

1004.3 Jurisdiction: Magisterial District Judges shall have initial jurisdiction over proceedings brought under Section 1004.4.

1004.4 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.

1004.5 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.

ARTICLE 11 AMENDMENTS

Section 1101 General

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 1102 Petitions

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

Section 1103 Referral

Any proposed amendment presented to the Board of Township Supervisors without written findings and recommendations from the Pine Township Planning Commission and the Mercer County Regional 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 Mercer County Regional Planning Commission.

Section 1104 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 1105 Curative Amendments

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

**ARTICLE 12
EFFECTIVE DATE**

Section 1200: Effective Date – The Zoning Ordinance shall take effect five (5) days after the date of adoption by the Board of Supervisors of Pine Township, Mercer County, Pennsylvania.

We hereby certify that the Pine Township Zoning Ordinance was adopted by the Board of Supervisors of Pine Township, Mercer County, Pennsylvania this 4th day of April, A.D., 2016

Township of Pine
Mercer County, Pennsylvania

Chairman – Board of Supervisors

Member – Board of Supervisors

Member – Board of Supervisors

**ARTICLE 13
CERTIFICATION**

Section 1300: Certification- I do hereby certify that the foregoing is a true copy of Ordinance Number 1 -2016 adopted by the Board of Supervisors of Pine Township, Mercer County, Pennsylvania on April 4, A.D. 2016.

Township Secretary

REQUEST FOR AMENDMENT

To The Pine Township Zoning Ordinance
(Change in Text)

TO: The Pine Township Mercer County, Board of Supervisors

I (We) J.P. Howard (VIPA Land Holdings LLC)
PRINT

Address 389 Grove City Road Slippery Rock PA 16057
PRINT

Hereby request an amendment to the text of the Pine Township Zoning Ordinance adopted April 4, 2016, as revised by subsequent amendments by changing the same as follows:

Amend Section _____ Paragraph _____ to read as follows:

Reason:

Change Proposed Lots Along Airport Rd From R-1 to R-2

Dated at Grove City PA, this 30th day of September 2025

Signed J.P. Howard
VIPA Land Holdings LLC

JP Howard D/B/A VIPA Land Holdings is the property owner of lots located along Airport Road that adjoins Village Park Planned Residential Development. Property owner wishes to extend the PRD to include the lots being developed along Airport Road proposed lots 138-153 and Parcel "A". Property owner proposes making the above reference lots and/or parcels R-2 General Residential. The current zoning is R-1 Single Family Residential. The change to R-2 would comply with the current zoning laws/ordinances for PRD development. Property Owner VIPA Land Holding has received approval from Mercer County Regional Planning Commission for the proposed change. See attached map for proposed changes/amendments to Pine Township, Mercer County Zoning Map and existing ordinance.

JP Howard
VIPA Land Holdings LLC.

Section 305**R-2 General Residential Zoning District**

will be residential with height and area regulations establishing an intensity of land use designed to encourage development of single-family dwellings and multiple family dwellings in those places where infrastructure is present.

Table 305A R-2 General Residential Zoning District

Permitted Uses	Special Exceptions
Agriculture (See Section 418)	Nursing Homes, Personal Care Homes and Assisted Living Facilities (See Section 417)
Professional Offices (See Table 305B)	
Hospitals (See Table 305B)	
Places of Worship and Assembly	Multiple Family Dwellings (See Section 420)
Essential Services	Conversion Apartment (See Section 421)
Family/Group Day Care Homes (See Section 402)	
Forestry (See Section 403)	Conditional Use
Golf Courses	Planned Residential Development (See Article 7)
Home Occupations	
Mobile homes on a single owner-occupied lot and installed to meet all setbacks and UCC Requirements (See Section 406)	
No Impact Home Based Business	
Public Parks and Recreation	
Single-Family Dwellings	
Two Family Dwellings	
Accessory Uses and Structures (see Section 503)	
Accessory Uses and Structures	
Private garages, storage sheds and horticulture (Subject to Article 5)	
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses (Subject to Article 5)	
Walls, fences, lamp posts and similar accessory structures subject to the height limitations contained in Article 5	
Storage or parking of a commercially licensed vehicle, see Article 5	
Storage or parking of major recreation equipment, see Article 5	

TABLE 305B

**R-2 GENERAL RESIDENTIAL DISTRICT
LOT, YARD, AND HEIGHT STANDARDS**

	Single-Family Dwellings		Duplex and Multiple Family Dwellings	Place of Worship and Assembly, Public parks and Playgrounds, Essential Service Structure	Hospitals	Professional Offices
Minimum Lot Area	25,000 Square Feet if served by public sewer. Reduced to 15,000 Square Feet if both public or group water and sanitary sewer service are available. On lot sewer shall follow standards for "All Other Uses".		Duplex: 40,000 Square Feet for Duplex Multiple Family: 50,000 Square Feet for first three units in multiple family dwelling plus 10,000 Square Feet per each unit thereafter. Must be served by public sewer.	85,000 Square Feet	5 Acres	1/2 Acre
Minimum Lot Width	80 Feet		100 Feet	100 Feet	200 Feet	100 Feet
Minimum Front Yard	75 feet, measured from Street Centerline (except for Interior Streets as defined; which may use the alternative standard under Section 703D)					
Minimum Side Yard	15 Feet		20 feet from other multiple family dwellings or nonresidential uses, at least 50 feet from a single-family dwelling in separate ownership	20 feet from other multiple family dwellings or nonresidential uses, at least 50 feet from a single-family dwelling in separate ownership	20 Feet	20 Feet
Minimum Rear Yard	15 Feet		20 feet from other multiple family dwellings or nonresidential uses, at least 50 feet from a single-family dwelling in separate ownership	20 feet from other multiple family dwellings or nonresidential uses, at least 50 feet from a single-family dwelling	20 Feet	20 Feet
Maximum Height of Structure	40 Feet					
Maximum Coverage	35%					

Section 304**R-1 Single Family Residential Zoning District**

The R-1 Residential District is meant to provide a zoning district in which the predominate use will be residential with height and area regulations establishing an intensity of land use designed to encourage development and protection of single family dwellings.

Table 304A R-1 Single Family Residential Zoning District

Permitted Uses	Special Exceptions
Agriculture (See Section 418)	Public and private elementary and secondary schools recognized by the Pennsylvania Department of Education, and accredited colleges and universities: including accessory residential, office, recreational, maintenance and medical facilities (See Section 417)
Places of Worship and Assembly	Group Day Care and Day Care Centers (See Section 402)
Essential Services	
Family Day Care Homes (See Section 402)	
Forestry	
Golf Courses	
Home Occupations	
Mobile homes on a single owner occupied lot and installed to meet all setbacks and UCC Requirements (See Section 406)	
No Impact Home Based Business	
Public Parks and Recreation	
Single-Family Dwellings	
Accessory Uses and Structures	
Private garages, storage sheds and horticulture (Subject to Article 5)	
Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses (Subject to Article 5)	
Walls, fences, lamp posts and similar accessory structures subject to the height limitations contained in Article 5	
Second dwelling on same lot (See Section 415)	
Storage or parking of a commercially licensed vehicle, see Article 5	
Storage or parking of major recreation equipment, see Article 5	
Shelter for household pets see Article 5	

TABLE 304B

**R1 SINGLE FAMILY RESIDENTIAL DISTRICT
LOT, YARD, AND HEIGHT STANDARDS**

	Single-Family Dwellings, Family And Group Day Care Homes, Home Occupations	All Other Uses
Minimum Lot Area	25,000 Square Feet if served by public sewer, reduced to 15,000 Square Feet if <u>both</u> public or group water and sanitary sewer service are available. On lot sewer shall follow standards for "All Other Uses"	40,000 Square Feet
Minimum Lot Width*	100 Feet	100 Feet
Minimum Front Yard Setback	75 feet, measured from Street Centerline.	75 feet, measured from Street Centerline(except for Interior Streets as defined; which may use the alternative standard under Section 703D)
Minimum Side Yard (each Side)	15 Feet	25 feet
Minimum Rear Yard	15 Feet	25 feet
Maximum Height of Structure	40 Feet	40 Feet
Maximum Coverage	35% for all above-grade Structures	35% for all above-grade Structures

* Minimum Lot width as measured at setback line

2. No member of a swine species may be kept in an R-1 or R-2 Residential District, except for a single miniature pig (commonly known as pot-bellied pigs) kept within a dwelling as a household pet.
3. No male un-castrated goat may be kept in an R-1 or R-2 Residential District.
4. No coop, pen or enclosure for the keeping of livestock shall be permitted within one hundred (100) feet of a dwelling on an adjoining lot.
5. All fenced areas or enclosures shall be at least four (4) feet in height, and of sufficient design to contain livestock.
6. 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.
7. 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.

Domestic rabbits are exempt from this subsection except that manure from rabbits shall be managed to prevent malodorous nuisance.

Section 419 RESERVED

Section 420 Multiple Family Dwellings

- A. All units must have separate kitchen and bathroom facilities as well as living/sleeping spaces. All units must have separately metered utilities.
- B. Each dwelling unit shall have a minimum size of six hundred (600) square feet exclusive of common spaces.
- C. All required parking shall be accommodated on-lot or in leased or otherwise dedicated tenant spaces within one hundred feet of the proposed development.
- D. All area and yard requirements for multiple-family dwellings within any district must be met per the District
- E. Screening may be required as a reasonable condition of approval.

Section 421 Conversion Apartments

The purpose of this special exception is to allow for the conversion of existing single-family homes into multiple-family units. To be allowed to convert from a single-family into a multiple-family unit, the following criteria must be met:

- A. No single family dwelling proposed for conversion to apartments shall have a lot size of less than that required for a conforming single family dwelling in the District.
- B. Off street parking shall be provided at a ratio of 1.5 spaces for every single bedroom or efficiency apartment and 2 spaces for every apartment of two bedrooms.
- C. No parking area, except for a residential driveway of no greater than 28 feet in width, may be developed in any area between the principal street and the front of the dwelling. All parking areas shall be in the rear of the dwelling. Parking shall be arranged so that no vehicle shall be parked in a manner that would block a required parking space from access to a public street.
- D. All units must have separate kitchen and bathroom facilities as well as living/sleeping areas.
- E. Each unit shall have a minimum size of six hundred (600) square feet exclusive of common spaces.
- F. All required parking shall be accommodated on lot. No parking in the front yard area shall

ARTICLE 7 PLANNED RESIDENTIAL DEVELOPMENT

Land development concepts which provide for varied housing needs require a different set of guidelines and standards for the developer to follow than those established by the subdivision ordinance for conventional subdivisions and land development. It is therefore the intent of this Ordinance to establish uniform standards governing Planned Residential Development (PRD). Mobile home Parks as defined by the Pa. Municipalities Planning Code, may not be considered as Planned Residential Developments in whole or part, under any circumstances. Mobile home Park Development standards may be found in the Mercer County Subdivision and Land Development Ordinance and conditional use standards of this Zoning Ordinance. Where not specifically contained in this chapter, procedures and administrative requirements for PRD's shall be consistent with Article VII of the Pennsylvania Municipalities Planning Code and the Mercer County Subdivision and Land Development Ordinance.

701 Purpose

The purpose of the PRD regulations is to create residential development which is more creative and imaginative and which will foster more efficient, aesthetic and desirable use of open areas than is generally possible under conventional zoning district regulations and subdivision requirements. Further, these regulations are intended to promote more economical use of land potential while providing a latitude in building design, building placement, amenities and community facilities of appropriate quality, oriented to the specific development site characterized by special features of topography, shape or size, and at the same time preserve the natural scenic qualities, open spaces, and integrity of single family residential neighborhoods within Pine Township.

702 Application of Provisions

PRD may be permitted in the AC Agricultural Conservation, RR Rural Residential and R-2 General Residential Districts, subject to the restrictions, qualifications and requirements cited in this Section, as enumerated herein below. Provisions of the Zoning Ordinance concerned with dwelling type, bulk, density and open space shall not be applied when PRD proposals are approved, except when specifically indicated by the provisions contained in this chapter.

703 Land Requirements

- A. Minimum land area for a PRD shall be Twenty Five (25) contiguous acres in R-2 General Residential and thirty five (35) acres in the AC Agricultural Conservation and RR Rural Residential districts.
- B. The applicant for a PRD plan approval shall evidence a full ownership interest in the land. The evidence shall either be legal title or an executed binding sales agreement that may be stated to be in effect pending zoning approval.
- C. The project shall be in single, legal as well as equitable, ownership prior to approval of the final development plan.
- D. The Minimum Building Setback on all Interior Streets and roads both sides of which are located entirely within the boundary line of the Planned Residential Development is 50 feet from the road centerline.



704 Availability of Public Services and Access

- A. The developer shall connect any proposed PRD to Public Sewer or Water facilities as may be required by applicable requirements of the Mercer County Subdivision and Land Development Ordinance.
- B. The developer shall conform to all provisions relative to stormwater management as stated in the Pine Township Stormwater Management Ordinance, and the Mercer County Subdivision and Land Development Ordinance, and Public and Private Improvements Code.

- C. All PRD developments shall be regulated to the local and regional highway systems. The developer must demonstrate to the satisfaction of the Planning Commission, Board of Supervisors, and appropriate officials of the Pennsylvania Department of Transportation that traffic circulation will not be adversely influenced, that additional traffic hazards will not be created and that public and private road systems are adequate in terms of traffic volume capacity and construction type to accommodate the projected PRD-generated traffic. Street design and construction in PRDs shall conform to the Mercer County Subdivision and Land Development Ordinance and all local street specifications.

705 Administration

The planned residential development provisions of this Article shall first be administered by the Pine Township Planning Commission which shall review all applications on the basis of specified standards, conditions, regulations and procedures and shall make recommendations to the Board of Supervisors which shall conduct public hearings (Or designate the Planning Commission to hold public hearings). The Board of Supervisors shall have final authority to approve, modify or disapprove development plans.

706 Standards and Requirements

- A. Density: Residential density shall not exceed one dwelling unit per two (2) gross acres in the AC Agricultural Conservation and RR Rural Residential districts, or Four (4) dwelling units per gross acre of land within the R-2 District. The Township reserves the right to reduce density levels in any proposed PRD if it determines that:
1. There is inconvenient or inadequate vehicular access to the development;
 2. Traffic congestion resulting in level of service ratings of "D" "E" or "F" as determined by PennDot criteria, or a decrease of two (2) or greater level ratings, or similar conditions as determined by a traffic analysis on adjoining streets will be generated;
 3. An excessive burden will be placed upon the ability of responsible public agencies to provide needed public facilities to serve the proposed development.
 4. More than 30 percent of the tract contain floodplain, wetlands, or other significant environmental limitations.
- B. Lot and Structure Requirements
1. Lot Size: There shall be no minimum lot size or lot width. However, every dwelling unit shall have access to a public street, court, walk or other area dedicated to public use. No structure or group of structures shall be erected within twenty (20) feet of any other structure or group of structures within the PRD.
 2. Setback: All structures on the perimeter of the development must be set back one hundred (100) feet from property boundaries and one hundred (100) feet from existing road centerlines. No structure containing more than one dwelling unit shall be constructed in a PRD within two hundred (200) feet of an occupied single-family dwelling unit adjacent to the PRD.
 3. Height: forty (40) feet
 4. Location of Structures: The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
 5. It shall be the responsibility of the developer and the Board of Supervisors, after receiving recommendations from the Planning Commission, to take into consideration the health, safety and welfare of the residents when determining the building location, length, width and height of the proposed buildings.

6. Configuration of Structures containing more than one dwelling unit: In the AC and RR Districts, all dwelling units must be single family detached. Multiple Family Dwellings are permitted in PRDs in the R-2 District. Every building in a PRD containing more than one dwelling unit shall have direct first floor access to an outdoor area. No multiple story structure may have a dwelling unit located exclusively on a second floor or higher. Buildings housing more than one dwelling unit may be of a single story configuration or of a townhouse configuration, provided that all second story or higher areas are integral parts of a dwelling unit with primary access on the first floor. Common stairways, garden apartments, and upper story "flats" are specifically prohibited. No building containing more than one dwelling unit shall contain more than four (4) dwelling units per building, except that townhouse units may occur in blocks of no more than six (6) units per building.
7. Lot Coverage shall be consistent with the Zoning District in which the PRD is located and shall be based upon the entire PRD.

C. Open Space

1. Area Limitations for Various Uses: Within the PRD, the following percentages of the total gross land area shall be devoted to specified uses as indicated herewith:
 - a. A maximum of fifty (50%) percent of gross acreage for residential use. Land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which area adjacent to and service primarily residences or groups of residences:
 - (1) A maximum of ten percent (10%) of this fifty (50%) percent may be used for accessory retail, dining and service facilities and parking associated with these uses;
 - b. A minimum of fifty Percent (50%) of gross acreage for open space uses:
 - (1) Open space shall not include space devoted to streets and parking;
2. Open space uses may be any combination or single use listed below:
 - a. Timber management and forestry
 - b. Agriculture
 - c. Equestrian activities by community residents
 - d. Golf courses
 - e. Scenic areas and vista
 - f. Fishing, hunting, wildlife observation, and similar outdoor recreational pursuits
 - g. Developed parklands
 - h. Other open space uses, including innovative stormwater management may be accepted by the Township if approved prior to submission of alternative plan and such uses do not entail residential or commercial use.
3. All open space areas must be owned by a land trust, government, homeowners' association, or similar responsible body to ensure maintenance or proper management in perpetuity. Means for appropriate permanent dedication or deed covenants to prevent its development shall be required prior to approval. Golf courses may be held in single separate ownership provided that a deed covenant is present to prevent future development. Unless developed parklands, playgrounds, or a central green surrounded by streets or lots, no tract of open space shall be less than five (5) contiguous acres.

4. Peripheral Open Space: Required setback areas from property lines, pre-existing

- homes, and road rights of way shall be maintained as permanent peripheral open space. This space shall surround the entire PRD. It may be owned by a, land trust, government, homeowners' association, or all individual homeowners, provided that standards are provided to ensure this peripheral area remains undeveloped or utilized for agriculture/ forest use in perpetuity. If the lands are to be developed as parklands or golf courses, the developer shall submit a plan for a homeowners' association or similar management structure to assure maintenance in perpetuity.
5. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of such open spaces, recreational areas and communally owned facilities. No such instrument shall be acceptable until approved by the Township Solicitor as to legal form and effect, and the Board of Supervisors as to suitability for the proposed use of the open areas.
 6. In cases where the Township will not be accepting dedications of streets, recreation areas or open spaces to be used for general recreation, the landowner shall provide for an organization or trust for ownership and maintenance.
 7. If the common open space is deeded to a homes' association or a nonprofit corporation established on a membership basis, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. If there is a homeowners' association under the Unit Property Act, the developer must file a declaration of rule and regulations. The provisions shall include, but not be limited to, the following:
 - a. The homeowners' association or nonprofit corporation must be set up before the homes are sold;
 - b. Membership must be mandatory for each home buyer and any successive owner;
 - c. The open space restrictions must be permanent, not just for a period of years;
 - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
 - e. Homeowners must pay their prorata share of the cost. The assessment levied by the association can become a lien on the property.
 - f. The association must be able to adjust the assessment to meet changed needs.
 8. The Township may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, and the Township may, but need not, require, as a condition of the approval of a Planned Residential Development, that land proposed to be set aside for common open space be dedicated or made available to public use.
 9. Maintenance by Township:
 - a. In the event that the organization established to own and maintain common space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the

Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modification thereof shall not be corrected within said thirty (30) days or an extension thereof, the Township in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space, and maintain the same for a period of one (1) year.

- b. Said maintenance by the Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PRD, to be held by the Township Supervisors, at which hearing such organization or the residents of the PRD shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Township Supervisors shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Township Supervisors shall determine that such organization is not ready and able to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Township Supervisors shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code Act 247 of 1968, as amended.
- c. The cost of such maintenance by the Township shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of the County, upon the properties affected by the lien within the PRD.

D. Permitted Uses

- 1. Land and buildings may be used for the following purposes:
 - a. Single-family (detached dwelling units)
 - b. Multifamily dwelling units of a duplex, triplex, quadriplex or townhouse design and configuration (Pursuant to limitations upon dwelling units per building and in the R-2 District Only)
 - c. Schools, public and private, if state accredited
 - d. Churches and other places of worship and assembly
 - e. Non-commercial community centers or recreation structures
 - f. Licensed nursing homes or personal care homes provided that all normal lot yard height and coverage standards, as well as any special conditions otherwise applicable for such structures under the Township Zoning Ordinance can be complied with. Such facilities shall not exceed a ratio of one (1) bed per each dwelling unit.

2. Accessory retail dining and service facilities may be permitted by specific approval of the Board of Supervisors. At least eighty percent (80%) of the total planned dwelling units of the total project must be physically constructed prior to any nonresidential use construction.
 3. No PRD shall be approved unless it is consistent with the purposes of the regulations as stated in this Section. Each PRD shall be planned as an entity, and such planning shall include a unified site plan, consideration of land uses and usable open spaces, site-related vehicular and pedestrian circulation systems, and preservation of significant natural features. The plan may consider a multiplicity of housing types.
- E. Circulation and Parking:
1. Vehicular access within the PRD shall be designed to permit smooth traffic flow with minimum hazard to vehicular or pedestrian traffic
 2. A pedestrian and bicycle circulation system shall be established to serve all elements within the development. The pedestrian and bicycle circulation system shall be reasonably segregated from vehicular traffic to provide separation of vehicular and pedestrian movement.
 3. Streets in a PRD may be dedicated to public use or may be retained under private ownership and shall conform to the Subdivision and Land Development Ordinance and public and private improvements code.
 4. Parking for all uses or mixtures of uses shall conform to applicable sections of the Pine Township Zoning Ordinance, Subdivision and Land Development Ordinance and public and private improvements code .
- F. Landscaping:
1. A general landscaping plan shall be required at the time of the original submission to be followed by a detailed landscaping plan prior to final approvals. The detailed plan shall show the spacing, sizes and specific types of landscaping materials.
 2. Existing trees shall be preserved whenever possible. At least 50 percent of all trees of minimum caliper of 10 inches diameter at breast height (DBH) shall be preserved in the course of development. The location of trees shall be considered when planning the site elements such as open spaces, building location, walks, paved areas, playgrounds, parking, circulation systems and finished grade levels.
 3. A grading plan and an erosion and sedimentation plan shall be provided prior to any construction or site development activity which will confine excavation, earth moving procedures, and other changes to the landscape in order to ensure preservation and prevent despoliation of the character of the project site.
 4. All manufactured slopes shall be planted or protected from erosion and shall be of a character to blend with surrounding terrain.
 5. Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise or other potentially adverse influences shall be established in a manner which will protect residential character within the PRD District and in any adjoining district.
 6. Within a PRD, all utilities including telephone, television cable and electrical systems shall be installed underground, provided, however, appurtenances to these systems which require on-grade installation must be effectively screened.

G. Signs:

1. All sign internal installations and lighting of signs shall meet the standards for signs established for Residential Districts by this Ordinance.
2. Plans shall indicate the location, size and character of any sign within the PRD intended to be seen from public ways outside the district.
3. No more than two (2) sign surfaces, each with surface area not exceeding twenty (20) square feet, shall be permitted at any principal entrance to the district.

H. Waste Disposal:

Adequate provision shall be provided for garbage and trash removal.

707 Application for Tentative Approval of Planned Residential Development:

The method for processing a development plan for a Planned Residential Development under the provisions of this Ordinance, by Pine Township, shall utilize the following provisions:

- A. An application for tentative approval of the development plan for a Planned Residential Development shall be filed by or on behalf of the landowner.
- B. The application for tentative approval shall be filed by the landowner in such form, upon the payment of such a reasonable fee as is specified by the Township. The application shall be filed with the Zoning Officer.
- C. All planning, zoning, and subdivision matters relating to the platting, use, and development of the Planned Residential Development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the governing body with the advice of the Planning Commission.
- D. The provisions shall require only such information in the application as is reasonably necessary to disclose to the Township:
 1. The location, size, and topography of the site and the nature of the landowner's interest in the land proposed to be developed.
 2. The density of land use to be allocated to parts of the site to be developed.
 3. The location and size of the common open space and the form of organization proposed to own and maintain the common open space (if required).
 4. The use and the approximate height, bulk, and location of buildings and other structures.
 5. The proposals for water supply and the disposition of sanitary waste and stormwater.
 6. The substance of covenants, grants of easements, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities.
 7. The provisions for parking of vehicles and the location and, if appropriate, width of proposed streets and public ways.
 8. The required modifications in the municipal land use regulations otherwise applicable to the subject property.
 9. In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the Planned Residential Development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.

- E. The application for tentative approval of a Planned Residential Development shall include a written statement by the landowner setting forth the reasons why, in his opinion, a Planned Residential Development would be in the public interest and would be consistent with the Pine Township Comprehensive Plan.
- F. The application for tentative approval shall be forwarded to the Pine Township Planning Commission for their review and comments.
- G. All applications for tentative approval shall be forwarded to the Mercer County Regional Planning Commission for their study and recommendations in accordance the Pennsylvania Municipalities Planning Code.

708 Public Hearings:

- A. Within sixty (60) days after the filing of an application for tentative approval of a Planned Residential Development pursuant to this Ordinance, a public hearing pursuant to public notice of said application shall be held by the Township Supervisors (or Planning Commission if designated) in the manner prescribed in the Pennsylvania Municipalities Planning Code.
- B. The governing body may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for additional review, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

709 The Findings:

- A. The governing body, within sixty (60) days following the conclusion of the public hearing provided for in this part or within one hundred eighty (180) days of the filing of the application, shall, by official written communication, to the landowner, either:
 - 1. Grant tentative approval of the development plan as submitted;
 - 2. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - 3. Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Township notify such governing body of his refusal to accept all said conditions, in which case, the Township shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- B. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
 - 1. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of Pine Township;
 - 2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk, and use, and the reason why such departures are or are not deemed to be in the public interest;

3. The purpose, location, and amount of the common open space in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment.
 5. The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established; and
 6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the development plan.
- C. In the event a development plan is granted tentative approval, with or without conditions, the Township may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than twelve (12) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

710 Status of Plan After Tentative Approval:

- A. The official written communication provided for in this part shall be certified by the Township Secretary and shall be filed in the Township office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.
- B. Tentative approval of a development plan shall not qualify a plat of the Planned Residential Development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the period of time specified in the official written communication granting tentative approval.
- C. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the governing body in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the Pine Township Secretary.

711 Application for Final Approval:

- A. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Township Zoning Officer within one (1) year of the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond, and such other requirements as may be specified by this Ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or the part thereof, submitted for final approval, shall not be required provided the development plan, or the part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. The submission shall be reviewed by the Zoning Officer and the Planning Commission for compliance prior to being forwarded to the governing body.
- B. In the event the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, by the Township shall, within forty-five (45) days from the date of the regular meeting of the Planning Commission next following the date the application is filed, grant such development plan final approval. Provided however that should the next regular meeting occur more than 30 days following the filing of the application, the 45 day period shall be measured from the 30th day following the date the application has been filed.
- C. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township may refuse to grant final approval and shall, within forty-five (45) days from the date of the regular meeting of the Planning Commission next following the date the application is filed for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. Provided however that should the next regular meeting occur more than 30 days following the filing of the application, the 45 day period shall be measured from the 30th day following the date the application has been filed.

In the event of such refusal, the landowner may either:

- 1. Re-file his application for final approval without the variations objected, or
- 2. File a written request with the approving body that it holds a public hearing on his application for final approval.

If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after the landowner makes request for the hearing, and the hearing shall be conducted in the manner prescribed in this part for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the governing body shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance. Failure of the governing body to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time of change in the prescribed manner of

presentation of communication of the decision, in which case, failure to meet the extended time of change in a manner or presentation of communication shall have like effect.

- D. A development plan, or any part thereof, which has been given final approval, shall be so certified without delay by the Township and shall be filed of record forthwith in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, of said Planned Residential Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code.
- E. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Township in writing; or, in the event the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of any amendment to the Zoning Ordinance in the manner prescribed for such amendments.

712 Enforcement

All enforcement procedures under this section shall be consistent with Section 712.2 of the Pennsylvania Municipalities Planning Code and Article 10 of the Pine Township Zoning Ordinance.

ARTICLE 8 DEFINITIONS

Section 801 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 "structure" includes "building" except where specified for greater clarity, and said definitions shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

Section 802 Specific Terms

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

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

Agricultural 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 within the local community. 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.

Adjacent - For the purposes of this ordinance, refers to a structure of a lot that would be adjoining, but may be separated by a right of way, easement, stream, or a single vacant lot.

Adjoining Lot - a lot that shares a property line with another and has no intervening street or alley right of way.

Area - area of a lot, sign, or site shall be calculated from dimensions derived by horizontal projections of the site, including but not limited to length by width, or height by length.

Assisted Living Facility - 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 (4) 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, and licensed and regulated as such by the Pennsylvania Department of Public Welfare. For the purpose of this Ordinance, assisted living facilities shall be considered as nursing homes.

Basement - a floor level completely below grade or floor level in which more than two-thirds (2/3) of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first