
- G. The foundation and base of any communications tower shall be set back from all property lines by an amount equal to at least the height of the proposed tower.
- H. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- I. The communications equipment building shall comply with the required yards and height requirements of applicable zoning district for an accessory structure.
- J. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association.
- K. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas. It is the responsibility of the Developer to notify the Township of any changes in insurance coverage within sixty (60) days of such change.

- L. All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- M. The site of a communications tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public.
- N. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
- O. If a communications tower remains unused and unleased or otherwise abandoned for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within two (2) months of the expiration of such twelve (12) month period.

Section 417 Correctional Facility or Halfway House

- A. Shall present the Township Supervisors with a security plan that takes into account the safety of Township residents.
- B. The building shall not be located within one thousand (1,000) feet of:
 - 1. A church;
 - 2. A public or private pre-elementary, elementary, or secondary school;
 - 3. A public library;
 - 4. A child-care facility or nursery school;
 - 5. A public park adjacent to any resident district; or
 - 6. A child-oriented business.
- C. No building or fence shall lie within three hundred (300) feet of the property line of a pre-existing residential dwelling.

Section 418 Private Membership Outdoor Recreational Facility

- A. Minimum lot area shall be Twenty Five (25) acres.
- B. Minimum lot width shall be five hundred feet (500').
- C. All structures shall be a minimum of fifty feet (50') from property boundaries.
- D. All points of vehicular ingress and egress shall be subject to the approval of the Board of Supervisors to insure planning for adequate sight lines, consideration of adjacent through traffic movements and local traffic patterns.
- E. No lighting, noise or other aspect of the use shall produce any nuisance factor to adjacent residential properties.

- F. Any shooting range shall follow Section 403.2 B and C.

Section 419 Public and Private Accredited Schools Hospitals, Colleges and Universities

- A. Shall be located on a paved public street which has two means of entrance and exit, and with a minimum cartway width of twenty-four (24) feet.
- B. The design and landscaping shall be compatible with, and preserve the character of, adjoining residential uses.
- C. All parking and recreation/play areas that abut residential uses shall provide screen planting.

Section 420 Outdoor Sales and Rentals; including Automobiles, Agricultural and Contractor's Equipment and Mobile Homes

All services and related functions shall be a part of and subsidiary to the on-site sales function. Activities may include automobile, truck, recreational vehicle, marine and farm vehicle, equipment or portable building sales and services subject to the following provisions:

- A. Sufficient parking shall be provided on site for employees and customers.
- B. No vehicle lacking a current registration or inspection to legally travel the highways of the Commonwealth shall be parked outdoors for more than ninety six (96) hours.
- C. All outdoor display areas for new and used vehicles, including self-propelled or towed recreational units and farm or construction and utility equipment, shall be paved, illuminated and properly secured.
- D. Fencing and/or buffering of display areas shall be required by the Board of Supervisors, as a condition precedent to a conditional use approval, where such provisions are deemed necessary to achieve compatibility with adjacent land use activities.
- E. All repair work shall be conducted indoors.

Section 421 Self-Service Storage Facilities

- A. No business activities other than rental of storage units and attendant administrative functions shall be conducted on the premises.
- B. All storage shall be accommodated indoors in permanent on-site buildings designed for storage purposes. No temporary structures, portable units, containers or similar arrangements shall be permitted, except for licensed and inspected motor vehicles and registered water craft.
- C. No activities such as retail sales, residence in storage units, or entertainment or recreational activities shall be conducted on the premises.
- D. The servicing or repair of vehicles, boats, or equipment shall not be conducted on the premises.

- E. A landscaped strip of at least ten feet (10') in width shall be provided along the entire perimeter of the property. Landscaping shall consist of a variety of evergreen plant materials consisting of trees, shrubs and suitable ground covers. All vehicular and pedestrian ways shall be paved with asphalt or concrete. Remaining areas of the site shall be planted with grass or otherwise suitably landscaped and maintained.

Section 422 Contractor's Office, Garage and Storage Yard Lumberyard and Building Materials

- A. All bulk materials shall be stored within a fence unless being stored for less than seven (7) days.
- B. Any storage of scrap material shall be screened from public view or indoors, or located to the side or rear of a principal structure and within all setbacks.

Section 423 Bed and Breakfast

- A. All rooms and related facilities provided for transient guests shall be normal integral components of the principal dwelling unit. The owner of the facility must reside therein.
- B. No facilities, such as cooking accommodations or similar amenities, other than those provided for the normal use of the principal dwelling unit, shall be provided for transient guests.
- C. No more than three (3) guest sleeping rooms shall be available or utilized concurrently for transient guests in any facility.
- D. Maximum occupancy shall not exceed eight (8) guests.
- E. Service of meals shall be limited to overnight transient guests.
- F. Only normal residential yard and structure lighting appropriate for residential purposes shall be permitted.
- G. Special events such as receptions shall require a uniform construction code certificate of occupancy as an assembly hall and an increase in parking to one space for each three proposed attendants.
- H. Overnight guests shall not occupy the facility for more than thirty (30) consecutive nights.

Section 424 Gasoline Service Station/ Repair and Service Business/Car Wash

- A. No vehicles will be parked or stored in a manner which would encroach upon setback lines, except on a short-term basis (less than twelve [12] hours).
- B. There shall be no unscreened outdoor storage of new or used parts, scrap parts, unlicensed vehicles, parts of vehicles, tires or vehicles which lack current Pennsylvania inspection stickers. The overnight parking of customer vehicles and the screened storage of approved trash containers shall be permitted.

- C. All lighting shall be indirect, or designed to prevent glare to neighboring properties.
- D. All compressors shall be enclosed to minimize noise to neighboring properties.
- E. All underground storage tanks shall be in compliance with all Federal or State regulations. Any fuel pumps shall be set back at least thirty feet from all rights of way.

Section 425 Personal Services, Business Services, Medical, Dental or Chiropractic Offices, , Business or Commercial School

- 1. Permitted uses shall be limited to the following business and professional offices, including those listed herein, and similar related activities:
 - 2. Business administration
 - 3. Sales, marketing
 - 4. Insurance, real estate, brokerage
 - 5. Finance, banking
 - 6. Government services
 - 7. Professional, medical, dental, legal
 - 8. Engineering, architectural
 - 9. Utility service offices
 - 10. Office services, stenographic, copy
 - 11. Personal Services
 - 12. Business or Commercial School

- A. Application requirements for a conditional use permit shall include the following data:

A site plan drawn at an appropriate scale, showing all structures, parking, traffic circulation, landscaping buffers, security features and other development elements.

An architectural plan drawn at an appropriate scale showing structural profiles and related architectural features of all contemplated structures.

Water supply, sewage disposal and site drainage plans prepared by a Registered Professional Engineer. All waste disposal shall be in compliance with U.S. Environmental Protection Agency and PA Department of Environmental Protection requirements and certified accordingly.

A written description of the proposed scope of operations, including the estimated maximum potential number of shifts, employees and employment per shift.

Any additional pertinent data as may be required by the Zoning Officer, Planning Commission and Board of Supervisors.

- B. Development Standards for both permitted and conditional uses :
 - (1) All operations and activities shall be conducted indoors. No external storage of materials or equipment shall be permitted.
 - (2) A buffer yard per section 503.5 shall be established and maintained along any portion of the site perimeter which abuts, or is adjacent to, a residence.

Section 426 Motel or Hotel, including Restaurant Conference Rooms and Supporting Facilities

- A. The applicant shall describe in detail the proposed complex and any areas devoted to assembly halls, eating and drinking or commercial recreation.
- B. Any proposed outdoor recreation use areas shall be identified with a plan for screening or other limits upon noise.
- C. All areas that abut a lot containing a single family residence shall be screened and include a buffer yard per section 503.
- D. All lighting shall be designed and utilized in a manner that is compatible with adjacent land use and highway safety standards.

Section 427 Flea Market

- A. The operator of the flea market shall either be the property owner or provide evidence of written permission (such as a lease agreement) to utilize the property.
- B. The operator shall submit a plan that details public parking areas and the number and location of proposed seller stalls.
- C. The operator shall have a contract with an approved waste hauler and a minimum of one (1) fifty (50) gallon capacity solid waste receptacle (or equivalent dumpster capacity) for every four (4) proposed sellers.
- D. The Flea market shall either provide permanent restroom facilities or portable toilets sufficient to meet the number of proposed users. If only portable toilets are used, at least two portable toilets will be provided for all flea markets. Calculations shall be provided as to adequacy from a portable toilet rental company.

Section 428 Convenience Store, Eating and Drinking Place, Theatre or Shopping Center

- A. The applicant shall show that the limits upon individual building size by district are met. For multiple building developments, there shall be at least twenty (20) feet between all buildings.
- B. Any proposed gas pumps shall be set back from rights of way by at least thirty (30) feet
- C. No theatre shall function as a sexually oriented business as defined in this ordinance. .
- D. Applicant Shall present a plan for screening and buffering that meets the requirements of this ordinance

Sections 429 and 430 Reserved for Future Enactment

Section 431 Bottle Clubs

- A. Shall be located at least one thousand (1,000) feet from the nearest property line of any other bottle club, church, school or other institution of learning or education, hospital, library, park, or playground.
- B. Shall be located at least three hundred (300) feet from any property line of any single or multi-family dwelling , and from any property line of any undeveloped property which is zoned for residential use.

Section 432 Bulk Fuel Oil Storage Yard

- A. Liquid storage tanks shall be completely surrounded by a dike capable of containing the maximum contents of all the tanks within the dike. Any openings in the dike shall be leak-proof when closed and shall close automatically in the event of tank rupture. As needed, tanks shall be registered with DEP, comply with their regulations, and show evidence of same.
- B. No tank shall be located closer than one hundred (100) Feet to any property or street line or five hundred (500) Feet to any residence.
- C. The area within the dike shall be drained by an underground system capable of closing automatically in the event of a tank rupture.
- D. An emergency management plan shall be prepared and approved by the Township with consultation with the local fire department and the consent of DEP shall be secured by the developer as conditions of issuing a zoning permit or certificate.

Section 433 Junk Yards

The applicant shall provide a detailed description of the proposed use, addressing each of the following impacts:

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with Commonwealth and Federal regulations.†
- B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.†
- C. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to performance standards under this Ordinance.
- A. A traffic study prepared by a professional traffic engineer and meeting any standards for such studies established by the Township may be required.
- B. The Township may employ a number of site specific reasonable additional conditions and safeguards, including, but not limited to screening, limits upon hours of operations, and maximizing distance of industrial activities from other zoning districts.

Section 434 Sawmills

- A. Logs and sawdust storage areas must be stored within setback lines.
- B. Stationary Engines shall be muffled to minimize noise to abutting properties.

Section 435 Sanitary Landfill or Waste Disposal Site

- A. The types of waste materials deposited at the site and all handling, treatment and storage and other activities with respect to the operation shall be in compliance with applicable federal, Commonwealth, and local statutes, regulations and enforcement procedures.
- B. A site plan shall be included in the application that delineates site ingress and egress, use areas within the site, phasing of use areas, location of all structures, and location and description of all proposed screening and fencing.
- C. No landfill site shall be established on a site containing less than forty (40) contiguous acres.
- D. The applicant shall provide plans for transportation of materials to the site. Said

plan shall delineate access routes, provisions for traffic control, and procedures to minimize littering and overflow problems along access routes contiguous to the site. Measures that will be taken to maintain all Township roads used for primary site access shall be specified.

- E. Bonds in amounts specified by the Board of Supervisors shall be posted by the applicant to repair any damages to roads that may result from the landfill operation.
- F. The applicant shall outline procedures to be employed to provide for antipollution and nuisance control, cleanup and site maintenance, the protection of area water supplies and other applicable concerns related to the health and safety of adjacent residential areas.
- G. For each site that is adjacent to, or considered by the Planning Commission and Board of Supervisors to be visibly or environmentally detrimental to, the use of any structures used for residential, human habitation, sleeping, cultural, social, educational, recreational, religious or similar residential related purpose in any district, there must be preserved a strip of land for screening purposes on any site of the tract of land on which the residential or related use is situated. The preserved strip shall be a minimum of twenty feet (20') in width.

The required screen shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants. They shall be of a kind, or used in such a manner, so as to provide a continuous opaque screen within twenty-four (24) months after commencement of operations in the area to be screened. The Board of Supervisors shall require that either new planting or alternative screening be provided if after twenty-four (24) months, the plant materials do not provide an opaque screen.

- H. All active use areas shall be completely enclosed by a metal fence not less than six feet (6') above the ground level to be constructed of barbed wire or other appropriate material, with the entire fence being constructed in such a manner so as to prevent the entry by unauthorized persons onto the portion of the premises on which the use is situated. Required fencing shall be located on the inside perimeter of required screening.

Section 436 Heavy Industry, including Power Generation and Research Labs

The applicant shall provide a detailed description of the proposed use, addressing each of the following impacts:

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with Commonwealth and Federal regulations.†
- B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.†

- C. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to performance standards under this Ordinance.
- C. A traffic study prepared by a professional traffic engineer and meeting any standards for such studies established by South Shenango Township, Crawford County may be required.
- D. The Township may employ a number of site specific reasonable additional conditions and safeguards, including, but not limited to screening, limits upon hours of operations, and maximizing distance of industrial activities from other zoning districts.

Section 437 Artisan and Craftwork

- A. If a retail showroom is available, shall provide one parking space for each four hundred (400) Square Feet of retail space.
- B. Shall have a sign of no greater than sixteen (16) Square Feet.

Section 438 Light Industry

Such businesses shall:

- A. Describe all industrial processing and product lines in such detail to ensure the Township that they meet the definition of light manufacturing.
- B. All industrial activities and storage areas shall be contained indoors or behind an opaque fence with a buffer yard per section 503, located outside of the fenced area..
- C. Show a plan for minimizing the effect of any truck traffic on congested areas.

Section 439 Sexually Oriented Businesses

It is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance, which addresses the secondary effects of sexually oriented businesses. Nor is it the intent of the Township to condone or legitimize the distribution of obscene material.

Sexually Oriented Business, as defined, herein shall be permitted as a conditional use, provided:

- A. The proposed business does not lie within one thousand (1,000) feet of:
 - 1. A place of worship;
 - 2. A public or private pre-elementary, elementary, or secondary school;
 - 3. A public library;
 - 4. A child-care facility or nursery school;
 - 5. A public park adjacent to any residential district;
 - 6. A child-oriented business.

- B. The proposed business does not lie within five hundred (500) feet of another sexually oriented business or bottle club and shall be located at least three hundred (300) feet from any property line of any single or multi-family dwelling , and from any property line of any undeveloped property which is zoned for residential use.

- C. Compliance with all other applicable local codes and licenses is presented to the Township Supervisors, including an agreement to abide by annual licensing standards if the conditional use is approved.

ARTICLE FIVE NONCONFORMING USES, STRUCTURES, AND LOTS, PARKING, SIGNS, AND SCREENING

Section 500 Nonconforming Uses (Nonconformities)

Section 500.1 When Permitted

Subject to the provisions of this Article, a nonconforming lot, building, structure or use may be continued even though it does not conform with the provisions of these regulations for the district in which it is located.

Section 500.2 Unsafe Structure

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

Section 500.3 Alterations of Nonconforming Buildings and Structures

A nonconforming building or structure may be altered, improved or reconstructed, provided the work does not create additional nonconformity.

Section 500.4 Restoration

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or Act of God, provided reconstruction or repair is commenced within one (1) year from the date of occurrence of the damage, and provided the work does not create additional nonconformity.

Section 500.5 Extension

A. A nonconforming use may be extended or enlarged by Special Exception after authorization by the Zoning Hearing Board, subject to the following:

- (1) The extension becomes an attached part of the main structure and does not utilize any additional or adjoining land area other than the original parcel.
- (2) The extension does not violate any lot, area, dimensional, off-street loading or parking requirements, or any other requirements of this Ordinance in the district in which the nonconforming use is located, or in any way extends the degree of dimensional nonconformance of any structure or building.
- (3) The extension is for the purpose of expanding the same classification of nonconforming use in existence at the time of Ordinance adoption.

Extension of a lawful use to any portion of a nonconforming building or structure that existed prior to the enactment of the Ordinance shall not be deemed an extension of such nonconforming use.

Section 500.6 Changes

No nonconforming use shall be changed to another nonconforming use, except that a nonconforming use may be changed to another nonconforming use of equal or more restrictive classification upon application to, and approval by, the Zoning Hearing Board. The Zoning Hearing Board may impose reasonable conditions to assure that any such change will not adversely affect the public interest.

Section 500.7 Abandonment

A nonconforming use of a building or land that has been abandoned or discontinued shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned as follows:

- B. When the intent of the owner to discontinue the use is apparent.
- C. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts or circumstances show a clear intention to resume the nonconforming use.
- D. When a nonconforming use has been discontinued for a period of twelve (12) months.
- E. When it has been replaced by a conforming use.
- F. When it has been changed to another use under permit from the Zoning Hearing Board or the Zoning Officer, consistent with applicable provisions of the Zoning Ordinance.

Section 500.8 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any nonconforming use conditions created therein.

Section 500.9 Nonconforming Lot Regulations

In any district in which single family houses are permitted, notwithstanding requirements of area or width, or both, imposed by other sections in this Ordinance, a single family house and customary accessory buildings may be erected as a matter of right upon any single lot of record in existence at the effective date of the adoption or amendment of this Ordinance providing that the following requirements are met:

- A. Such lot must not be part of a continuous frontage under single ownership with another lot or other unimproved lots. If a nonconforming lot adjoins one or more unimproved lots with continuous frontage, all of which are owned by the same person(s) the nonconforming lot shall not be developed or used unless the adjoining lots are combined to form a single parcel, by replatting, deed restrictions acceptable to the Township, a deed of consolidation, or other means acceptable to the Township in order to bring the lots of record to greater conformity with the minimum requirements of this Ordinance.
- B. Front, rear, and side yards shall in no case be less than five feet (5').
- C. If the actual average dimensions of front, rear, or side yards existing on lots abutting or adjoining an unimproved lot are greater than five feet (5'), all new construction on such unimproved lot must conform to the average dimensions of the said abutting or adjoining front, rear, and side yard setback lines.

Section 501 Parking

- A. An application for a zoning permit for a new or enlarged building, structure, or use, shall include therewith a plot plan drawn to scale and fully dimensioned, showing off-street parking and loading facilities to be provided in compliance with the requirements of this Ordinance.

B. At the time of the erection of any main building or structure, or when any such building or structure is enlarged or increased in capacity, or when any private or public facility use permitted under this Ordinance is established, permanent off-street parking and loading spaces shall be provided as specified herein.

Section 501.1 Parking Standards

- A. Required parking spaces shall be located on the same lot as the use for which it is provided. An adjacent lot that is guaranteed for the use of off-street parking during the life of the use for which the parking is provided may be permitted provided that guarantees are in legal form acceptable to the Township on the advice of the Township Solicitor.
- B. Where more than one use occupies a given lot, building or structure, off-street parking equal to the sum of that required for each use shall be required.
- C. No required off-street parking area, space or lot shall be located within a public right-of-way unless specifically authorized and approved by the Board of Supervisors.
- D. Standards for Off-Street Parking and Loading Areas
 - 1. When determination of the required number of off-street spaces for parking or loading results in a fractional space, any fraction of one-half (1/2) or more shall be interpreted as a whole space.
 - 2. In no case shall the public right-of-way be used for loading or unloading of material or for meeting a required parking facility.
 - 3. Loading and unloading facilities and parking lots shall be designed so that vehicles are not required to back onto the street right-of-way.
 - 4. Nonresidential parking areas, parking accessways, driveways and loading areas shall be sited at a minimum distance of ten feet (10') from all property lines. Where commercial or industrial land uses abut residential districts, no such vehicular areas shall be closer than twenty-five feet (25') to an adjacent residential parcel.
 - 5. All lighting used to illuminate off-street loading and parking areas shall be designed so that light is reflected away from adjoining premises and public rights-of-way.
- E. Additional Off-Street Parking Standards:
 - 1. A required off-street parking space for an individual auto shall be a minimum dimension of nine feet wide by twenty feet long (9' x 20'). Maneuvering and cross aisles shall be twenty feet (20') wide for ninety degree (90°) parking. Aisle width for angle parking may be decreased in proportion to the parking angle but no aisle may be less than twelve feet (12') in width.
 - 2. Driveways may be included as meeting the requirements for parking spaces for single family and two family dwellings.
 - 3. Whenever possible, nonresidential parking areas and lots shall be level, except for necessary drainage purposes. If parking spaces are provided in areas which exceed five percent (5%) slope, all such spaces shall be parallel to the contour lines of the area

4. All off-street parking areas shall be graded for proper drainage.
5. Stalls shall be provided with bumper guards or wheel stops when necessary for safety or protection to adjacent structures or landscaped areas.
6. Surface drainage shall be connected to the existing or proposed storm drainage system.
7. All off-street parking areas requiring a capacity of ten (10) or more parking spaces shall be paved in accordance with the following guidelines.
 - a) Proper subgrade preparation shall be completed.
 - b) Adequate base course material, either crushed stone or bituminous concrete base course, shall be placed.
 - c) An adequate thickness of ID-2 binder material shall be placed.
 - d) An adequate thickness of ID-2 wearing course shall be placed.
 - e) A reinforced concrete pavement may be substituted for (7) above in accordance with the following:
 - f) Proper subgrade preparation shall be completed.
 - g) Adequate crushed stone base course shall be placed.
 - h) An adequate thickness of Class AA cement concrete with sufficient reinforcing shall be placed.
 - i) All materials and construction outlined above shall be completed in accordance with the latest PennDOT Publication 408 specifications.
8. Sufficient design data and details shall be provided with the site plan submission for review by the Township.
9. All paved areas shall be properly marked to assure orderly and safe parking and efficient traffic circulation.
10. Parking areas designed for fewer than ten (10) vehicles shall be properly graded, have adequate stormwater controls installed, and may be surfaced with gravel or crushed stone. Provisions for dust control shall be implemented and the parking area shall be designed to provide orderly and safe parking, ingress and egress.

Section 501.2 Loading Standards

A. Off-Street Loading Standards: Each loading and unloading space shall:

1. Be at least fourteen feet (14') wide, sixty feet (60') long and shall have at least a fifteen foot (15') vertical clearance.
2. Have an off-street maneuvering area sufficient for the intended use.

B. Every use listed in the following table shall provide off-street loading berths in accordance with its size per Table 501G.

Table 501G Off Street Loading Berth Requirements

Use	Berth or Loading Areas Required
Institutional Uses	
Schools	50,000 gfa
Hospitals, Nursing Homes, Personal Care Homes, Auditoriums and Arenas	100,000 gfa
Commercial Uses	
Convenience Store/ Service Station	40,000 gfa
Eating and Drinking Place	50,000 gfa
Retail Sales/Shopping Centers	50,000 gfa
Hotel	100,000 gfa
Industrial Uses	
Light Manufacturing	50,000 gfa
Heavy Manufacturing, Wholesale, Warehouses Truck Terminals	10,000 gfa

Note: All figures are given in gross floor area for each listed use.

Size and Access: Each off-street loading space shall be not less than ten (10) Feet in uniform width and sixty-five (65) Feet in length. Spaces need not be striped for exclusive loading use if it can be shown that peak hours and deliveries will differ. However, all loading areas shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto.

Section 501.3 Off-Street parking spaces required per use

1. Size and Access: Off-street parking spaces shall have an area determined by their use. In the case of multi-family dwellings, Mobile Home Parks, industrial and manufacturing establishments, warehouses, wholesale, and truck terminals, each space shall be not less than one hundred forty-four (144) Square Feet, being at least eight (8) Feet wide and eighteen (18) Feet long. For all other uses, each space shall have a uniform area of one hundred eighty (180) Square Feet, being at least ten (10) Feet wide and eighteen (18) Feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces.

2. Number of Parking Spaces Required: The number of off-street parking spaces required is set forth in Table 501.3. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.

Table 501.3 Parking by Use Group	Parking Spaces Required
Residential	
Single-Family Dwelling	2 per dwelling unit
Family and Group Day Care	2 spaces for the dwelling and at least 1 additional space
Multi-Family Dwelling	2.5 per dwelling unit, unless limited to persons over the age of 55, or 1 bedroom units, then 1.25 spaces per dwelling unit
Mobile Home Parks	2 per dwelling unit
Institutional Uses	
Places of Worship and Assembly, Auditoriums, Indoor Assembly Places	1 per each 3 seats or 1 per each 4 persons permitted in maximum occupancy
Stadiums, Sports Arenas and Places of Outdoor Assembly	1 per each 6 seats or 1 per each 4 persons permitted in maximum occupancy
Schools	1 per each teacher and staff 1 for each 4 classrooms plus 1 for each 2 students age 16 and over
Nursing Homes and Personal Care Homes	1 per each staff on the largest shift plus 1 per each 6 beds
Hospitals	1 per each staff on the largest shift plus .5 per each bed
Commercial Uses	
Auto Sales and Service, Trailer Sales, and Similar Outdoor Sales	1 per 10,000 Square Feet developed lot area for vehicle display <i>and</i> 1 per 400 Square Feet customer service area; to a required maximum of 20 designated customer parking spaces
Day Care Centers	One space for every eight (8) children under care and one space for each employee on shift
Convenience Store/Service Stations	1 per 250 Square Feet gross floor area
Hotels/Motels	1 per guest room plus 1 per each employee on the largest shift
Funeral Home and Mortuaries	25 for the first parlor or viewing room, plus 8 per each additional viewing room
Indoor Commercial Recreation	One per each 4 persons in maximum occupancy
Outdoor Commercial Recreation	1 per each 3,000 of lot area developed and used for the

	recreational activity
Medical and Dental Office	6 spaces per doctor
Professional Office and Banks	1 per each 350 Square Feet of gross floor area
Furniture Stores, Building Material and Supply Yards	1 per each 1,000 Feet of gross floor area
Eating and Drinking Places	1 per each 3 patron seats
Retail Stores/Shopping Centers	1 per each 400 Square Feet of gross floor area
Fast Food, Drive Through Eating and Drinking	1 per each 2 patron seats
Recreation Campgrounds	2 per campsite
Flea Markets	1.2 per each seller stall
Industrial Uses Business Parks, Light Manufacturing, Heavy Manufacturing, Truck Terminals and Warehouses	1 per each employee on largest shift plus 1 visitor space per each 10,000 Square Feet gross floor area

SECTION 502 SIGNS

SECTION 502.1 PURPOSE & INTENT

The purpose of a sign is to identify and promote properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this section is to regulate all signs within the Township of South Shenango to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by ensuring that the time, place, and manner of sign by:

- A. Setting standards and providing uniform, scientifically-based controls that permit reasonable use of signs and preserve the character of the Township.
- B. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.
- C. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- D. Ensuring sign design is related to road travel speed and complex driving environments within the Township.

502.2 Prohibited Signs

- ~~A.~~ No sign shall be emplaced upon a property without explicit permission of the property owner.
- ~~B.~~ No Sign shall be permitted within a public road right of way without permission of the State on a State highway or the Township on a Township roadway.
- C. No signs shall be stapled or otherwise attached to utility poles.

- D. No temporary sign shall remain for more than thirty (30) days after the information to which it refers becomes irrelevant.
- E. No Signs shall be affixed to any motor vehicle or trailer not licensed and inspected to travel the highways of the Commonwealth.

Section 502.1 Exempt Signs

The following types of signs are permitted in all zoning districts, and exempt from permitting requirements, but not from performance standards relative to traffic safety, or overall sign limitations of any specific sign type or district.

- A. Temporary signs of no more than four (4) square feet of freestanding sign per each seventy five (75) feet of road frontage to a maximum of thirty two (32) square feet.
- B. Religious or holiday displays or messages with no commercial content.
- C. The flag of the United States, Commonwealth of Pennsylvania, or any state or nation.
- D. Directory signs which list all the occupants of a multi-tenant or multiple-family building, or buildings in a multi-building development; provided, that the area of such signs does not exceed one-half square foot per tenant or two square feet per individual building.
- E. Any signs not visible from outside a lot or building.
- F. Displays of time and temperature, including electronic displays.
- G. Rest room, exit, public telephone, handicapped parking or access, and similar directional or informational signs emplaced for the benefit of the public or building tenants.
- H. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing on the premises, provided that the area of such sign shall not exceed two (2) square feet.
- I. House and address numbers, home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling

unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed four (4) square feet and may not be illuminated.

- J. Memorial signs or tablets denoting the date of erection of a building.
- K. Official traffic signs, and Government/ regulatory signs, including signs required to be replaced by a government agency to alert person to potential hazards and dangers.
- L. Signs erected by the Township or an authorized entity that serve to provide directions and explanations for public recreational purposes and facilities, for dedication/memorial purposes, and to mark and explain historical events, persons or structures. Such signs shall not exceed sixteen (16) square feet in area. Such signs may include the name or logos of businesses or individuals who have sponsored a public improvement or general support of said facility.
- M. Signs erected for the purpose of scoring an athletic event taking place upon the site, which may include electronic scoring devices and names and or logos of sponsors of the sign, provided there is no illumination of the sign at times when the activity is not taking place.

502.3 Sign Performance Standards

Except where specifically noted, all signs shall adhere to all performance standards.

- A. Unless specifically exempted by Section 502.1 of this Ordinance, a permit must be obtained from the Township for the erection or alteration of all signs. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this Ordinance and other codes.
- B. No signs shall be permitted within public rights-of-way, except PennDOT-approved traffic signs and devices; signs and banners specially approved by the Township for decoration or promotion of community events and activities; signs not exceeding nine square feet placed temporarily to advertise the sale of real estate or a yard sale; political signs not exceeding nine square feet placed temporarily; signs not exceeding nine (9) square feet placed temporarily to provide notice of or direction to a civic, philanthropic,

political, educational, or religious event or activity). The Township may require proof of insurance for any sign within a Township right-of-way.

- C. No person shall construct, erect, place, use or permit the use of any permanent or temporary sign or sign structure on private or public property except for the property owner or tenant.
- D. Construction and maintenance: All signs shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards. The owners of signs shall keep them in safe and good repair. Signs which become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal.
- E. No sign structure may block a vehicular line of sight for a driveway, access lane, or public street, or be placed at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device. Sign structures erected directly upon the ground within fifteen (15) feet of any vehicular driveway, or street intersection shall have at least three (3) feet six (6) inches of clear space between such sign and the ground; however, necessary supports may extend through such open space.
- F. No signs shall be permitted which are posted, stapled or otherwise attached to public utility poles, trees, fire hydrants, traffic signposts, light posts, or any Township owned structure.
- G. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- H. Any electronic sign within the Township whether nonconforming, or conforming, shall meet compliance with the operating and performance standards of this ordinance.

SECTION 502.4 REMOVAL OF UNSAFE, UNLAWFUL, OR ABANDONED SIGNS

- A. Unsafe or unlawful signs

1. Upon written notice by South Shenango Township, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by South Shenango Township to be a nuisance, or it is deemed unsafe by South Shenango Township, or it is unlawfully erected in violation of any of the provisions of this Ordinance .

2. South Shenango Township may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, South Shenango Township may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

B. Abandoned Signs

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.

2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in 180 days, South Shenango Township may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, South Shenango Township may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

SECTION 502.5 NONCONFORMING SIGNS

A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.

B. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the sign is removed, relocated, or significantly altered. Significant alterations include:

1. changes in the size or dimension of the sign.
2. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration. If more than 50% of the sign area is damaged, it shall be repaired to conform to this Ordinance.
3. An alteration in the structure of a sign support.
4. A change in the mechanical facilities or type of illumination.
5. A change in the material of the sign face.
6. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
7. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by South Shenango Township.

SECTION 502.7 SIGNS ON THE PREMISES OF LEGALLY NON-CONFORMING USES

- A. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.
- B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time this Article was adopted.

SECTION 502.8 SUBSTITUTION CLAUSE

Notwithstanding any provision of this section to the contrary, to the extent that this section allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this section.

Section 502.9 Sign Illumination Performance Standards

- A. Except as specifically provided for electronic signs, no sign shall employ intermittent light, electronic or movable text, strobes or other animations that may serve to distract motorists, or abutting homeowners.
- B. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
- C. Except as specifically provided for electronic signs by Special Exception, or the use of diffused neon, the light source, whether internal to the sign or external, shall be shielded from view.
- D. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.
- E. All electrical connections shall be shielded by underground or overhead electrical wires which meet all relevant codes. No temporary signs shall be illuminated by direct means.

- F. Signs may be illuminated by direct or indirect means. Illumination of the sign face shall not exceed one hundred (100) luxes (10 foot candles) measured at a distance of ten (10) feet from the sign, unless any portion of the illuminated sign face is within one hundred (100) feet of an R- Residential District and visible from an occupied dwelling in said district. In such cases, illumination shall be reduced to ten (10) luxes (1 foot candle) measured at a distance of ten (10) feet from the sign.

Section 502.10 Sign Permit Application.

All applications for signs, as required under this section, shall be submitted to the Zoning Officer. The application shall contain:

- A. Type, area and number of signs proposed
- B. Type of illumination proposed (if permitted), including the luminance proposed and direction of lighting. This shall also be depicted upon a map that illustrates the distance to any R-Residential zoning districts.
- C. For freestanding signs, a sketch showing the placement of the sign in relation to all driveways, vehicular rights of way, property lines and cartways. The developer shall submit current sight distances, before and after erection of the sign with sufficient information to show that sight distances shall not be reduced.
- D. A photograph or graphic rendition of the proposed sign copy, including all symbols, letter, and graphic elements shown to scale and all structural elements intended to anchor the sign.
- E. The Township must specifically approve signs within public rights of way. In the case of temporary signs, the Zoning Officer or his designee shall review the application and grant approval if all applicable standards of this Ordinance are met. In the case of permanent signs, the Zoning Officer shall refer the application to Township Supervisors, who may refer the application for advice to the Planning Commission or any similar advisory committee.
- F. The information required by this section may be integrated into the Township's land development plan application and approval process where applicable.

Section 502.11 Signs Permitted in the Each Zoning District

Zoning District	AD	LRD	ROD
Signage Area Permitted	Aggregate of 64 Square Feet 3 Signs per Property	Aggregate of 16 Square Feet 2 Signs per Property	Aggregate of 64 Square Feet 3 Signs per Property
Maximum Area per Freestanding Sign	32 Square Feet	16 Square Feet, only one freestanding sign per property	32 Square Feet
Maximum Height per Freestanding Sign	6 Feet*	6 Feet	6 Feet*
Setback	All Signs must be set back from a Property Line or Public Right of Way, by the Height of the Sign		
*Sign height may be increased to 8 Feet for signs on lots abutting Rt. 322			

502.12 Temporary Signs: Temporary signs shall be permitted in building windows, and shall not require a permit.

- A. Temporary sandwich board signs of up to four (4) square feet in area are permitted during the hours the business is open.
- B. Permanent Window Signs, Banners and Temporary Business Signs:
 - 1. Permanent window signs are permitted by right without a permit provided no more than fifty percent (50%) of each window surface and twenty-five percent (25%) of all building windows include such signs. Such permanent window signs do not count towards the allowed number of signs per district.
 - 2. Temporary business signs, such as vinyl banner signs or manual changeable copy signs, are also permitted as accessory to all business uses, and do not require a permit. However, such signs remain subject to all setback requirements for business signs, and may not exceed 32 square feet in size. No temporary banner sign or changeable copy sign may be lighted except by indirect means. No temporary banner sign or changeable copy sign shall remain in place for more than 30 continuous days or 120 total days per calendar year.

Section 502.13 Electronic Signs

The inherent characteristic of electronic signs is their flexibility. This creates the potential for such signs to create an undue distraction to motorists if poorly placed or poorly programmed. These regulations are designed to encourage evolving methods of advertising, while preventing light pollution, and driver distraction hazards.

- A. A single LED window sign of up to two (2) square feet in size is permitted for any business use. LED window signs shall not be included as part of calculations of total signage permitted.

- B. An electronic sign is permitted in the ROD District as an accessory portion of a freestanding or wall sign. The area of the LED shall be included in total sign area calculations. The Electronic Sign shall also meet all the following design and performance standards:
 - 1. Message display shall remain static for a minimum of five (5) seconds. There shall be no strobe, flashing effect or other animation during the display. Any transitions or change of the display between messages shall not be more than one (1) second. Transitions that involve fading, scrolling, or other animations shall not be permitted.
 - 2. Illumination: The owner of the sign or his agent shall measure sign luminance with a luminance meter set to measure lux accurate to at least two decimals. Luminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the sign. Electronic signs of ten square feet or less shall be measured at a distance of thirty two (32) feet. Electronic Signs of greater than ten (10) square feet shall be measured at a distance of 39 feet. The difference between the off and solid-message measurements using the criteria shall not exceed 1 lux at night. A letter certifying compliance shall be provided to the zoning officer.
 - 3. Dimming Capabilities: All permitted electronic signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 1 lux measurement.
 - 4. Electronic signs which malfunction shall be turned off except for testing during any correction or repair.

5. Setback from other electronic changeable copy, electronic graphic display or video display signs: Electronic signs must be separated from other electronic signs by at least thirty-five (35) feet. No more than one (1) electronic sign is permitted per each property, regardless of how many tenants occupy that lot.
6. Orientation. When located within one hundred fifty (150) feet of a residentially-used lot in an LRD area, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot.
7. Audio or Pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic sign.
8. The developer shall show compliance with all applicable regulations of the Pennsylvania Department of Transportation for any proposed sign abutting a State Highway.
9. The developer shall show the ability to meet illumination standards under Section 602 of this ordinance. Developer shall present material detailing any differences in proposed LED light as compared to standard light measurement.

Section 502.14 Billboards:

Billboards must be approved by Special Exception.

- A. Billboards are limited to the following size limits:
 1. Static: Three Hundred (300) square feet
 2. Electronic: Two Hundred Eighty Eight Square Feet (288)
- B. No billboard shall be located within thirty five (35) feet of a public street intersection.
- C. No billboard shall be more than twenty (20) feet in height from grade.
- D. No Billboard shall be placed within seventy five (75) feet of another billboard on the same side of the street.
- E. All Multi-Vision signs shall have a transition time between sign faces of no more than two (2) seconds.
- F. Electronic Billboards must meet all performance standards of Section 502.9

Section 503 Landscaping Screening and Buffering

503.1 Administration

Purpose. The purpose of this Section is to define the landscape requirements for nonresidential uses to:

- A. Provide a quality environment throughout the business and commercial areas, which includes requirements for plantings in new and reuse developments to provide shade, beauty and environmental benefits (air quality, absorption of stormwater, prevention of soil erosion, etc.) to the community.
- B. Improve the appearance and desirability of the business and commercial areas, to enhance property values and to promote economic development and reinvestment in the community.
- C. Better define and control traffic patterns within parking areas and along streets, thus increasing safety. Curbing, trees, plantings and similar measures serve to delineate travel lanes from parking area and to provide a traffic calming effect in slowing traffic both on and off public streets. Design improved and safer access within and between properties for pedestrians.
- D. Provide effective noise, pollution and visual privacy buffers for residential properties adjacent to business or commercial developments.
- E. Maximize consistency between zoning administration and the subdivision and land development ordinance.

503.2 Plan Submission and Approval.

- A. Any property subject to land development for a nonresidential development or use shall be required to comply with the landscaping requirements of this Section and to include a landscape plan as part of the land development plan for the subject property. Where any other section of this Ordinance or any other Township ordinance is in conflict with the requirements of Section 503, the more stringent requirements shall apply.
- B. Such landscaping plans shall be drawn to a scale which permits proper legibility and sufficient detail, and shall clearly delineate all existing and proposed parking spaces or other vehicle areas, access drives, driveways and the location size and description of all landscaping materials and tree cover as required. Typical elevations of all walls pertaining to Sections 503.3C "Building Perimeter Landscaping" and 503.5 "Buffer Yard and Screening" are required. Data tables must be shown for required building perimeter landscaping, detention pond perimeter landscaping and buffer landscaping in accordance with Township standards. Title block must be shown with pertinent names and addresses; property owner; name, address and telephone number of person who completed the plan; scale, date and north arrow. In addition, existing natural features must be shown on the plan and should be incorporated into the overall site design, where practical.
- C. Certificate of Occupancy. Where landscaping is required, no certificate of occupancy shall be issued until the landscaping is completed as certified by inspection by South Shenango Township, unless a performance bond in an amount acceptable to the Township has been posted to guarantee the completion of all elements of the landscape plan.
- D. Completion of Landscape Improvements after Posting of Performance Bond. After a performance bond has been posted, all elements of the approved landscape plan shall be installed within 6 months after the date of posting of the bond. An extension of the time for completion may be granted by the Township upon demonstration by the property owner or developer that such an extension is warranted due to such reasons

as adverse weather conditions or unavailability of plants materials. Substitutions of similar plant material may be approved by the Township.

- E. Maintenance and Installation. All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. Plant materials shall conform to the requirements described in the latest edition of American Standards for Nursery Stock, which is published by the American Association of Nurserymen. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within 1 year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within 3 months. Plants shall not be pruned or thinned in such a way as to minimize their effectiveness as a visual barrier, where that is their function as in a buffer yard per section 503.
- F. Landscaped areas shall not be used for storage of vehicles, equipment or materials or for any other use incompatible with their purpose. Violation of these installation and maintenance provisions shall be grounds for the Township to refuse a certificate of occupancy and/or institution of legal enforcement proceedings.

503.3 General Site Landscaping

- A. Curbing. For major land developments, or parking lots for more than ten vehicles, all new parking areas and access drives shall be curbed, unless part of onsite stormwater management, such as rain gardens. Curbing is not required on the perimeter of existing parking areas, or where not possible due to grade constraints.
- B. Landscaped areas shall not be required in any location where it would interfere with the vehicle sight distance or safety as determined by the Township.
- C. Building Perimeter Landscaping. Where any building wall is transparent between the height of 3 feet and 8 feet above the walkway grade for 60% or more of the horizontal length of the structure, building perimeter landscaping may be provided at the discretion of the property owner, except that adequate walkways, separated from driveways and parking areas by curbing shall be required along the building perimeter where pedestrian traffic can be reasonably expected. Where a building wall or walls contain no such transparency or entrance doorway for a horizontal distance of more than 30 feet, building perimeter landscaping is required in the form of plant material which will cover no less than 50% of the wall face, of which 50% will reach a mature height of no less than 75% of the building wall height. No less than 50% of this plant material will be required to be of evergreen varieties. Where exceptional architectural articulation, such as recesses, projections or decorative detailing is provided, the Township may reduce (but not eliminate) the building perimeter landscaping for those portions of the building exterior.

D. Building perimeter landscaping is required for major land developments only.

503.4 Landscape Material Specifications.

All materials shall meet the following minimum standards:

<u>Plant Material Type</u>	<u>Minimum Size</u>
Canopy tree (35 feet minimum mature height)	1.5-2 inch caliper (at breast height)

Ornamental tree	1-1.5 inch caliper
Evergreen tree	6 feet height (not including leader)
Shrub (40 inch minimum mature height)	24 inch height
Perennial (includes ornamental grass)	1 gallon

- A. All trees and shrubs shall be balled and burlapped or container grown. If plants are container grown and are root bound, the roots should be cut or slashed at the time of planting.
- B. Mulch shall be shredded hardwood bark mulch, unless an acceptable alternative is approved by the Township.
 - 1. Preservation of Existing Vegetation. Preservation of existing trees is strongly encouraged. Existing trees that meet the minimum size and location requirements of this Section will be given double credit (one preserved tree = two new trees) toward the satisfaction of planting requirements, provided that the area within the dripline of the trees is protected by fencing during grading and construction.
 - 2. Detention Pond Perimeter Landscape Requirements. The perimeter of above ground stormwater detention or retention ponds shall be landscaped to enhance the appearance of the pond, with the minimum number of plants to be as one tree (canopy or ornamental) per 50 lineal feet of pond perimeter, plus one shrub for every 5 lineal feet of pond perimeter. For purposes of this subsection, a shrub can be one shrub, one ornamental grass and/or one group of three perennials.
 - 3. The plantings shall be grouped and clustered around the pond within 20 feet of the perimeter so as to provide maximum visual screening from public areas, and to permit access for maintenance purposes.
 - 4. Detention pond perimeter landscaping is required for all residential and nonresidential land developments.
 - 5. Street Frontage, Greenways and Access Drives
- C. Where a property abuts a public street, private street or access drives, a greenway shall be provided, except for entrances for pedestrians and vehicles. This greenway shall include a sidewalk of a minimum width of 5 feet connecting to the lot line of adjacent parcels and constructed in accordance with Township standards and as determined to be appropriate by the Township.
- D. The greenway shall also contain street trees planted no greater than 30 feet on center. The location of street trees and sidewalks relative to the street edge with exact locations to be approved by the Township, and PennDOT where applicable, based on the conditions of each site. The preferred location for street trees shall be between the sidewalk and roadway, but they may be behind the sidewalk where determined to be necessary due to traffic safety needs and/or utility locations. Canopy trees are preferred for street trees and location adjustments is the first alternative where canopy trees will interfere with overhead utility lines. Where no other alternative is possible, ornamental trees (based on the appropriate utility company recommendations) may be substituted for canopy trees.
- E. The minimum width of the greenway shall be 9 feet, measured from the curb or edge of pavement of the public street(s) abutting the property. The greenway may contain landscaping, lawn, sidewalk and utilities only and shall not contain any vehicular or other use, with the exception of entrance drives crossing the greenway. Where a site with existing development is subject to a land development plan due to a renovation or

addition to existing building(s) and the greenway requirement will cause reduction in the number of existing parking spaces such that the minimum parking requirement of the zoning ordinance cannot be met, the Oil Creek Township Planning Commission may authorize a reduction in the greenway width to the least extent possible to preserve the minimum required parking spaces.

- F. For parking areas with 200 spaces or more, main access drives to and from public streets shall be separated from other portions of the parking lot by curbed landscaped areas of not less than 9 feet in width, provided along both sides of the entire access drive, except for entrances for pedestrians or vehicles. These landscaped areas must accommodate a 5 foot sidewalk with a 4 foot landscaped area bounded by and separated from the parking area by curbing, except where the sidewalk must cross vehicle travel lanes, where the layouts shall be such that the length of such crossing is made as small as possible, and such crosswalks shall be delineated with textured surfaces (excluding paint) which serve to call attention of motorists to their presence. The landscaped area shall contain canopy trees (or ornamental trees where there is a conflict with above ground utility lines) planted no less than 30 feet on center.

G. Screening and Landscaping of Off-Street Parking Areas

- 1. To the greatest extent possible, off-street parking areas shall be designed to reduce the negative visual effect of vast paved areas and shall contain landscaped planting islands and defined landscaped pedestrian walkways. This Section provides requirements for internal parking area landscaping, as well as landscaping along the perimeter of the parking area.
- 2. Parking Area Design.
 - a. Clearly defined and marked sidewalks shall be required within parking areas and be provided for the length of the parking area to the entrances of establishments. Such walkway areas shall be a minimum of 9 feet in width to accommodate a sidewalk with an unobstructed width of 5 feet and a 4 foot wide landscaped area bounded by and separated from the parking area by curbing. Where the sidewalk must cross vehicle travel lanes, the layout shall be such that the width of such crossing is made as small as possible, and such crosswalks shall be delineated with textured surfaces (excluding paint) which serve to call attention of motorists to their presence. The requirements of this Section may be met with the application of a main aisle upon approval of the Township.
 - b. This subsection shall apply to major land developments only.

Terminal islands shall be installed at both ends of each single unbroken row of parking. The maximum length of an unbroken row of parking shall be 20 parking spaces, separated by vehicular travel lanes running perpendicular. Vehicular travel lanes are not required for perimeter parking. Terminal islands shall be a minimum of 15 feet in length with one canopy tree (for single loaded parking) or 30 feet in length with two canopy trees (for double loaded parking) and shall have a minimum width of 10 feet.

- c. This subsection shall apply to major land developments only.
Interconnection of Off-Street Parking Areas. To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be connected to adjacent parcels through a rear or side yard access drive constructed parallel to the public street to which the use fronts or is located along. The intent is to provide a secondary point of access in a grid pattern. Access drives shall be constructed in accordance with Township standards. Where a parking area is constructed and is adjacent to an undeveloped lot, the access drive, where feasible, shall be extended to the lot line for future connection to the adjacent parcel.
- d. This subsection shall apply to major and minor land developments.
Where a parking area borders a public right-of-way, a continuous hedgerow, ornamental fencing or construction of a low wall, or a combination thereof is required. This is in addition to the street frontage and greenway requirement of Screening and Landscaping of Off-Street Parking Areas. The hedgerow shall consist of one shrub per every 3 linear feet. The maximum height of a hedgerow shall be 3.5 feet at maturity. The fence height may be varied between a minimum of 3.5 feet in height and a maximum of 4 feet in height.
- e. This subsection shall apply to major land developments only or parking lots for more than ten vehicles, as applicable.
Where a parking area borders an abutting property line, a landscaped strip with a minimum width of 6 feet shall be located between the parking area and the property line, except where driveways or other access points occur. At least one canopy tree shall be planted every 60 feet in the landscaped strip and a continuous hedgerow consisting of one shrub per every 3 linear feet, with a maximum height of 3.5 feet at maturity shall be provided.
- f. This subsection shall apply to major land developments only.
Where perimeter landscaping required by this Section conflicts with the buffer yard requirements, the more stringent requirements shall apply.

503.5 Buffering and Screening

The following minimal standards shall apply to buffer yards, and screening when required by permitted use with conditions, conditional use, special exception or land development plans. The Township shall review the adequacy of material chosen for screening and buffering based upon table 503.1. The Township may require an increase in buffering or screening as a condition of approval in the case of land developments, special exceptions or conditional uses. Screening and buffering does not replace any requirement for security fencing.

Table 503.5A Minimal Screening and Buffer Yard Standards

Screening or Buffering Type	When Required	Permitted Screening or Buffering Choices.
Total Screening average at least Six Feet in Height from Grade	Use: Required for outdoor material storage yards, heavy industrial uses, salvage yards, mini storage facilities, when abutting a residential use	<ul style="list-style-type: none"> • Six feet high opaque fence • Triple staggered row of Evergreen Trees At least four feet high planted spaced to create a continuous hedge within 5 Years. • Earthen mound at least four feet in height with at least a single row of evergreen trees at least four feet in height planted at the crest • Natural wooded buffer least 60 feet in width.
Low Screening	Use: Light industrial, parking lots when 24 hour use is reasonably expected and when located within 100 feet of a single or multiple family residential dwelling.	<ul style="list-style-type: none"> • Four Feet Opaque Fence • Row of Evergreen Trees At least four feet height spaced to create a continuous Hedge within 5 Years. • Earthen Mound at least four feet in height with single row of evergreen trees planted at the crest • Natural Wooded Buffer at least 40 feet in width.
Heavy Buffer Yard	Use: retail stores, restaurants, light industry, campgrounds, hotels and motels when abutting a residential use	<ul style="list-style-type: none"> • 1 row of Evergreen Trees At least four feet height, planted to create a continuous hedge within 7 years. • Mix of Evergreen and deciduous Trees planted to create a 35 foot wide buffer* • Wooded Buffer or No Mow Area at least 50 feet in width.
Light Buffer Yard	Professional offices, nursing homes, churches, hospital, educational and institutional buildings, multiple family dwellings containing four or fewer dwelling units within each building. All other uses when within 200 feet of a single family dwelling	<ul style="list-style-type: none"> • Any mix of shrubbery, grass, deciduous trees in a buffer yard at least 15 feet in width * • Wooded buffer or no mow area at least 30 feet in width.

*Where a mixed buffer is approved it must have a minimum of one four foot high tree or shrub per every 64 square feet

503.6 Service Areas

- A. Loading Docks and Trash Collection Enclosures. Loading docks, trash collection area enclosures and similar facilities shall be incorporated into the overall design of buildings and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. These facilities shall be screened by a solid masonry, vinyl or wood wall at least 6 feet in height and of adequate strength of construction to retain the original structural integrity. Such enclosures shall be maintained as necessary to remain in a state of proper repair and positive appearance. Failure to properly maintain or repair enclosures as needed shall constitute a violation of this Section of the zoning ordinance. These facilities must meet all requirements of "Building Perimeter Landscaping."
- B. Building Mechanical Systems. All building mechanical systems such as air condition units, exhaust systems, satellite dishes, fire escapes, elevator housing and other similar elements shall be incorporated into the overall design and character of the building and screened from view. Wherever feasible, the use of exterior mechanical systems should be minimized. Landscaping and other screening devices including decorative fencing shall be used to soften the view of these features from adjoining properties or public streets.
- C. Refuse Containers: The following regulations shall apply to all uses in all districts except single family dwellings, two family dwellings, and multifamily dwellings where four or less dwelling units represent the total development. Refuse containers shall not be permitted between any building and any public street with the preferred location being directly adjacent to the main structure. Trash collection and similar facilities shall be completely enclosed by a solid wall at least 6 feet in height. Enclosures shall be constructed of the same material or be architecturally compatible with the principal structure and shall maintain 100% opacity on all three sides with a self-closing gate on the fourth side. Trash collection areas shall be located on rigid pavement surfaces and designed to prevent accumulation of stormwater runoff.

ARTICLE 6 ADMINISTRATIVE CODE, ZONING OFFICER, AND AMENDMENTS

Section 601 Zoning Officer

The Township shall appoint the Zoning Officer who shall hold no elective office in the Township, to administer and enforce the provisions of this Ordinance, in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code

Section 601.1 Duties of the Zoning Officer

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

- A. Application for Zoning Permits: The Zoning Officer shall receive applications for Zoning Permits and/or Certificates. A Zoning Permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Township ordinances. Applications conforming to such ordinances shall be approved; those not conforming to such ordinances shall be denied.
- B. Inspections: The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Zoning Permit or a Zoning Certificate has been requested. Such inspections may be before, during and after any construction and shall be made upon the termination of construction and prior to the issuance of a Certificate of Occupancy.
- C. Permits, Applications, Appeals and Certificates: The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved; shall receive all applications for Conditional Uses, Special Exceptions and Variances and forward same to the appropriate body. Where a decision is made by another body, the Zoning Officer shall issue or deny the permit as ordered by the applicable Board.
- D. Enforcement: The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance and to revoke or refuse permits as authorized.
- E. Non-Conforming Use Registry: The Zoning Officer may compile a register of nonconforming uses. If compiled, this registry shall be kept at the Township offices, and updated upon any amendment of the ordinance as necessary. A certificate of nonconformity may be granted upon payment of a fee determined by resolution of the board of supervisors.

Section 602 Permits and Certificates

- A. Zoning Permits: An application for a Zoning Permit will be to show compliance with this and other appropriate Township ordinances. Applications shall contain information relative to the proposed construction and/or use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including any sketches, plat plans as well as the number of copies, time limits and fees for such applications shall be determined by the Township.
- B. Zoning Certificate: The Zoning Certificate shall be issued upon request to confirm that the use of land or a building within the Township is in compliance with this Ordinance. Zoning Certificates shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure. The exact form of the Certificate and fees charged shall be determined by the Township.
- C. Sign Permit: A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information required as well as such additional information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.

Section 603 Violations

- A. Enforcement Notice: When it appears to the Township and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:
 - a. The name of the owner of record and any other person against whom the Township intends to take action.
 - b. The location of the property in violation.
 - c. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e. 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.
 - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

B. 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, and any amendment thereto or prior enabling laws, the Township, the Zoning Officer of the Township, 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 thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Township Supervisors. No such action may be maintained until such notice has been given.

C. Jurisdiction: Magisterial District Judges shall have initial jurisdiction over proceedings brought under Section 1004.4.

D. Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

E. Causes of Action: To protect public health safety and welfare, nothing in this chapter shall prevent the Township or its agents from seeking injunctive relief, or other means to 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 pursuant to Section 617 of the Pa Municipalities Planning Code.

Section 604 Appeals Of Zoning Officer Decisions

All appeals from a decision or determination of the Zoning Officer or other designated Township official, adverse to a landowner shall be filed by an aggrieved landowner within 30 days after notice of the determination issued. Appeals shall be filed with the Zoning Officer who shall refer them to the Zoning Hearing Board.

Section 605 Amendments To Zoning Ordinance

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

Section 605.1 Petitions

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

Section 605.2 Referral

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

Section 605.3 Action

Before acting upon a proposed amendment, the Board of Township Supervisors shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map and is not a comprehensive rezoning, notice of the public hearing shall be posted at the affected tract(s) in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing.

Section 605.4 Curative Amendments

The Township may institute a Municipal Curative Amendment in accordance with Section 609.2 of the Planning Code.

ARTICLE 7 ZONING HEARING BOARD

Section 700 Creation

There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of three (3) members and one (1) alternate, appointed by resolution of the Board of Township Supervisors, pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

Section 700.1 Appointment

The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, nor be a member of the Planning Commission. The Board of Township Supervisors shall also appoint one (1) alternate member to the Board. The appointment, rights and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code. A Board Member shall not be removed except in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code.

Section 700.2 Organization of Board

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

Section 700.3 Expenditures for Services

Within the limits of funds appropriated by the Township Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by the Township Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors. The Board of Township Supervisors may prescribe reasonable fees in accord with the applicable provisions of the Pennsylvania Municipalities Planning Code to be paid by an applicant for a hearing before the Zoning Hearing Board

Section 700.4 Legal Counsel

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

Section 700.5 Hearings

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

- A. Notice shall be given to the public by notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer,

and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

- B. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- C. The hearings shall be conducted by the Board or a hearing officer in accordance with the provisions of this ordinance and the applicable provisions of the Pennsylvania Municipalities Planning Code
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. The chairman or acting chairman of the Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Board shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- I. The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or such time as fixed by the Pennsylvania Municipalities Planning Code. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a

reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. Where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision in accord with the applicable provisions of the Pennsylvania Municipalities Planning Code.

- K. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not 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 700.6 Board's Functions:

The Board shall have exclusive jurisdiction for the following:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to the applicable provisions of the Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges in accordance with the applicable provisions of the Pennsylvania Municipalities Planning
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance
- E. Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance and Special Exceptions
- F. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Articles VI or VII applications of the Planning Code.

Section 700.7 Appeals To The Zoning Hearing Board

- A. Appeals under Section 700.6 and proceedings to challenge the Ordinance under Section 700.6 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance or Special Exception

under Section 700.6 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

B. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

C. Upon filing of any proceeding referred to in Section 700.6 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.

Article 8 Conditional Use, Special Exception and Variance Procedures and Requirements

801 – Conditional Use. A Conditional Use is a use to be allowed, or denied, by the Board of Supervisors in a particular zoning district. Conditional Uses are specifically listed in Article 3 of this Ordinance. A Conditional Use is granted by the Board of Supervisors in accordance with the standards outlined in Sections 801 through 801.5 of this Ordinance.

801.1 – Application for Conditional Use. An application for a Conditional Use shall be filed with the Zoning Officer. At a minimum the application shall contain the following information:

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

- H. Any such other materials as may explain how the proposed use will comply with the requirements of this Ordinance.

801.2 – Procedure For Conditional Uses. Three copies of the complete application shall be filed with the Zoning Officer. An application fee shall be paid in the amount set by Township Supervisors. The Zoning Officer shall as soon as possible refer one application to the Township Planning Commission and one application to the Township Supervisors. The Planning Commission may review the proposal and forward its recommendations to the Supervisors. The Planning Commission shall forward its recommendation within 45 days of the date the application was accepted by the Zoning Officer as complete; failure to act within this allotted time shall be considered a favorable recommendation.

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

Upon approval by Township Supervisors the application shall be appropriately signed and all development, construction and use shall be in accordance with the approved application and accompanying plan unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this Ordinance. In initially approving a conditional use, where not in conflict with other provisions of this Ordinance, and where supported by appropriate documentation, future expansions of the use may be included in Supervisor's approval.

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

801.4 – Conditions. The Township Supervisors may, in addition to those specifically provided in this Ordinance, attach such reasonable conditions and safeguards as it determines is necessary to meet the intent of this Ordinance, to protect adjacent property and to further the public interest. All development, construction and use shall be in accordance with any approved plan and all attached conditions, unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this Ordinance.

801.5 – Criteria for Approval. A conditional use shall be approved only if it meets the following criteria:

- A. The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance and any applicable State and Federal regulations.
- B. Special Standards - The proposed use shall meet all applicable standards which may apply to its class of conditional use as set forth in this Ordinance.

- C. Performance Standards - The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or harmful to any other property or persons.
- D. Relationship - The proposed use shall be cited, oriented and landscaped to produce a harmonious relationship of building and grounds to adjacent buildings and properties.
- E. Environment - The proposed use shall produce a total visual impression and environment which is consistent with or an improvement to the environment of the neighborhood.
- F. Screening - A non-residential use proposed in a residential district shall be adequately screened from residential areas as deemed necessary by the Township Supervisors in accordance with the applicable provisions of this Ordinance.
- G. Parking - Adequate off-road parking shall organize vehicular access and parking to minimize traffic congestion in the neighborhood. Access to off-road parking areas shall be limited to well-defined location(s) and in no case shall there be unrestricted access along the length of a road or street.

802 – Special Exceptions. A Special Exception is a permission or approval granted an applicant to use land in a district for a purpose other than that generally permitted outright in that district. Special Exception Uses are specifically listed in Article 3, District Descriptions. The Special Exception is granted by the Zoning Hearing Board in accordance with the standards outlined in Section 702.2 of this Ordinance.

802.1 – Application for Special Exceptions. An application for a Special Exception shall be filed with the Zoning Officer. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Present zoning district.
- E. Description of proposed use.
- F. A plan of the proposed site for the special exception showing the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscape treatment on all surfaces, refuse and service areas, utility services, signs, yard areas and such other information as the Zoning Hearing Board may require to determine if the proposed use meets the requirements of this Ordinance.
- G. A narrative statement:
 - a. evaluating the effect on such elements as noise, glare, odor, fumes, and vibrations on adjoining property;
 - b. discussing the general compatibility with other properties in the district; and
 - c. explaining the relationship of the proposed use to the Township's Comprehensive Plan.

- H. Any such other materials as may explain how the proposed use will comply with the requirements established in this Ordinance.

802.2 – Procedure for Special Exceptions.

- A. Three copies of the complete application shall be filed with the Zoning Officer. An application fee shall be paid in the amount set by Township Supervisors. The Zoning Officer shall as soon as possible refer one application to the Zoning Hearing Board.
- B. The Board shall conduct a hearing in accordance with the procedures required by this Ordinance and the Pennsylvania Municipalities Planning Code within 60 days of the date that the application was filed. In granting a Special Exemption, the Board may attach reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Act and the Zoning Ordinance. The Board shall render a decision no more than 45 days following the hearing.
- C. Upon approval by the Board, the application shall be appropriately signed and all development, construction and use shall be in accordance with the approved application and accompanying plan unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this Ordinance. In initially approving a Special Exception, where not in conflict with other provisions of this Ordinance, and where supported by appropriate documentation, future expansions of the use may be included in the Board's approval.

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

803 – Variances. When it is alleged that this Ordinance, strictly applied, inflicts an unnecessary hardship upon the applicant, a variance may be granted by the Zoning Hearing Board modifying the requirements in this Ordinance that inflict the hardship. A variance constitutes legal permission by the Zoning Hearing Board to use a property for a permitted use in a particular zoning district, but to do so with some modification in the regulations applicable to that District. A variance applies only to that particular piece of property for which it is granted. A variance action does not, in most circumstances, involve modifications of the permitted uses within the zoning district.

803.1 – The Zoning Hearing Board may grant a variance, provided that all of the following findings are made by the Board:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and shape, or exceptional topographic or other physical conditions peculiar to the property and that the unnecessary hardship is due to

these conditions and not due to circumstances or conditions generally created by the provisions of the zoning ordinances in the neighborhood or district in which the property is located;

- B. That because of such physical circumstances there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance;
- C. That such unnecessary hardship has not been created by the applicant;
- D. That the variance, if authorized will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use of adjacent property nor be detrimental to the public welfare;
- E. That the variance, if authorized, will represent the minimum variances that will afford relief and will represent the least modification possible of the regulations in issue.

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

- A. Non-conforming uses of adjoining lands, or certain types of structures in the same district and permitted or non-conforming uses of land or structures in other districts shall not be considered grounds for the issuance of variances.
- B. The Board shall not permit variances which allow a use not permissible under the terms of this Ordinance in the district involved unless the Board finds that the applicant cannot make a reasonable use of his land.

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

803.4 – Procedure for Variances. The procedure for a variance shall follow the Zoning Hearing Board Procedures as set forth in this Ordinance and the Pennsylvania Municipalities Planning Code.

