

Solar
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Mercer County, PA
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**TOWNSHIP OF PYMATUNING
MERCER COUNTY, PENNSYLVANIA**

File **2021-00010194**

ORDINANCE #208

AN ORDINANCE OF THE TOWNSHIP OF PYMATUNING, MERCER COUNTY, PENNSYLVANIA, IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE ("MPC"), AMENDING PORTIONS OF THE PYMATUNING TOWNSHIP ZONING ORDINANCE BY PROVIDING FOR ADDITIONAL DEFINITIONS IN ARTICLE XX; AMENDING ARTICLE VIII (BUSINESS-HIGHWAY SERVICE DISTRICT) TO PROVIDE A NEW SECTION 805 FOR USES BY SPECIAL EXCEPTION; AND ALSO FOR AMENDING ARTICLE IX (INDUSTRIAL DISTRICT) TO PROVIDE A NEW SECTION 904 FOR USES BY SPECIAL EXCEPTION

WHEREAS, the Pymatuning Township ("Township") encourages the reasonable development of all legal uses of property for the benefit of Township residents and guests; and

WHEREAS, in furtherance of its land use responsibilities, the Township first adopted a Zoning Ordinance via Ordinance 52 in 1966, which has been amended periodically through the years; and

WHEREAS, from time to time, additional uses arise that were not envisioned by the original ordinance or subsequent amendments; and

WHEREAS, solar energy is an increasingly prevalent use of property which is to be encouraged in the appropriate zoning districts to protect the health, safety, welfare, and essential character of the community;

WHEREAS, the Board of Supervisors desires to permit solar energy facilities in appropriate locations and provide appropriate regulations;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF PYMATUNING TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, AND THE TOWNSHIP OF PYMATUNING HEREBY ORDAINS AND ENACTS BY THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1. AMENDMENT OF ARTICLE XX, DEFINITIONS. Article XX, related to Definitions is hereby amended to add the following:

Solar Energy System - An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy or heating requirements of the onsite user, or which is to be sold to a utility company to be used by others, or sold directly to other users.

R. Zovulky (Enr)



Small Solar Energy System - Solar energy systems installed for personal use in residences, commercial properties and institutions. A small solar energy system may be ground-mounted (i.e., placed on top of the ground surface) or roof-mounted (i.e., placed on or as an integral part of a building).

Large Solar Energy System - Solar energy systems installed on large parcels of land for the purpose of generating revenue or utility-scale systems installed to benefit the community or an entire institution.

SECTION 2. AMENDMENT OF ARTICLE VIII, (“B”) BUSINESS-HIGHWAY SERVICE ZONING DISTRICT. Article VIII is hereby amended to add a Section 805, which shall read as follows:

Section 805 – Uses permitted by Special Exception – The following uses shall be permitted by Special Exception, utilizing the specific criteria provided herein:

(1) Large Solar Energy System. A Large Solar Energy System shall be permitted as a principal use and considered to be a single structure, subject to the following requirements:

- A. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- B. To the extent applicable, all facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- C. All electrical components of facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- D. Facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
- E. Preliminary and final land development approval is required for the construction of any solar-energy facility when it is the principal use on a site or lot.
- F. The following project information shall be submitted to the Township for every proposed solar-energy facility:
 - 1. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar-energy system.
 - 2. An affidavit or similar evidence of agreement between the property owner and the solar-energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a solar-energy facility.



3. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 4. A site plan showing the planned location of each proposed solar-energy facility, property lines, setback lines, access roads and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 5. A viewshed impact analysis illustrating views of the proposed facility from multiple angles.
 6. A design certification by a certified engineer consisting of the proposed foundation design and analysis of soil conditions.
- G. Solar-energy facilities shall not exceed a maximum height of 15 feet, measured from ground level to the tallest point on the facility.
- H. All solar-energy facilities and any associated accessory equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.
- I. Buffers and screening shall be provided, as follows:
1. A minimum 25-foot wide buffer area consisting of natural and undisturbed vegetation shall be preserved or provided around the perimeter of the site.
 2. Secure perimeter fencing shall be installed around the solar-energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.
- J. Noise levels from any component of the system shall not exceed 40 dBA when measured at the exterior lot line.
- K. A decommissioning plan shall be submitted as part of the zoning permit application for such system and shall include, but not be limited to, the following:
1. A schedule and methods for the removal of such system;
 2. A plan for restoring the site to a condition similar to its condition that existed immediately prior to the development of such system, including grading and vegetative stabilization;
 3. A performance bond, decommissioning trust or escrow account, or letter of credit or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning plan; and
 4. Any obsolete or unused MSES and appurtenant structures shall be removed from the property within 12 months of abandonment or decommissioning.
- (2) Small Solar Energy System - Small solar energy systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon compliance with the following requirements:



- A. The solar system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- B. All wiring must comply with applicable electrical codes and specifications.
- C. The solar system must be constructed to comply with any applicable fire safety codes.
- D. The solar energy system shall not be placed in the established front yard and shall be subject to the same side and rear yard setbacks as other accessory structures. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar equipment or parts.
- E. Notwithstanding the height limitations of the zoning district:
 - 1. For a building-mounted system installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed, with a maximum distance measured perpendicular to the roof of 18 inches between the roof and the highest edge of the system.
 - 2. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
 - 3. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six feet above the roof to which it is attached.
 - 4. Ground-mounted systems may not exceed 10 feet in height, measured from the tallest part of the structure when installed.
- F. The footprint of the ground-mounted solar energy system shall not exceed twenty-five percent (25%) of the lot area of the property on which it is placed.
- G. Screening and visibility.
 - 1. Building-mounted systems on a sloped roof shall not be required to be screened.
 - 2. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty-foot radius of the property, at a level of five feet from the ground, in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar system is not visible from the public right-of-way within a fifty-foot radius at a level of five feet from the ground.
 - 3. If a building-mounted system is to be installed on any building or structure that is nonconforming because it violates the height or setback restrictions of the zoning district in which it is located, the building-mounted system may be granted a special



exception so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.

- H. Vacation, abandonment and/or decommissioning. The owner shall remove all solar energy systems, solar panels and support structures, buildings, cabling, electrical components, roads and any other associated equipment within ninety (90) days of cessation or abandonment of the use.

SECTION 3. AMENDMENT OF ARTICLE IX, ("I") INDUSTRIAL ZONING DISTRICT. Article IX is hereby amended to add a Section 904, which shall read as follows:

Section 904 – Uses permitted by Special Exception – The following uses shall be permitted by Special Exception, utilizing the specific criteria provided herein:

(1) Large Solar Energy System. A Large Solar Energy System shall be permitted as a principal use and considered to be a single structure, subject to the following requirements:

- A. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- B. To the extent applicable, all facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- C. All electrical components of facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- D. Facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
- E. Preliminary and final land development approval is required for the construction of any solar-energy facility when it is the principal use on a site or lot.
- F. The following project information shall be submitted to the Township for every proposed solar-energy facility:
 - 1. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar-energy system.
 - 2. An affidavit or similar evidence of agreement between the property owner and the solar-energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a solar-energy facility.
 - 3. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.



4. A site plan showing the planned location of each proposed solar-energy facility, property lines, setback lines, access roads and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 5. A viewshed impact analysis illustrating views of the proposed facility from multiple angles.
 6. A design certification by a certified engineer consisting of the proposed foundation design and analysis of soil conditions.
- G. Solar-energy facilities shall not exceed a maximum height of 15 feet, measured from ground level to the tallest point on the facility.
- H. All solar-energy facilities and any associated accessory equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.
- I. Buffers and screening shall be provided, as follows:
1. A minimum 25-foot wide buffer area consisting of natural and undisturbed vegetation shall be preserved or provided around the perimeter of the site.
 2. Secure perimeter fencing shall be installed around the solar-energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.
- J. Noise levels from any component of the system shall not exceed 40 dBA when measured at the exterior lot line.
- K. A decommissioning plan shall be submitted as part of the zoning permit application for such system and shall include, but not be limited to, the following:
1. A schedule and methods for the removal of such system;
 2. A plan for restoring the site to a condition similar to its condition that existed immediately prior to the development of such system, including grading and vegetative stabilization;
 3. A performance bond, decommissioning trust or escrow account, or letter of credit or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning plan; and
 4. Any obsolete or unused MSES and appurtenant structures shall be removed from the property within 12 months of abandonment or decommissioning.
- (2) Small Solar Energy System - Small solar energy systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon compliance with the following requirements:



- A. The solar system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- B. All wiring must comply with applicable electrical codes and specifications.
- C. The solar system must be constructed to comply with any applicable fire safety codes.
- D. The solar energy system shall not be placed in the established front yard and shall be subject to the same side and rear yard setbacks as other accessory structures. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar equipment or parts.
- E. Notwithstanding the height limitations of the zoning district:
 - 1. For a building-mounted system installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed, with a maximum distance measured perpendicular to the roof of 18 inches between the roof and the highest edge of the system.
 - 2. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
 - 3. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six feet above the roof to which it is attached.
 - 4. Ground-mounted systems may not exceed 10 feet in height, measured from the tallest part of the structure when installed.
- F. The footprint of the ground-mounted solar energy system shall not exceed twenty-five percent (25%) of the lot area of the property on which it is placed.
- G. Screening and visibility.
 - 1. Building-mounted systems on a sloped roof shall not be required to be screened.
 - 2. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty-foot radius of the property, at a level of five feet from the ground, in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar system is not visible from the public right-of-way within a fifty-foot radius at a level of five feet from the ground.
 - 3. If a building-mounted system is to be installed on any building or structure that is nonconforming because it violates the height or setback restrictions of the zoning district in which it is located, the building-mounted system may be granted a special exception so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.



H. Vacation, abandonment and/or decommissioning. The owner shall remove all solar energy systems, solar panels and support structures, buildings, cabling, electrical components, roads and any other associated equipment within ninety (90) days of cessation or abandonment of the use.

SECTION 4. SEVERABILITY. The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

SECTION 5. EFFECTIVE DATE. The provisions of this ordinance shall become effective in seven (7) days.

PYMATUNING TOWNSHIP ORDAINS AND ENACTS AND IT IS HEREBY ORDAINED AND ENACTED FINALLY INTO LAW BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF PYMATUNING THIS 10 DAY OF June, 2021.

BOARD OF SUPERVISORS OF
PYMATUNING TOWNSHIP
MERCER COUNTY, PENNSYLVANIA

By *Gary Lowes*
Gary Lowes, Chairman

By *Dave Gregory*
Dave Gregory, Supervisor

By _____
Jim Rowe, Supervisor



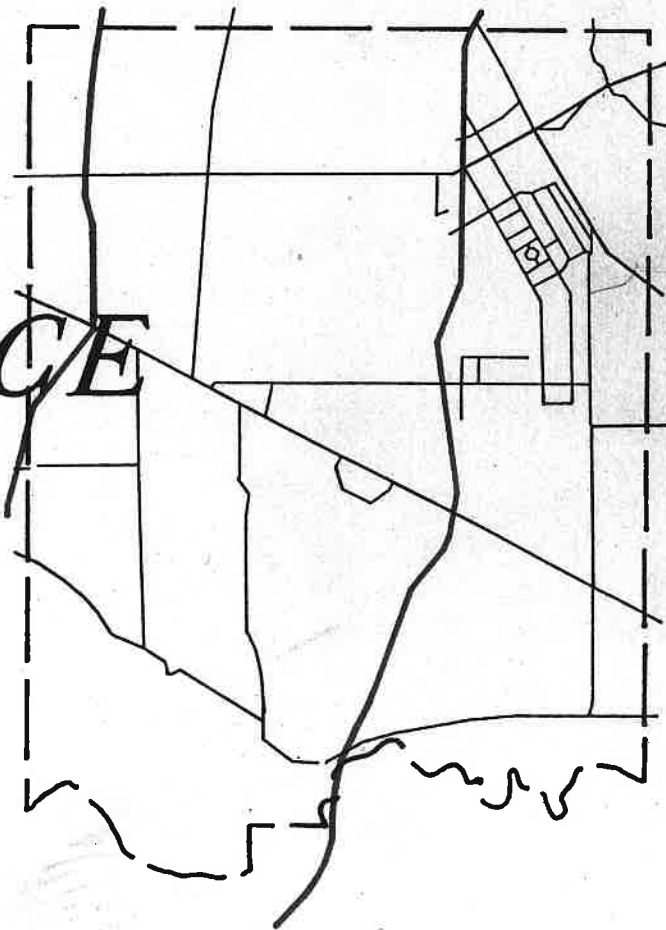
ATTEST: *Cheri DiGregoria*
Cheri DiGregoria, Secretary

PYMATUNING TOWNSHIP

ZONING ORDINANCE

mercier county
regional
planning commission

1989



ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING:

- THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES;
- THEIR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES;
- THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED;
- THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES;
- THE DENSITY OF POPULATION;
- THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES;
- THE ESTABLISHMENT AND MAINTENANCE OF BUILDING LINES AND SET BACK BUILDING LINES UPON ANY OR ALL PUBLIC ROADS OR HIGHWAYS;
- CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF;
- DEFINING CERTAIN TERMS USED HEREIN;
- PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT, FOR A ZONING HEARING BOARD AND FOR THE IMPOSITION OF PENALTIES.

BE IT ORDAINED by the Township of Pymatuning, Mercer County, Pennsylvania, that in the interest of promoting the health, safety, morals or the general welfare of the Township the following articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases and words be, and at the same time are, hereby enacted into law to read as follows, viz:

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ARTICLE I

SHORT TITLE - PURPOSE - SCOPE

Section 100 - Short Title - This ordinance shall be known and may be cited as the "Pymatuning Township Zoning Ordinance" hereinafter referred to as the "Zoning Ordinance".

The accompanying map is hereby declared to be a part of this ordinance and shall be known and may be cited as the "Pymatuning Township Zoning Map" hereinafter referred to as the "Zoning Map".

Section 101 - Purpose - The regulations of the "Zoning Ordinance" are made in accordance with a comprehensive plan and designed:

- (a) to lessen congestion on the roads and highways.
- (b) to secure safety from fire, panic and other dangers.
- (c) to promote health and the general welfare.
- (d) to provide adequate light and air.
- (e) to prevent the overcrowding of land.
- (f) to avoid undue congestion of population.
- (g) to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

Such regulations are also made with reasonable consideration, among other things, to the character of the districts hereinafter set forth and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township.

Section 102 - Scope - The "Zoning Ordinance" regulates and restricts within the boundaries of the Township of Pymatuning, Mercer County, Pennsylvania:

- (a) The height, number of stories and size of buildings and other structures.
- (b) Their construction, alteration, extension, repair and maintenance.
- (c) All facilities and services in or about such buildings and structures.
- (d) The percentage of lot that may be occupied.
- (e) The size of yards, courts and other open spaces.
- (f) The density of population.
- (g) The location and use of buildings, structures and land for trade, industry, residence or other purposes.
- (h) The establishment and maintenance of building lines and setback building lines upon any or all public roads or highways.

Section 103 - Reference to Community Development Objectives - The Zoning Ordinance has been developed as a legislative and administrative tool of the Township Supervisors and Planning Commission to carry out the general development objectives prescribed in the Township's Land Use Plan.

ARTICLE II

ZONING DISTRICTS

Section 200 - Zoning Districts - The Township of Pymatuning for the purposes of the Zoning Ordinance is hereby divided into the following Zoning Districts to be designated as follows:

<u>Full Name</u>	<u>Short Name</u>
Residential-Agricultural	R-1
Residential One-Family without Public Sewers and Water	R-2
Residential One-Family with Sewer and Water	R-3
Residential - Multiple Family	R-4
Business-Highway Service	B
Industrial	I
Flood Plain	FP

Section 201 - Boundaries of Zoning Districts - The boundaries of the Zoning Districts are hereby established and shall be as shown upon the Zoning Map entitled "Pymatuning Township Zoning Map", which accompanies this Ordinance and is hereby made part of the Zoning Ordinance. Where uncertainty exists with respect to the boundaries of the various Zoning Districts, as shown on the Zoning Map, the following rules shall apply:

201.1 - Where A Zoning District Boundary Approximately Follows the Center Line or Street Lot Line or a Center Line or Alley Lot Line of a Street or Alley the center line of such street or alley shall be interpreted to be the Zoning District boundary.

201.2 - Where A Zoning District Boundary Approximately Parallels A Street Lot Line or Alley Lot Line - The Zoning District boundary shall be interpreted as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

201.3 - Where A Zoning District Boundary Approximately Follows a Lot Line - The lot line shall be interpreted to be the Zoning District boundary.

201.4 - Where A Zoning District Boundary Follows a Railroad Line - The Zoning District boundary shall be interpreted to be located midway of the track or center of the tracks of the railroad line.

201.5 - Where A Zoning District Boundary Follows a Body of Water - The Zoning District boundary shall be interpreted to be at the limit of the jurisdiction of the Township of Pymatuning unless otherwise indicated.

201.6 - Submerged Areas Not Included in Any Zoning District - All areas within the corporate limits of the Township which are under water and are not shown on the Zoning Map as included within any Zoning District shall be subject to all the regulations and provisions of the Zoning District which immediately adjoins the water area. If the water area adjoins two (2) or more Zoning Districts the boundaries of each Zoning District shall be construed to extend into the water area in a straight line until they meet the other Zoning District.

201.7 - Zoning District Regulations and Provisions Apply to Schools, Parks, etc. - Any areas shown on the Zoning Map as park, playground, school, cemetery, water, street or alley, shall be subject to the regulations and provisions of the Zoning District in which they are located. In case of doubt, the regulations and provisions of the most restricted adjoining Zoning District shall govern.

201.8 - Where Property Has Not Been Included in Any Zoning District - In every case where property has not been specifically included within a Zoning District, the same shall automatically be classed as lying and being in the "R-1" Residential Zoning District until such classification shall have been changed by an amendment to the Zoning Ordinance, as provided by law.

201.9 - Unsubdivided Land - In unsubdivided land, the Zoning District boundary shall be determined by use of the scale indicated on the Zoning Map.

201.10 - Vacation of Public Ways - Whenever any street or alley is vacated in the manner authorized by law, the Zoning District or Districts adjoining such side of such street or alley, shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations and provisions of the extended Zoning District or Districts.

201.11 - Lots in Two Zoning Districts - Where a Zoning District boundary divides an existing lot of record it shall be the responsibility of the Zoning Hearing Board to determine the extent to which the boundary shall be extended to the rest of the lot or if it would be more appropriate to request an amendment to the Zoning Map.

Section 202 - Flood Plain District Overlay Concept -

202.1 - The Flood Plain District shall be an overlay to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the flood plain district shall serve as a supplement to the underlying district provisions.

202.2 - Where there happens to be any conflict between the provisions or requirements of the Flood Plain District and those of any underlying district the more restrictive provisions and/or those pertaining to the flood plain districts shall apply.

202.3 - In the event any provision concerning the Flood Plain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

ARTICLE III

INTERPRETATION AND APPLICATION

Section 300 - Interpretation - In interpreting and applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience and the general welfare. Where the provisions of the Zoning Ordinance impose greater restriction than those of any statute, other ordinance or regulation, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling. The Zoning Ordinance is not intended to interfere with, abrogate or annul any easement, covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, the restrictions of the easement, covenant, or other agreement shall govern.

Section 301 - Application - The provisions of the Zoning Ordinance shall apply to the use, and/or occupancy of all buildings, other structures, and/or lots.

301.1 - Conformity of Buildings, Other Structures and/or Lots - Any building, other structure and/or lot shall be in conformity with the provisions prescribed in the Zoning Ordinance for the Zoning District in which such building, other structure and/or lot is located.

301.2 - Conformity of Uses - The use and/or occupancy of any building, other structure and/or lot shall be in conformity with the provisions prescribed in the Zoning Ordinance for the Zoning District in which such building, other structure and/or lot is located. Any use which is not listed shall automatically be interpreted as a prohibited use.

301.3 - Minimum Floor Area Required for all Dwelling Units - No dwelling unit as defined in Definitions shall be permitted in any zone having a floor area of less than 700 square feet provided that mobile homes or house trailers having less than 700 square feet shall be permitted if situate in mobile home parks as provided for in this Ordinance.

ARTICLE IV

"R-1" AGRICULTURAL - RURAL ZONING DISTRICT

Section 400 - Purpose of Zoning District - To provide a Zoning District in which the predominate use will be agricultural in order to:

- (a) preserve and conserve farm and agricultural areas.
- (b) maintain the food producing capacity of the soil.
- (c) retain an open fringe for civilian defense purposes.
- (d) preserve an easily accessible open-country area for the health and general welfare of an urban area.
- (e) discourage the subdivision of land into uneconomic and unproductive parcels.
- (f) encourage all agricultural principal and accessory uses so as to retain a stable and well-balanced agricultural processing needs.
- (g) permit easy accessibility to essential agricultural processing needs.
- (h) enable the furtherance and conservation of an agricultural district, thereby protecting the community, region, state and national interest in the basic needs of agriculture.
- (i) permit the orderly conversion of land to residential use.

Section 401 - Use Regulations -

401.1 - Principal Uses Permitted -

- (1) One Family Dwelling.
- (2) Two-Family Detached Dwelling.
- (3) Church, Church Uses and Cemeteries.
- (4) Agricultural and Related Uses including:
 - (a) Farms.
 - (b) Processing of agricultural products, conducted primarily in a building.
 - (c) Experimental stations for agriculture.
 - (d) Nurseries and greenhouses.
 - (e) Grange Halls and related agricultural organizations.
 - (f) Forest Preserves.
 - (g) Sportsmens Clubs.
 - (h) Riding stables or academies.

- (5) Golf Courses, including Par 3 Courses but not miniature golf courses.
- (6) Public and Non-Commercial Recreation Uses.
- (7) Schools, both Public and Private and Colleges including dormitories for students and/or faculty.
- (8) Hospitals, Medical Clinics, Nursing and/or Convalescent Homes.
- (9) Essential Services, provided: They shall be necessary to the adequate distribution of service and shall not include any type of equipment which will interfere with local radio or television, or otherwise detrimental to the surrounding area. This shall include Communications towers. (See Supplementary Regulations).
- (10) Governmental or Governmental Authority Facility, Service Structure or Use, provided:
 - (a) It shall serve as a community facility or be reasonably necessary to the adequate distribution of services.
 - (b) It shall be authorized by a governmental agency.
- (11) Mobile Home Parks, provided:
 - (a) They shall comply with all applicable provisions of the Mercer County Subdivision and Land Development Regulations.
 - (b) A copy of the final plan of the mobile home park indicating approval by the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.
- (12) Cottage or Tent Camp, provided:
 - (a) It shall be for public or semi-public, non-profit organizations such as Boy Scouts of America, Girl Scouts of America, Police Athletic League, Boys and Girls Clubs, Church Groups, etc.
 - (b) The request for a permit, as herein required, shall be accompanied by a site plan drawn to scale showing the location of the proposed park in relation to all roads, streets, and lot lines within 200 feet of the park boundaries, the location, size, and arrangement of all park roads and mobile home lots, screening the location of all proposed central sanitary facilities and wells or other sources of water supply and the location of special park buildings and other pertinent park features.

- (c) An authorized representative of the PA Department of Environmental Resources shall have inspected the proposed plan showing the proposed central sanitary facilities including the source of water supply, and have found them to be acceptable and in accordance with State regulations.
 - (d) Written approval of the sanitary and water facilities shall have been received from the PA Department of Environmental Resources.
- (13) Recreational Vehicle Parks, provided:
- (a) They shall comply with all applicable provisions of the Mercer County Subdivision and Land Development Regulations.
 - (b) A copy of the final plan of the Recreational Vehicle Park indicating approval by the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.
- (14) Institutional Homes permitted as a conditional use under the following conditions and as approved by the Board of Supervisors. Such uses may be of such types as:
- (a) Institutional headquarters for educational, professional, religious, charitable and other profit or non-profit organizations or institutions with an in-house population that promotes the general welfare of society. For example, chemical abuse rehabilitation, disadvantaged persons, homeless youths under 18 years of age, mental health care, nursing care, elderly care, hospice and similar uses as may be allowed by petition to the Board of Supervisors.
 - (b) Structure types:
 - (1) Existing structures may be converted provided the neighborhood character of the structure is not drastically altered.
 - (2) New structures may be erected provided they conform to the general architectural style of the neighboring area.
 - (c) In all cases converted or new institutional housing will be in accordance with the following general provisions:
 - (1) The density shall not exceed one unit (unit being defined as a family for the purpose of this use, in Article XX Definitions), per 20,000 square feet of land area.

- (2) If more than one (1) unit is considered as part of the entity, a considered site must contain a minimum of ten (10) acres.
 - (3) A single unit shall have a resident population of no more than five (5) persons which is based on the definition of a Family in Article XX.
 - (4) A multiple facility will have a resident population of no more than one hundred (100) persons.
 - (5) There shall be no other institutional housing within one (1) mile of an existing facility - single or multiple.
 - (6) Approval by all local, County, State and Federal agencies related to the proposed facility must accompany the application.
 - (7) Distance of all buildings to all property lines shall be fifty (50) feet.
 - (8) Suitable screening and/or fencing shall be provided as required by the Board of Supervisors.
 - (9) Detailed site and building plans shall accompany the application. Such plans shall include but may not be limited to:
 - a. Detailed architectural plans for all building showing detailed exterior and interior design.
 - b. Fire protection methods and equipment.
 - c. Security provided.
 - d. Survey and valid ownership of property.
 - e. Any other data that the Board of Supervisors may deem necessary as the particular case (application) may warrant.
 - (10) Such other conditions as the Board of Supervisors may require to preserve and protect the character of the area in which it is proposed.
 - (11) The application, if approved, must be acted upon by the applicant within one hundred twenty (120) days or be resubmitted.
- (d) Formal submissions of request for conditional use shall be deemed not submitted until all required data and drawings are complete as required by the Board of Supervisors.

401.2 - Accessory Uses Permitted -

- (1) Private Garage.
- (2) Farm Structures.
- (3) Stand for Sale of Agricultural or Nursery Products.
 - (a) At least 50 percent of products for sale produced on the same lot upon which it is erected.
 - (b) It shall be set back a minimum of 25 feet from the road right-of-way.
- (4) Private Playhouse, Swimming Pool, Tennis Court, Tool or Storage Shed, and Private Greenhouse.
- (5) Shelter for Domestic Pets, including ponies or horses.
- (6) Boarding of Domestic Animals on a Commercial Basis, provided:
 - (a) All such animals shall be housed indoors except that runs may be provided outdoors.
 - (b) Any structure housing such animals must be located at least 50 feet from any side or rear property line, including fenced dog runs and must meet the front yard setback of principal buildings.
 - (c) All animals must be housed indoors between the hours of 8:00 p.m. and 8:00 a.m.
- (7) Wall, Fence, Lamp Post or Similar Accessory Structure, subject to height and yard limitations outlined in Section 1303.
- (8) Boarding Unit, Lodging Unit, Rooming Unit, provided:
 - (a) It shall be limited to a maximum of 3 such units.
 - (b) It shall be for non-transients only.
 - (c) It shall be located in the principal dwelling building.
- (9) Home Occupation as defined in this Zoning Ordinance, provided:
 - (a) No more than two (2) persons other than a member of the immediate family occupying such dwelling shall be employed.

- (b) The home occupation shall be incidental and subordinate to its use for residential purposes and that not more than 25% of the floor area of a dwelling unit as defined in Definitions, shall be for home occupations.
- (c) The home occupation shall not involve the use of advertising signs on the premises except those permitted in a residential zone as provided for in Article XI.
- (d) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premise to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
- (e) The parking need generated by the conduct of a home occupation shall be met off the street and other than in the required front yard.
- (f) The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in this district. Likewise, it shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- (g) Permitted Home Occupation Uses, but not necessarily limited to the following:
 - (1) Antique Shop.
 - (2) Carpentry Work.
 - (3) Beauty Shop or Barber Shop, provided the number of employees does not exceed two (2) persons other than a member of the immediate family occupying such dwelling.
 - (4) Dressmakers, Seamstresses and Tailors.
 - (5) Family Day Care Home, limited to not more than three (3) children.
 - (6) Gift Shop.
 - (7) Homecrafts, such as rug weaving, ceramics, lapidary work, speciality homebaking.
 - (8) Office Facilities of an accountant, architect, lawyer, author, insurance agent, realtor, land surveyor, engineer, dentist or physician.

- (9) Photographers and Photography Studios.
- (10) Radio or T.V. Repair.
- (h) Permitted Home Occupations shall not in any event be deemed to include the following:
 - (1) Medical or Dental Clinic.
 - (2) Private Schools with organized classes.
 - (3) Veterinary Clinic or Hospital including related animal kennels or boarding of domestic animals.
- (10) Storage or Parking of a Commercially-licensed Vehicle, provided:
 - (a) A trailer shall be used as storage only and shall comply with height and area regulations for accessory structures.
 - (b) It shall be limited to one such commercially-licensed vehicle, not including pick-up trucks or school busses.
- (11) Any Other Accessory Use, provided:
 - (a) It shall be customarily incident and subordinate to a permitted principal use.
 - (b) It shall be located on the same lot as the principal use.
 - (c) It shall be approved by the Zoning Hearing Board.

401.3 - Accessory Signs, subject to provisions of Article XI.

401.4 - Parking and Loading Facilities, subject to provisions of Article XII.

Section 402 - Building Regulations -

402.1 - Principal Structures -

402.11 - Maximum Height for Principal Structures shall not exceed 40 feet.

402.12 - Minimum Floor Area - For a single family dwelling the minimum floor area shall be 700 square feet.

402.2 - Accessory Structures -

402.21 - Maximum Height for Residential Accessory Structures - not to exceed 40 feet.

402.22 - Signs, subject to Article XI.

Section 403 - Area Regulations -

403.1 - Minimum Lot Area, excluding road right-of-way:

- (1) Single-Family Dwelling - 20,000 square feet.
- (2) Two-Family Detached Dwelling - 35,000 square feet.
- (3) Convalescent Home - 20,000 square feet plus 1,000 square feet per bed.
- (4) Other Permitted Uses, as per requirements of Pennsylvania Department of Environmental Resources, but in no case less than 20,000 square feet.

403.2 - Minimum Lot Width, as determined at the building setback line:

- (1) Single-Family Dwelling - 100 feet.
- (2) Two-Family Detached Dwelling - 120 feet.
- (3) Other Permitted Uses - No less than 120 feet.

403.3 - Minimum Building Setback - 100 feet on all roads as measured from roadway centerline.

403.4 - Minimum Side Yard Width - 10 feet on each side.

403.5 - Minimum Rear Yard Depth - 35 feet for a principal structure, 10 feet for an accessory structure.

403.6 - Corner Lots - The minimum building setback line on any street not having lots fronting upon it shall be fifteen (15) feet from the required right-of-way or easement line. Where the street on the side of a corner lot has lots fronting upon it within the same block on the same side of the street, the building setback on the side of the corner lot shall conform to the setback requirements of such street.

403.7 - Maximum Percentage of Lot Coverage - 25 percent including accessory structures.

Section 404 - General Regulations - Nothing herein contained shall be construed to permit the use of land or buildings for the storage of junk or a junk yard.

ARTICLE V

"R-2" RESIDENTIAL ONE-FAMILY ZONING DISTRICT
(Without Public Sewers & Water)

Section 500 - Purpose of Zoning District - 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 of single family dwellings.

Section 501 - Use Regulations -

501.1 - Principal Uses Permitted -

- (1) One Family Dwellings.
- (2) Church, Church Uses and Cemeteries.
- (3) Agricultural and Related Uses, including:
 - (a) Farms.
 - (b) Processing of agricultural products, conducted primarily in a building.
 - (c) Nurseries and greenhouses.
- (4) Public Utility Facility, Service Structure and/or Use, provided:
 - (a) It shall not include any type of equipment which will in any way interfere with local radio or television or otherwise be detrimental to the surrounding area.
 - (b) It shall not include a business facility, repair facility, storage of materials, storage of any repair or trouble crew outside a structure.
 - (c) It shall be reasonably necessary to adequate distribution of service.
- (5) Governmental or Governmental Authority Facility, Service Structure or Use, provided:
 - (a) It shall serve as a community facility or be reasonably necessary to the adequate distribution of services.
 - (b) It shall be authorized by a governmental agency.

- (6) Essential Services, provided: They shall be necessary to the adequate distribution of service and shall not include any type of equipment which will interfere with local radio or television, or otherwise detrimental to the surrounding area.

501.2 - Accessory Uses Permitted -

- (1) Private Garage.
- (2) Farm Structures.
- (3) Stand for Sale of Agricultural or Nursery Products.
 - (a) At least 50 percent of products for sale produced on the same lot upon which it is erected.
 - (b) It shall be set back a minimum of 25 feet from the road right-of-way.
- (4) Private Playhouse, Swimming Pool, Tennis Court, Tool or Storage Shed, and Private Greenhouse.
- (5) Shelter for Domestic Pets, including ponies or horses.
- (6) Wall, Fence, Lamp Post or Similar Accessory Structure, subject to height and yard limitations outlined in Section 1303.
- (7) Boarding Unit, Lodging Unit, Rooming Unit, provided:
 - (a) It shall be limited to a maximum of 3 such units.
 - (b) It shall be for non-transients only.
 - (c) It shall be located in the principal dwelling building.
- (8) Home Occupation as defined in this Zoning Ordinance, provided:
 - (a) No more than two (2) persons other than a member of the immediate family occupying such dwelling shall be employed.
 - (b) The home occupation shall be incidental and subordinate to its use for residential purposes and that not more than 25% of the floor area of a dwelling unit as defined in Definitions, shall be for home occupations.

- (c) The home occupation shall not involve the use of advertising signs on the premises except those permitted in a residential zone as provided for in Article XI.
- (d) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premise to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
- (e) The parking need generated by the conduct of a home occupation shall be met off the street and other than in the required front yard.
- (f) The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in this district. Likewise, it shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- (g) Permitted Home Occupation Uses, but not necessarily limited to the following:
 - (1) Antique Shop.
 - (2) Carpentry Work.
 - (3) Beauty Shop or Barber Shop, provided the number of employees does not exceed two (2) persons other than a member of the immediate family occupying such dwelling.
 - (4) Dressmakers, Seamstresses and Tailors.
 - (5) Family Day Care Home, limited to not more than three (3) children.
 - (6) Gift Shop.
 - (7) Homecrafts, such as rug weaving, ceramics, lapidary work, speciality homebaking.
 - (8) Office Facilities of an accountant, architect, lawyer, author, insurance agent, realtor, land surveyor, engineer, dentist or physician.
 - (9) Photographers and Photography Studios.
 - (10) Radio or T.V. Repair.

- (h) Permitted Home Occupations shall not in any event be deemed to include the following:
 - (1) Medical or Dental Clinic.
 - (2) Private Schools with organized classes.
 - (3) Veterinary Clinic or Hospital including related animal kennels or boarding of domestic animals.
- (9) Storage or Parking of a Commercially-licensed Vehicle, provided:
 - (a) A trailer shall be used as storage only and shall comply with height and area regulations for accessory structures.
 - (b) It shall be limited to one such commercially-licensed vehicle, not including pick-up trucks or school busses.
- (10) Any Other Accessory Use, provided:
 - (a) It shall be customarily incident and subordinate to a permitted principal use.
 - (b) It shall be located on the same lot as the principal use.
 - (c) It shall be approved by the Zoning Hearing Board.

501.3 - Accessory Signs, subject to provisions of Article XI.

501.4 - Parking and Loading Facilities, subject to provisions of Article XII.

Section 502 - Building Regulations -

502.1 - Principal Structures -

502.11 - Maximum Height for Principal Structure shall not exceed 40 feet.

502.12 - Minimum Floor Area - For a single dwelling the minimum floor area shall be 700 square feet.

502.2 - Accessory Structures -

502.21 - Maximum Height for Accessory Structures shall not exceed 40 feet.

502.22 - Signs subject to Article XI.

Section 503 - Area Regulations -

503.1 - Minimum Lot Area, excluding road right-of-way:

- (1) Single-Family Dwelling - 20,000 square feet.
- (2) Other Permitted Uses, as per requirements of Pennsylvania Department of Environmental Resources, but in no case less than 20,000 square feet.

503.2 - Minimum Lot Width, as determined at the building setback line:

- (1) Single-Family Dwelling - 100 feet.
- (2) Other Permitted Uses - No less than 120 feet.

503.3 - Minimum Building Setback - 100 feet on all roads as measured from roadway centerline.

503.4 - Minimum Side Yard Width - 10 feet on each side.

503.5 - Minimum Rear Yard Depth - 35 feet for a principal structure, 10 feet for an accessory structure.

503.6 - Corner Lots - The minimum building setback line on any street not having lots fronting upon it shall be fifteen (15) feet from the required right-of-way or easement line. Where the street on the side of a corner lot has lots fronting upon it within the same block on the same side of the street, the building setback on the side of the corner lot shall conform to the setback requirements of such street.

503.7 - Maximum Percentage of Lot Coverage - 35 percent including accessory structures.

Section 504 - General Regulations - Nothing herein contained shall be construed to permit the use of land or buildings for the storage of junk or a junk yard.

ARTICLE VI

"R-3" RESIDENTIAL ONE-FAMILY ZONING DISTRICT

Section 600 - Purpose of Zoning District - 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 of single-family dwellings.

Section 601 - Use Regulations -

601.1 - Principal Uses Permitted -

- (1) One Family Dwellings.
- (2) Church, Church Uses, but excluding cemeteries.
- (3) Public Utility Facility, Service Structure and/or Use, provided:
 - (a) It shall not include any type of equipment which will in any way interfere with local radio or television or otherwise be detrimental to the surrounding area.
 - (b) It shall not include a business facility, repair facility, storage of materials, storage of any repair or trouble crew outside a structure.
 - (c) It shall be reasonably necessary to adequate distribution of service.
- (4) Governmental or Governmental Authority Facility, Service Structure or Use, provided:
 - (a) It shall serve as a community facility or be reasonably necessary to the adequate distribution of services.
 - (b) It shall be authorized by a governmental agency.
- (5) Essential Services, provided: They shall be necessary to the adequate distribution of service and shall not include any type of equipment which will interfere with local radio or television, or otherwise detrimental to the surrounding area.

601.2 - Accessory Uses Permitted -

- (1) Private Garage.
- (2) Private Playhouse, Private Swimming Pool, Private Tennis Court, Private Tool or Storage Shed, Private Greenhouse.

- (3) Private Shelter for Domestic Pets, provided it shall not be used on a commercial basis.
- (4) Wall, Fence, Lamp Post, Similar Accessory Structure, subject to height and yard limitations outlined in Section 1303.
- (5) Home Occupation as defined in this Zoning Ordinance, provided:
 - (a) No more than two (2) persons other than a member of the immediate family occupying such dwelling shall be employed.
 - (b) The home occupation shall be incidental and subordinate to its use for residential purposes and that not more than 25% of the floor area of a dwelling unit as defined in Definitions, shall be for home occupations.
 - (c) The home occupation shall not involve the use of advertising signs on the premises except those permitted in a residential zone as provided for in Article XI.
 - (d) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premise to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
 - (e) The parking need generated by the conduct of a home occupation shall be met off the street and other than in the required front yard.
 - (f) The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in this district. Likewise, it shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
 - (g) Permitted Home Occupation Uses, but not necessarily limited to the following:
 - (1) Antique Shop.
 - (2) Carpentry Work.
 - (3) Beauty Shop or Barber Shop, provided the number of employees does not exceed two (2) persons other than a member of the immediate family occupying such dwelling.
 - (4) Dressmakers, Seamstresses and Tailors.

- (5) Family Day Care Home, limited to not more than three (3) children.
- (6) Gift Shop.
- (7) Homecrafts, such as rug weaving, ceramics, lapidary work, speciality homebaking.
- (8) Office Facilities of an accountant, architect, lawyer, author, insurance agent, realtor, land surveyor, engineer, dentist or physician.
- (9) Photographers and Photography Studios.
- (10) Radio or T.V. Repair.
- (h) Permitted Home Occupations shall not in any event be deemed to include the following:
 - (1) Medical or Dental Clinic.
 - (2) Private Schools with organized classes.
 - (3) Veterinary Clinic or Hospital including related animal kennels or boarding of domestic animals.
- (6) Storage or Parking of a Commercially-licensed Vehicle, provided:
 - (a) A trailer shall be used as storage only and shall comply with height and area regulations for accessory structures.
 - (b) It shall be limited to one such commercially-licensed vehicle, not including pick-up trucks or school busses.
- (7) Any Other Accessory Use, provided:
 - (a) It shall be customarily incident and subordinate to a permitted principal use.
 - (b) It shall be located on the same lot as the principal use.
 - (c) It shall be approved by the Zoning Hearing Board.

601.3 - Accessory Signs, subject to provisions of Article XI.

601.4 - Parking and Loading Facilities, subject to provisions of Article XII.

Section 602 - Building Regulations -

602.1 - Principal Structures -

602.11 - Maximum Height for Principal Structures shall not exceed 35 feet.

602.12 - Minimum Floor Area - For a single family dwelling the minimum floor area shall be 700 square feet.

602.2 - Accessory Structures -

602.21 - Maximum Height for Accessory Structures shall not exceed 35 feet.

602.22 - Signs, subject to Article XI.

Section 603 - Area Regulations -

603.1 - Minimum Lot Area, excluding road right-of-way:

- (1) Single-Family Dwelling - 7,500 square feet.
- (2) Other Permitted Uses, as per requirements of Pennsylvania Department of Environmental Resources, but in no case less than 7,500 square feet.
- (3) All new construction must connect into community sewer and water lines.

603.2 - Minimum Lot Width, as determined at the building setback line:

- (1) Single-Family Dwelling - 60 feet.
- (2) Other Permitted Uses - No less than 75 feet.

603.3 - Minimum Building Setback - 60 feet on all roads as measured from roadway centerline.

603.4 - Minimum Side Yard Width - 10 feet on each side.

603.5 - Minimum Rear Yard Depth - 35 feet for a principal structure, 10 feet for an accessory structure.

603.6 - Corner Lots - The minimum building setback line on any street not having lots fronting upon it shall be fifteen (15) feet from the required right-of-way or easement line. Where the street on the side of a corner lot has lots fronting upon it within the same block on the same side of the street, the building setback on the side of the corner lot shall conform to the setback requirements of such street.

603.7 - Maximum Percentage of Lot Coverage - 25 percent including accessory structures.

Section 604 - General Regulations - Nothing herein contained shall be construed to permit the use of land or buildings for the storage of junk or a junk yard.

ARTICLE VII

"R-4" RESIDENTIAL MULTIPLE-FAMILY ZONING DISTRICT

Section 700 - Purpose of Zoning District - 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 proper development of multiple-family dwellings.

Section 701 - Use Regulations -

701.1 - Principal Uses Permitted -

- (1) Single Family Detached Dwelling.
- (2) Two Family Detached Duplex Dwelling.
- (3) Multiple Family Residential Dwellings, provided they shall comply with conditions contained in Section 702.
- (4) Boarding House, Lodging, House, Rooming House.
- (5) Church.
- (6) Convalescent Home.
- (7) Governmental or Governmental Authority Facility, Service Structure or Use, provided:
 - (a) It shall serve as a community facility or be reasonably necessary to the adequate distribution of service.
 - (b) It shall be authorized by a governmental agency.
- (8) Public Utility Facility, Service Structure and/or Use, provided:
 - (a) It shall not include any type of equipment which will in any way interfere with local radio or television, or otherwise be detrimental to the surrounding area.
 - (b) It shall not include a business facility, repair facility, storage of materials, storage of any repair or trouble crew outside a structure.
 - (c) It shall be reasonably necessary to adequate distribution of service.
- (9) Essential Services, provided: They shall be necessary to the adequate distribution of service and shall not include any type of equipment which will interfere with local radio or television, or otherwise detrimental to the surrounding area.

701.2 - Accessory Uses Permitted -

- (1) Private Garage.
- (2) Private Playhouse, Private Swimming Pool, Private Tennis Court, Private Tool or Storage Shed, Private Greenhouse.
- (3) Private Shelter for Domestic Pets, provided it shall not be used on a commercial basis.
- (4) Wall, Fence, Lamp Post or Similar Accessory Structure, subject to height and yard limitations outlined in Section 1303.
- (5) Boarding Unit, Lodging Unit, Rooming Unit, provided:
 - (a) It shall be limited to a maximum of 3 such units.
 - (b) It shall be for non-transients only.
 - (c) It shall be located in the principal dwelling building.
- (6) Home Occupation as defined in this Zoning Ordinance, provided:
 - (a) No more than two (2) persons other than a member of the immediate family occupying such dwelling shall be employed.
 - (b) The home occupation shall be incidental and subordinate to its use for residential purposes and that not more than 25% of the floor area of a dwelling unit as defined in Definitions, shall be for home occupations.
 - (c) The home occupation shall not involve the use of advertising signs on the premises except those permitted in a residential zone as provided for in Article XI.
 - (d) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premise to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
 - (e) The parking need generated by the conduct of a home occupation shall be met off the street and other than in the required front yard.

- (f) The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in this district. Likewise, it shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- (g) Permitted Home Occupation Uses, but not necessarily limited to the following:
 - (1) Antique Shop.
 - (2) Carpentry Work.
 - (3) Beauty Shop or Barber Shop, provided the number of employees does not exceed two (2) persons other than a member of the immediate family occupying such dwelling.
 - (4) Dressmakers, Seamstresses and Tailors.
 - (5) Family Day Care Home, limited to not more than three (3) children.
 - (6) Gift Shop.
 - (7) Homecrafts, such as rug weaving, ceramics, lapidary work, speciality homebaking.
 - (8) Office Facilities of an accountant, architect, lawyer, author, insurance agent, realtor, land surveyor, engineer, dentist or physician.
 - (9) Photographers and Photography Studios.
 - (10) Radio or T.V. Repair.
- (h) Permitted Home Occupations shall not in any event be deemed to include the following:
 - (1) Medical or Dental Clinic.
 - (2) Private Schools with organized classes.
 - (3) Veterinary Clinic or Hospital including related animal kennels or boarding of domestic animals.
- (7) Storage or Parking of a Commercially-licensed Vehicle, provided:
 - (a) A trailer shall be used as storage only and shall comply with height and area regulations for accessory structures.

- (b) It shall be limited to one such commercially-licensed vehicle, not including pick-up trucks or school busses.
- (8) Any Other Accessory Use, provided:
 - (a) It shall be customarily incident and subordinate to a permitted principal use.
 - (b) It shall be located on the same lot as the principal use.
 - (c) It shall be approved by the Zoning Hearing Board.

701.3 - Accessory Signs, subject to provisions of Article XI.

701.4 - Parking and Loading Facilities, subject to provisions of Article XII.

Section 702 - Conditions Pertaining to Multiple-Family Dwellings -

702.1 - Multiple-Family Dwellings shall be permitted only upon approval of the Township Board of Supervisors subject to compliance with the following conditions:

- (1) Conditions for Approval - All multiple-family dwellings shall comply with all applicable provisions of the Zoning Ordinance including the following:
 - (a) Interior drives and automobile parking shall be located and arranged to prevent blockage of vehicles entering or leaving the site and minimize conflicts between pedestrian/vehicular and vehicular/vehicular points of intersection.
 - (b) Areas for loading and unloading delivery trucks and other vehicles and for the servicing of the premises by refuse collection, fuel and other service vehicles shall be provided and so arranged that they may be used without blockage or interference with the use of driveways or automobile parking facilities.
 - (c) The plan of proposed sewer and water facilities shall have been approved by the Pennsylvania Department of Environmental Resources prior to final consideration by the Township Supervisors.
 - (d) Drainage of increased storm water runoff caused by the development shall be managed so as to be directed away from buildings and to prevent ponding accelerated erosion, or flooding of adjacent properties and roads.
 - (e) A minimum of 4,000 square feet per dwelling unit of undeveloped open space shall be provided.

- (f) Any screening or landscaping shall not, by reason of location or height, constitute a traffic hazard.
 - (g) Where the condominium form of ownership is proposed, the development shall conform to all applicable provisions of the Pennsylvania "Uniform Condominium Act", Act 82 of 1980.
- (2) Additional Application Requirements - All applicants for permits for multiple-family residential development shall make application in writing at a regularly scheduled meeting of the Township Supervisors. In addition to other application requirements, all applicants shall submit four (4) copies of a site development plan, at a scale of 1" = 50 feet or larger, prepared by a registered professional engineer, architect, or landscape architect, which includes at least the following information:
- (a) Property survey and/or deed description describing boundary lines and acreage for all property to be developed.
 - (b) Existing and proposed topography using elevation contours at a 2 foot contour interval and showing proposed grading and existing natural features and proposed changes thereto.
 - (c) A plan of proposed sewer and water facilities prepared according to applicable regulations of the Pennsylvania Department of Environmental Resources. Said plan must be approved by the Pennsylvania Department of Environmental Resources prior to approval of overall development plan.
 - (d) Location of proposed drives and parking areas including arrangement and number of parking spaces.
 - (e) Open space and landscaping plan including any proposed improvement to and within open space areas plus typical planting plans, and a lighting scheme if one is proposed.
 - (f) Typical floor plans and building elevations.
 - (g) Any restrictions in the form of covenants, grants, easements, or other restrictions imposed upon the use of land or structures.
 - (h) A drainage plan showing courses and structures for conveying and managing storm water runoff. Such plan shall be reviewed and approved by the Soil Conservation Service.

- (3) Application Review - Upon receipt of a complete development application, the Supervisors shall forward one copy to the Township Planning Commission and one copy to the Zoning Officer for review. The Supervisors may also forward one copy to the Mercer County Regional Planning Commission for review.
- (4) Report and Findings - Within forty (40) days of receipt of the application, the Township Planning Commission and Zoning Officer shall submit a written report of their findings to the Supervisors. Such report shall include a determination that the proposed development does comply with all applicable provisions of the Zoning Ordinance. If the proposed development does not comply with the Zoning Ordinance, the report shall specify the reasons for which it does not comply.
- (5) Application Approval - The Supervisors shall render their decision of approval or disapproval, based upon all applicable provisions of the Zoning Ordinance, and transmit it in writing to the applicant no later than seventy (70) days following the date of the submission of the application.
- (6) Application Amendments - The Application may be amended or otherwise changed within the seventy (70) day review period without effecting the review period provided such changes are submitted not less than thirty (30) days prior to the Supervisors meeting at which time the decision for approval or disapproval is to be made.

Section 703 - Building Regulations -

703.1 - Principal Structures -

703.11 - Maximum Height for Principal Structures shall not exceed 40 feet.

703.12 - Minimum Floor Area - For a single family dwelling the minimum floor area shall be 700 square feet.

703.2 - Accessory Structures -

703.21 - Maximum Height for Residential Accessory Structures - not to exceed 40 feet.

703.22 - Signs, subject to Article XI.

Section 704 - Area Regulations -

704.1 - Minimum Lot Area, excluding road right-of-way:

- (1) Single Family Dwelling - 10,000 square feet per unit.
- (2) Two Family Duplex Dwelling - 20,000 square feet.

- (3) Multiple Dwelling, Apartment House - 12,000 square feet plus 4,000 square feet per dwelling unit. Minimum development size - 3 acres.
- (4) Boarding House, Lodging House, Rooming House - 12,000 square feet plus 1,000 square feet per boarding, lodging or rooming unit.
- (5) Convalescent Home - 20,000 square feet plus 1,000 square feet per bed.

704.2 - Minimum Lot Width, as determined at the building setback line:

- (1) One Family Dwelling - 100 feet.
- (2) Two Family Duplex Dwelling - 120 feet.
- (3) Multiple Dwelling, Apartment House - 200 feet, also subject to minimum acreage.
- (4) Boarding House, Lodging House, Rooming House - 120 feet.

704.3 - Maximum Percentage of Lot Area - 35 percent, including accessory structures.

704.4 - Minimum Building Setback - 100 feet on all roads as measured from roadway centerline.

704.5 - Minimum Side Yard Width - 10 feet on each side.

704.6 - Minimum Rear Yard Depth - 35 feet for a principal structure, 10 feet for an accessory structure.

704.7 - Corner Lots - The minimum building setback line on any street not having lots fronting upon it shall be fifteen (15) feet from the required right-of-way or easement line. Where the street on the side of a corner lot has lots fronting upon it within the same block on the same side of the street, the building setback on the side of the corner lot shall conform to the setback requirements of such street.

704.8 - Maximum Percentage of Lot Coverage - 25 percent including accessory structures.

Section 705 - General Regulations - Nothing herein contained shall be construed to permit the use of land or buildings for the storage of junk or a junk yard.

ARTICLE VIII

"B" BUSINESS-HIGHWAY SERVICE ZONING DISTRICT

Section 800 - Purpose of Zoning District - To provide a Zoning District in which will be encouraged the growth and maintenance of business establishments principally designed to serve the motoring public, and such other uses that are dependent on highway access.

Section 801 - Use Regulations - Provided:

- (a) Any business, servicing, storage, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for "drive-in" type establishments offering goods or services to customers waiting in parked motor vehicles.
- (b) Any display of goods shall be in back of the setback building line.

801.1 - Principal Uses Permitted -

- (1) Animal Hospital.
- (2) Automotive Service Establishment, such as: automotive service station, automotive garage, automotive sales area, automotive sales and/or parts sales building, provided:
 - (a) It shall not be located within 100 feet of any lot line in any Residential Zoning District.
 - (b) Access drives shall not exceed 35 feet in width within 10 feet of the street right-of-way line.
 - (c) Access drives shall not exceed two per lot on any one street frontage.
- (3) Banks and Professional Office Establishments.
- (4) Car Washes, provided they meet the following requirements:
 - (a) Sufficient off-street parking shall be provided for waiting cars. The parking or standing areas shall be situated on the property, outside the washing facilities and be of sufficient size to accommodate at least one-third of the hourly capacity (or hourly turn-over) of the car wash plus a reserve of 20 percent of the hourly capacity to accommodate peak demand periods, and the stacking lane shall allow for a minimum length of 20 feet per car, and a minimum width of ten feet per car. Hourly capacity in this instance shall mean the greatest number possible of automatic washes that can be provided in one hour.

- (b) Separate entrances and exit facilities shall be provided with paved driveways having a minimum width of 10 feet.
 - (c) No entrance or exit shall be located closer than 75 feet to an existing street intersection.
 - (d) There shall be provided an area of at least 800 square feet beyond the exit end of the washing building to be used for hand finishing operations of the washing process.
 - (e) Car wash buildings may not be located less than 100 feet from the nearest residential zone.
 - (f) A separate off-street parking area shall be provided for the owner and his employees at the rate of one space for the owner and one space for each employee.
 - (g) The owner shall provide a site plan of the proposed car wash operation showing the location of entrances and exits, the building housing the washing equipment, the parking area for operators of waiting vehicles and employees, the distance to nearest street intersection, property lines and dwellings on adjoining properties, and required set back, side yard and rear yard lines, plus type of screening to be used.
 - (h) A permanent screening fence or wall not less than five (5) feet in height shall be constructed along any property line which abuts property zoned or used for residential use.
 - (i) All off-street parking areas shall be hard-surfaced and dust-free.
 - (j) The proposed operation shall be one not likely to create traffic hazards and the noise and vibrations shall not exceed levels currently prevalent in the general area of the proposed operation.
- (5) Clubs, such as membership clubs, lodges, fraternal organizations.
 - (6) Commercial Recreation and Amusement Establishment.
 - (7) Eating and Drinking Establishment.
 - (8) Essential Services, provided: They shall be necessary to the adequate distribution of service and shall not include any type of equipment which will interfere with local radio or television, or otherwise detrimental to the surrounding area.

- (9) Food and Grocery Stores.
- (10) Funeral Home and/or Mortuary.
- (11) Governmental or Governmental Authority Facility, Service Structure and/or Use, provided:
 - (a) It shall serve as a community facility or be reasonably necessary to the adequate distribution of service.
 - (b) It shall be authorized by a governmental agency.
- (12) Health Service Establishment, including but not limited to a physician's office, medical and dental clinic but excluding a hospital.
- (13) Motels and Hotels.
- (14) Parking Lot and/or Parking Structure, provided:
 - (a) There shall not be any vehicle parked within 10 feet of any Residential Zoning District.
 - (b) There shall not be any automotive repair facilities located on the lot or any automotive repairs made on any vehicle located thereon.
 - (c) There shall not be any storage of material, junk or any equipment on the lot.
 - (d) There shall not be any vehicle parked in front of the front or side street setback building line.
- (15) Passenger Terminal such as bus passenger station.
- (16) Personal Service Establishments, including but not limited to a barber shop, beauty parlor, dry cleaning, self-service laundry and library.
- (17) Public Utility Facility, Service Structure and/or Use, provided:
 - (a) It shall not include any type of equipment which will in any way interfere with local radio or television, or otherwise be detrimental to the surrounding area.
 - (b) It shall not include a business facility, repair facility, storage of materials, storage of any repair or trouble crew outside a structure.
 - (c) It shall be reasonably necessary to adequate distribution of service.
- (18) Retail Sales.

(19) Churches.

801.2 - Accessory Uses Permitted -

- (1) Service Facility on a Lot Occupied by an Automotive Service Establishment or Transportation Terminal Establishment for the Service of Gas, Oil, Air or Water or Repair Facility, provided:
 - (a) Any such equipment shall not be less than 15 feet from any alley or street nor less than 100 feet of any lot line of any Residential Zoning District or 100 feet from any lot line of a hospital, church, or school.
- (2) Storage of Inflammable Liquids on a Lot Occupied by an Automotive Service Establishment or Transportation Terminal Establishment, provided:
 - (a) It shall be stored in underground tanks.
 - (b) It shall be approved by the Commonwealth of Pennsylvania.
- (3) Wall, Fence or Similar Accessory Structure subject to height and yard limitations outlined in Section 1303.
- (4) Any Other Accessory Use, provided:
 - (a) It shall be customarily incidental and subordinate to a permitted principal use.
 - (b) It shall be located on the same zoning lot as the principal use.
 - (c) It shall be approved by the Zoning Hearing Board.

801.3 - Principal and/or Accessory Signs Permitted, subject to provisions prescribed in Article XI.

801.4 - Parking and/or Loading Facilities, subject to provisions prescribed in Article XII.

Section 802 - Height Regulations - Signs subject to provisions prescribed in Article XI.

802.1 - Principal Structures -

802.11 - Maximum Height for Principal Structures shall not exceed 40 feet.

802.2 - Accessory Structures -

802.21 - Maximum Height for Accessory Structures shall not exceed 40 feet.

802.22 - Signs, subject to Article XI.

Section 803 - Area Regulations -

803.1 - Principal Structures -

803.11 - Minimum Lot Area - 30,000 square feet where both water supply and sanitary sewage disposal are provided by individual on-lot systems, 10,000 square feet where both water supply and sanitary sewage disposal are provided by a public or community system.

803.12 - Minimum Lot Width - 100 feet for 30,000 square feet of area. 60 feet for 10,000 square feet of area.

803.13 - Maximum Percentage of Lot Area - 50 percent.

803.14 - Minimum Distance to Center of Pavement - 125 feet.

803.15 - Minimum Distance to a Lot Line of any Church shall be 100 feet, provided the church is in a "R" Zoning District.

803.16 - Minimum Distance to a Lot Line of any "R" Zoning District - 25 feet, unless otherwise specified.

803.17 - Minimum Distance to any other Lot Line - 10 feet.

803.2 - Accessory Structures -

803.21 - Maximum Sum of Ground Floor Areas - 40 percent of the gross floor area of the principal structure.

803.22 - Minimum Distance to Center of Pavement - 125 feet, except business signs.

803.23 - Minimum Distance to Fuel Pump Islands - shall be 60 feet from center of pavement.

803.24 - Minimum Distance to a Lot Line of any Church - Shall be 100 feet, provided the church is in a "R" Zoning District.

803.25 - Minimum Distance to a Lot Line of any "R" Zoning District - 25 feet unless otherwise specified.

803.26 - Minimum Distance to any Other Lot Line - 10 feet.

Section 804 - General Regulations - Nothing herein contained shall be construed to permit the use of land or buildings for the storage of junk or a junk yard.

ARTICLE IX

"I" INDUSTRIAL ZONING DISTRICT

Section 900 - Purpose of Zoning District - To provide a Zoning District which will:

- (a) Encourage the establishment and maintenance of industrial establishments for the manufacture, assembly, compounding, processing or storage of products.
- (b) Prohibit industrial uses and other uses which are clearly noxious or offensive by reason of odor, smoke, gas, vibration or noise.
- (c) Not permit residential uses for the purpose both of preserving the area for its appropriate use and for preventing the location of dwelling units in an area inappropriate for residential use.

Section 901 - Use Regulations -

901.1 - Principal Uses Permitted -

- (1) Agricultural Processing Establishments including storage.
- (2) Automotive and Truck Service Establishment, such as: gasoline service establishment and repair garage, provided:
 - (a) It shall not be located within 100 feet of any lot line in a Residential Zoning District.
 - (b) Access drives shall not exceed 35 feet in width within 10 feet of the street right-of-way line.
 - (c) Access drives shall not exceed two per lot on any one street frontage.
 - (d) No equipment, such as gas pumps, shall be within fifteen (15) feet of the street right-of-way.
- (3) Building Supplies Facility provided there shall be no storage of material in front yards.
- (4) Bulk Storage and Distribution Facilities for petroleum or natural gas products or by-products, provided:
 - (a) It shall be approved by the Fire Chief and the Commonwealth of Pennsylvania.
 - (b) It shall not be located within 200 feet of any lot line in any "R" Zoning District or within fifty (50) feet of any adjoining lot line.

- (c) The area shall be enclosed on all sides by a fence or wall not less than six (6) feet high and maintained in good condition.
- (5) Car Washes, provided they shall comply with the requirements set forth in Section 801.1 (4) for Car Washes in the Business District.
- (6) Commercial Uses, provided they are intended for serving primarily the uses in the "I" Industrial District.
- (7) Governmental or Governmental Authority Facility, Service Structure and/or Use, provided:
- (a) It shall not include a public school, playground, or other outside recreational use.
- (8) Industrial Establishments for manufacturing, processing, packing or bottling, but not such uses or processes which produce or emit dust, smoke, toxic or noxious odors, gases and fumes, excessive noise or vibration, similar substances and conditions.
- (9) Industrial Research and Development Facility.
- (10) Industrial Services, as defined in Article XX.
- (11) Laboratories devoted to research, design, experimentation, processing and fabrication incidental thereto.
- (12) Offices, provided they are intended to serve the industrial uses in the "I" Industrial District.
- (13) Public Utility Facility, Service Structure and/or Use.
- (14) Restaurant or Eating Establishment, provided it shall serve primarily the industrial establishments located in an "I" Industrial District.
- (15) Truck Transportation Terminal, to include repair and service of trucks, provided:
- (a) It shall not be located within 100 feet of any lot line in a Residential Zoning District.
- (b) Access drives shall not exceed 35 feet in width within 10 feet of the street right-of-way line.
- (c) Access drives shall not exceed two per lot on any one street frontage.
- (d) No equipment, such as gas pumps, shall be within fifteen (15) feet of the street right-of-way.

- (16) Wholesale and/or Warehousing Operations.
- (17) Any Other Industrial Use equivalent to the above permitted principal uses, provided:
 - (a) It shall be subject to any special provisions of use that may be attached to the particular listed use.
 - (b) It shall be approved by the Zoning Hearing Board.
- (18) Industrial Uses specifically prohibited are: slaughterhouses; dead animal or offal reduction; fertilizer manufacture; the manufacturing of highly explosive chemicals, materials or products; and other similar noise, odor, dust, hazard or nuisance bearing manufacturing processes or materials.

901.2 - Accessory Uses Permitted -

- (1) Uses customarily incidental to the permitted principal use, provided the accessory use shall be on the same lot as the permitted principal use.
- (2) Signs, as provided for in Article XI.
- (3) Parking and Loading Facilities, as provided for in Article XII.
- (4) Processing, Cleaning, Servicing, Testing or Repair, provided it shall be entirely within the principal structure.
- (5) Walls and Fences and Other Landscaping.
- (6) Storage of Inflammable Liquids on a Lot Occupied by an Automotive Service Establishment, provided:
 - (1) It shall be stored in underground tanks.
 - (2) It shall be approved by the Commonwealth of Pennsylvania.
- (7) Any Other Accessory Use, provided:
 - (a) It will further the welfare and best interests of the Township.
 - (b) It shall be subject to the provisions of use prescribed in Subsection 901.3.
 - (c) It shall not include any use specifically prohibited in this Article.
 - (d) It shall be approved by the Zoning Hearing Board.

901.3 - Provisions of Use - Any permitted principal and/or accessory use shall be subject to the following use regulations:

- (1) All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure, or if the lot area devoted to such use is over 200 square feet in area, the owner may have the alternative of enclosing it on all sides except for an exit and entrance not over 25 feet in width by a solid fence or wall at least 6 feet in height and maintained in good condition or by a cyclone or equal wire fence at least 6 feet in height and surrounded, except for an exit and entrance not over 25 feet in width, by evergreens at least 6 feet in height and planted not further apart than 6 feet so as to form a solid screen.
- (2) It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.
- (3) It shall not emit any noxious, toxic or corrosive fumes or gases.
- (4) It shall not emit any offensive odors.
- (5) It shall not discharge any wastes before treatment, whether liquid or solid, into the waters of the Commonwealth of Pennsylvania, including any surface and underground waters - both natural and artificial.
- (6) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.

901.4 - Permitted Principal and/or Accessory Signs, subject to provisions prescribed in Article XI.

901.5 - Parking and/or Loading Facilities, subject to provisions prescribed in Article XII.

Section 902 - Height Regulations -

902.1 - Principal Structures and/or Accessory Structures - None.

Section 903 - Area Regulations -

903.1 - Principal Structures and/or Accessory Structures -

903.11 - Maximum Percentage of Lot Area - 70 percent.

903.12 - Minimum Distance to a Street Lot Line - 50 feet.

903.13 - Minimum Distance to Any Lot Line - 15 feet.

903.14 - Minimum Distance to a Lot Line of any "R"
Zoning District - 100 feet.

ARTICLE X

"FP" FLOOD PLAIN DISTRICT

Section 1000 - Purpose of Flood Plain District -

- (1) To promote the general health, welfare, and safety of the Township.
- (2) To encourage the utilization of appropriate construction practices to minimize flood damage in the future.
- (3) To minimize danger to public health by protecting water supply and natural drainage.
- (4) To reduce financial burdens imposed on the Township, its governmental units, and its residents, by regulating development in areas subject to flooding.

Section 1001 - Municipal Liability - The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes in the identified flood-prone area(s). Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside any identified flood-prone area, or that land uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1002 - Designation of Flood Plain District Area(s) -

1002.1 - Identification - The "Flood Plain District" shall be any area(s) of the Township which are identified as being flood-prone on the Flood Hazard Boundary Map as issued by the Federal Insurance Administration dated January 31, 1975.

1002.2 - Determination of the One Hundred Year Flood Elevation - For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified flood plain area which is nearest the construction site in question.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently.

accepted technical concepts. Studies, analyses, computation, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

1002.3 - Changes in Designation of Flood-Prone Area(s) - The delineation of any of the identified flood-prone area(s) may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

1002.4 - Boundary Disputes - Should a dispute concerning the flood-prone area district boundary arise, an initial determination shall be made by the Zoning Officer and any party aggrieved by this decision may appeal to the Zoning Hearing Board. The burden of the proof shall be on the appellant.

Section 1003 - Use Regulations -

1003.1 - Permitted Uses - In the Flood Plain District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained within this and all other applicable codes and ordinances.

1003.2 - Prohibited Uses - It has been determined that the following activities and development present a special hazard to the health and safety of the general public, or may result in significant pollution, increased flood levels or flows, or debris endangering life and property if such development are located, either or partially, within an identified flood-prone area. Therefore the following uses are specifically prohibited within the Flood Plain District:

- (1) Hospitals (public or private).
- (2) Nursing Homes (public or private).
- (3) Jails or Prisons.
- (4) New Manufactured Home Parks and Manufactured Home Subdivisions, and substantial improvements thereto.
- (5) Facilities Necessary for Emergency Response such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, emergency communications facilities, evacuation and emergency medical centers.

Section 1004 - Building Permit Provision -

1004.1 - Application Requirements - If any proposed construction or development is located, wholly or partially, within an identified flood-prone area, applicants for building permits shall also provide at least two (2) copies of the following specific information:

- (1) A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other flood-prone development or structures, and the location of any existing or proposed stream improvements or protective works. Included shall be all plans for proposed subdivision and land development in order to assure that:
 - (a) All such proposals are consistent with the need to minimize flood damage.
 - (b) All utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (2) Such plan shall also include existing and proposed contours; information concerning one hundred (100) year flood elevations, and other applicable information such as uplift forces and other factors associated with the one hundred (100) year flood; size of structures, location and elevations of streets; water supply and sanitary sewage facilities; soil types, and flood-proofing measures.
- (3) All proposed lowest floor and basement elevations shall be shown in relation to mean sea level, based upon the National Geodetic Vertical Datum of 1929.
- (4) A document certified by a registered professional engineer or architect that the proposed construction has been adequately designed against flood damage and that the plans for the development of the site adhere to the restrictions cited in Section 1005 of this Ordinance.

Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure.

1004.2 - Other Permit Issuance Requirements -

- (1) Prior to any proposed alteration or relocation of any stream or any watercourse, etc., within the municipality, a permit shall be obtained from the Department of

Environmental Resources, Bureau of Dam Safety Obstructions and Storm Water Management, as specified in the Water Obstruction Act of 1913 as amended. Further notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

- (2) Prior to the issuance of any building permit, the Building Official shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal Laws, have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 U.S.C. 1334. No permit shall be issued until this determination has been made.

1004.3 - Review by County Conservation District - A copy of all applications and plans for any proposed construction or development in any identified flood-prone area to be considered for approval shall be submitted by the Building Official to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Official for possible incorporation into the proposed plan.

1004.4 - Review of Application by Others - A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval may be submitted by the Building Official to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.

Section 1005 - Specific Requirements -

1005.1 - General -

- (1) Within the Flood Plain District, the elevation of the lowest floor (including basement) of any new or improved residential structures shall be at or above the one hundred (100) year flood elevation.
- (2) Within the Flood Plain District, the elevation of the lowest floor (including basement) of non-residential structures shall be at or above the one hundred (100) year flood elevation or be flood-proofed up to that height.

Any non-residential structure, or part thereof, having a lowest floor which is not elevated to or above the one hundred (100) year flood elevation, shall be flood-proofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such flood-proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

- (3) Within the Flood Plain District, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.
- (4) Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

1005.2 - Design and Construction Standards - The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified flood-prone area:

- (1) **Drainage Facilities** - Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- (2) **Sanitary Sewer Facilities** - All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- (3) **Water Facilities** - All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

- (4) Streets - The finished elevation of proposed new streets shall be no more than one (1) foot below the regulatory flood elevation.
- (5) Utilities - All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the change or impairment during a flood.
- (6) Fill - If fill is used, it shall:
 - (a) Extend laterally at least fifteen (15) feet beyond the building line from all points.
 - (b) Consist of soil or small rock materials only (excluding sanitary land fill material).
 - (c) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
 - (d) Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Township Building Official.
 - (e) Be used to the extent to which it does not adversely affect adjacent properties.
- (7) Placement of Buildings and Structures - All buildings and structures shall be designed, located and constructed, so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood waters.
- (8) Anchoring -
 - (a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - (b) All air ducts, large pipes and storage tanks and other similar objects or components located at or below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.
- (9) Floors, Walls and Ceilings - Where located at or below the regulatory flood elevation:
 - (a) Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring, grain without incurring structural damage to the building.

- (b) Plywood shall be of a "marine" or "water-resistant" variety.
 - (c) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - (d) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- (10) Electrical Systems and Components
- (a) Electrical water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation and other electrical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation.
 - (b) Electrical distribution panels shall be at least three (3) feet above the level of the One Hundred (100) Year Flood Elevation.
 - (c) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (11) Plumbing
- (a) Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.
 - (b) On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding. At a minimum, all systems shall meet the requirements of Act 537, The Pennsylvania Sewage Facilities Act, as amended.
 - (c) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.
 - (d) All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- (12) Paints and Adhesives - When used at or below regulatory flood elevation:

- (a) Paints or other finishes shall be of a "marine" or water resistant quality.
 - (b) Adhesives shall be of a "marine" or water resistant quality.
- (13) Storage - No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation.

1005.3 - Special Requirements for Manufactured Homes - All manufactured homes and additions thereto located within the Flood Plain District shall be:

- (1) Placed on a permanent foundation.
- (2) Elevated so that the lowest floor of the manufactured home is at or above the elevation of the one hundred (100) year flood.
- (3) Anchored to resist flotation, collapse, or lateral movement.

1005.4 - Development Which May Endanger Human Life -

- (1) In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

- (a) Acetone.
- (b) Ammonia.
- (c) Benzene.
- (d) Calcium carbide.
- (e) Carbon disulfide.
- (f) Celluloid.
- (g) Chlorine.
- (h) Hydrochloric acid.
- (i) Hydrocyanic acid.
- (j) Magnesium.
- (k) Nitric acid and oxides of nitrogen.
- (l) Petroleum products (gasoline, fuel oil, etc.)
- (m) Phosphorus.
- (n) Potassium.
- (o) Sodium.
- (p) Sulphur and sulphur products.

- (q) Pesticides (including insecticides, fungicides and rodenticides).
 - (r) Radioactive substances, insofar as such substances are not otherwise regulated.
- (2) Within any identified Flood Prone Area(s) any structure of the kind described in Section 1005.4 above, shall be:
- (a) Elevated or designed and constructed to remain completely dry up to at least one and one-half (1-1/2) feet above the one hundred (100) year flood, and
 - (b) Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

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

Section 1006 - Existing Structures in Identified Flood-Prone Areas -
Structures existing in any identified flood-prone area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain, provided that any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

ARTICLE XI

SIGN REGULATIONS

Section 1100 - Application - Signs may be erected and maintained only in compliance with the provisions of this Article, other Articles of this Ordinance and any and all regulations of the Pymatuning Township relating in any way to the erection, location, size, height, use, number, lighting, operation, alteration or maintenance of signs, billboards, banners and other similar advertising devices as defined.

Section 1101 - General Intent - The sign regulations, set forth in this Ordinance are made in accordance with the comprehensive plan for the public safety, area development, preservation of property values, and the general welfare of the Township. They are intended to aid in traffic control and safety; preserve property values, lessen congestion of land and air space; provide against undue concentrations of signs; establish reasonable standards for commercial and other advertising proliferation of signs; recognize the rights of the public in roads, streets, highways, and the areas adjacent to them and; preserve the wholesome character of the Township.

Section 1102 - Definitions - The following words and phrases, when used in this Ordinance, shall have the meaning given in this section:

1102.1 - Sign - A sign is any structure, device, light or natural object including the ground itself or any part thereof or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, produce, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word sign shall include the structure which supports the sign face as well as the sign face itself. The word sign shall not include signs which are affixed to the inside of windows and glass doors of enclosed buildings except for illuminated or animated show windows. No other indoor sign shall be deemed a sign within this ordinance.

1102.2 - Sign Area - Sign area is the area of the smallest triangle, rectangle, or circle which can wholly enclose the surface area of the sign. When individual letters are used separately on the surface of a building wall, the spaces between said letters shall be included in computing the area of the sign. All sign area references in this Article shall mean one side.

1102.3 - Signs Defined According to the Type of Message Conveyed:

- (1) Advertising: An advertising sign shall be defined as a sign directing attention to a product or service offered upon other premises.

- (2) Announcement: A sign of temporary character indicating the names of persons associated with, or events conducted upon the premises upon which the sign is maintained. In districts where business or industry is permitted, an announcement sign shall also include a sign of temporary or permanent character indicating products or services offered upon the premises where the sign is maintained.
- (3) Billboard: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
- (4) Bulletin Board: A sign of permanent character, but with movable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon, the premises upon which such sign is maintained.
- (5) Business: A sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.
- (6) Identification: A sign including a bulletin board sign indicating the name of a permitted use, the name or address of a building, or the name of the management thereof.
- (7) Institutional: An institutional sign shall be defined as a sign for a school, church, hospital, or similar institution for the purpose of displaying the name of the institution and its particular activities.
- (8) Instructional: A sign conveying instruction with respect to the premises on which it is maintained, such as a sign designating the entrance to or exit from a parking area, a trespassing sign, a danger sign, and similar signs.
- (9) Nameplate: A sign indicating the name and address of an occupant.
- (10) Professional: A sign indicating the name and occupation of a professional person or group of associated professional persons.
- (11) Real Estate: A sign advertising the sale, rental or lease of the premises on which it is maintained, including a subdivision sign.
- (12) Off-Premise: A sign used for advertising or direction which is not directly related to the land use of the lot on which it is located.

1102.4 - Signs Defined According to Location on the Premises or the Method of Attachment:

- (1) Awning or Canopy: A sign other than a projecting sign mounted on an awning or canopy and identifying the name or address of a building or an establishment contained therein.
- (2) Ground: A detached sign erected upon or supported by the ground.
- (3) Marquee: A sign other than a projecting sign mounted on the marquee of any building.
- (4) Projecting Street: A sign erected approximately perpendicular to the street right-of-way line, including a sign similarly erected at the corner of a building, and projecting into the right-of-way of any street, sidewalk, alley or other public thoroughfare. A projecting street sign shall also include a sign suspended from the ceiling or a marquee, canopy or vestibule where such sign is located in the street right-of-way.
- (5) Projecting Yard: A sign erected approximately perpendicular to the wall of a building, including a sign erected at the corner of a building and projecting into an open space or yard but not projecting into the right-of-way of any street, sidewalk, alley or other public thoroughfare.
- (6) Roof: A sign erected upon the roof of any building.
- (7) Wall: A sign erected against the wall of any building with the exposed face thereof in a plane parallel to the plane of said wall, and which sign is mounted at a distance, measured perpendicular to said wall, no greater than eighteen (18) inches. A wall sign shall include a sign suspended from the ceiling of a marquee, canopy or vestibule where such sign does not project into the street right-of-way.
- (8) Pole Sign: A sign supported by a column or columns perpendicular to the center of gravity, the bottom edge of said sign exceeding ten (10) feet in height.
- (9) Pedestal Sign: A sign that is supported by a column or columns perpendicular to the center of gravity and not exceeding ten (10) feet in height to bottom of the face of the sign.
- (10) Trailer Sign: A sign mounted on a vehicle normally licensed by the Commonwealth of Pennsylvania as a trailer and used for advertising or promotional purposes.

1102.5 - Signs Defined According to the Degree of Illumination:

- (1) Direct Illumination: A sign designed to give forth any internal artificial light or reflect such light from an artificial source.
- (2) Indirect-Illuminated: An illuminated, non-flashing sign whose illumination is derived entirely from an external artificial source and which is so arranged that no direct rays of light are projected from such artificial source into residences or street.
- (3) Flashing: An illuminated sign, whether stationary, revolving or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation shall be deemed flashing signs only if they exhibit noticeable changes in such light intensity or color effects.

Section 1103 - General Provisions and Exceptions -

1103.1 - Projection Over a Public Right-of-Way - A sign shall not project from the face or corner of a building more than sixty (60) inches over a public right-of-way, including a pedestrian walkway. Any portion of a sign projecting more than thirty (30) inches over a public right-of-way or pedestrian walkway shall not exceed thirty (30) inches in vertical dimension. The area of all projecting signs shall not exceed twelve (12) square feet.

1103.2 - Direct or Reflected Light - A sign shall not be so placed as to cast direct or reflected light upon a window of any dwelling in any Residential Zoning District, or on any public street.

1103.3 - Imitation of or Resemblance to Official Traffic Control Signs - A sign shall not be an imitation of or resemble official traffic control signs or devices and any sign within fifty (50) feet of an intersection shall not contain any visible green, yellow or red colored lights which might be confused with official traffic control devices.

1103.4 - Animated or Flashing Signs - No animated signs or devices shall be permitted in any zoning district, nor shall flashing signs or lights, including rotating signs, lights or devices, be permitted.

1103.5 - Posting of Sign - A sign shall not be affixed to, painted on, or otherwise posted on certain roadside features such as, fence posts, utility poles, trees, bridges, or barricades that are within twenty-five (25) feet of any right-of-way.

1103.6 - Vision Obstruction - A sign shall not be so placed so that it will cause danger to traffic on a street by obscuring the view or otherwise interfere with traffic.

1103.7 - Obstruction - No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

1103.8 - Signs Not Requiring a Permit:

- (1) Special Display: Special decorative display used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes, when authorized by Township Supervisors.
- (2) Real Estate Signs not exceeding eight (8) square feet in area.
- (3) Temporary Signs or Banners including temporary Announcement Signs and Produce Signs (not exceeding twelve (12) square feet in surface area).
- (4) Memorial Signs or Tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- (5) Traffic or Other Municipal Signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs as may be approved by the Township Supervisors.
- (6) Instructional Signs such as "no hunting" or "no trespassing".

1103.9 - Removal of Non-Conforming Signs - When a non-conforming sign is taken down or moved for any reason, the same may not again be erected or re-established or permitted to remain at any location on the property without the prior issuance of a sign permit, and in such case, no sign permit shall be issued unless the sign is then made to conform with all regulations applicable to new signs.

1103.10 - Damaged or Destroyed Non-Conforming Signs - A sign damaged or destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance unless a variance is granted by the Zoning Hearing Board.

Replacement cost shall be determined by obtaining cost of construction from the following sources:

- (a) One (1) sign contractor selected by owner:
One (1) sign contractor selected by the Township.
- (b) The average cost of replacement will then be ascertained after receipt of both costs.

1103.11 - Unsafe or Unlawful Signs - If the Zoning Officer shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been con-

structed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice to the owner thereof. If the owner fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply by the Zoning Officer at the expense of the owner of the property upon which it is located. The Zoning Officer shall refuse to issue a permit to any owner who refuses to pay costs so assessed. The Zoning Officer may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

1103.12 - Removal of Certain Signs - Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the Zoning Officer, and, upon failure to comply with such notice within the time specified in such order, the Zoning Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

Section 1104 - Permitted Principal and Accessory Signs -

1104.1 - Residential Zoning Districts (R-1 thru R-4) Districts:

- (1) Advertising Sign: Advertising signs may be permitted only along PA Route 18 in the R-1 Zoning District, provided:
 - (a) The location and lighting of the sign shall meet the standards of this Ordinance and not interfere with public safety.
 - (b) It shall be set back a minimum distance in no instance closer than ten (10) feet from the highway right-of-way.
 - (c) It shall not exceed thirty-two (32) square feet in surface area.
 - (d) If lighted, it shall be by direct or indirect illumination only.
- (2) Announcement Sign: Announcement signs shall be limited to ground and wall signs and a size not to exceed twelve (12) square feet. Such announcement signs shall be erected no sooner than thirty (30) days prior to the event they concern and shall be removed no later than five (5) days following the close of the event.
- (3) Identification Sign: One (1) unlighted sign for each lot in any R District, provided:
 - (a) It shall not exceed eight (8) square feet in surface area.

- (b) It shall be set back at least twenty-five (25) feet from centerline of any street or highway, but in no instance shall it be placed within said right-of-way.
 - (c) It may be used to identify farm complexes or agricultural establishments.
- (4) Institutional Sign: Signs for a school, church, hospital, sanitarium, club, or other institution of a similar nature, on the same lot therewith, for the purpose of displaying the name of the institution and its activities or services, provided that the area shall not exceed thirty-two (32) square feet, and provided that not more than one (1) such sign shall be erected on any one street frontage of any property in single and separate ownership. If lighted, it shall be illuminated by reflector or internal method only.
- (5) Instructional Signs: Signs may be permitted, provided:
- (a) The sign is necessary for instructing the general public about the premises upon which it is maintained.
 - (b) The sign is of minimum size necessary for public information but in no instance larger than four (4) square feet.
 - (c) The location of sign, lighting and construction shall meet standards of this Ordinance and not interfere with public safety.
- (6) Nameplate Sign: One (1) lighted or unlighted nameplate for each dwelling unit or other permitted use, provided:
- (a) Its dimensions shall not exceed eight (8) inches by twenty-four (24) inches.
 - (b) If lighted, it shall be by direct or indirect illumination only.
 - (c) It shall not be used other than for identifying the name and address of the occupant.
- (7) Off-Premises Directional Signs: Non-illuminated signs may be permitted, provided:
- (a) The sign is necessary to aid the traveling public in locating a church, school, hospital, or publicly-owned facility or a professional or home occupation use not located on major highways.
 - (b) The sign is of minimum size necessary for public information but in no instance larger than four (4) square feet.

- (c) The location of sign and construction shall meet standards of this Ordinance and not interfere with public safety.
- (8) Professional/Home Occupation Signs: Professional, home occupation or accessory use signs on the same lot with and indicating the name, profession or activity of any such use shall not exceed four (4) square feet, and provided that not more than one (1) such sign shall be erected for each permitted use of the dwelling. Such a sign shall be at least ten (10) feet from any side lot line, and, on streets, a minimum of six (6) feet back from the edge of the cartway.
- (9) Real Estate Signs:
- (a) Sale, Rent, or Development Sign: A single sign publicizing the sale, rental, or development of the premises upon which it is erected, provided:
- (1) It shall not exceed six (6) square feet in surface area.
- (2) Such sign shall be set back at least six (6) feet from the edge of the cartway.

1104.2 - "B" Business Highway Service Zoning District -

- (1) Advertising Sign: Advertising signs may be permitted in the "B" Zoning District, provided:
- (a) The location and lighting of the sign shall meet the standards of this Ordinance and not interfere with public safety.
- (b) It shall be set back a minimum distance of fifty (50) feet from the centerline of said State Highway but in no instance shall it be located closer than ten (10) feet from the highway right-of-way.
- (c) It shall not exceed thirty-two (32) square feet in surface area.
- (d) If lighted, it shall be by direct or indirect illumination only.
- (2) Announcement Sign: Announcement signs shall be limited to ground and wall signs and banners and a size not to exceed thirty-two (32) square feet. Such announcement signs shall be erected no sooner than thirty (30) days prior to the event they concern and shall be removed no later than five (5) days following the close of the event.

- (3) Bulletin Board: Bulletin boards shall be permitted, provided:
- (a) It shall not exceed twenty (20) square feet in surface area.
 - (b) There shall be no more than one (1) such sign per street frontage.
- (4) Instructional Signs: Instructional signs may be permitted, provided:
- (a) The sign is necessary for instructing the general public about the premises upon which it is maintained.
 - (b) The sign is of minimum size necessary for public information but in no instance larger than four (4) square feet.
 - (c) The location of sign, lighting and size shall meet standards of this Ordinance and not interfere with public safety.
- (5) Marquee Signs: One (1) illuminated marquee sign, excluding a flashing or animated illuminated sign, or unilluminated sign for each side of a marquee located on a building such as a motion picture theater, provided:
- (a) It shall not exceed five (5) feet in height, exclusive of the name of the establishment.
 - (b) It shall not project below the fascia of the marquee.
 - (c) It shall not be lower than ten (10) feet above the sidewalk.
 - (d) It may extend the full length of the marquee but in no case shall it project beyond the ends of the marquee.
 - (e) It shall be limited to use as a business sign.
- (6) Name Plate and/or Identification Sign: Name plate and/or identification sign for any lot used for a principal business use, provided:
- (a) It shall not exceed eight (8) square feet in surface area.
 - (b) It shall be related to the business use on the premises.

(7) Off-Premises Directional Signs: Non-illuminated signs may be permitted, provided:

- (a) The sign is necessary to aid the traveling public in locating a church, school, hospital, publicly-owned facility or business.
- (b) The sign is of minimum size necessary for public information, but in no instance larger than four (4) square feet.
- (c) The location of sign and size shall meet standards of this Ordinance and not interfere with public safety.

(8) Pole Signs: Pole signs shall be permitted, provided that:

- (a) A maximum of one (1) pole sign shall be permitted for each site. However, in developments where there are two or more businesses on a single site, two (2) such signs shall be permitted.
- (b) There shall be no less than ten (10) feet clearance below the sign.
- (c) No sign shall exceed thirty (30) feet in height.
- (d) Any portion of the pole sign shall be set back at least ten (10) feet from any property line, except that pole signs on the corner of a lot at a street intersection shall be placed behind a clear site triangle formed by the right-of-way lines and a straight line joining said right-of-way lines at points twenty (20) feet from the point of intersection.
- (e) It shall not exceed thirty (30) square feet in surface area, one side, except on a lot having a frontage which exceeds the minimum requirement of that district where the area may be increased one square foot for each two feet of excess frontage up to a maximum of one hundred fifty (150) square feet.

In addition, if a pole sign is set back further than the minimum requirement of ten (10) feet as provided in the preceding section, then the area of such sign may be increased one (1) square foot for each two (2) feet of such additional setback up to a maximum total of seventy-five (75) square feet in area.

- (f) Accessory Pole Mounted Signs - Up to two (2) such signs not exceeding six (6) square feet each may be attached to a pole sign.

- (9) Portable or Free-Standing Signs Other Than Pole Signs: One portable free-standing sign such as a teepee sign or trailer sign for each street frontage provided that such a sign does not exceed a height of six (6) feet or an area greater than 32 square feet on either side. Such a sign shall be set back from the property line a distance of at least six (6) feet.
- (10) Real Estate Signs: For advertising the sale or rental of the premises upon which the sign is erected, provided that the total sign area on any one street frontage of any property in single and separate ownership in a commercial district shall not exceed six (6) square feet. It shall also be set back at least six (6) feet from the edge of the cartway upon which it fronts.
- (11) Wall Sign: One (1) illuminated wall sign (excluding a flashing or animated illuminated sign or a sign which could be confused with traffic signals or devices) or unilluminated sign for each street frontage of a principal business use, provided:
- (a) It shall be attached to the main wall of a building and shall not project horizontally more than eighteen (18) inches therefrom including illumination source.
 - (b) It shall be erected at a height of not less than ten (10) feet if located over a public right-of-way or pedestrian walkway.
 - (c) It shall not project above or exceed the height of the related building.
 - (d) It shall be limited to use as a business sign.
 - (e) Size:
 - (1) For buildings or portions thereof under separate management or control having building frontages of fifty (50) feet or less: The surface area of all exterior signs on the premises shall not exceed two (2) square feet per lineal foot of building frontage or seventy-five (75) square feet, whichever is less, for each frontage on a public street or each frontage with public access; provided, however, that the surface area of all such signs shall not exceed, in the aggregate, seventy-five (75) square feet on any single building frontage.

- (2) For buildings or portions thereof under separate management or control having building frontages in excess of fifty (50) feet: The surface area of all exterior signs on the premises shall not exceed 1.5 square feet per lineal foot of building frontage or one hundred twenty-five (125) square feet, whichever is less, provided, however, that the surface area of all such signs shall not exceed, in the aggregate, one hundred twenty-five (125) square feet on any single building frontage.
- (f) Wall signs may not be painted directly on the face of a building.

1104.3 - Industrial District -

(1) Principal Identification, Business and/or Advertising Signs:

- (a) One such sign (wall, pole or billboard) for each street frontage of the lot, except on a lot where a street frontage exceeds the minimum requirement of that district one (1) additional sign for each three hundred (300) feet of excess frontage on that street.
- (b) No part of such sign shall exceed a height of fifty (50) feet except that for billboards, the maximum height shall not exceed twenty-five (25) feet.
- (c) All such signs shall be set back a minimum of twenty-five (25) feet from the street right-of-way line.

Section 1105 - Permits and Fees for Erection of Signs -

1105.1 - Requirements of Sign Permits -

- (1) All signs, except those enumerated in Section 1103.8 require a permit, prior to the erection of said signs.
- (2) Application for a permit shall be made on a form provided by the Zoning Officer which shall contain or have attached thereto the following information:
 - (a) Name, address and telephone number of applicant.
 - (b) A map showing the location of the building, structure, or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares. Such a map must show all necessary dimensions.

- (c) A plan showing design of sign, materials used, and method of construction and means of attachment to the building or the ground; such plans must be either drawn to scale or show all necessary dimensions.
 - (d) Name of person, firm, corporation or association erecting, altering or moving said sign.
 - (e) Written consent of the owner of the land on which the sign is to be erected, altered, or relocated.
 - (f) Any other information as the Zoning Officer shall require in order to show full compliance with this and all other applicable laws of Pymatuning Township.
- (3) No sign permit shall be issued until the Zoning Officer has certified that the proposed sign complies with the provisions of this Ordinance, and the Zoning Officer has ascertained that the proposed sign complies with the provisions of other applicable laws and ordinances.
 - (4) In the event that the Zoning Officer denies applicant's request for a building permit, said Zoning Officer shall issue to the applicant a written statement containing the reasons therefore.

1105.2 - Permit Fees - Applications for sign permits shall be accompanied by a fee in an amount to be fixed from time to time by the Township Supervisors.

1105.3 - Permit Exceptions - The following operations shall not be considered as creating a sign and shall not require a permit:

- (1) Replacing Copy - The changing of the advertising copy of message on an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

The provisions shall not apply to printed lettering, symbols, etc., which utilize a building for the sign surface. The repainting of such signs shall be considered a new sign.

- (2) Maintenance - Cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

ARTICLE XII

PARKING AND LOADING REGULATIONS

Section 1200 - Off-Street Parking and/or Loading Facility Requirements -

1200.1 - New Use of a Structure and/or Land - Parking and/or loading facilities for new uses of any structures or land shall be provided in accordance with the following schedules.

1200.2 - Increase in Intensity of Use of a Structure and/or Land - The intensity of use of a structure and/or land shall not be increased through the addition of dwelling units, rooming units, gross floor area, lot area, or other units of measurement prescribed unless accessory parking and/or loading facilities shall be provided in accordance with the following schedules.

1200.3 - Change in Use of Structure and/or Land - An existing use of a structure and/or land shall not be changed to a new use, unless parking and/or loading facilities shall be provided as required in the following schedules for such new use. However, if said use of a structure and/or land was established prior to the effective date of the Zoning Ordinance additional parking and/or loading facilities shall be required only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the following schedule and space requirements.

1200.4 - Size of Parking and Loading Spaces -

- (1) Parking Space - Nine (9) feet x twenty (20) feet.
- (2) Loading Space - Twelve (12) feet x thirty (30) feet.
- (3) Loading Space for Wholesale or Industrial Use - Twelve (12) feet x fifty (50) feet. Space shall not include aisles or turnaround areas.

1200.5 - Required Parking Spaces for Each Use -

<u>(1) Agricultural Uses</u>	<u>Minimum Parking Spaces</u>
(a) Farm.....	3 per dwelling unit.
(b) Agricultural Products Processing.....	1 for each 500 square feet of gross floor area.
(c) Experimental Station.....	1 for each 500 square feet of gross floor area.
(d) Grange Hall, Similar Use.....	1 for each 200 square feet of gross floor area.

- (e) Nursery..... 1 for each 100 square feet of gross floor area.
- (f) Stand for Sale of Agricultural Products..... 5

(2) Residential Uses Required Parking Spaces

- (a) One and Two Unit Dwelling Structures..... 2.0 for each dwelling unit.
- (b) Multi-Family Structures..... 2.0 for each dwelling unit.
- (c) Housing for Elderly Persons.. 0.5 for each dwelling unit.
- (d) Boarding House..... 1.5 for each sleeping room.
- (e) Home Occupation in One and Two-Family Dwellings..... 2.0 plus 2.0 for each dwelling unit.

(3) Business and Industrial Uses Required Parking Spaces

- (a) Retail or Personal Services Establishment and Regional Shopping Centers..... 1.0 for each 200 square feet of gross floor area plus 5.0 waiting spaces per drive-in lane plus 1.0 per employee on the largest shift.
- (b) Business and Public Office Establishments (Other than Personal Services)..... 1.0 for each 250 square feet of gross floor area.
- (c) Eating and/or Drinking Establishment..... 1.0 per 100 square feet of gross floor area, plus 1.0 per employee on the largest shift.
- (d) Grocery, Convenience Store, or Supermarket..... 1.0 per 100 square feet of gross floor area of customer sales and service plus 1.0 per 200 square feet of gross floor area of storage.
- (e) Medical Offices..... 5.0 per doctor.
- (f) Hotel, Motel, Tourist Court.. 1.0 for each sleeping room plus 1.0 for each 100 square feet of restaurant floor area.

- (g) Commercial Recreation Uses
(Other than Bowling Alleys).. 1.0 for each 3 units of
rated patron capacity.
- (h) Recreational Vehicle Park.... 1.5 per each recreational
vehicle site, plus 1.0 per
employee on the largest
shift.
- (i) Bowling Alleys..... 5.0 per alley.
- (j) Mortuary or Funeral Home..... A minimum of 25 per chapel
unit, plus 2.0 for each
dwelling unit and 1.0 for
each employee.
- (k) Clubs (Fraternal, Social,
etc.)..... 1.0 per 3 persons to the
rated patron capacity.
- (l) Motor Vehicle Sales and
Service..... 1.0 for each 1,500 square
feet of gross floor area,
plus 1.0 per employee on
the largest shift.
- (m) Vehicle Repair and
Maintenance Services..... 1.0 per 400 square feet of
gross floor area, plus 1.0
per employee on the largest
shift.
- (n) Warehouse..... 1.0 per employee on the
largest shift, plus 1.0
per 4,000 square feet of
gross floor area.
- (o) Truck or Transportation
Terminal..... 1.0 per employee on the
largest shift, plus 1.0
per truck normally parked
on the premises.
- (p) Junkyards..... 1.0 per 10,000 square feet
of gross land area, plus
1.0 per employee on the
largest shift.
- (q) Industrial/Light
Industrial Uses..... 1.0 per employee on the
largest shift, plus 1.0
per company vehicle
regularly stored on
premises.

(4) Community Facilities

Required Parking Spaces

- (a) Governmental Facility, Service Structure, and/or Use (Other than a place of public assembly)..... 1.0 for each employee on the largest shift plus 1.0 per vehicle normally stored on the premises.
- (b) Community and Recreation Center..... 1.0 per 3 patrons to the rated patron capacity, plus 1.0 per employee on the largest shift; or 1.0 per 250 square feet of gross floor area.
- (c) Church, Synagogue or Other Place of Worship..... 1.0 for each 3 units of seating capacity.
- (d) Essential Services (Public Utility Facility, Service Structure, and/or Use other than an office establishment)..... 1.0 for each employee but not less than 3.0 spaces.
- (e) Schools, Classroom Buildings:
 - (1) Elementary and Junior High..... 1.0 per teacher and staff member, plus 1.0 per each 2 classrooms.
 - (2) Senior High..... 1.0 per teacher and staff member, plus 1.0 per 5 nonbused students.
 - (3) College..... 1.0 per staff member on the largest shift, plus 1.0 per 2 students of the largest class attendance period.
 - (4) Commercial or Trade..... 1.0 per 3 students, plus 1.0 per employee (including faculty) at capacity class attendance period.
 - (5) Day or Nursery School... 1.0 per teacher and other employees on the largest shift, plus 1.0 per each 6 students.

- (f) Group Housing - Dormitory, Fraternity House, Sorority House, Nurses House or Similar Institutional Housing..... 1.0 for each sleeping room.
 - (g) Convalescent Home, Institutional Home, Nursing Homes, Domiciliary Care and Personal Care Homes..... 1.0 per 6 patient beds, plus 1.0 per employee on the largest shift, plus 1.0 per staff member and visiting doctor.
 - (h) Place of Public Assembly such as an Auditorium, Hall, Gymnasium, or Theatre..... 1.0 for each 3 units of seating capacity.
 - (i) Hospital..... 2.0 per each 3 patient beds, plus 1.0 per staff doctor and employee on the largest work shift.
- (5) Mixed Uses Required Parking Spaces
- (a) Any Mixed Use..... The sum of the various uses computed separately.

1200.6 - Required Loading Spaces for Each Use -

- (1) Multi-Family Structures with more than five (5) Dwelling Units..... 1.0 spaces.
- (2) Retail and Wholesale Merchandising, Manufacturing Storage or Processing:
 - (a) 5,000 to 25,000 square feet of gross floor area..... 1.0 spaces.
 - (b) 25,000 to 40,000 square feet of gross floor area..... 2.0 spaces.
 - (c) 40,000 to 60,000 square feet of gross floor area..... 3.0 spaces.
 - (d) 60,000 to 100,000 square feet of gross floor area..... 4.0 spaces.
 - (e) For each additional 50,000 square feet of gross floor area or major fraction thereof..... 1.0 additional spaces.

- (3) Schools having 15,000 square feet or more of gross floor area.. 1.0 spaces.
- (4) Hospitals (in addition to space for ambulances):
 - (a) 10,000 to 30,000 square feet of gross floor area or major fraction thereof..... 1.0 spaces.
 - (b) For each additional 30,000 square feet of gross floor area or major fraction thereof..... 1.0 additional spaces.
- (5) Mortuary or Funeral Home:
 - (a) 3,000 to 5,000 square feet of gross floor area..... 1.0 spaces.
 - (b) For each additional 5,000 square feet of gross floor area or major fraction thereof..... 1.0 additional spaces.
- (6) Hotels, Motels and Offices with 5,000 or more square feet of gross floor area..... 1.0 spaces.

Section 1201 - General Provisions -

1201.1 - All parking areas for the storage of three (3) or more automobiles in any Commercial or Industrial zone district shall be constructed in compliance with the following minimum standards:

- (1) Parking and driving areas shall be graded to shed surface water to street and to prevent drainage onto adjacent properties.
- (2) Sub-surface shall be a minimum of five (5) inches thick after rolling of crushed slag or washed gravel.
- (3) Bituminous Surface - Base course shall be one and one-half (1 1/2) inches when rolled of hot-mix blacktop, covered with a one inch thick hot-mix wearing surface, rolled smooth and graded to drain without puddles.
- (4) Entrance and/or Exit - Curb cut shall be a minimum of fifteen (15) feet for two-way traffic and nine (9) feet for one-way traffic, with concrete approach ramp and concrete curb returns at a minimum 5 foot radius on each side. Ramps shall slope to street gutter.

- (5) Striping and Bumpers - Each parking space shall be designated by four (4) inch wide painted strips, nine foot center to center by eighteen (18) feet long, angled to best advantage for ingress and egress. Bumpers (wheel stops) shall be installed when necessary to prevent vehicle encroachment upon abutting pedestrian walks, public roads, or private property.
- (6) Screening or Fencing - Where parking abuts residential property on any side, adequate screening of car lights shall be provided by a thick hedge or solid fence a minimum of four (4) feet high, but no higher than six (6) feet.
- (7) Area Lighting - Where lots are to be used at night, adequate area lighting shall be provided as approved by the Zoning Officer. Lighting shall be installed in strict accord with the National Electric and Local Codes, as applicable.

1201.2 - Location of Required Parking Facilities - The parking spaces required for the use listed in the above schedule shall be on the same lot as the use they are intended to serve, except that the Zoning Hearing Board may permit the parking spaces to be on any lot wholly within three-hundred (300) feet of the building if it determines it is impractical to provide space on the same lot with the building. In such cases where the required spaces are provided off the site such space shall be in the same ownership as the use to which they are accessory, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.

1201.3 - Location of Required Loading Facilities - The loading spaces required for the uses listed in the foregoing schedule shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading space be part of the area used to satisfy the parking requirements of the Zoning Ordinance.

1201.4 - Use of Required Parking and/or Loading Facilities by Another Use - Any part of the parking and/or loading facilities required for any use for the purpose of complying with the regulations of the Zoning Ordinance shall not be included as part of a parking and/or loading facility similarly required for another use unless the type of use indicated that the periods of usage shall not be simultaneous with each other as determined by the Zoning Officer upon review by the Zoning Hearing Board.

1201.5 - Encroachment and Reduction - A required parking and/or loading space shall not be encroached upon by a structure, storage or any other use, nor shall the number of spaces be reduced.

1201.6 - Use of Yards for Driveways and Parking - Yard areas may contain permitted driveways and turnaround areas and may also include off-street parking spaces subject to the following restrictions:

- (1) Where such uses are in a Residential District:
 - (a) Front yards shall be kept free of parking except in permitted driveways.
 - (b) Such parking shall be related to the use of the lot, and not permitted for other uses except as provided for in Section 1201.7.
- (2) Where such uses are in Commercial or Industrial Districts a front or side yard may be used for parking, provided:
 - (a) The parking is set back a minimum of ten (10) feet from any abutting street right-of-way, unless otherwise specified in the use regulations of the District wherein such use is located.
 - (b) The parking shall comply with the parking regulations contained in Section 1201.

1201.7 - Parking, Storage, or Use of Major Recreational Equipment -

- (1) Major Recreational Equipment - Major recreational equipment defined for purposes of these regulations, includes coaches, travel trailers, pickup campers, tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.
- (2) Occupancy - No such equipment shall be used for living, sleeping, or housekeeping purposes except as provided for under the following conditions:

Travel trailers, pickup campers, or coaches, motorized dwellings and tent trailers may be temporarily parked and occupied for sleeping purposes only, by visitors and house guests in accordance with the following provisions:

 - (a) The temporary parking and occupancy period shall not exceed two weeks (14 days).
 - (b) Such vehicles and/or trailers shall have adequate off-street parking areas to the rear of the principal building.
- (3) Spacing - Major recreational equipment six (6) feet or more in average height above the ground shall be governed as to spacing with respect to buildings on the lot as though it were a building.

1201.8 - Off-Street Parking and Loading Spaces for Uses not Specifically Mentioned - For any use not specifically mentioned in the above sections, the requirements for off-street parking and off-street loading facilities are the same as for a similar use that is specifically mentioned. In such a case, either the Zoning Officer or the applicant for the Certificate of Occupancy or Building Permit may apply to the Zoning Hearing Board for an interpretation of the provisions of this Ordinance for such off-street parking and off-street loading requirements, and the Zoning Hearing Board shall render a decision in writing in the manner provided for in this Ordinance.

ARTICLE XIII

SUPPLEMENTARY REGULATIONS

Section 1300 - Supplementary Use Regulations -

1300.1 - Other Uses Permitted by the Zoning Hearing Board - Where the terms "any other principal" or "any other accessory use" is mentioned, it shall be deemed to mean other uses which, in the judgment of the Zoning Officer and the Zoning Hearing Board, as evidenced by a written decision from the Zoning Hearing Board, are similar to and not more objectionable to the general welfare than the uses listed in the same Section. "Any other use" so determined by the Zoning Hearing Board shall be regarded as a permitted use.

1300.2 - Essential Services - Essential services, as defined in the Zoning Ordinance, shall be permitted in any Zoning District.

1300.3 - Soil Removal - Any person, firm or corporation shall not strip, excavate or otherwise remove top soil for sale from any residential zoning district or for any use other than on the premises from which the same shall be taken, except in connection with the construction, alteration of a building on such premises, and excavation of grading incidental thereto.

Section 1301 - Supplementary Height Regulations -

1301.1 - Height Regulations Not Apply - The maximum height limitations for this Section shall not apply to:

(1) Principal Structures:

Church, college, farm structure (other than a farm dwelling), governmental, governmental authority, hospital, communication towers, sanatorium, sanitarium or public utility structure which is a permitted use and which is located in any Zoning District, provided:

- (a) If over 40 feet in height, it shall have a side yard of 8 feet plus 1 foot for each 2 feet over 35 feet in height.
- (b) Communication towers, subject to the following setback requirements:
 - (1) Guyed towers - 25 feet between the anchors and adjacent property lines or roadway.
 - (2) Free-standing towers - 20% of tower height between the tower and adjacent property lines or roadway.

- (2) Appurtenant Structures:
Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, radio tower, television tower, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided:
- (a) Any such structure shall set back from the vertical plane of the permitted building line 1 foot horizontally for each 2 feet of height which exceeds the maximum height permitted in the Zoning District in which it is located.
- (3) Special Industrial Structures:
Cooling tower, grain elevator, sugar refinery, gas holder, or other structure where the industrial process requires a greater height. Any such structure except a grain elevator, where above the maximum height permitted in the Zoning District in which any such structure is to be located, shall not occupy more than 25 percent of the lot area, it shall not be less than 25 feet from any lot line not a street lot line and it shall not be less than 1 foot from the opposite side of each abutting street for each 2 feet of vertical height.
- (4) Existing Designed Structures:
The vertical extension of a structure existing at the effective date of the Zoning Ordinance may be erected to such height as the original drawings of said building indicated, provided:
- (a) The building was actually designed and constructed to carry the additional stories necessary for such height.

Section 1302 - Supplementary Area Regulations -

1302.1 - Number of Principal Structures on a Lot - Except in the case of permitted planned developments for a cemetery, church, college, dwelling group, mobile home or travel trailer park, cottage or tent camp, governmental facility, hospital, industrial use, institutional home, nursery, public housing, public utility facility, sanitarium, school, shopping center, not more than one principal structure shall be located on a lot.

The minimum distance between principal structures, where permitted to be located on the same zoning lot, shall be as follows:

- (1) Between principal dwelling buildings where facing windowless walls - Six (6) feet, plus three (3) feet for each story of the higher building.

- (2) Between all other principal buildings - Twelve (12) feet plus six (6) feet for each story of the higher building.

1302.2 - Lot Width and Area Exceptions for Lot of Record - A one family detached dwelling may be constructed on any lot of record at the effective date of the Zoning Ordinance.

1302.3 - Determination of Yards and Minimum Distance to Lot Lines on Irregularly Shaped Lots - When any main wall of a structure located on an irregularly shaped lot shall not parallel the lot line which the wall faces, the yard or minimum distance to lot line dimension at every point shall be at least equal to the minimum dimension required for the yard or distance to lot line, whichever is applicable.

1302.4 - Projections into and Occupancy of Yards, Courts or Other Open Spaces - The following projections into and the occupancy of required yards, courts or other open space, except a porch and/or similar attached or semi-detached accessory structure, shall be permitted subject to the following provisions:

- (1) Steps, Stoop, Window Sill, Belt Course, Similar Architectural Feature, Rain Leader and/or Chimney, provided:
 - (a) It shall not project more than four (4) feet beyond the face of the wall.
- (2) Exterior Stairway, Fire Tower, Balcony, Fire Escape or Other Required Means of Egress, provided:
 - (a) It shall not project more than four (4) feet beyond the face of the wall.
- (3) Tree, Shrub, Lawn, Flowers, All Other Vegetation, provided:
 - (a) Any vegetation shall not obstruct visual clearance at intersecting streets by being over three (3) feet in height within the triangular area formed by the intersection of the curb lines and a straight line adjoining said curb lines at points which are 15 feet distant from the point of intersection, measured along said intersecting curb lines. If a corner is already obstructed, any vegetation shall not further obstruct it.

Section 1303 - Supplementary Height and Area Regulations for Walls, Fences, Lamp Posts or Similar Accessory Structures -

1303.1 - Height Requirements for a Solid Wall, Fence or Shrubs used as a fence row and lamp posts -

- (1) Six (6) feet along rear and side yards behind the front setback line.
- (2) No higher than three (3) feet along front yard perimeter but in no case shall it be permitted to create a visibility hazard along driveways or intersections if the property is a corner lot.
- (3) Ornamental lamp posts not to exceed seven (7) feet in height.
- (4) Night Security-type lights may not exceed thirty (30) feet in height in "R" Districts.

1303.2 - Projections into and Occupancy of Yards, Courts and Other Open Spaces - The following projections into and the occupancy of required yards, courts and other open space shall be permitted subject to the following provisions:

- (1) Front Yard - Five (5) feet from edge of cartway.
- (2) Side and Rear Yard - One (1) foot from side or rear property line, except:
 - (a) In cases where adjacent property owners by mutual agreement wish to erect a fence in common, said fence may be permitted to be located along the property line in side or rear yards.

1303.3 - General Fence Provisions -

- (1) These regulations shall not apply to chain link fences erected on public recreational areas, school grounds and in industrial districts.
- (2) In the "R-1" Agricultural-Rural District where fencing is required for the containment of livestock or protection of crops being raised on a farm as defined in this Ordinance, these regulations shall not apply, except that in no case shall any fence erected create a visibility hazard along driveways or intersections if the property is a corner lot.

ARTICLE XIV

NON-CONFORMING USES, STRUCTURES AND LOTS

Section 1400 - Intent and Standards - Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance of future amendment.

It is the intent of this ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded as determined by the Zoning Hearing Board to be in conformity with existing law.

A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the district involved.

Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

Section 1401 - Non-Conforming Lots of Record - In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel

for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

Section 1402 - Non-Conforming Uses of Land - Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1402.1 -

- (1) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by Section 1400 of this ordinance.
- (2) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- (3) If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Section 1403 - Non-Conforming Structures - Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1403.1 -

- (1) A structure may be enlarged or altered in a reasonable amount as approved by the Zoning Hearing Board.
- (2) Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance unless a variance is granted by the Zoning Hearing Board.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

Section 1404 - Non-Conforming Uses of Structures - If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1404.1 -

- (1) An existing structure devoted to a use not permitted by this ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered to any reasonable amount upon granting of a variance by the Zoning Hearing Board.
- (2) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- (4) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- (5) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for ninety (90) days, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (6) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 1405 - Repairs and Maintenance - On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a permit.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 1406 - Uses Under Exception Provisions Not Non-Conforming Uses - Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENT

Section 1500 - Office of Zoning Administrator -

1500.1 - Creation of Office - The Office of Zoning Administrator of Pymatuning Township, Pennsylvania is hereby created and the official in charge thereof shall be known as the Zoning Officer.

1500.2 - Appointment - The Zoning Officer shall be appointed by the Board of Supervisors as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

1500.3 - Official Records - An Official Record shall be kept of all business and activities of the Office of Zoning Administrator specified by provisions of the Zoning Ordinance and all such records shall be open to public inspection at all appropriate times.

1500.4 - Compensation of the Zoning Officer - The compensation of the Zoning Officer shall be as determined by the Board of Supervisors.

Section 1501 - Duties and Powers of the Zoning Officer - The Zoning Officer shall interpret and enforce all the regulations and provisions of the Zoning Ordinance, and shall have such duties and powers as are conferred on him by the Zoning Ordinance and are reasonably implied for that purpose.

1501.1 - Applications, Permits and Certificates of Use and Occupancy - He shall receive applications for and issue Permits and Certificates of Use and Occupancy in accordance with the provisions of the Zoning Ordinance.

1501.2 - Annual Report - At least annually, he shall submit to the Board of Supervisors a written statement of all Permits and Certificates of Use and Occupancy, Notices issued and Orders promulgated.

1501.3 - Registration of Non-Conforming Uses and Structures - The Zoning Officer shall be required to identify and register all non-conforming uses and structures that: (1) exist at the time the Ordinance is adopted, or (2) are created by subsequent amendment of the Ordinance.

Section 1502 - Inspection -

1502.1 - Preliminary Inspection - Before issuing a Permit, the Zoning Officer shall examine, or cause to be examined, all structures and/or land for which an application has been filed for a Permit and he shall conduct such inspections from time to time during and at completion of the work for which a Permit has been issued.

1502.2 - Final Inspection - Upon completion of the structure and/or change or increase in intensity of use of a structure and/or land, and before issuance of the Certificate of Use and Occupancy as required herein, a final inspection shall be made and all violations of the approved plans and/or permit shall be noted and the holder of the permit shall be notified of the discrepancies in writing.

1502.3 - Right of Entry - The Zoning Officer shall have the authority to enter at any reasonable hour any structure and/or land in the Township to enforce the provisions of the Zoning Ordinance. A letter of his authority shall be provided by the Supervisors.

1502.4 - Official Badge - He may adopt a badge of office for himself which shall be displayed for the purpose of identification.

Section 1503 - Application for Permit and Certificate of Use and Occupancy -

1503.1 - When Permit is Required - It shall be unlawful to erect, enlarge, construct, reconstruct or structurally alter any building and/or other structure or change the use, intensity of use, or extend or displace the use of any building, other structure and/or land in the Township without first filing an application with the Office of the Zoning Officer in writing and obtaining the required Permit therefore.

1503.2 - When a Certificate of Use and Occupancy is Required - It shall be unlawful to use and/or occupy any building, other structure and/or land for which a Permit is required herein until a Certificate of Use and Occupancy for such building, other structure and/or land has been issued by the Zoning Officer. The application for issuance of a Certificate of Use and Occupancy shall be made at the same time an application for a Permit is filed with the Office of the Zoning Officer as required therein.

1503.3 - Forms of Application - The Application for a Permit and a Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in the fee schedule in Sections 1504.11 and 1504.12.

1503.4 - Plot Diagram - All applications shall be accompanied by a plot plan diagram (in duplicate) drawn to suitable scale showing all dimensions of lands or buildings satisfactory to the Zoning Officer to provide accurate means or review of the material presented in the application. One copy shall be returned to the applicant indicating approval or disapproval, one copy to be retained by the Zoning Officer.

1503.5 - Amendments to Application - Amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued; and such amendments shall be deemed part of the original application and shall be filed therewith.

1503.6 - Expiration of Permits - If work described in any permit has not begun within ninety (90) days from the date of issuance, said permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the persons affected.

If work described in any permit has not been substantially completed within one year of the date of issuance, said permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a special permit has been obtained.

At the discretion of the Zoning Officer, such special permit may be based on the original application or he may require submission of a new application. The special permit may include limitations on time allowed for substantial completion of the work, and provisions for a reasonable performance bond to insure completion within the time limit set.

1503.7 - Action on Application - The Zoning Officer shall examine all applications for permits and amendments thereto within ten working days after filing. If the requirements of the zoning ordinance are satisfied, a permit shall be issued which shall be accompanied by a suitable sign which must be displayed on the premises until the permit expires or the certificate of use and occupancy is delivered. Disapproval of a permit shall be in writing to the party involved.

1503.8 - Action on Completion - The Zoning Officer shall inspect any building, other structure and/or land within 10 days upon notification that the proposed work that was listed under the permit has been completed. If he is satisfied that the completed work is in conformity with and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a Certificate of Use and Occupancy for the intended use listed in the original or amended Application.

1503.9 - Revocation of a Permit - The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

Section 1504 - Conditions of Permit and Certificate of Use and Occupancy -

1504.1 - Payment of Fees - No Permit shall be issued until the fees prescribed in the following schedule have been paid:

1504.11 - Applicable Permit Fees - When a Permit is required under Section 1503.1, the following fee schedule shall apply:

Residential (including mobile homes)
\$.05 per square foot with a maximum permit fee of \$45.00.

Industrial and Commercial

\$.05 per square foot but not less than \$45.00 nor more than \$300.00.

Amendment to or Renewal of a Permit

Two dollars (\$2.00).

1504.12 - Applicable Certificate Fees - The following Certificate of Use and Occupancy Fees where applicable shall apply:

In conjunction with Permit ----- One dollar (\$1.00)
For existing buildings, other
structure, sign and/or land -- Five dollars (\$5.00)
For each copy ----- One dollar (\$1.00)
For each transfer of ownership
copy or amendment or renewal - Two dollars (\$2.00)

Section 1505 - Notice of Violation - If the Zoning Officer shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, or structures or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

Section 1506 - Prosecution of Violation - If the Notice of Violation is not complied with promptly, the Zoning Officer shall notify the Township Supervisors of the violation, and the Township may institute an appropriate action either at law or in equity.

Section 1507 - Enforcement Penalties - Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance and are convicted thereof in a summary proceeding, shall be subject to fine or imprisonment as prescribed in Section 616 - Enforcement Penalties of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.

Section 1508 - Abatement of Violation - The imposition of the penalties herein prescribed shall not preclude the Township from instituting appropriate action or proceedings to prevent unlawful construction or to restrain, to correct or to abate a violation or to prevent illegal use of or occupancy of any building, other structure and/or land or to prevent any illegal act, conduct, trade, industry, residence use or occupancy of any building, other structure and/or land.

Section 1509 - Stop-Work Order -

1509.1 - Notice to Owner - Upon notice from the Zoning Officer that work on or use or occupancy of any building, other structure and/or land is being prosecuted contrary to the regulations or provisions of the Zoning Ordinance, such work shall be immediately stopped. The Stop-Work

Order shall be by written notice to the owner of the property involved, or to the owner's agent, or to the person doing the work and shall state the conditions under which work may be resumed.

1509.2 - Condition of Discontinued Work - Any person, firm or corporation who having been served with a Stop-Work Order or discontinues or abandons work shall not leave any building, other structure and/or land in such condition as to be a hazard or menace to the public safety, health, moral or general welfare. The Zoning Officer shall have the power to require that such building, other structure and/or land shall be put in such condition as he directs, the work on it shall be at the full expense of the person, firm or corporation who has been served with a Stop-Work Order.

ARTICLE XVI

ZONING HEARING BOARD

Section 1600 - Creation and Function - A Zoning Hearing Board shall be created for the purpose of reviewing applications for variances or exceptions to the Zoning Ordinance and deciding whether there is a legitimate reason for granting relief or exception to a specific provision or provisions of the Ordinance when requested.

The Zoning Hearing Board shall be created as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended, and shall have all authority, perform all duties and exercise all powers vested in it by the provisions of the aforementioned Act.

Section 1601 - Special Exceptions - Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Board, the Board shall determine the reasonableness and propriety in particular cases of any one of the following special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Article. The Board shall consider, explain and record its finding and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:

1601.1 - Special Exceptions in Uses -

INDUSTRIAL USES

- (1) For the Extraction of Natural Resources in any Zoning District - Such as sand, gravel, clay, stone, slate or other produce of nature, together with the necessary accessory structures in a Zoning District restricted against such use by the Zoning Ordinance, for such period and under such conditions as are reasonable considering the character of the Zoning District in question, provided:
 - (a) It shall be conditional upon written agreement by the owner and to the satisfaction of the Board that the site will be enclosed by a suitable fence or other safety measure.
 - (b) Adequate requirements and safeguards shall be made as to the prevention of fire, noise, vibration, odor, glare, heat, smoke, water carried waste or other objectionable influence.
 - (c) Adequate assurances satisfactory to the Board shall be provided to guarantee use of the site after extraction has ceased.

OTHER USES

(2) For the Reasonable Extension of Use Regulations in Any Zoning District into Another Zoning District - Over a lot divided by a Zoning District boundary line, provided:

(a) Such extension shall not be more than fifty (50) feet beyond the boundary line of the Zoning District, when all parts of such lot are held under the same ownership at the effective date of the Zoning Ordinance.

(3) For the Use of Land For, and For the Erection, Alteration or Enlargement and Use of Any Building and/or Other Structure in Any "I" Zoning District which shall conform to the Height Regulations and Area Regulations of the "I" Zoning District. For any Use Prohibited in the "I" Zoning District by the Use Regulations and Use Provisions of the Zoning Ordinance, provided:

(a) The Board determines in each instance, such use shall be essential to the general welfare of the community.

(b) The proposed location shall be such as to offer a reasonable protection to the immediate area against possible detrimental effects of such use, taking into consideration the physical relationship to surrounding properties and access to the site including any nearby residential streets that must not be traversed in bringing the material to the site.

(c) It shall not be in conflict with any other law or ordinance or any governmental agency having pertinent jurisdiction.

(d) That such building, other structure or use shall not occupy more than fifty (50) percent of the buildable area of the lot.

(e) It shall be convincingly demonstrated to the Board by competent technical experts that such prohibited use can and shall make such use of advanced technical equipment and processes as it shall no longer justify prohibition of such use.

1601.2 - Special Exceptions in Off-Street Parking Facilities -

(1) For the Modification of Off-Street Parking Facility Requirements in any Zoning District, provided:

- (a) Such modification shall be consistent with the purpose and intent of such requirements.
- (b) It shall be satisfactory to the Board that public or private transportation facilities shall be sufficient to accommodate travel needs of those employed on the premises.
- (c) If after investigation by the Board it shall be found that such modification shall be necessary to prevent unreasonable hardship or to secure an appropriate development of a specified parcel of land which has such peculiar or exceptional geographical or topographical conditions, or is of a size, shape, dimension or location that it cannot be reasonably developed in accordance with the regulations and provisions of the Zoning Ordinance as herein specified.

Section 1602 - Variance from flood-proofing Requirements - If compliance with the elevation of flood-proofing requirements of this Ordinance would result in an exceptional hardship for a prospective building, developer, or landowner, the Township may, upon request, grant relief from the strict application of the requirement.

- (1) No variance shall be granted for any of the requirements pertaining specifically to development regulated by Section 1005.4 - Development Which May Endanger Human Life.
- (2) If granted, a variance shall involve only the least modification necessary to provide relief.
- (3) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- (4) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - (a) The granting of the variance may result in increased premium rates for flood insurance.
 - (b) Such variances may increase the risks to life and property.
- (5) In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:

- (a) That there is good and sufficient cause.
 - (b) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable Federal, State, or local ordinance and regulations.
- (6) A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have capability of resisting the one hundred (100) year flood.

Section 1603 - Parties Appellant Before Board - Appeals, requests for a variance or special exceptions and other applications for relief shall be filed with the Secretary of the Board, in writing, and shall set forth the grounds therefore and shall be accompanied by a fee of \$150.00.

An appeal, request for a variance or special exception or other application shall not be filed with the Board without first filing an application for a Permit and Certificate of Use and Occupancy as required by other provisions of this Ordinance. The Zoning Officer shall forthwith submit to the Board all papers constituting the record on any matter as to which an appeal, request for a variance or special exception or other application has been filed with the Board.

Section 1604 - Termination and Modification of Permit -

1604.1 - Termination of Permits - If after a Permit has been authorized by the Board, such permit is not applied for and not lifted within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no Permit shall be issued thereunder.

1604.2 - Modification of a Permit - Any Permit so issued shall not be modified except by action of the Board.

ARTICLE XVII

AMENDMENT, SUPPLEMENT OR CHANGE

Section 1700 - Procedure for Amendments - Whenever deemed desirable and to meet the public needs, and in conformity with good zoning practice, the zoning regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed by the Board of Supervisors in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended, and with the following general procedures:

- (1) Any amendment, supplement, change, modification or repeal may be initiated by:
 - (a) The Commission.
 - (b) The Board of Supervisors.
 - (c) A notarized petition to the Board of Supervisors.
- (2) Amendments shall be submitted to the Board of Supervisors at a regular or special meeting of the Board.
- (3) Before voting on the enactment of an amendment, the Board shall hold a public hearing on the proposed amendment, pursuant to public notice as defined in Section 107 (18) "Public Notice" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.
- (4) Review by the Pymatuning Township Planning Commission and the Mercer County Regional Planning Commission. All amendments shall be submitted to the Pymatuning Township Planning Commission and the Mercer County Regional Planning Commission for review and recommendation prior to the public hearing as prescribed in Section 609 - Enactment of Zoning Ordinance Amendments and Section 609.1 - Procedure Upon Curative Amendments, of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.
- (5) Where zoning map changes are proposed on the boundary of Pymatuning Township, such zoning map changes shall be referred to the adjacent municipality for review and comment prior to the public hearing held thereon.

ARTICLE XVIII

VALIDITY

Section 1800 - Severance - If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the Zoning District boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Supervisors hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each Zoning District boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words or boundaries may be declared illegal, unconstitutional or invalid.

MPC Art. X
Repealed 1988
X-A Appeals to
COURT

ARTICLE XIX

APPEALS

Section 1900 - Zoning Appeals - The review or appeal of any provision of this Ordinance or decision, determination, order or finding of the Board of Supervisors or its agencies or officers shall follow the procedures set forth in Article X - Appeals, of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.

ARTICLE XX

DEFINITIONS

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural and the plural, the singular; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory.

Abandoned Motor Vehicles - Shall be prima facie abandoned when the physical possession or control of which has been voluntarily or intentionally relinquished or disclaimed by its owner without reference to any particular person or purpose without the intention of returning to reclaim or appropriate such vehicles.

Abutting - Having property or district lines in common; e.g., two lots are abutting if they have property lines in common.

Access - A way of approaching or entering a property.

Accessory Building or Use - A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.

Addition - Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

Agent or Owner - Any person who can show written proof that he has authority to act for the property owner.

Airport - Any landing area, runway or other facility designated or used or intended to be used, either publicly or by any person or persons, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces within the airport boundaries.

Alley - The space or area between the rear or side lot lines of lots which has a minor right-of-way less than twenty (20) feet in width which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

Alteration - As applied to a building or structure, is a change or rearrangement in the structural parts of or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Alteration, Structural - A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, columns, beams or girders.

Apartment House - A dwelling comprising three (3) or more apartments which are reached through a common entrance and stairway.

Apartment Unit - One (1) or more rooms comprising a dwelling unit or serving as the home or residence of an individual, or a family or a household.

Automotive Garage - A premises used for repair of automotive vehicles but not including automotive wrecking (including therewith may be facilities supplying gasoline, oil, accessories and services to automotive vehicles at retail direct to the motorist consumer).

Automotive Gasoline Service Station - Any premises used for supplying gasoline, oil, minor accessories and services for automotive vehicles at retail direct to the motorist consumer, including the making of minor repairs, but not including major repairs, such as spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs, major overhauling of engines requiring removal therefrom of cylinder-head or crankcase pan, repairs of radiator requiring removal thereof, or complete recapping or retreading of tires.

Automotive and/or Trailer Sales Area - An open space, other than a public or private street, used for the display or sale of new or used automobiles, trailers, trucks, or farm equipment and where no repair work is done except that which is minor and incidental (not including body and fender work).

Automotive Wrecking - The dismantling or wrecking of used motor vehicles, trucks, trailers, or farm equipment, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Awning - An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use.

Basement - A portion of the building partly underground, having one-half (1/2) or more than one-half (1/2) of its clear story below the average grade of adjoining ground. A basement is not included in computing the number of stories for the purpose of maximum height regulations.

Block - The length of a street between two (2) street intersections. A block shall be considered to have a maximum length of 1600 feet.

Block Frontage - The sum of the lot frontage of the lots in a block upon which principal buildings are situated.

Board - The Zoning Hearing Board of Pymatuning Township, Mercer County, Pennsylvania.

Board of Supervisors - The Board of Township Supervisors of Pymatuning Township, Mercer County, Pennsylvania.

Boarding House (also Rooming House) - A building or portion thereof, arranged or used for sheltering and feeding for compensation more than five (5) and not more than twenty (20) individuals who are not members of the proprietor's family.

Breezeway - Any portion of a lot roofed over by a structure joining a principal dwelling building to any other structure.

Building - An enclosed structure or edifice, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and structural support of persons, animals or property of any kind. Included shall be all mobile and trailers to be used for human habitation.

Building, Accessory - A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building, Attached - A building which has one (1) party wall in common with an adjacent building.

Building, Detached - A building which has no party wall.

Building, Principal - A building in which is conducted the principal use of the lot on which it is situated.

Camp - "Trailer and/or tent camp".

Canopy - A canopy shall include any structure, other than an awning, made of cloth or metal with metal frames attached to a building, projecting over a pedestrian or vehicular thoroughfare, and carried by a frame supported by the ground or sidewalk.

Carport - A roofed structure having two or more open sides and extending from the side or rear wall of a principal or accessory building, used primarily as a shelter for automotive vehicles or recreation equipment. The open sides may be screened or enclosed, but at least fifty (50) percent of such wall area must remain open. In addition, the carport shall not extend into any required yard.

Car Washes - Any portion of a building or lot wherein car washing services are offered to the general public on a commercial basis, including automatic types in which cars are driven or towed through and coin-operated, self-service types.

Cellar - That portion of a building wholly or partly below ground level and having more than one-half of its floor-to-ceiling height below the average grade of the existing ground level.

Certificate of Use and Occupancy - A statement, based on an inspection signed by the Zoning Officer, setting forth either that a building, other structure and/or land conforms with the provisions prescribed in the Zoning Ordinance, or that a building, other structure and/or land may lawfully be occupied or used for a specified use or uses.

Clinic - Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

Club, Lodges and Fraternal Organizations - An establishment operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

Club, Membership - A building to house the activities of a club or social organization, not including one conducted for profit and which is not an adjunct to or operated for or in connection with a public tavern, cafe or other place of business.

Commercial Vehicle - A commercial vehicle shall be any vehicle other than a private passenger vehicle, including trucks, trailers and construction equipment.

Commission - The Pymatuning Township Planning and Zoning Commission.

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

Convalescent Home - A dwelling converted into quarters or constructed with quarters for the care of sick, aged or infirm person.

Conversion - Changing the original purpose of a building to a different use.

Court - A portion of a lot unoccupied above grade but partially or wholly surrounded by the walls of a structure.

Court, Inner - A court surrounded on all sides by the exterior walls of a structure or by such walls and a lot line.

Court, Outer - A court having at least one side thereof opening onto a street, alley, yard or other permanently open space.

Curb Level - The elevation of the street grade as established in accordance with law or when a curb level has not been established, the grade of the center of the street.

Curb Line - The line establishing the width of a cartway in a right-of-way.

Day Nursery School - A school for the education of children under six (6) years of age, not including therewith rooming, boarding or lodging accommodations.

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

Domiciliary Care Boarding Home - A protected living arrangement in the community which includes room and board plus personal care services for adults who cannot live independently because of their social and economic situation, yet who do not require twenty-four hour institutional or nursing care. The people are marginally-socially adjusted adults, eighteen years of age or older, who have difficulty in everyday living because of frailties of age or due to physical, visual, or mental impairment and are in the low-income level.

Drive-In Business - A place of business where persons are served in automobiles from a refreshment stand, restaurant, food stores and the like.

Drive-In Theatre - A place of business where persons normally remain in motor vehicles to watch some type of theatre entertainment.

Driveway, Service - An open space located on a private lot built for access to a private garage or to any structure located on the lot.

Dwelling (Dwelling Building) - A building arranged and used for residential occupancy containing a dwelling unit or units, including a one-family, two-family, row and multiple-family dwelling, but excluding a boarding house, convalescent home, hospital, institutional home, hotel, motel, rooming house, and other similar types of uses.

Dwelling, Multiple-Family - A building have three (3) or more dwelling units and designed to be used or occupied as a residence by three (3) or more families living independently of each other and each with its own exterior entrance door.

Dwelling, Two-Family - A building having two (2) dwelling units and containing but two (2) families and may be either semi-detached with one (1) family living on either side of a common party wall, or with one (1) family living over the other each with its own exterior entrance door (Single-Duplex).

Dwelling Unit - One (1) or more living or sleeping rooms arranged for the use of one (1) or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Enlargement - A construction activity which increases the size of a building or other structure.

Essential Services - The erection, construction, alteration or maintenance by public utilities or municipal departments or municipal authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, 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 service by public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including office buildings or maintenance depots.

Family - A single individual, doing his or her own cooking, and living upon the lot as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit.

Farm - A lot ten (10) acres or more devoted to or available for the cultivation of land, and agricultural uses.

Flood - A temporary inundation of normally dry land areas.

Flood-proofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

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

Floor Area (Residential) - Residential floor area shall be the sum of the gross horizontal areas measured externally devoted solely to residential use, exclusive of entrance ways, porches, breezeways and roofed terraces, whether enclosed or not and excluding cellars, basements and integral garages.

Fraternity House - A dwelling maintained exclusively for members enrolled in an academic college or university.

Garage, Automotive - A premises used for repair of automotive vehicles but not including automotive wrecking (including therewith may be facilities supplying gasoline, oil, accessories and services to automotive vehicles direct to the motorist consumer).

Garage, Private - A structure or any portion thereof accessory to a dwelling used for the housing of not more than three (3) private motor vehicles. This shall not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing of vehicles for profit.

Golf Course - An open area and its necessary buildings, used for the playing of golf, not including a driving range, miniature course, or eating facilities in a separate building operated for additional profit.

Grade - The mean curb level, or when the curb level has not been established or all the walls of the building are more than fifteen (15) feet from street lot lines, grade means the mean elevation of the ground adjoining the principal structure on all sides.

Hardship - An unusual situation or condition that relates to a particular property and which denies that property owner full utilization of his property if the strict application of the Ordinance is followed.

A hardship exists only when it is not self-created or when it is not economic in nature. In other words, a true hardship exists only when the literal interpretation of the requirements of the Ordinance would place an individual in an unusual circumstance and, in doing so, would deny him the right to use his property for any permitted use or create an unnecessary burden on him. See also Section 912, Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

Height of Building - The vertical distance from the grade to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

Height of Story - The vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces; and, of the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is no ceiling, to the top of the roof rafters.

Height of Wall - The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

Highway - A road or highway of the State highway system.

Home Occupation - Any use customarily conducted entirely within a dwelling and carried on by occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and which does not change the residential character thereof.

Hospital - A private or public institution for the reception and care of sick or wounded, infirm or aged persons.

Hospital, Veterinary - A structure designed or converted for the care of and/or treatment of sick or wounded domestic animals.

Hotel - A building containing rooms for more than twenty (20) persons, intended or designed to be used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Housekeeping Unit - A building or a portion of a building arranged for the use of one (1) or more individuals each with its own cooking, living, sanitary and sleeping facilities.

Industrial Services - Establishments providing primary service to industries such as machinery sales and repair, supply sales and warehousing, transportation services, restaurants serving industrial concerns and the like. Industrial services shall not include the sales, salvage, or repair of passenger vehicles.

Institutional Home - A building used for health or welfare purposes by a non-profit organization.

Junk - Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which is stored on a farm for exclusive use of the owner or occupant of the farm or any article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Abandoned Vehicle - Shall be prima facie abandoned when the physical possession or control of which has been voluntarily or intentionally relinquished or disclaimed by its owner without reference to any particular person or purpose and without the intention of returning to reclaim or appropriate such vehicle.

Non-operating Vehicle - Shall be prima facie non-operating when it does not display thereon a current Pennsylvania registration plate and inspection sticker, or if such current registration plate and inspection sticker are displayed thereon, does not presently meet the requirements of the Pennsylvania Motor Vehicle Code concerning the condition of vehicles and the necessary equipment to be attached to vehicles in order to pass current State inspection standards.

Junk Yard - The use of more than two hundred (200) square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junk yard" shall include an automotive wrecking yard.

Land - A portion of the earth's surface which is capable of being used or occupied.

Developed - "Improved" land with buildings.

Improved - "Raw" land which has been provided with basic utilities such as water and sewerage, streets, sidewalks, but not buildings.

Line, Front Lot - A street lot line upon which the principal structure on the lot front, or in the case of a vacant lot or a lot occupied only by an accessory structure, the narrowest street lot line.

Line, Lot - A lot line forming the front, rear, or side of a lot as described in the recorded title. Any lot line which abuts a street or other public way shall be measured from the right-of-way.

Line, Rear Lot - A lot line which is opposite and most distant from the front lot line. But in the case of corner lots, the owner shall have the privilege of selecting any lot line, other than one of the front lot lines, to be the rear lot line, provided: (a) such choice, in the opinion of the Zoning Officer shall not be injurious to the existing or to the desirable future development of adjacent lots. The rear lot line of any irregular or triangular lot shall be a line entirely within the lot and at least ten (10) feet in length.

Line, Set-Back Building - A building line which determines the location of a building or structure with respect to any street lot line.

Line, Street Lot - The lot line dividing a lot from a street right-of-way.

Loading Area - An off-street open space located on the same lot as the principal use and used exclusively for the loading or unloading of motor vehicles.

Loading Space - An off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access and which is not less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height.

Lot - An area of land in one (1) ownership, used or occupied or capable of being used or occupied by a building(s), other structure(s) and/or use(s) including such open spaces as are required and which is described by reference to a recorded plat or by metes and bounds. The lot shall not include any portion of the street right-of-way.

Lot Area - The area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.

Lot Area, Percentage of - The maximum exterior horizontally projected areas of any principal building(s) or principal structure(s) on a lot measured at grade and including permissible yard and court encroachments and street projections as herein provided.

Lot, Corner - A lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection of which is not more than one hundred thirty-five (135) degrees.

Lot Depth - The mean horizontal distance between the front lot line and the rear lot line.

Lot Frontage - The horizontal distance measured along the front lot line between the side lot lines.

Lot, Interior - A lot other than a corner lot, the sides of which do not abut a street.

Lot, Non-Conforming - A lot lawfully existing at the effective date of the Zoning Ordinance or by subsequent amendment thereto which does not completely conform with the area regulations and other provisions prescribed for the Zoning District in which it is located.

Lot of Record - An area of land which constitutes a separate lot as duly recorded or registered in the Office of the Recorder of Deeds of Mercer County, Pennsylvania.

Lot, Through - An interior lot whose front and rear lot lines abut streets, or a corner lot with two (2) opposite lot lines abutting a street.

Lot Width - The mean horizontal distance between the side lot lines.

Manufacturing, Light - The processing, cleaning, servicing, testing, repair or storage of material, goods or products of these types: beverages, confections, cream, all food products (exclusive of meat and fish packing), ceramics, clothing, plastics, electrical goods, furniture, hardware, tools, dies, patterns, scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys, cosmetics, tobacco products, drugs, and of products from the following previously prepared materials: wood, glass, textiles, cork, leather, bone, horn, shell, fur, feathers, hair, rubber, paper, metal; when conducted wholly within an enclosed structure.

Marquee - A roof suspended or cantilevered over a sidewalk to protect a building entrance, but not extending the full width of the structure.

Mobile Home - A transportable, self-contained, single-family dwelling designed to be transported on its own wheels or on a flatbed or other trailer or detachable wheels; and which may be temporarily or permanently affixed to real estate; used for nontransient residential purposes; constructed with the same, or similar, electrical, plumbing and sanitary facilities as immobile housing; and upon arrival at the site where the mobile home is to be situated for occupancy as a residence, it is complete and ready for occupancy except for minor and incidental unpacking operations, location on foundation supports, connections to utilities and the like.

Prefabricated units designed to be assembled, or joined together, upon arrival at the site and requiring extensive finishing operations prior to occupancy (excluding location on foundation and connection to utilities) shall be considered as a prefabricated home rather than a mobile home.

Mobile Home Park - Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, for non-transient use, are located.

Mortuary - A building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as an incidental use.

Motel - (See Tourist Court)

Motor Freight Terminal - A lot maintained by a motor freight company which is the origin and/or destination point of short and long distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and truck parking and storage facilities.

Obstruction - Any wall, dam, wharf, embankment, levee, dike, pike abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either

in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

One Hundred Year Flood - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent change of occurring each year, although the flood may occur in any year).

Open Space - An area of land unoccupied by a building and/or other structure.

Owner - The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot in question.

Park - "Mobile Home Park".

Parking Area - An open space on a lot used as an accessory use for the parking of automotive vehicles.

Parking Space - An off-street space having an area of not less than one hundred eighty (180) square feet, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

Permit - A license issued by the Zoning Officer which permits the applicant to proceed with the work certified by the Zoning Officer in the permit application.

Person - An individual, association, co-partner or corporation.

Personal Care Home - Any dwelling unit in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 consecutive hours for more than three adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet, or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility.

Planned Development - A zoning lot which is developed under single ownership on which two (2) or more principal structures are permitted and which shall include an agricultural processing establishment, cemetery, church, college, cottage or tent camp, dwelling group, farm, governmental or governmental authority facility, hospital, industrial use, institutional home, public housing, public utility facility, sanatorium, sanitarium, school, a shopping center and a trailer camp.

Plat - A map, plan or chart of a section or subdivision of the Township indicating the location and boundaries of individual lots.

Plot - A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

Porch - A roofed over structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

Recreation -

Recreation, Commercial - Recreational facilities operated as a business and open to the general public for a fee.

Recreation, Private/Non-Commercial - Clubs or recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.

Recreation, Public - Recreation facilities operated as a non-profit enterprise by the Township, and any other governmental entity or any non-profit organization which is open to the general public

Recreation Equipment - Major recreational equipment, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Travel Trailer is a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation purposes permanently identified as a travel trailer by the manufacturer of the trailer.

Pickup Coach is 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 purposes.

Motorized Home is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle. They can be either converted trucks or busses or custom-built units.

Camping Trailer usually consists of a fold-out tent mounted compactly on a low trailer.

Recreational Vehicle Parks - (See Travel Trailer Parks and/or Tent Parks)

Regulatory Flood Elevation - The one hundred (100) year flood elevation.

Sign - As defined in Article XI of this Ordinance.

Site - A plot of land intended or suitable for development.

Site Plan - A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and man-made and the locations of proposed utility lines.

Sorority House - A dwelling maintained exclusively for members enrolled in an academic college or university.

Special Exception - A provision which permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for that zoning district. The provision is granted by the Zoning Hearing Board.

Story - A part of a building comprised between a floor and a floor or roof next above, including a basement, but not including a cellar.

Story, Half - A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below it.

Street - A roadway or public way which is dedicated or deeded to public use by legal mapping by the user or by another lawful procedure.

Structure - A combination of materials forming a construction for occupancy and/or use including among other, a building, stadium, gospel tent, circus tent, reviewing stand, platform, staging, observation tower, radio tower, water tank, trestle, pier, wharve, open shed, coal bin, shelter, fence, wall and a sign.

Structure, Accessory - An attached, semi-detached or detached subordinate structure, the use of which is customarily incidental and subordinate to that of the principal structure and which is located on the same lot as that occupied by the principal structure.

Structure, Non-Conforming - A structure lawfully existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto which does not completely conform with the height regulations, area regulations and other provisions prescribed for the Zoning District in which it is located.

Structure, Principal - A structure in which is conducted the principal use of the lot on which it is located.

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

Terminal - (1) A place where transfer between modes of transportation take place; (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Terrace - A natural or artificial embankment which is higher than the curb level.

Terrace, Height of - The difference in elevation between the curb level and the top of the terrace at the center of the wall of the principal structure.

Tourist Court - Any group of attached or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units, designed for or used by transients, including an auto court, motel, cabin and/or motor lodge.

Tourist Home - A dwelling originally designed for single family occupancy which is now identified as supplying overnight accommodations for not more than twenty (20) transient guests, not including a lodging, rooming or boarding house or a tourist court.

Trade School (Industrial School) - A school conducted as a commercial enterprise for teaching barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction.

Trailer - Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

Transient - Any individual residing or stopping in the municipality for less than thirty (30) days at any one time.

Travel Trailer and/or Tent - A movable living unit designed for temporary or transient occupancy.

Travel Trailer Parks and/or Tent Parks - A parcel of land which has been specifically planned and improved to provide short-term (the length of continuous occupancy of the unit shall be limited to a maximum of eight (8) months per year. However, storage of the unit for periods longer than eight (8) months will be permissible on-site, if the unit is unoccupied) parking space for accommodating travel trailers and other forms of portable, temporary housing primarily used by vacationers.

Use, Accessory - A use customarily incidental and subordinate to the principal use of a building, other structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

Use, Conditional - A use permitted in a particular zoning district only upon showing that such use, in a specified location, will comply with the expressed standards and criteria contained in the Zoning Ordinance and any additional safeguards deemed necessary by the governing body.

Use, Non-Conforming - A use of a building, other structure and/or land lawfully existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto, which does not completely conform with the use regulations and other provisions prescribed for the Zoning District in which it is located.

Use, Principal - The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance.

Variance - Relief granted by the Zoning Hearing Board upon appeal in specific cases, from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Regulations will result in unnecessary hardship, and so that the spirit of the Zoning Regulations will be observed and substantial justice done.

Warehouse - A building used primarily for the storage of goods and materials.

Warehousing - Terminal facilities for handling freight with or without maintenance facilities.

Wholesale Trade - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Written Notice - Written notice shall be considered to have been served if delivered in person to the individual, person or to the parties intended, or if delivered or sent by certified mail to the last address known to the party giving the notice.

Yard - An open unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Yard, Front - A yard across the full width of the lot, extending from the main wall of a principal building to the front lot line (street right-of-way line), measured at any point between the wall and the line.

Yard, Minimum Dimension - The least horizontal distance at any point, measured at grade from and parallel to a lot line to a main wall of a principal building exclusive of permissible yard encroachments and occupancy and street projections as herein provided.

Yard, Rear - A yard across the full width of the lot, extending from the main wall of a principal building to the rear lot line of the lot.

Yard, Side - A yard between the main wall of a principal building and the adjacent side lot lines of the lot, extending from the front yard to the rear yard.

Zoning Hearing Board - A group of individuals, created officially by the adoption of the Ordinance and appointed by the governing body, whose purpose and function is to review applications for variances or exceptions and to decide whether there is legitimate reason for granting the applicant the relief which he desires or the exception which he has requested.

Zoning Map - Pymatuning Township Zoning Plan Map.

Zoning Officer - The agent or official designated by the Pymatuning Township Board of Supervisors and charged by law with the administration and enforcement of the Zoning Ordinance.

Zoning Ordinance - Pymatuning Township Zoning Ordinance.

ARTICLE XXI

CONTINUATION OF PREVIOUS ORDINANCES

Section 2100 - Continuation of Previous Ordinances - The provisions of this Ordinance, so far as they are the same as those of Ordinances and Regulations now in full force and effect, prior to the enactment of this Ordinance are intended as a continuation of such Ordinances and Regulations and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense or offenses under the authority of any repealed Ordinances, Regulations or parts thereof.

ARTICLE XXII

REPEALER

Section 2200 - Repealer - All other Ordinances of the Township of Pymatuning, Mercer County, Pennsylvania, not inconsistent herewith shall remain in full force and effect and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

ARTICLE XXIII

SEVERABILITY

Section 2300 - Severability - The provisions of the Ordinance shall be severable and if any of the provisions hereof shall be held to be unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of this Ordinance.

ARTICLE XXIV

GENDER

Section 2400 - Gender - As used in this Ordinance, whenever the context so indicates, the masculine, feminine or neuter gender, in their singular or plural number, shall each be deemed to include the other.

ARTICLE XXV

INCORPORATION INTO ORDINANCE BOOK

Section 2500 - Incorporation into Ordinance Book - This Ordinance is incorporated by reference into the official Ordinance book of the Township of Pymatuning, Mercer County, Pennsylvania with the same force and effect as if duly recorded therein.

ARTICLE XXVI

EFFECTIVE DATE

Section 2600 - Effective Date - This Zoning Ordinance shall take effect ten (10) days after the date of adoption by the Pymatuning Township Board of Supervisors.

We hereby certify that the Pymatuning Township Zoning Ordinance was adopted by the Board of Township Supervisors of Pymatuning Township, Mercer County, Pennsylvania this 14th day of December, A.D., 1989.

TOWNSHIP OF PYMATUNING
MERCER COUNTY, PENNSYLVANIA

(SEAL)

Joseph A. Schekov
CHAIRMAN OF BOARD
OF SUPERVISORS

ATTEST:

William E. Blate
SUPERVISOR

[Signature]
SUPERVISOR

Jayne E. Leventay
TOWNSHIP SECRETARY

ARTICLE XXVII

CERTIFICATION

Section 2700 - Certification - I do hereby certify that the foregoing is a true copy of Ordinance Number 145, adopted by the Board of Township Supervisors of Pymatuning Township, Mercer County, Pennsylvania on December 14, A.D., 1989.

(SEAL)

Joseph E. Leventis
TOWNSHIP SECRETARY

