

Pine Township (Mercer County) Zoning Ordinance

Prepared by the Pine Township Planning Commission

2016

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ARTICLE 1
PURPOSE AND AUTHORITY

Section 101 Title

This Ordinance shall be known and may be cited as the **Pine Township Zoning Ordinance**. The accompanying district map shall be known, and may be cited as, the **Pine Township Zoning Map**.

Section 102 Authority

In accordance with the authority granted to Pine Township, Mercer County, through the Pennsylvania Municipalities Planning Code (Act 247, as reenacted and amended), this Ordinance and map are intended to:

Regulate the density of population;

Regulate the location and use of buildings, structures and land for residential, agricultural, commercial, industrial and other purposes;

Regulate the height, bulk, number of stories, size and placement of buildings and structures;

Divide the Township into districts of such size, shape and area, and to establish such zoning map, as may be deemed best suited to carry out the regulations; and

Establish procedures for the administration, enforcement, amendment, and relief from hardships under certain circumstances.

Section 103 Purpose

These regulations are deemed necessary in order to encourage beneficial growth in the Township while keeping the density of development consistent with existing Township facilities and the Township's ability to develop new facilities needed. These regulations are expected to:

Promote the public health, safety, morals and general welfare;

Conserve and stabilize property values through encouragement of the most appropriate uses of land in relation to adjacent properties, with consideration given to the physical characteristics of the property, and its value, as well;

Secure safety from fire, flood, panic and other dangers by providing for adequate open spaces for light, air and amenity, and by promoting emergency preparedness and operations;

Preserve forests, agricultural lands, and recreation areas in their natural state, or from conflict with urban development;

Protect floodplains and manage the release of stormwater to minimize downstream flooding;

Prevent the overcrowding or improper development of land, incompatible uses of land, and/or blighting conditions;

Facilitate the economic provision of safe, adequate and reliable transportation, water supply, sewage disposal, public schools, parks and other public requirements;

Avoid congestion in travel and transportation, and maintain and improve the carrying capacity and safety of major roads;

Reduce the cost of building roads and installing utilities, and the subsequent cost of Township operations; and

Encourage similar controls upon development in adjacent municipalities where logical zoning district boundaries extend across municipal lines.

Section 104 Compliance

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

Section 105 Schedule of Fees

The Township Board of Supervisors shall establish by resolution, a schedule of fees, charges and expenses and a collection procedure for zoning permits and/or certificates, appeals and other matters pertaining to this Ordinance. The Board of Supervisors may update the resolution from time to time as necessary. The schedule of fees may be posted in the Township Offices, and may be amended only by official action by the Township Board of Supervisors.

No permit, certificate, application or variance shall be issued, nor shall any action be taken on proceedings before the Zoning Hearing Board unless, or until, such costs, charges, fees or expenses have been paid in full.

A zoning permit or certificate shall be required for all new construction, additions or alterations affecting exterior dimensions of existing structures; and, for any structural or interior changes required for a change of the structure's use, or for any change in use.

Any application for amendment, variance, special exception, conditional use, permit or any other application or certificate within the scope of this Ordinance, shall be accompanied by a fee, such fee to be established by resolution of the Township Board of Supervisors, who may, from time to time revise such fees in order to bear a reasonable relationship to the costs involved.

Section 106 Municipally Owned Properties

This Ordinance shall not apply to property owned by Pine Township in the exercise of its municipal functions. The Township will develop and control property in accordance with existing charters and codes, and will have no obligation to enforce the provisions of this Ordinance upon itself.

Section 107 Interpretation of Regulations

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

Section 108 Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

Section 109 Repeal

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

Section 110 Other Government Property

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

- A. Where such public or governmental uses are specifically listed, they shall be governed as indicated.
- B. Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature.

110.2 Governmental entities and agencies shall be exempt from the provisions of this Ordinance only to the extent that it has been determined that the Township has no power to apply its zoning regulations to the particular use of land.

**ARTICLE 2
COMMUNITY DEVELOPMENT OBJECTIVES**

In addition to the general purposes listing in **Section 103**, the following specific community development objectives have been considered as a basis upon which the regulations and controls of this Ordinance are derived:

Section 201 Overall Goal – It is the overall goal of Pine Township to develop and preserve a pleasant, attractive, healthy, safe, and convenient environment for living, working, shopping, and recreating in the Township.

Section 202 Land Use Goal – To provide and perpetuate a land use pattern which is able to function efficiently, which features an optimum degree of compatibility between land uses and between development and the natural environment, and which enhances the orderly timing of development.

202.1 Specific Land Use Objectives

- A. To encourage the concentration of land uses into discernable clusters and limit both “spot” development and irregularly dispersed development patterns.
- B. Prevent undesirable land use relationships and protect property values by avoiding the mixing of incompatible, conflicting land uses.
- C. To encourage new growth and development by providing adequate land use area in each zoning district to meet anticipated future needs and demands.
- D. To develop land use patterns which considers highway load capacities, traffic volumes and patterns, and speed limits.

Section 203 Economic Goal – To provide adequate shopping and employment opportunities for Pine Township residents while at the same time preserving a healthful, secure, and pleasant residential environment.

203.1 Specific Economic Objectives

- A. To encourage economic growth in the Township via new commercial and industrial development.
- B. To encourage commercial development along major transportation routes and areas of existing or proposed public sewer and water facilities.
To discourage the indiscriminate spread of commercial and industrial development.
- C. Encourage the orderly development of business and industry and minimize the undesirable impacts of sight, noise, odor, or other public hazards and nuisances generated by commercial and industrial development.
- D. To provide site development controls and protective buffer areas where commercial and
- E. industrial development will occur adjacent to residentially zoned lands.

Section 204 Housing Goal – To provide and maintain an adequate supply of sound, safe, and sanitary housing in a variety of price ranges for all the residents of Pine Township.

204.1 Specific Housing Objectives

- A. Preserve the residential character and quality of viable residential areas and protect them from incompatible land uses
- B. Provide for diversity in housing types in the township so that every family or individual has a choice of residential environment and lifestyle.
- C. Control the placement of mobile homes and the development of mobile home parks in order to ensure their conformity with the aesthetics and neighborhood character of existing residential areas in the Township
- D. To discourage the scattering of high-density, multi-family residential development.

Section 205 Community Facilities and Services Goal – To provide for facilities, services, and utilities in the quantity and quality necessary to meet the physical, social, cultural, recreational, and aesthetic needs of the community.

205.1 Specific Community Facilities and Services Objectives

- A. Provide adequate land area for the provision and maintenance of essential public facilities and services such as water and sewers, streets, recreation, schools, police and fire protection, and human services.
- B. Encourage an orderly and efficient pattern of development, which facilitates and minimizes the cost of provision of community facilities and services.
- C. Provide for efficient traffic circulation; prevent congestion of streets/pedestrian ways.
- D. Discourage land use development, which would create safety hazards to vehicular and pedestrian traffic.

Section 206 Environmental and Aesthetic Goal – To enrich the lives of all residents and to promote Pine Township’s attractive, small-town atmosphere by striving to improve the aesthetic quality and visual impact of the manmade environment and to preserve and enhance the natural environment.

206.1 Specific Environmental Objectives

- A. Eliminate or carefully control all causes of pollution including but not limited to noise, water, air, and surface pollution.
- B. To discourage or control development in areas characterized by unsuitable soil conditions or the potential for flooding.

- C. To preserve wetlands and unique natural areas and protect them from development.
- D. Promote the conservation of energy as a matter of serious public concern.
- E. Encourage the elimination, isolation, or screening of all scenic detriments created by man.
- F. Encourage the user of aesthetically pleasing landscaping practices to enhance the visual quality of the manmade environment.
- G. Control the use of signs in terms of number, type, size and location, and encourage aesthetics and attractiveness in their design.

Section 207 This Ordinance is adopted to implement the Wolf Creek Slippery Rock Creek Council of Governments Multi-municipal Comprehensive Plan.

ARTICLE 3 DISTRICT DESCRIPTIONS

Section 301 Establishment of Zoning Map and Districts

A map titled the Pine Township Zoning Map is hereby adopted as part of this chapter. The official Zoning Map shall be kept on file and available for examination at the Township offices.

Annexed Areas - Any territory hereafter annexed by the Township of Pine will be automatically zoned R-1 Residential District until otherwise classified by the Township.

District Boundaries - District boundaries that are shown between the lines of streets, streams and transportation rights-of-way shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map or by the fact that it clearly coincides with a property line the Officer shall refuse action. The Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this chapter.

Zoning District Changes - All approved changes to zoning districts shall be promptly recorded on the Zoning Map by the Zoning Officer.

Permitted Uses, Conditional Uses and Special Exceptions - The permitted uses, conditional uses and special exceptions for each district are shown in the following tables of this chapter and are considered principal uses unless clearly noted. Conditional uses may be granted or denied by the Board of Township Supervisors with the advice of the Planning Commission in accordance with the express standards and criteria of this chapter. In granting a conditional use, the Supervisors may attach reasonable conditions, as they may deem necessary to implement the purposes of this chapter and safeguard the neighborhood. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this chapter. In granting a special exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter and protect the neighborhood. Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article 8.

If the Zoning Officer cannot determine that a proposed use of land is not provided for within any districts within the bounds of the Township (or subject to an intergovernmental agreement providing for same) and the use is not substantially similar to any defined use; he shall refuse action. The Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use as a special exception in the I Industrial District, pursuant to all other

regulations of said district and with the imposition of any reasonable additional conditions and safeguards as may be imposed pursuant to Section 401.

Section 302 AC Agricultural Conservation District

The Agricultural Conservation District is meant to provide for rural resource uses, such as farming, forestry and mining. Development will remain at lower densities due to the fact that the Township does not anticipate provision of public sewer into these areas, and there are areas of wetlands, hydric soil and other factors that would limit on lot sewage disposal. This district is also meant to protect agricultural operations as historically found in this area of the Township from land use conflict with higher density development.

Table 302A AC Agricultural Conservation District

| Permitted Uses | Special Exceptions |
|---|---|
| Agricultural Operations | Mineral Excavation (See Section 409) |
| Agriculture Services | Communication Towers (See Section 410) |
| Bed and Breakfast | Cemeteries but not including a Crematorium (See Section 412) |
| Day Care Services (See Section 402) | Recreational Campgrounds (See Section 413) |
| Essential Services | Exotic and Specialized Animal Raising and Care (See Section 414) |
| Forestry (See Section 403) | |
| Golf Courses | |
| Landscaping, Nursery, and Farm Markets | |
| No-Impact Home Based Business | Conditional Use |
| Place of Worship and Assembly | Planned Residential Development (See Article 7) |
| Private Clubs (See Section 404) | |
| Professional Offices | |
| Public Utility Structure | |
| Public Parks and Recreation | |
| Sawmills (See Section 405) | |
| Single-Family Dwellings (including individual Mobile Homes meeting the UCC and Section 406) | |
| Veterinary Clinic | |
| Home Occupations (See Section 407) | |
| Home Lot Occupations (See Section 408) | |
| Accessory Uses and Structures | |
| Private garages, storage sheds and horticulture (Subject to Article 5) | |
| Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses (Subject to Article 5) | |
| Walls, fences, lamp posts and similar accessory structures subject to the limitations contained in Article 5 | |
| Storage or parking of a commercially licensed vehicle, see Article 5 | |
| Storage or parking of major recreation equipment, see Article 5 | |
| Shelter for household pets, see Article 5 | |
| Buildings and Structures Accessory to an Agricultural Operation | |
| Second dwelling on same lot (See Section 415) | |
| For Regulations Pertaining to Oil and Natural Gas Development See Section 437 | |

**TABLE 302B
AC AGRICULTURAL CONSERVATION DISTRICT
LOT, YARD, AND HEIGHT STANDARDS**

| | |
|-----------------------------|---|
| All Uses | |
| Minimum Lot Area | 2 Acres |
| Minimum Lot Width | 150 Feet |
| Minimum Front Yard | 75 feet Measured from Street Centerline (except for Interior Streets as defined; which may use the alternative standard under Section 703D) |
| Minimum Side Yard | 25 Feet |
| Minimum Rear Yard | 25 Feet |
| Maximum Height of Structure | 40 Feet |
| Maximum Coverage | 15% |

Section 303 RR Rural Residential District

The Rural Residential (RR) District is meant to provide for the continuation of agriculture as an important endeavor in the community in areas where it has historically been present. It is also meant to provide for residential and opportunities in a rural setting and conserve the Township’s natural resources.

Table 303A RR Rural Residential District

| <u>Permitted Uses</u> | <u>Special Exceptions</u> |
|--|--|
| Agricultural Operations | Mobile home Parks See (Section 416) |
| Agriculture Services | Cemeteries but not including a Crematorium (See Section 412) |
| Bed and Breakfast | |
| Day Care Services (See Section 402) | |
| Essential Services | |
| Family/Group Day Care Homes/Day Care Center (See Section 402) | Conditional Use |
| Forestry (See Section 403) | Planned Residential Development (See Article 7) |
| Golf Courses | |
| Hospitals, but not including Residential Treatment Centers or Methadone Clinics | |
| Landscaping, Nursery, and Farm Markets | |
| No-Impact Home Based Business (MPC Required) | |
| Place of Worship and Assembly | |
| Private Clubs (See Section 404) | |
| Professional Offices | |
| Public Utility Structure | |
| Public and private elementary and secondary schools recognized by the Pennsylvania Department of Education, and accredited colleges and universities: including accessory residential, office, recreational, maintenance and medical facilities. | |
| Public Parks and Recreation | |
| Sawmills (See Section 405) | |
| Single-Family Dwellings (including individual Mobile Homes meeting the UCC and Section 406) | |
| Veterinary Clinic | |
| Home Occupations (See Section 407) | |
| Home Lot Occupations (See Section 408) | |
| Accessory Uses and Structures | |
| Private garages, storage sheds and horticulture (Subject to Article 5) | |
| Private residential swimming pools, tennis courts, tool and/or storage sheds and greenhouses (Subject to Article 5) | |
| Walls, fences, lamp posts and similar accessory structures subject to the limitations contained in Article 5 | |
| Second dwelling on a single lot (See Section 416) | |
| Storage or parking of a commercially licensed vehicle, see Article 5 | |
| Storage or parking of major recreation equipment, see Article 5 | |
| Shelter for household pets see Article 5 | |
| Buildings and Structures Accessory to an Agricultural Operation | |
| For Regulations Pertaining to Oil and Natural Gas Development, See Section 437 | |

**TABLE 303B
RR RURAL RESIDENTIAL DISTRICT
LOT, YARD, AND HEIGHT STANDARDS**

| | Single-Family Dwellings, Family Day Care Homes* | All Other Uses |
|-----------------------------|--|-----------------------|
| Minimum Lot Area | 1.5 Acres | 2 Acres |
| Minimum Lot Width | 150 Feet | 150 Feet |
| Minimum Front Yard | 75 feet Measured from Street Centerline. (except for Interior Streets as defined; which may use the alternative standard under Section 703D) | |
| Minimum Side Yard | 25 Feet | |
| Minimum Rear Yard | 25 Feet | |
| Maximum Height of Structure | 40 Feet | 40 Feet |
| Maximum Coverage | 15% | 15% |

***Those uses with public sewer may follow R-1 Residential lot standards.**

Section 304 R-1 Single Family Residential Zoning District

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

Table 304A R-1 Single Family Residential Zoning District

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

TABLE 304B

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

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

* **Minimum Lot width as measured at setback line**

Section 305 R-2 General Residential Zoning District

The R-2 General Residential District is meant to provide a zoning district in which the predominate use will be residential with height and area regulations establishing an intensity of land use designed to encourage development of single family dwellings and multiple family dwellings in those places where infrastructure is present .

Table 305A R-2 General Residential Zoning District

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

TABLE 305B

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

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

Section 306 B-1 General Business District

The B-1 General Business District is established to provide for businesses that require significant infrastructure and access to major traffic arteries.

Table 306A B-1 DISTRICT

| Permitted Uses | Special Exceptions |
|---|---|
| Automobile and Equipment Sales and Service (See Section 436) | Light Manufacturing (See Section 422) |
| Building Material/Supply Yards | Flea Markets See (Section 423) |
| Business Services including financial services such as banks | Public Utilities (See Section 424) |
| Carwash | Multiple Family Dwellings (See Section 420) |
| Places of Worship and Assembly | Transitional Housing Facility (See Section 425) |
| Eating and Drinking Place | |
| Essential Services | |
| Hotel/Motel | |
| Indoor and Outdoor Commercial Recreation | |
| Landscaping, Nursery, and Farm Markets | |
| Nursing Homes, Hospitals and Personal Care Home | |
| Personal Services | |
| Professional Offices | |
| Funeral Homes | |
| Retail Businesses | |
| Self Service Storage Facility | |
| Service Station/Convenience Store | |
| Shopping Centers | |
| Single-Family Dwellings | |
| Theaters | |
| Forestry (see Section 403) | |
| Accessory Uses and Structures | |
| Parking areas, lawful signs, stormwater management structures, small sheds for building and grounds maintenance, Drive in and Drive through facilities, Other clearly incidental uses and structures. | |

Table 306B

**B1 DISTRICT
LOT, YARD, AND HEIGHT REQUIREMENTS**

| | With Public Sewer | On-Lot Sewer |
|-----------------------------|---|---------------------|
| Minimum Lot Area | 25,000 Square Feet | 1 Acre |
| Minimum Lot Width | 100 Feet | |
| Minimum Front Yard | 100 Feet as measured from street centerline | |
| Minimum Side Yard | 20 Feet | 25 Feet |
| Minimum Rear Yard | 20 Feet | 35 Feet |
| Maximum Height of Structure | 40 Feet | 40 Feet |
| Maximum Coverage | 40% | 40% |

See also Buffer Yard Requirements, Section 309. For Multiple Family Lot Requirements See R-2 table 305

Section 307 B-2 Limited Business District

The B-2 Limited Business District is established to provide a zoning district which will permit a mixture of compatible residential and commercial uses, encourage business development of properties otherwise affected by nearby businesses and major thoroughfares, and preserve existing residential development.

Table 307A B-2 Limited Business District

| <u>Permitted Uses</u> | <u>Special Exceptions</u> |
|---|--|
| Agricultural Services | Eating/Drinking Places (See Section 426) |
| Agriculture | Flea Markets (See Section 423) |
| Place of Worship and Assembly | Multiple-Family Dwellings (See Section 420) |
| Business Services, including financial services such as banks | |
| Contractor’s Office, Garage, and Storage Yard | |
| Automobile and Equipment Sales, Service and Repair (See Section 436) | |
| Personal Care Homes | |
| Personal Services | |
| Home Occupations | |
| Landscaping, Nursery and Farm Markets | |
| Professional Offices | |
| Retail Businesses (up to 20,000 Square Feet Gross Floor Area) | |
| Service Station/Convenience Store | |
| Single-Family Dwellings | |
| Accessory Uses and Structures (see 503) | |
| Nursing Homes and Hospitals | |
| Bed and Breakfast | |
| Forestry (see Section 403) | |
| Accessory Uses and Structures | |
| Parking areas, lawful signs, stormwater management structures, small sheds for building and grounds maintenance, Drive in and Drive through facilities, Other clearly incidental uses and structures. | |

TABLE 307B B-2 DISTRICT LOT, YARD, AND HEIGHT REQUIREMENTS

| | With Public Sewer | On-Lot Sewer |
|-----------------------------|---|---------------------|
| Minimum Lot Area | 25,000 Square Feet | 1 Acre |
| Minimum Lot Width | 100 Feet | |
| Minimum Front Yard | 100 Feet as measured from street centerline | |
| Minimum Side Yard | 20 Feet | 25 Feet |
| Minimum Rear Yard | 20 Feet | 35 Feet |
| Maximum Height of Structure | 40 Feet | 40 Feet |
| Maximum Coverage | 40% | 40% |

See also Buffer Yard Requirements. For Multiple Family Lot Requirements See R-2 table 305

Section 308 I Industrial District

The I Industrial District is established to provide appropriate areas for forms of manufacturing and similar high-intensity uses that can have a higher impact upon surrounding properties.

Table 308A I Industrial District, Table of Uses

| I Industrial District, Table of Uses | |
|---|--|
| Permitted Uses | Special Exceptions |
| Agricultural Services | Intensive Outdoor Commercial Recreation(See Section 411) |
| Agriculture | Bottle Clubs (See Section 428) |
| Light Manufacturing | Bulk Fuel Storage (See Section 429) |
| Self Service Storage Buildings | Communications Towers (See Section 410) |
| Professional Offices | Correctional Facility/Halfway House and Treatment Center (See Section 430) |
| Public Utility Structures | Heavy Industry (See Section 431) |
| Research Lab | Junk Yards, Salvage and Recycling Centers (See Section 432) |
| Building Material and Supply Yard | Retail Business or Eating and Drinking Places (See Section 433) |
| Truck Terminals and Warehousing | |
| Business Services including financial services such as banks | Conditional Uses |
| Places of worship and Assembly | Sanitary Landfills (See Section 434) |
| Landscaping Supply and Nursery | Sexually Oriented Business (See Section 435) |
| Forestry (see Section 403) | |
| Accessory Uses and Structures | |
| Parking areas, lawful signs, stormwater management structures, small sheds for building and grounds maintenance, drive in and drive through facilities, other clearly incidental uses and structures. | |
| For Regulations Pertaining to Oil and Natural Gas Development, See Section 437 | |

**TABLE 308B I Industrial DISTRICT
LOT, YARD, AND HEIGHT STANDARDS**

| | All Uses |
|-----------------------------|--|
| Minimum Lot Area | 40,000 Square Feet |
| Minimum Lot Width | 150 Feet |
| Minimum Front Yard | 100 Feet, as measured from street centerline. |
| Minimum Side Yard | 25 feet increased to 100 feet when adjoining an R1 or R-2 District |
| Minimum Rear Yard | 25 feet increased to 100 feet when adjoining an R1 or R-2 District |
| Maximum Height of Structure | 40 feet |
| Maximum Coverage | 70 Percent |

Section 309 Buffer Yards Required

Where any of the uses listed in Sections 306, 307 and 308 or any of their accompanying accessory uses adjoining any land zoned R-1 or R-2, the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

- (1) A buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rear yard This buffer is in addition to otherwise required yards. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier.
- (2) The buffer strip shall contain suitable screening, defined as either of the following:
 - (a) A solid fence or wall, architecturally compatible with existing structures in the area, no less than 5 feet nor more than 8 feet in height; or
 - (b) A sight-obscuring planting of evergreens, not less than 4 feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than 6 feet upon maturity, planted at a spacing of the lesser of 4 feet or the diameter of a mature specimen of the species being planted.
- (3) Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with grass or other appropriate ground cover vegetation.
- (4) Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the use is located. Installation must be completed prior to issuance of a Zoning Certificate or Certificate of Occupancy. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced within 6 months. Grass shall be kept neatly mowed.

309.1 Where conditional use, special exception, or permitted use standards for fencing, screening, and buffering for specific uses are stricter, such specific standards shall apply.

ARTICLE 4
SPECIFIC USE STANDARDS

Section 401 Permitted Uses with Conditions, Conditional Uses and Special Exceptions: The criteria for any specific conditions attached to a permitted use, conditional uses and special exceptions are listed below.

Where a permitted use with conditions is listed, all conditions shall be met to the satisfaction of the Zoning Officer prior to the issuance of any permit or certificate.

In addition to these specific criteria, the Zoning Hearing Board, in granting special exceptions, and the Board of Supervisors, in considering conditional uses, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a special exception or conditional use, the Zoning Hearing Board or Board of Supervisors (as appropriate) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance. Such conditions may include,

but are not limited to:

- A. Establishment of screening and buffering or an increase in screening and buffering normally required.
- B. Limitations upon hours of operation.
- C. Establishment of fencing for purposes of security, limiting vehicular access, or control of windblown trash.
- D. Limits upon future subdivision of property to prevent the creation of a lot too small for the approved use.
- E. Changes in the proposed location or design of access drives or parking areas to prevent traffic hazards, congestion, or the impacts of increased traffic upon local access and residential streets.
- F. Other conditions to ensure that the exterior appearance of a building or property is in harmony with surrounding development, including an agreement by the applicant to adhere to any design standards of the Township Subdivision and Land Development Ordinance.
- G. Any compressors shall be so enclosed as to baffle their sound from surrounding uses.
- H. All dumpsters and or garbage/trash storage areas shall be enclosed and placed in a rear or side yard, or similar requirement to prevent noise and malodorous nuisance.

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

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

Section 402 Day Care Services

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

- A. Family Day Care Homes

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

B. Group Day Care Homes

1. Such operations must obtain any permits/certificates as required by the State.
2. Outdoor play areas shall be effectively screened from nearby residential use through fencing or screening.
3. At least one (1) additional parking place shall be required.
4. The operator shall demonstrate how children shall be dropped off and picked up considering their safety and the safety of other pedestrian and vehicular traffic in the area.

C. Day Care Centers

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

Section 403 Forestry

The practice of forestry, including timber harvesting, is declared as a permitted use in all districts, in conformity to the Pennsylvania Municipalities Planning Code. It is subject to the following conditions:

- A. Any harvesting shall present an approved erosion and sediment control plan, if required, prior to the issuance of a zoning permit.
- B. In all R Residential and B Business Districts, all activities must start after 7:00 a.m. and end by 7:00 p.m. to avoid traffic congestion and sound disturbance,
- C. All applicable road bonding requirements of the Township must be met.
- D. No harvesting shall be conducted within a Township or Utility Right of Way without explicit permission of the entity which owns the Right of Way, and an implemented plan for traffic control.

Section 404 Private Clubs

- A. Clubhouses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning classification and at least fifty (50) feet from all other property lines.
- B. Clubhouses that are located within three hundred (300) feet of an RR, R-1 or R-2 District shall be screened by a buffer area, which is at least ten (10) feet in depth measured from the property line, and shall block all vision at least six feet in height from final grade.
- C. No outdoor speakers shall be permitted, with the exception of occasional events of up to four times per year. All music, entertainment or sound systems shall be confined to the building.
- E. No private club shall function as a bottle club, as defined by the Pennsylvania code.
- F. Live entertainment shall not be of a sexually oriented nature, or any other entertainment qualifying the performance as a sexually oriented business.

Section 405 Sawmills

- A. Sawmills shall be set at least seventy-five (75) feet from the side or rear setback lines.
- B. There shall be no storage of logs or lumber, mulch, or sawdust within fifty (50) feet of any setback line.

Section 406 Individual Mobile Homes

Mobile homes that are approved as single family dwellings must meet the following standards. Mobile homes are permitted in other circumstances as accessory dwelling units under Section 415 and within mobile home parks under Section 416. Mobile homes as a principal dwelling are permitted where they are substantially similar in installation to a permanent single family dwelling. The lot must be owned by the owner of the mobile home unit to be installed.

- A. The mobile home must be permanently attached to a foundation with footers below the frost line in conformity to the Uniform Construction Code.
- B. The mobile home must be of a type which meets all Uniform Construction Code requirements for permanent occupancy.
- C. It must be located upon a lot with no deed covenants or restrictions precluding its placement. It is the responsibility of the applicant to certify that there are no such restrictions.
- D. The mobile home must meet all applicable setbacks for the district.
- E. The unit must be at least 750 square feet gross floor area.

Section 407 Home Occupations

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

Section 408 Home Lot Occupations

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

Section 409 Mineral Excavation

Mining may include the excavation of earth, sand, gravel, stone, coal or other minerals by surface or deep mining methods and removal of the excavated materials from the site when such activity is the principal use and not incidental to land development. An application for conditional use or special exception, as applicable, must be approved prior to issuance of any land development plan, stormwater management plan, or other approval.

As part of the application for conditional use approval, the excavator shall submit a drawing showing:

- A. The property on which the excavation will occur, including adjoining roads, property lines and boundary on the property within which the excavating will occur, including proposed phasing of the work over the life of the project;
- B. Contours at five (5) foot intervals, indicating existing contours and proposed contours at conclusion of excavation;
- C. Solution to drainage from the site, showing means of carrying stormwater to a natural drainage way or to an approved stormwater system
- D. The registration seal of the engineer preparing the drawing when over five (5) acres in area.
- E. The excavator shall comply with all applicable regulations of the Township , including but not limited to site grading and drainage, landscaping and buffering, and environmental standards.
- F. No landfill or dumps for garbage or other refuse or commercial or industrial by-products shall be permitted.
- G. The excavation project shall be operated as follows:
 - 1. Primary access to the site shall be controlled at one location.
 - 2. The excavator shall post the property, noting that a dangerous condition exists and warning trespassers away.
 - 3. The excavator shall take care that trucks leaving the property are not overloaded. If materials from trucks are spilled upon a public road right of way, all such materials shall be removed from the road within four (4) hours. Material spilled on to cart-ways shall be removed immediately.
 - 4. Wash stations shall be installed for trucks leaving the site to enter a public road in order to ensure that no dust leaves the property.
 - 5. To prevent the migration of dust from surface mining to other properties, the Township may require the installation of screening, landscaping or buffer areas.
- H. The Board of Supervisors may require a bond in favor of the Township to be posted by the excavator to cover damages that may occur to Township roads as a result of hauling materials excavated from the permitted site. The amount of the bond, less any sums needed to correct damages, shall be refunded to the excavator within one (1) year after the conclusion of the operation.
- I. No mining operation shall be conducted within any setback limits set forth by the Commonwealth of Pennsylvania or the United States Government. The developer shall provide the Township with evidence that all setbacks required by other agencies have been met.
- J. Mining may not occur in any side or rear setback area established in any district. Overburden may not be placed higher than any setback area, unless set back by at least one foot for each additional foot in height above grade.

Section 410

Communications Towers

- A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communication antennas.
- B. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- C. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Hazard Zoning Regulations. Towers must comply as applicable, with the Mercer County Subdivision and Land Development Ordinance as a subdivision for lease.
- D. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to first obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - 1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - 2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - 4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - 5. A commercially reasonable agreement could not be reached with the owners of the structure.
 - 6. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
 - 7. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
 - 8. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
 - 9. Unless pre-empted by airport zoning, the maximum height of any communications tower shall be two hundred fifty (250) feet; provided, however, that such height may be increased to no more than three hundred (300) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of two hundred fifty (250) feet, plus

- an additional twenty five (25) feet.
10. The foundation and base of any communications tower shall be set back from a property line by an amount equal to at least the height of the proposed tower.
 11. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from adjacent properties.
 12. The communications equipment building shall comply with the required yards and height requirements of applicable zoning district for an accessory structure.
 13. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association.
 14. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas. It is the responsibility of the Developer to notify the Township of any changes in insurance coverage within sixty (60) days of such change.
 15. All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
 16. The site of a communications tower shall be secured by a fence with a minimum height of ten (10) feet to limit accessibility by the general public.
 17. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
 18. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

Section 411 Intensive/Outdoor Commercial Recreation

- A. Shall have a lot size of no less than fifty (50) acres)
- B. Any outdoor commercial shooting activities shall not undertake such shooting between The hours of sunset and sunrise. The Board of Supervisors may limit hours of operation for other intensive uses as a reasonable additional condition of approval.
- C. Commercial shooting ranges shall illustrate that the design and direction of all firing lanes shall not present a danger to public health and safety. The developer shall show adherence to best design practices, such as the National Rifle Association’s NRA Range Source Book to ensure safety. Other intensive uses shall present a plan to minimize any noise created by activities through buffering, acoustic engineering, or topography.
- D. Any outdoor lighting shall be shielded to prevent glare to neighboring properties
- E. Shall not directly adjoin an RR, R-1, or R-2, Residential district.

Section 412 Cemeteries but not including a Crematorium

The purpose of cemeteries, under this Ordinance, is to provide a place for the sale of lots for a proper burial ground for persons or sale of lots for burial of domestic pets. All other uses and activities must be clearly and customarily incidental to this use. Prior to the establishment of a new facility or expansion of an existing cemetery, the owner shall:

- A. File a site plan meeting the Mercer County Subdivision and Land Development Ordinance to demonstrate the design and layout of the proposed cemetery or cemetery expansion and specifically illustrating: the proposed drainage plan, the internal circulation plan, and the location of accessory building(s).
- B. Connections to existing Township streets will be no closer than fifty (50) feet to a street intersection, fifteen (15) feet to a fire hydrant, thirty (30) feet to a driveway on the same side of the street, and shall avoid streets or driveways opposite proposed means of ingress and egress.
- C. Shall demonstrate compliance with applicable State laws.
- D. All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- E. All new facilities shall have a size of at least five (5) acres.

Section 413 Recreational Campgrounds

Such uses are also regulated by the Mercer County Subdivision and Land Development Ordinance and must comply with all provision of that Ordinance. Such uses shall also:

- A. Be located upon a lot of no less than ten (10) acres, of which at least 3 acres shall be natural or developed recreation areas free of individual campsites.
- B. Provide evidence of compliance with Department of Environmental Protection Standards for water and sanitary sewer facilities.
- C. Provide evidence of approved solid waste removal.

Section 414 Exotic and Specialized Animal Raising and Care

- A. No exotic or specialized animal raising and care may be conducted on a lot of less than ten (10) acres. The developer shall agree to not subdivide any parcel below these stated minimums, while the said use remains active.
- B. No cages pens or runs shall be closer than three hundred (300) feet from neighboring lot lines.
- C. Provide evidence that waste products or manure will not create a malodorous nuisance.
- D. Provide evidence of meeting all applicable state codes and licenses

Section 415 Second Dwelling on same lot

In any Residential Zoning District, an existing single-family dwelling or an existing lawful accessory structure to a single-family dwelling may be altered or changed in use to create an accessory dwelling, by Conditional Use, provided:

- A. Accessory Dwellings as part of an existing single family dwelling
 1. Only one accessory dwelling may be created per each single-family dwelling lot.
 2. The accessory dwelling shall be a complete, separate housekeeping unit that can be isolated from the original unit.
 3. The accessory dwelling shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. Any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square foot age of the original house by more than ten (10) percent.

4. Conversion of accessory structures to accessory dwellings shall not increase the ground floor area of the original structure.
 5. Maximum floor area - The accessory dwelling shall be clearly a subordinate part of the single-family dwelling. In no case shall it be more than thirty (30) percent of the building's total floor area nor have more than two (2) bedrooms, unless, in the opinion of the Zoning Hearing Board, a greater or lesser amount of floor area is warranted by the circumstances of the particular building.
 6. Minimum floor area - The accessory dwelling shall have at least 400 square feet of floor area.
 7. Any alterations shall not violate requirements for yards or height for a single-family dwelling.
 8. Additional off-street parking spaces shall be provided for the additional dwelling unit as required in Article Five.
 9. The design and size of the accessory dwelling shall conform to all applicable standards in health, building, fire, and other laws, including, but not limited to the Uniform Construction Code and Act 537 (The Sewage Facilities Act).
 10. Any other appropriate or more stringent conditions deemed necessary may be required by the Zoning Hearing Board to protect public health, safety, and welfare, and the single-family character of the neighborhood.
 11. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Zoning Hearing Board may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled person
- B. Accessory Dwelling as a mobile home temporarily installed upon a lot.
1. If the second dwelling is a mobile home, it must be placed temporarily with approval by the Board of Supervisors as a conditional use , and the following regulations shall apply.
 2. The mobile home shall be placed behind the principal structure at a separation distance of no less than 15 feet and shall comply with the rear yard requirement for principal structures in the zoning district.
 3. The mobile home placement shall be for a period of no more than five (5) years. However, an extension of time may be granted by the Township Supervisors upon request by the property owner.

In all cases, the occupant of the accessory dwelling shall be a relative of the property owner. The property owner shall occupy the principal structure. The occupant of the accessory structure shall indicate the relationship and intent to occupy the accessory dwelling by co-signing the permit application. Any zoning approval is subject to approval by the Township Sewage Enforcement Officer.

Section 416 Mobile Home Parks

The proposed park shall meet all applicable requirements of the Mercer County Subdivision and Land Development Ordinance as applied to mobile home parks. Approval of the Zoning Hearing Board as a special exception must precede submission of a development plan to the County.

- A. Minimum areas
1. The minimum gross area for a mobile home park shall be fifteen (15) contiguous acres.
 2. The minimum lot area required for each mobile home shall be twenty thousand (20,000) square feet.

3. The minimum width of each mobile home lot shall be fifty (50) feet.
 4. The minimum width of each side yard shall be twenty-five (25) feet from the furthest projected part of or addition of each mobile home.
- B. Open Space Requirements: All mobile home parks shall provide and so indicate on the plan of the mobile home park, suitable areas for recreation and open space uses by using the standard of twenty percent (20%) of the total area of the mobile home park of which one half of the area shall be in one piece. The recreation and open space shall be located as centrally as possible within the mobile home park in order to be easily accessible to the residents of the mobile home park. Such areas shall be free from undevelopable steep slopes and shall be usable for recreation.
- C. Be screened from adjoining residential uses per Section 309
- D. The management of the Park shall agree to ensure that all mobile home installations occur pursuant to the standards of the Uniform Construction Code, and that tenants do not alter any installations.

Section 417 Schools, Nursing Homes, Personal Care Homes and Assisted Living Facilities :

- A. Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- B. Shall be located on a paved public street with a minimum cart-way width of twenty-four (24) feet.
- C. The design and landscaping shall be compatible with and preserve the character of any adjoining residential uses.
- D. Screen planting or buffering shall be provided as required by this ordinance, and in instances where not required, may be imposed by the Board of Supervisors as a reasonable additional condition of approval
- E. Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- F. Such uses shall have, and present, all needed local, county, state or federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for same shall be a condition prior to issuing a Certificate of Occupancy
- G. Assisted Living units comprised of individual apartments with kitchens must meet lot and Density Standards per Section 420 and referenced in Table 305B.

Section 418 Agriculture in Residential Districts

Gardening and horticulture is permitted by right as accessory to any use or as a principal use in all zoning districts, including The R-1 and R-2 Residential Districts. In R-1 and R-2, the keeping of horses or other livestock for personal recreation, consumption, or sales of products such as eggs, is permitted as an accessory use to a dwelling only in conformity to the following standards:

- A. A lot of any size in an R Residential District may keep up to six (6) hens (*gallus domesticus*) provided that:
 1. No male chickens (roosters) shall be kept.
 2. Poultry shall be kept within a pen or fence sufficient to confine all birds.
 3. No coop, pen or enclosure for the keeping of poultry shall be permitted within one hundred (100) feet of a dwelling on an adjoining lot.
 4. Manure from coops shall be managed through composting, deep litter bedding, or other means to prevent malodorous nuisance.
- B. Other livestock, including horses, cattle, or goats may be kept if the following performance standards are met:
 1. The lot must be at least five (5) acres in size.

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

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

Section 419 RESERVED

Section 420 Multiple Family Dwellings

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

Section 421 Conversion Apartments

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

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

be permitted.

- G. Conversion shall be limited to three (3) dwelling units or less.
- H. Each dwelling unit shall have separate utility service connections and meters (as applicable) for natural gas, water, sewer and electric.

Section 422 Light Manufacturing

- A. The applicant shall describe any and all industrial processing and product lines in such detail to ensure the Township the proposal meets the definition of light manufacturing.
- B. The developer shall submit a sketch plan. This sketch plan need not include final dimensions and final designs of any public or private improvements, but shall focus upon the relationship of proposed building and parking areas to each other and the surrounding neighborhood, overall building design, and any landscaping, screening and buffering proposed.
- C. All industrial activities shall be contained indoors and any outdoor storage shall be screened from view.
- D. Show a plan for minimizing the effect of any truck traffic on congested areas.

Section 423 Flea Markets

To conform to conditional use standards, all flea markets shall meet the following standards:

- A. The operator of the flea market shall either be the property owner, or provide evidence of written permission (such as a lease agreement) to utilize the property.
- B. The operator shall submit a plan that details public parking areas, and the number and location of proposed seller stalls. The plan shall detail areas to allow vendors selling from cars to enter and exit while avoiding pedestrian areas.
- C. The operator shall have a contract with an approved waste hauler, and a minimum of one One (1), fifty (50) gallon capacity solid waste receptacle (or equivalent dumpster capacity) for every four (4) proposed sellers. The operator shall agree to dispose of all unsold items left on site by vendors.

Section 424 Public Utilities

- A. All facilities shall be enclosed by a fence of at least eight feet in height. The fence shall be at least five feet from all lot lines, and the area between the fence and lot lines shall be suitably landscaped and maintained.
- B. No outdoor storage shall be permitted.
- C. Lighting shall be designed to prevent glare to neighboring properties

Section 425 Transitional Housing Facility

The facility operator shall present to the Township applicable information about any and all limits upon residency to determine the facility will not operate as a halfway house or correctional facility.

If the facility is located in a former single family dwelling, no more than ten (10) residents are permitted at any one time. Maximum residency of other building types is limited to twenty five (25) persons.

Section 426 Eating/Drinking Places

- A. No portion of an eating or drinking place (including parking and outdoor dining areas) shall be located within one hundred (100) feet of a single family dwelling in separate ownership from the owner of the business.
- B. The Township may restrict the hours of operation, particularly for Eating and Drinking

Places within 200 feet of a single family dwelling in separate ownership from the owner of the business.

- C. Outdoor amplified entertainment or outdoor sound systems are prohibited. This prohibition shall be deemed to include any area not completely enclosed by masonry or insulated walls and a roof. Sound systems are prohibited in any porch area, smoking areas, or outdoor dining area.
- D. Parking area lighting shall be restricted to lighting structures no higher than 12 feet.
- E. The Township may require screening as deemed necessary to shield neighboring properties from light and noise caused by the business and its vehicular traffic.

Section 427 Retail Businesses and Shopping Centers (Greater than 20,000 Square Feet Gross Floor Area, but no greater than 60,000 Square feet gross floor area)

This may include a mix of retail, eating and drinking places, professional offices, and business services and personal service shops.

- A. The center shall be planned around a central green or quadrangle area, with consideration given to the relationship of various buildings and uses to each other. A minimum of ten percent (10%) of the total developed area shall be devoted to such greens or common passive recreational areas. This shall be in addition to any normal required yard and setback areas or limitations upon coverage.
- B. The developer shall submit a sketch plan that generally identifies proposed areas for various permitted and conditional uses within the center. This sketch plan need not include final dimensions and final designs of any public or private improvements, but shall focus upon the relationship of proposed uses to each other and the surrounding neighborhood. If areas are specifically identified for conditional uses, and meet all performance standards, their subsequent development may proceed by right at a later date without additional conditional use approval. However, no area proposed for a conditional use may be changed to another conditional use without submission of another application for approval. Areas proposed for conditional uses may be changed to permitted uses within the center. Nothing in this section alters the right of the Township to review and approve changes to any subdivision and land development plan.
- C. The plan shall illustrate an internal pedestrian and vehicular access system that facilitates travel between buildings within the center.
- D. The developer shall submit plans for any architectural guidelines or covenants proposed to ensure a harmonious development of the center as an integral whole.
- E. The developer shall submit a sketch landscaping plan that illustrates how landscaping will be used to buffer the proposed center from any adjoining residential areas. The Township Supervisory may increase standards for buffering and landscaping as a reasonable additional condition and safeguard.

Section 428 Bottle Clubs

- A. Shall present the Township with a security plan that prevents uncontrolled activities from moving outdoors or threatens the safety of the neighborhood.
- B. Shall employ no outdoor speakers.
- C. Shall not lie within 500 feet of any residential use or R-1 or R-2 Residential District.

Section 429 Bulk Fuel Storage

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

Section 430 Correctional Facility/Halfway House and Treatment Center

- A. Shall present the Township with a security plan that takes into account the safety of Township residents.
- B. Does not lie within one thousand five hundred (1,500) feet of:
 - 1. A church;
 - 2. A public or private pre-elementary, elementary, or secondary school;
 - 3. A public library;
 - 4. A child-care facility or nursery school;
 - 5. A public park adjacent to any RR, R-1 or R-2 Residential district;
 - 6. A child-oriented business.
- C. No Correctional facility or halfway house may be located where any adjacent property contains a pre-existing single family home in separate ownership from the proposed facility.

Section 431 Heavy Industry

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

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations;
- B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
- C. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to performance standards under Article Five, Section 506, of this Ordinance.
- D. The Township may employ a number of site specific reasonable additional conditions and safeguards, including, but not limited to screening, limits upon hours of operations, and maximizing distance of industrial activities from other zoning districts.

Section 432 Junk Yards, Salvage and Recycling Centers

Shall comply with the following requirements:

- A. All lots shall be at least ten (10) acres in size.
- B. There shall be no storage of scrap, machinery or equipment of any kind in the setback areas.
- C. All yard spaces shall be increased ten (10) feet.
- D. The processing or storage of hazardous materials, as defined by the Department of Environmental Protection, shall not be permitted.

Section 433 Retail Business and Eating and Drinking Places in the Industrial District

Screening or fencing may be required, along with other reasonable additional conditions and safeguards, in order to prevent negative impacts upon neighboring industrial uses.

Section 434 Sanitary Landfills

Sanitary landfills shall be permitted only as a Conditional Use. Plans for sanitary landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection (PADEP), the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. Operators of sanitary landfills shall file, with the Board of Supervisors, written proof that they have met all permit requirements of the State and/or Federal Government as they may apply to a specific development.

- A. Local requirements which must be met prior to permit approval by the Board of Supervisors include:
 - 1. A buffer yard of two hundred fifty (250) feet from all public rights-of-way and four hundred (400) feet from all dwellings, schools, churches, hospitals and similar residential uses.
 - 2. A barrier of natural forestry at a width of one hundred (100) feet and an eight (8) foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind-blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.
 - 3. The landfill shall have no more than two (2) access routes, unless the landfill property borders three (3) or more public rights-of-way. In such an event, approval by the Township Supervisors will be necessary to secure an additional access route.
 - 4. A bond to protect township roads utilized by land fill traffic shall be negotiated prior to approval.
 - 5. The operator shall submit to the Board of Supervisors for approval a plan for the restoration of the landfill area which shall include anticipated future use of the restored land.
 - 6. All such proposed uses shall be on a lot of no less than fifteen (15) acres. No landfill activities may exceed a height of forty (40) feet above existing grade, defined as average grade prior to any development activities.

Section 435 Sexually Oriented Business

These businesses have potential negative impacts upon the community, including:

Sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

The concern over sexually transmitted diseases is a legitimate health concern of the Township, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens.

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

Sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighboring blight and downgrading the quality of life in the adjacent area.

Permitting and/or licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation. However, it is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance, which addresses the secondary effects of sexually oriented businesses. Nor is it the intent of the Township to condone or legitimize the distribution of obscene material.

Sexually oriented businesses as defined herein shall be permitted in the **I Industrial District** as a Conditional Use, provided:

- A. The proposed sexually oriented business does not lie within one thousand five hundred (1,500) feet of:
 - 1. A church;
 - 2. A public or private pre-elementary, elementary, or secondary school;
 - 3. A public library;
 - 4. A child-care facility or nursery school;
 - 5. A public park within any RR, R-1 or R-2 Residential district;
 - 6. A child-oriented business
- B. The proposed sexually oriented business does not lie within five hundred (500) feet of another sexually oriented business.
- C. Compliance with all other applicable local codes and licenses is presented to the Township Supervisors, including the Township Sexually Oriented Business Licensing Ordinance .

Section 436 Auto and Equipment Sales and Service

- A. There shall be no unscreened outdoor storage of vehicle parts, or unlicensed or uninspected vehicles, except for customer vehicles stored for no more than 72 hours.
- B. All vehicles or equipment for sale shall be stored within front yard setback lines established for the district.

Section 437 Oil and Natural Gas Development

Introduction: In order to implement Section 603 (i) of the Pennsylvania Municipalities Code, which requires provision for the reasonable development of minerals in each municipality, and recognizing that minerals are defined by the same code as including crude oil and natural gas, Pine Township has established the following as reasonable regulations upon Oil and Gas Operations. The Township recognizes that while Oil and Gas operations have industrial or quasi-industrial characteristics, this activity can only occur in reasonable proximity to where such mineral resources are located.

437.1 Definitions

As used in this Section, the following terms shall be interpreted or defined as follows. Where there is a conflict between a definition in this section and definition contained in Article 8, the more specific definition of this Section shall apply:

Applicant: Any person, operator, partnership, company or corporation, including their subcontractors and agents, who has an interest in Oil and Gas Development in the Township.

Department: The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Existing Building: An occupied structure with walls and a roof, within which individuals live or customarily work. This definition includes only structures which are occupied at the time of an application for oil and gas operations, but "occupied" shall include temporarily vacant structures that are for sale or lease.

Impoundment Area: An earthen depression, excavation, pit or facility situated in or upon the ground, used to store water or other fluids related to oil and gas operations.

Natural Gas Compressor Station: A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells, operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

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

Oil and Gas: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane, natural gas liquids and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through and below the surface of the earth.

Oil and Gas Development: The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. This definition does not include Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions.

Oil or Gas Well Site: A site that consists of the area occupied by the facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well.

Stripper Well: An unconventional gas well incapable of producing more than 90,000 cubic feet of gas per day during any calendar month, including production from all zones and multilateral well bores at a single well, without regard to whether the production is separately metered.

Township: The Township of Pine, Mercer County, Pennsylvania.

Unconventional formation: A geological shale formation, existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval, where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

Unconventional gas well: A bore hole drilled or being drilled for the purpose of, or to be used for, the production of natural gas from an unconventional formation. The term shall also include wells that utilize hydraulic fracture treatment through a single vertical well bore and produce natural gas in quantities greater

than that of a stripper well.

437.2 Oil and Gas Operations are permitted in the Township only as consistent with the requirements of Table 437.2A.

Table 437.2A Use Requirements

| USE | AC Agricultural District | RR Rural Residential | I Industrial |
|--------------------------------|---------------------------------|-----------------------------|---------------------|
| Conventional Gas Well | Permitted Use | Conditional Use | Permitted Use |
| Unconventional Gas or Oil Well | Special Exception | Special Exception | Special Exception |
| Natural Gas Compressor Station | Special Exception | Not Permitted | Special Exception |
| Natural Gas Processing Plant | Special Exception | Not Permitted | Special Exception |
| | | | |

437.3 Dimensional Requirements

No Oil or Gas Development shall be permitted on a parcel of less than fifteen acres, except in the RR zoning district, where the minimum parcel shall be One Hundred (100) acres. All the additional dimensional requirements of Table 437.3A are also required where applicable.

Table 437.3A- Dimensional Requirements

| USE | AC Agricultural District | I Industrial | RR Rural Residential |
|--------------------------------|--|--|--|
| Conventional Gas Well | Must be set back from all public Rights of Way and Property Lines by at least 100 Feet | Must be set back from all public Rights of Way and Property Lines by at least 100 Feet | Must be set back from all public Rights of Way and Property Lines by at least 250 Feet |
| Unconventional Gas or Oil Well | <p>Must be set back from all public Rights of Way and Property Lines by at least 300 Feet.</p> <p>Shall not encroach to within 750 feet of any R-1 District.</p> <p>Well Pad must be placed at least 500 feet from any existing building.</p> | <p>Must be set back from all public Rights of Way, and Property Lines by at least 300 Feet.</p> <p>Shall not encroach to within 750 feet of any R-1 District.</p> <p>Well Pad must be placed at least 500 feet from any existing building.</p> | <p>Must be set back from all public Rights of Way and Property Lines by at least 750 Feet.</p> <p>Shall not encroach to within 750 feet of any R-1 or R-2 District.</p> <p>Well Pad must be placed at least 1,000 feet from any existing building.</p> |
| Natural Gas Processing Station | <p>Must be set back from all public Rights of Way and Property Lines by at least 500 Feet.</p> <p>No Natural Gas Processing Plant shall be located within two thousand (2,000) feet of the boundary of an R-1 or R-2 zoning district, or one thousand (1,000) feet of an occupied building on an adjoining parcel.</p> | | |
| Natural Gas Compressor Station | <p>Must be set back from all public Rights of Way, and Property Lines by at least 500 Feet.</p> <p>No Natural Gas Compressor Station shall be located within One thousand (1,000) feet of the boundary of an R-1 or R-2 zoning district, or five hundred (500) feet of an occupied building on an adjoining parcel</p> | | |
| | | | |

437.4 Permit Requirement and Application

- A. No Oil and Gas Development shall be undertaken in the Township unless the use has been approved as a Conditional Use. The application shall be submitted together with a fee established by resolution, and shall contain the following information:
 - 1. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, the location of all structures and a description of equipment to be used, to the extent known.
 - 2. A narrative describing the project as it relates to existing or anticipated Natural Gas Compressor Stations or Natural Gas Processing Plants.
 - 3. The address of the Oil or Gas Well Site, Natural Gas Compressor Station or Natural Gas Processing Plant to be provided to Emergency Responders.
 - 4. Contact information of the individual or individuals responsible for the operation and activities at the Oil and Gas Development shall be provided to the Township and all Emergency Responders. Such information shall include a phone number where such

individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the Applicant shall update such information and provide it to the Township and all Emergency Responders.

5. A location map of the Oil and Gas Development showing the approximate location of drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets to be undisturbed.
6. A location map of the Natural Gas Compressor Station or Natural Gas Processing Plant including any equipment and structures and all permanent improvements to the site.
7. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the Oil and Gas Development.
8. Certification satisfactory to the Township that, prior to the commencement of Oil and Gas Development, the Applicant shall have accepted and complied with any applicable bonding and permitting requirements, and shall have entered into a Township roadway maintenance and repair agreement, in a form acceptable to the Township solicitor, regarding the maintenance and repair of affected Township streets.
9. A description of, and commitment to maintain, safeguards that shall be taken by the Applicant to ensure that Township streets utilized by the Applicant shall remain free of dirt, mud and debris resulting from site development activities, and the Applicant's assurance that such streets will be promptly swept or cleaned of dirt, mud and debris occurring as a result of Applicant's usage.
10. Certification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Township and all Emergency Responders. The Applicant shall maintain at the well site and on file with the Township a current list and the Material Safety Data Sheets (MSDS) for all chemicals used in the Applicant's operations.
11. Certification that the Applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Township and all Emergency Responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the Oil or Gas Well Site.
12. Assurance that, at least 30 days prior to drilling, the Applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be the sole responsibility of the Applicant. The Applicant shall not be required to hold more than one site orientation and training course annually under this section.
13. Copies of the documents submitted to the Department regarding environmental impacts of the project, or if no documents have been submitted to the Department, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts, as well as copies of all permits issued by appropriate regulatory agencies or authorities relating thereto.
14. Copies of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.

- B. Within 15 business days after receipt of an application and the required fee, the Township will determine whether the application is complete and shall advise the Applicant accordingly.

437.5 Design and Installation Requirements

Oil and Gas Development, where allowed as a use by Conditional Use, shall comply with the Township Zoning Ordinance and all pertinent provisions of the Code and Ordinances, including but not limited to the Subdivision and Land Development Ordinance and Stormwater Management Ordinance as applicable, except as preempted by federal or state law. In addition, the following design and installation requirements must be adhered to:

- A. No Oil or Gas Well Site shall have access solely through a local street, whenever possible. Whenever possible, access to the Oil or Gas Well Site should be from an arterial or collector street, as defined by the Township Comprehensive Plan, PennDot classification, or local road ordinance.
- B. Permanent structures associated with Oil and Gas Development, both principal and accessory, shall comply with the height regulations for the zoning district in which the Development is located.
- C. Height restrictions for a zoning district are not applicable for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well and in no case may it exceed six months.
- D. The drilling pad for the Oil or Gas Well Site shall comply with all setback and buffer requirements of the zoning district in which the Oil or Gas Well Site is located.
- E. Twenty-four (24) hour onsite supervision and security shall be provided by the Applicant during the Oil and Gas drilling and re-drilling operations.
- F. Upon completion of drilling or re-drilling, security fencing consisting of a permanent chain link fence at least six feet in height, equipped with lockable gates at every access point and having openings no less than 12 feet wide, shall be promptly installed at the Oil or Gas Well Site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the Oil or Gas Well Site.
- G. Warning signs shall be placed on the fencing surrounding the Oil or Gas Well Site, providing notice of the potential dangers and the contact information in case of an emergency.
- H. Emergency Responders shall be given means to access Oil or Gas Well Sites in case of emergency.
- I. In the development of Oil or Gas Well Sites, the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.
- J. Lighting at the Oil and Gas Well Development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings.

ARTICLE 5
SUPPLEMENTARY REGULATIONS

Section 501 Nonconforming Uses and Structures

The following provisions shall apply to all nonconforming uses and structures. It is the intention of the Township that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as in compliance in this Article.

- A. Any nonconforming use may be changed to another use only if the change is towards greater conformity and creates no greater intensity of impacts. The conversion of a nonconforming use to another nonconforming use shall be regarded as a Special Exception. When determining the eligibility for conversion the Zoning Hearing Board may utilize the zoning district table of uses as guidelines for intensity of impacts; and may deny the conversion if it would result in greater nonconformity with District purposes. In considering this Special Exception, the Zoning Hearing Board may also add reasonable additional conditions and safeguards, in addition to the standards under Section 501 F.
- B. Any nonconforming structure or use which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if intent to rebuild is expressed within six (6) months of discontinuance of use and if the restored building covers no greater area and contains no greater height or cubic content. If approved by the Zoning Hearing Board as a Special Exception, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located.
- C. In the event that any nonconforming use voluntarily ceases, for whatever reason, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance. A nonconforming use that is converted to a conforming one may not revert to the previous nonconformity.
- D. With approval of the Zoning Officer, the nonconforming use of a building may be extended throughout those parts of an existing building which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. No such use shall be extended to occupy any land outside such building.
- E. A nonconforming use, may, with the approval of the Zoning Hearing Board be extended, enlarged or replaced if such expansion does not exceed either twenty five percent (25%) of the gross square footage of the floor area or fifteen percent (15%) of the gross lot coverage area devoted to the nonconforming use on the date when such nonconforming use first became nonconforming. Such expanded structures must meet the minimum yard regulations and height restrictions of the district in which the structure is located.
- F. Standards for change, conversion, or expansion of nonconforming uses by Special Exception:
 - 1. If the nonconforming use is a residential nonconformity, no expansion will result in a greater number of dwelling units.
 - 2. The nonconformity may not extend to any property beyond the original lot, parcel or tract upon which it is located.
 - 3. The Township may limit the hours of operation as a reasonable condition and safeguard.
 - 4. The expansion will not increase any unscreened outdoor storage area.
 - 5. The nonconformity will not increase the intensity of activities from the existing development to an extent that the use classification would change to a less restrictive one.

- 6. The Township may require screening to mitigate any effect upon surrounding properties.
- G. A single family dwelling unit that is a nonconforming structure because a portion of it encroaches upon a required yard area may expand after permitted use approval in a manner that only continues that degree of encroachment and it does not further encroach into the required yard.
- H. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance.
- I. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification or the allowed uses of any district change, this Article shall also apply to any uses that thereby become nonconforming.

Section 502 Existing Lots of Record

Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance, however, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located. Where two (2) or more adjacent lots of record with less than the required area and width are held by one (1) owner, on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Township Supervisors. The Supervisors may require replatting to fewer lots, which would comply with the minimum requirements of this Ordinance.

Section 503 Application of Yard Regulations and Accessory Structures and Uses

- A. **Front Yard Averaging:** In the R-1 and R-2 Residential Districts, where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.
- B. **Number of Principal Structures on a Lot:** Not more than one (1) principal building and/or structure shall be located on a parcel except in the case of Planned Residential Developments, subject to Article 7, or when associated with the following uses: cemetery, church, college, multi-family dwelling development, farms, governmental or governmental authority facility, hospitals, nursing home, public utility facility, educational facility, planned shopping centers or planned business park developments.

503.1 All accessory buildings or structures: whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in Section 503.2, Section 503.3, 503.4 and Section 503.5.

503.2 A wall or fence: under eight (8) feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard: Retaining walls and fences required for screening, and fences which meet setbacks under this Ordinance are not subject to the eight (8) foot high limitation. Fences may be permitted in front yard areas provided they are no higher than four (4) feet and do not impinge on the required free sight triangle at intersections. Fences for agricultural operations are exempt from these provisions.

503.3 Swimming pools shall be permitted in yard areas: provided that the pool is located not less than ten (10) feet from any lot line. All swimming pools shall be enclosed by a permanent fence at least four (4) feet in height. Above-ground pools may use a combination of sides and screen to reach the required height. However all swimming pool fences shall meet any minimum standards of the Pennsylvania Uniform Construction Code

503.4 Accessory structures for storage and ground maintenance: Small garden sheds, storage sheds and similar structures may be permitted in yard areas, provided such structure does not exceed one thousand square feet and lies no closer than fifteen (15) feet to an adjoining lot line.

503.5 Unattached Accessory Structures for Single-Family Residential Dwellings: A single-story accessory structure of one hundred forty four (144) square feet or less, which is not attached to the principal structure on the lot by means of common wall or connecting permanent roof, may be erected within one of the side yards or within the rear yard in accordance with the following requirements:

- A. Side yard [interior lot] – ten (10) feet
- B. Side yard [lot adjoining two (2) public streets] - same as for principal structure
- C. Rear yard – ten (10) feet
- D. Not closer to a principal structure than ten (10) feet.

503.6 Attached Accessory Structures: When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

503.7 The following building attachments: shall be permitted to project into and/or occupy required yards or other open spaces:

- A. Steps, Stoop, Window Sill, Awning, Belt Course, Similar Architectural Feature, Rain Leader and/or Chimney - Provided it shall not project more than four (4) feet beyond the face of the wall.
- B. Exterior Stairway, Fire Tower, Balcony, Fire Escape or Other Required Means of Egress – Provided it shall not project more than four (4) feet beyond the face of the wall.
- C. Handicapped Access Ramps may project to lot lines provided that they do not impede a line of sight for any road or street.

503.8 Visibility at Intersections: On a corner lot in any district, no structure, sign, fence (except wire or rail fences that permit 90 percent or more visibility). or wall, hedge or other planting shall be erected, placed or maintained at a height of more than thirty (30) inches above the curb line within the triangle formed by the street lines and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection

Section 504 Temporary Structures and Uses

504.1 Temporary Worker and Job Trailers: Temporary construction trailers placed in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for such temporary structures shall be issued for a six (6) month period and may be renewed while construction is in progress. Temporary structures are subject to all use and setback requirements.

Additional Regulations for Temporary Worker Housing: If mobile homes are proposed as temporary worker housing during any construction or development project, the following standards shall be met:

- A. The number of mobile homes proposed shall be clearly identified and their location approved by the Township.
- B. Water supply and waste disposal shall meet all applicable standards.

- C. Mobile homes for temporary housing shall be emplaced on a site for a period of no greater than six (6) months.
- D. All mobile homes shall be removed within thirty days of completion of initial construction or development.
- E. No temporary mobile home shall be placed within two hundred (200) feet of a property line.

504.2 Parking, Major Recreational Equipment: The outdoor storage of nonagricultural recreational vehicles including, but not limited to, travel trailers, motor homes, tent trailers as an “accessory activity” to a dwelling shall be permitted without a zoning permit subject to the following requirements:

- A. It shall be limited to no more than one (1) Recreational Vehicle..
- B. Any such permitted vehicle shall not be used for human habitation for a period exceeding thirty (30) continuous days within a calendar year, unless parked within a recreational campground.

One commercial vehicle or commercial vehicle trailer combination may also be parked outdoors as an accessory to any single family dwelling provided it does not encroach on any line of sight pursuant to 503.8

504.3 Tent, Truck and Temporary Retail Sales:

- A. Tents erected for community or family events, auctions or residential yard and garage sales are exempt from this section provided that temporary structures are removed within five (5) days of erection. However, no such exempt tent or truck shall block any vehicular line of site on a public street. Where the proposed tent or truck used for retail sales, or other temporary sales event will remain in place for more than five days, a zoning permit for a temporary use must be obtained.
- B. The Applicant shall show the location of all temporary signs emplaced in conjunction with the sale
- C. If the property owner is not the sponsor of the sales event, the applicant shall have written permission of the property owner.
- D. No part of any operation shall be located within any required yard or setback.
- E. Mud and dust free parking shall be provided, adequate to the proposed size and use of the tent, truck, or other temporary sales structure.
- F. The event shall not impede or adversely affect vehicular or pedestrian traffic sight distance, flow or parking maneuver. The driveway shall be clearly delineated and if necessary, show any PennDOT approval and/or adequate site distance.
- G. Unless clearly accessory to another retail operation, the maximum duration of any tent or other temporary retail sale shall be fourteen (14) calendar days. No tent sale shall be held upon the same property for thirty (30) days after said event, unless conditional use approval as a flea market is obtained. (Christmas tree sales are exempt from the 14 day limit.)
- H. The applicant shall have sufficient secure trash receptacles on site for all waste generated by the retailer or anticipated customer use.
- I. All signs, merchandise, equipment used in such sales, and all debris and waste resulting from a temporary sale shall be removed from the premises within three days of the termination date of the permit.

504.4 Garage and Yard Sales: Garage and Yard sales are a permitted temporary accessory use without need of a permit, when accessory to residential dwellings, provided that no such sales shall exceed three (3) days in duration, and no more than thirty (30) days of such sales occur within any calendar year upon the premises.

504.5 Mobile Food Vendors: Licensed commercial vehicles or licensed trailers selling food are exempt from this Ordinance provided they are making local deliveries, catering special events of less than twenty-four (24) hour duration, or are operating in a the B1, B-2, or I zone districts. All mobile food vendors must have written permission of the property owner.

Section 505 Airport Zoning

A small portion of Pine Township is within the airport hazard overlay district for the Grove City Airport. The Airport Hazard overlay zoning regulations adopted by the Springfield Township Board of Supervisors are adopted herein by reference.

Section 506 Performance Standards

No use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or noxious to any other property or person in the Township. Furthermore, every industrial or commercial use of land or structure in any district must observe the following performance requirements:

506.1 Fire Protection: Fire protection and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.

506.2 Electric Disturbance: No activity shall cause electrical disturbances adversely affecting radio, television, cellular, internet or other communication equipment in the neighboring area.

506.3 Noise: Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.

506.4 Odors: In any district, no malodorous gas or matter from an industrial activity shall be permitted which is discernible on any adjoining lot or property.

506.5 Air Pollution: No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health, or to animals, vegetation or other property.

506.6 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted. In the R-1 and R-2 Districts, no light shall exceed .5 foot-candles at the property line.

506.7 Erosion: No erosion by wind or water shall be permitted which carry objectionable substances onto neighboring properties.

506.8 Water Pollution: No permit shall be issued until all applicable wastewater, stormwater or erosion/sedimentation control permits have been obtained.

Section 507 Off-Street Loading and Parking

Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

507.1 Off-Street Loading: Every use listed in the following table shall provide off-street loading berths in accordance with its size

| Use | First Berth | Additional Berth(s) Per Each Additional Increment |
|---|-------------|---|
| Institutional Uses | | |
| Schools | 10,000 | 50,000 |
| Hospitals, Nursing Homes, Personal Care Homes, Auditoriums and Arenas | 50,000 | 100,000 |
| Commercial Uses | | |
| Convenience Store/ Service Station | 5,000 | 40,000 |
| Eating and Drinking Place | 40,000 | 50,000 |
| Retail Sales/Shopping Centers | 40,000 | 50,000 |
| Hotel | 50,000 | 100,000 |
| Industrial Uses | | |
| Light Manufacturing | 10,000 | 50,000 |
| Heavy Manufacturing, Wholesale, Warehouses Truck Terminals | 5,000 | 10,000 |

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

507.2 Size and Access: Each off-street loading space shall be not less than ten (10) feet in uniform width and sixty-five (65) feet in length. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto. Loading spaces may be combined with other parking areas and access lanes, provided that no loading space shall be blocked from access during loading and unloading operations at the proposed location

507.3 Off-Street Parking:

- A. **Size and Access:** Off-street parking spaces shall have an area determined by their use. In the case of multi-family dwellings, mobile home parks, industrial and manufacturing establishments, warehouses, wholesale, and truck terminals, each space shall be not less than one hundred forty-four (144) square feet, being at least eight (8) feet wide and eighteen (18) feet long. For all other uses, each space shall have a uniform area of one hundred sixty two (162) square feet, being at least nine (9) Feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be consistent with requirements for private streets in the Mercer County Subdivision and Land Development Ordinance. Access to off-street parking areas shall be limited to well-defined locations, and in

no case shall there be unrestricted access along a street. Single-lane access drives shall be between 10 and 12 feet wide and double-wide access drives may be up to 25 feet wide. In no case shall a curb cut for an access drive be wider than 35 feet.

- B. Off-Street Parking Lot Design: All off street parking lots shall be designed in accordance with standards within the Mercer County Subdivision and Land Development Ordinance.
- C. Number of Parking Spaces Required: The number of off-street parking spaces required is set forth in Table 507.2(C). Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.

Parking Spaces Required Chart 507.3C - On Next Page

Table 507.3 C

Parking Spaces Required

| Use | Parking Spaces Required |
|--|---|
| Residential | |
| Single-Family Dwelling | 2 per dwelling unit |
| Family and Group Day Care | 2 spaces for the dwelling and at least 1 additional space |
| Multi-Family Dwelling | 2.5 per dwelling unit, unless limited to persons over the age of 55, or 1 bedroom units, then 1.5 spaces per dwelling unit |
| Mobile home Parks | 2 per dwelling unit |
| Institutional Uses | |
| Churches, Auditoriums, Indoor Assembly Places | 1 per each 3 seats or 1 per each 4 persons permitted in maximum occupancy |
| Stadiums, Sports Arenas and Places of Outdoor assembly | 1 per each 6 seats or 1 per each 4 persons permitted in maximum occupancy |
| Schools | 1 per each teacher and staff 1 for each 4 classrooms plus 1 for each 2 students age 16 and over |
| Nursing Homes, and Personal Care Homes | 1 per each staff on the largest shift plus 1 per each 4 beds |
| Hospitals | 1 per each staff on the largest shift plus 1 per each bed |
| Commercial Uses | |
| Auto Sales and Service, Trailer Sales, and Similar Outdoor Sales | 1 per 5,000 square feet developed lot area for vehicle display <i>and</i> 1 per 600 square feet customer service area; to a required maximum of 20 designated customer parking spaces |
| Day Care Centers See | One space for every eight (8) children under care and one space for each employee on shift |
| Convenience Store/Service Stations | 1 per 200 square feet gross floor area |
| Hotels/Motels | 1 per guest room plus 1 per each employee on the largest shift |
| Funeral Home and Mortuaries | 25 for the first parlor or viewing room, plus 10 per each additional viewing room |
| Indoor Commercial Recreation | One per each 3 persons in maximum occupancy |
| Outdoor Commercial Recreation | 1 per each 2,500 of lot area developed and used for the recreational activity |
| Medical and Dental Office | 8 spaces per doctor |
| Professional Office and Banks | 1 per each 250 square feet of gross floor area |
| Furniture Stores, Building Material and Supply Yards | 1 per each 1000 feet of gross floor area |
| Eating and Drinking Places (No drive Through) | 1 per each 3 patron seats |
| Retail Stores/Shopping Centers | 1 per each 400 square feet of gross floor area |
| Fast Food, Drive Through Eating and Drinking | 1 per each 2.5 patron seats |
| Recreation Campgrounds | 2 per campsite |
| Industrial Uses | |
| Business Parks, Light Manufacturing, Heavy Manufacturing, Truck Terminals and Warehouses | 1 per each employee on largest shift plus 1 visitor space per each 10,000 square feet gross floor area |

- D. Location of Parking: Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit parking spaces to be located not more than two hundred (200) feet from the lot of the principal use, if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.
- E. Screening and Landscaping: Off-street parking areas for more than fifteen (15) vehicles, and off-street loading areas, shall be effectively screened pursuant to Section 309 on any side which adjoins a residential district or use. In addition, there shall be a planting strip of at least five (5) feet between the front lot line. Such planting strip shall be suitably landscaped and maintained.
- F. Minimum Distance and Setbacks: No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, school, hospital, or similar institution.
- G. Surfacing: With the exception of single-family and two-family dwellings, home occupations, home lot occupations and agricultural operations all parking and loading areas and access drives shall have a dust-free surface (either compacted stone, or paved), graded with positive drainage to prevent the flow of surface water onto neighboring properties. Lots shall be designed to provide for orderly and safe loading and parking.
- H. Lighting: Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from roads or highways.

Article 6 SIGNS

The following sign regulations shall be observed in all districts: It is not the purpose of this section to abridge commercial or non-commercial free speech. The purpose of these regulations is to ensure that the time, place, and manner of sign emplacement within the Township is conducted with regard to the safety of motorists and pedestrians (especially in avoiding distractions or confusion in high traffic areas), access to light and air by neighboring properties, and avoidance of negative impact upon neighboring properties, including unnecessary glare.

Section 601 Exempt Signs

- A. The following types of signs are permitted in all zoning districts, and exempt from permitting requirements, but not from performance standards relative to traffic safety, or overall sign limitations of any specific sign type or district.
- B. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed sixteen (16) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event.
- C. Temporary signs erected in connection with the development or proposed development of the premises or property provided that the area of any such sign shall not exceed sixteen (16) square feet. Not more than one (1) such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one (1) street, in which case one (1) such sign shall be permitted on each separate street frontage. Such signs shall be removed within ten (10) days after the development has been completed and/or the last structure occupied. No such sign may be erected until all zoning, subdivision and land development approvals have been obtained.

- D. Political signs announcing candidates seeking public office, a referendum, or similar political speech, provided that such sign shall not exceed 16 feet in area.
- E. Religious or holiday displays or messages with no commercial content.
- F. The flag of the United States, Commonwealth of Pennsylvania, or any state or nation.
- G. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed ten (10) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
- H. Auctions, garage, or yard sale signs provided that they do not exceed four (4) square feet and are removed as soon as the event or activity has occurred.
- I. Directory signs which list all the occupants of a multi-tenant or multiple-family building, or buildings in a multi-building development; provided, that the area of such signs does not exceed one-half square foot per tenant or two square feet per individual building.
- J. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed sixteen (16) square feet in any Residential District, and thirty two (32) square feet in all other districts; provided that such sign shall be removed upon completion of the work.
- K. Any signs not visible from outside a lot or building.
- L. Displays of time and temperature, including electronic displays.
- M. Rest room, exit, public telephone, handicapped parking or access, and similar directional or informational signs emplaced for the benefit of the public or building tenants.
- N. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing on the premises, provided that the area of such sign shall not exceed two (2) square feet.
- O. House and address numbers, home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed four (4) square feet and may not be illuminated.
- P. Memorial signs or tablets denoting the date of erection of a building.
- Q. Temporary signs announcing the birth of a child, birthday commemoration, marriage, graduation, or similar event in the life of a householder shall be permitted provided such signs do not exceed thirty-two (32) square feet.
- R. Any sign warning of a hazard that contains no other information or commercial content.
- S. Signs erected by the Township or an authorized entity that serve to provide directions and explanations for public recreational purposes and facilities, for dedication/memorial purposes, and to mark and explain historical events, persons or structures. Such signs shall not exceed sixteen (16) square feet in area. Such signs may include the name or logos of businesses or individuals who have sponsored a public improvement or general support of said facility.
- T. Traffic signs and similar regulatory notices placed by a duly constituted governmental body.
- U. Signs erected for the purpose of scoring an athletic event taking place upon the site, which may include electronic scoring devices and names and or logos of sponsors of the sign, provided there is no illumination of the sign at times when the activity is not taking place.

Section 602 Performance Standards

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

- A. Unless specifically exempted by Section 600 of this Ordinance, a permit must be obtained from the Township for the erection or alteration of all signs. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this Ordinance and other codes.
- B. No signs shall be permitted within public rights-of-way, except PennDOT approved traffic signs and devices; signs and banners specially approved by the Township for decoration or promotion of community events and activities; signs not exceeding nine square feet placed temporarily to advertise the sale of real estate or a yard sale; political signs not exceeding nine square feet placed temporarily; signs not exceeding nine (9) square feet placed temporarily to provide notice of or direction to a civic, philanthropic, political, educational, or religious event or activity, or other signs specifically permitted under section 503.7 of this Ordinance (projecting business signs). The Township may require proof of insurance for any sign within a Township right-of-way.
- C. No person shall construct, erect, place, use or permit the use of any permanent or temporary sign or sign structure on private or public property except for the property owner or tenant.
- D. Construction and maintenance: All signs shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards. The owners of signs shall keep them in safe and good repair. Signs which become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal.
- E. No sign structure may block a vehicular line of sight for a driveway, access lane, or public street, or be placed at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device. Sign structures erected directly upon the ground within fifteen (15) feet of any vehicular driveway, or street intersection shall have at least three (3) feet six (6) inches of clear space between such sign and the ground; however, necessary supports may extend through such open space.
- F. No signs shall be permitted which are posted, stapled or otherwise attached to public utility poles, trees, fire hydrants, traffic signposts, light posts, or any Township owned structure.
- G. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- H. Any electronic sign within the Township whether nonconforming, or conforming, shall meet compliance with Sections 606 regarding operating performance standards for public safety and welfare.

Section 603 Illumination

- A. Except as specifically provided for electronic signs, no sign shall employ intermittent light, electronic or movable text, strobes or other animations that may serve to distract motorists, or abutting homeowners.
- B. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
- C. Except as specifically provided for electronic signs by Special Exception, or the use of diffused neon, the light source, whether internal to the sign or external, shall be shielded from view.

- D. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.
- E. All electrical connections shall be shielded by underground or overhead electrical wires which meet all relevant codes. No temporary signs shall be illuminated by direct means.

603.1 Signs may be illuminated by direct or indirect means. Illumination of the sign face shall not exceed one hundred (100) luxes (10 foot candles) measured at a distance of ten (10) feet from the sign, unless any portion of the illuminated sign face is within one hundred (100) feet of an R-1, R-2, or R-3 Residential District and visible from an occupied dwelling in said district. In such cases, illumination shall be reduced to ten (10) luxes (1 foot candle) measured at a distance of ten (10) feet from the sign.

Section 604 Sign Permit Application.

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

- A. Type, area and number of signs proposed
- B. Type of illumination proposed (if permitted), including the luminance proposed and direction of lighting. This shall also be depicted upon a map that illustrates the distance to any RR, R-1 or R-2 zoning districts.
- C. For freestanding signs, a sketch showing the placement of the sign in relation to all driveways, vehicular rights of way, property lines and cart-ways. The developer shall submit current sight distances, before and after erection of the sign with sufficient information to show that sight distances shall not be reduced.
- D. A photograph or graphic rendition of the proposed sign copy, including all symbols, letter, and graphic elements shown to scale and all structural elements intended to anchor the sign.
- E. The Township must specifically approve signs within public rights of way. In the case of temporary signs, the Zoning Officer or his designee shall review the application and grant approval if all applicable standards of this Ordinance are met. In the case of permanent signs, the Zoning Officer shall refer the application to Township Supervisors, who may refer the application for advice to the Planning Commission or any similar advisory committee.
- F. The information required by this section may be integrated into the Township’s land development plan application and approval process where applicable.

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

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

Section 605 Signs Permitted in the Each Zoning District
Table 605

| Zoning District | AC and RR Districts | R-1 and R-2 Districts | B-1, B-2 and I Districts |
|-------------------------|---|---|------------------------------|
| Signage Area Permitted | Aggregate of 64 Square Feet 3 Signs per Property | Aggregate of 32 Square Feet 2 Signs per Property | Aggregate of 500 Square Feet |
| Maximum Area per Sign | 32 Square Feet | 16 Square Feet | 200 Square Feet |
| Maximum Height per Sign | 12 Feet | 7 Feet | 35 Feet |
| Setback | All Signs must be set back from a Property Line or Public Right of Way, by the Height of the Sign | | |

Section 606 Electronic Signs

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

- A. A single LED window sign of up to two (2) square feet in size is permitted for any business use. LED window signs shall not be included as part of calculations of total signage permitted.
- B. An electronic sign is permitted in the B-1 District as an accessory portion of a freestanding or wall sign, the area of the LED shall be included in total sign area calculations. The Electronic Sign shall also meet all the following design and performance standards:
 1. Message display shall remain static for a minimum of five (5) seconds. There shall be no strobe, flashing effect or other animation during the display. Any transitions or change of the display between messages shall not be more than one (1) second. Transitions that involve fading, scrolling, or other animations shall not be permitted.
 2. Illumination: The owner of the sign or his agent shall measure sign luminance with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the sign. Electronic signs of ten square feet or less shall be measured at a distance of thirty two (32) feet. Electronic Signs of greater than ten (10) square feet shall be measured at a distance of 39 feet The difference between the off and solid-message measurements using the criteria shall not exceed 0.3 foot-candles at night. A letter certifying compliance shall be provided to the Zoning Officer.
 3. Dimming Capabilities: All permitted electronic signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement.

4. Electronic signs which malfunction shall be turned off except for testing during any correction or repair.
5. Setback from other electronic changeable copy, electronic graphic display or video display signs: Electronic signs must be separated from other electronic signs by at least thirty-five (35) feet. No more than one (1) electronic sign is permitted per each property, regardless of how many tenants occupy that lot.
6. Orientation. When located within one hundred fifty (150) feet of a residentially-used lot in an R Residential zone, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot.
7. Audio or Pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic sign.
8. The developer shall show compliance with all applicable regulations of the Pennsylvania Department of Transportation for any proposed sign abutting a State Highway.
9. The developer shall show the ability to meet illumination standards under Section 603 of this ordinance. Developer shall present material detailing any differences in proposed LED light as compared to standard light measurement.

Section 607 Billboards and Multi-Vision Signs:

Billboards are permitted in the AC Agricultural Conservation and I Industrial Districts as a Special Exception.

- A. Billboards are limited to the following size limits:
 1. Static: Six Hundred Seventy Two Square Feet (672)
 2. Electronic: Two Hundred Eighty Eight Square Feet (288)
- B. No billboard shall be located within thirty five (35) feet of a public street intersection.
- C. No Billboard shall be placed within seventy five (75) feet of another billboard on the same side of the street.
- D. All Multi-Vision signs shall have a transition time between sign faces of no more than two (2) seconds.
- E. Electronic Billboards must meet all performance standards of Section 605.

ARTICLE 7 PLANNED RESIDENTIAL DEVELOPMENT

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

701 Purpose

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

702 Application of Provisions

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

703 Land Requirements

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

704 Availability of Public Services and Access

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

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

705 Administration

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

706 Standards and Requirements

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

6. Configuration of Structures containing more than one dwelling unit: In the AC and RR Districts, all dwelling units must be single family detached. Multiple Family Dwellings are permitted in PRDs in the R-2 District. Every building in a PRD containing more than one dwelling unit shall have direct first floor access to an outdoor area. No multiple story structure may have a dwelling unit located exclusively on a second floor or higher. Buildings housing more than one dwelling unit may be of a single story configuration or of a townhouse configuration, provided that all second story or higher areas are integral parts of a dwelling unit with primary access on the first floor. Common stairways, garden apartments, and upper story "flats" are specifically prohibited. No building containing more than one dwelling unit shall contain more than four (4) dwelling units per building, except that townhouse units may occur in blocks of no more than six (6) units per building.
 7. Lot Coverage shall be consistent with the Zoning District in which the PRD is located and shall be based upon the entire PRD.
- C. Open Space
1. Area Limitations for Various Uses: Within the PRD, the following percentages of the total gross land area shall be devoted to specified uses as indicated herewith:
 - a. A maximum of fifty (50%) percent of gross acreage for residential use. Land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which area adjacent to and service primarily residences or groups of residences:
 - (1) A maximum of ten percent (10%) of this fifty (50%) percent may be used for accessory retail, dining and service facilities and parking associated with these uses;
 - b. A minimum of fifty Percent (50%) of gross acreage for open space uses:
 - (1) Open space shall not include space devoted to streets and parking:
 2. Open space uses may be any combination or single use listed below:
 - a. Timber management and forestry
 - b. Agriculture
 - c. Equestrian activities by community residents
 - d. Golf courses
 - e. Scenic areas and vista
 - f. Fishing, hunting, wildlife observation, and similar outdoor recreational pursuits
 - g. Developed parklands
 - h. Other open space uses, including innovative stormwater management may be accepted by the Township if approved prior to submission of alternative plan and such uses do not entail residential or commercial use.
 3. All open space areas must be owned by a land trust, government, homeowners' association, or similar responsible body to ensure maintenance or proper management in perpetuity. Means for appropriate permanent dedication or deed covenants to prevent its development shall be required prior to approval. Golf courses may be held in single separate ownership provided that a deed covenant is present to prevent future development. Unless developed parklands, playgrounds, or a central green surrounded by streets or lots, no tract of open space shall be less than five (5) contiguous acres.
 4. Peripheral Open Space: Required setback areas from property lines, pre-existing

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

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

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

D. Permitted Uses

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

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

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

707 Application for Tentative Approval of Planned Residential Development:

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

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

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

708 Public Hearings:

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

709 The Findings:

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

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Township notify such governing body of his refusal to accept all said conditions, in which case, the Township shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

- B. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
 - 1. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of Pine Township;
 - 2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk, and use, and the reason why such departures are or are not deemed to be in the public interest;

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

710 Status of Plan After Tentative Approval:

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

711 Application for Final Approval:

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

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

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

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

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

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

712 Enforcement

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

ARTICLE 8 DEFINITIONS

Section 801 Interpretation

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

Section 802 Specific Terms

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

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

Agricultural Services businesses selling goods or services to a substantially agricultural clientele, including: feed mills, seed sales, feed grinding services and agricultural implement dealers, or businesses that process and sell agricultural products produced upon the same premises, or within the local community. Accessory Building - a subordinate building, incidental to, and located on the same lot as, the principal building, and used for an accessory use.

Accessory Use - a use incidental to, and subordinate to and located on the same lot occupied by the principal use to which it relates.

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

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

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

Assisted Living Facility - any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration, and licensed and regulated as such by the Pennsylvania Department of Public Welfare. For the purpose of this Ordinance, assisted living facilities shall be considered as nursing homes.

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

floor line to the finished grade is five (5) feet or less, and the slope of the finished grade extending ten (10) feet from the building walls does not exceed thirty (30) degrees.

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

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

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

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

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

Building Material/Supply Yards –The storage of material in outdoor yards for retail sale, including lumber, pipe, culverts and block.

Business Service - a business activity that renders financial or other office type service to other commercial or industrial enterprises including banks, credit unions and other financial services.

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

Cemetery - land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Commercial Recreation, Indoor - a facility which offers various indoor recreational opportunities for its patrons including such games as: pool, billiards, bowling, video or computer games, other electronic simulation games, and similar pursuits.

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

Commercial Recreation, Intensive Outdoor– a facility which offers various outdoor recreational or spectator opportunities for its patrons including go-cart raceways, paintball, auto raceways, motor sports, outdoor amplified entertainment such as concert parks, commercial shooting ranges, and similar pursuits.

Commercial Vehicle A commercial vehicle is one (1) licensed truck/tractor or one (1) licensed trailer or a combination of one (1) licensed truck-tractor and one (1) licensed trailer that: (a) has a gross weight of over 26,000 pounds, (including combined weight if towed unit weighs over 10,000 pounds) ; or (b) is designed to transport 16 or more persons, including the driver, or (c) is used to transport hazardous materials.

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

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

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

Coverage – the percentage of a lot covered by buildings or above grade structures (including accessory buildings and structures), measured by roof area divided into lot area.

Correctional Facility - A facility that provides lodging, meals, counseling, treatment, and rehabilitation to adjudicated delinquents, parolees, and individuals, with security to confine said persons. This definition includes community corrections centers as well as other similar transitional housing for offenders.

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

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

Childcare for less than four (4) children will not be considered as Day Care Services. The definition of day care services shall be subject to licensing changes by the Pennsylvania Department of Public Welfare.

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

- (a) **Single-family dwelling** - a building containing only one (1) dwelling unit.
- (b) **Two-family dwelling** - a building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.
- (c) **Multi-family dwelling** - a building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments.
- (d) **Detached dwelling** - a dwelling with yards on all four (4) sides.

No single family and/ or detached dwelling shall be constructed of less than 750 square feet gross floor area.

Dwelling Unit - a building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one (1) family.

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

Essential Services - the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal

or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

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

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

Family - an individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a Group Residence with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Halfway House, Assisted Living Facility, or Nursing Home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act. Family shall not include group housing for unrelated persons who constitute a direct threat to others or their physical property.

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

Forestry – the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, Pursuant to Section 603F of the PA Municipalities Planning Code, forestry shall be a permitted use by right in all zoning districts wherein harvesting of timber is not conducted pursuant to any land development. While permitted, forestry is subject to the standards of Article 4.

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

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 structure on all sides.

Group Residence – A permanent, family-like living arrangement for persons who may have a disability or other limitation that requires additional care or supervision in daily living. This definition does not include group housing for persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or have a status as a sex offender, persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.

Garage or Yard Sale – A temporary event to sell used household goods from a single family dwelling, an accessory building, or a yard area.

Gross Floor Area (GFA) - the total floor area for which the tenant pays rent and that is designed for the tenant’s occupancy and exclusive use.

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

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

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

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

Home- Lot Occupation – a form of service or repair business conducted as accessory to a home or farm by an owner resident. This may include woodworking enterprises and similar artisan and craftwork, repair services such as welding or machinery repair, and incidental retail sales of items produced on the premises.

Hospital - an institution providing health services primarily for human medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

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

Interior Streets/Roads – A newly constructed street/road designed to provide vehicular access to abutting properties in a Planned Residential Development and discourage other through traffic. The sole purpose of an Interior Street/Road is to serve the lots and/or units in the Planned Residential Development.

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

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

Light Manufacturing - the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce: noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within four hundred (400) feet, including production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition, machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).

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

Lot Area - The computed area of a lot contained within the lot lines and measured at grade on a horizontal plane

Lot, Corner - a lot at the point of intersection of and adjoining on two (2) or more intersecting streets.

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

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

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

Mobile Home Lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

Neighborhood Business - small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by smaller size less than five thousand (5,000) square feet gross floor area and confining all commercial activities indoors.

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking signs or lights.

- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- H. The business shall not involve any illegal activity.
- I. If the business meets all such requirements, it shall be considered a lawful accessory use to a dwelling.

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

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

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

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

Oil or Gas Drilling—The Act of creating a pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

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

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

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

Personal Services - any enterprise conducted for man which primarily offers services to the general public, such as: shoe repair, valet services, watch repairing, barber shops, beauty parlors and related activities.

Place of Worship and Assembly - a place of religious instruction or public gathering and worship, which may include incidental instruction and charitable activities but not including a public school, university, college, trade or commercial school, day care services, or any form of group residence or halfway house. This definition includes similar non-religious places of public assembly such as libraries, museums, municipal meeting rooms and other forms of interior public assembly that do not include entertainment or regular provisions of food and drink for a fee.

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

Private Clubs – buildings and related facilities owned and operated by an association or group of individuals established for fraternal, social, educational, conservation, recreational or civic benefit of members. Full access to facilities is typically restricted to members and their guests. For the purposes of this Ordinance, this definition does not include miniature golf, golf driving ranges, paintball, or other uses defined by this Ordinance as various forms of commercial recreation. It also shall not include any sexually oriented business or bottle club.

Professional Office - the office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation.

Public Parks and Playgrounds - parks and playgrounds that are owned and operated by the Township or by an authority created for such purposes by the Township or any government agency.

Recreational Vehicle A vehicular type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No Recreational Vehicle shall be used as a permanent dwelling or business.

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

Retail Liquor Store – A private enterprise that sells distilled spirits. This definition does not include a state owned and operated liquor store, wholesaler, licensed bar or tavern, stores selling only malted beverages, or a licensed limited winery (or retail outlet thereof) or brewery.

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

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

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

Setback An area within a designated yard within which no building or structure may be built, expanded, or encroached upon, except where expressly permitted.

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

Sexually Oriented Business – businesses which require a license and meet the definitions contained in the Pine Township Sexually Oriented Business Licensing Ordinance.

Shopping Center – a commercial facility developed as a mixture of uses, including retail sales, theaters, personal services and eating and drinking places, but planned, constructed, managed or promoted as an integral whole.

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

Sign, Business - a sign that directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

Sign, Electronic – a sign or portion thereof that displays electronic alphanumeric, video or graphic information using different combinations of single color light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, and capable of changeable copy or images. Electronic

signs include computer programmable, microprocessor or other remotely controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs with no other content. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

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

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

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

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

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

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

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

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

Structure - *Consistent with the Pennsylvania Municipalities Planning Code, a structure is defined as:* any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Examples of such include, but are not limited to any 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 tower, trestle, pier, wharf, open shed, coal bin, shelter, fence, wall and a sign.

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

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

Warehousing and Distribution - a use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. For the purpose of this Ordinance, storage of explosive, flammable, hazardous or community-recognized offensive conditions shall be considered heavy industry.

Yard - that portion of a lot that is unoccupied and open to the sky and extends from the lot line or right-of-way to a setback or yard line. (SEE LOT AND YARD AREA SKETCH)

Yard, Front – a setback line from an adjacent right-of-way extending for the full width of the lot. (SEE LOT AND YARD AREA SKETCH)

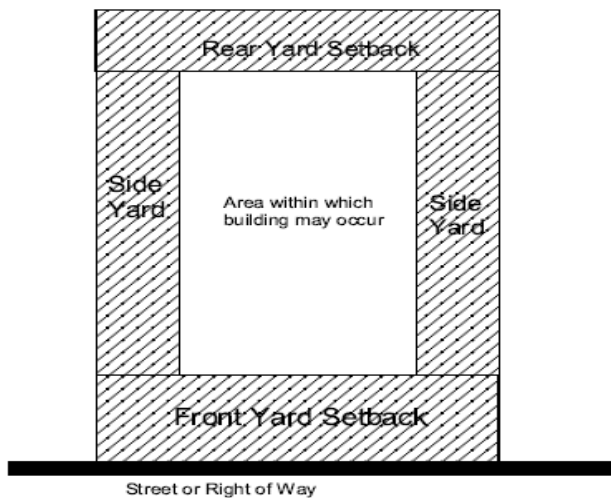
Yard, Rear – a yard between the rear lot line and a line drawn, parallel thereto at such distance as may be specified herein for any zoning district, and extending for the full width of the lot. (SEE LOT AND YARD AREA SKETCH)

Yard, Side – an open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line. (SEE LOT AND YARD AREA SKETCH)

Yard Sale - See Garage Sale

Zoning Officer - the Zoning Officer of the Township or his/her authorized representative.

Lot and Yard Sketch



ARTICLE 9 ZONING HEARING BOARD

Section 901 Creation

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

901.1 Creation of Joint Board:

The Board of Township Supervisors may enter into an agreement with any other zoned municipality for creation of a Joint Hearing Board. The action of creating a joint board shall be an abolishment of the Township board, except that the two members of the Township board with the longest terms shall be appointed to the joint zoning hearing board. The joint board shall have jurisdiction over any matter brought before it pursuant to Section 808 immediately after its creation, but not over any pending matter, unless agreed to by the applicant.

Section 902 Appointment

The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the

term. Members of the Board shall hold no other office in the Township, nor be a member of the Planning Commission. The Board of Township Supervisors shall also appoint one (1) alternate member to the Board. The appointment, rights and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code.

Section 903 Removal of Members

Any Board member may be removed for misfeasance or nonfeasance in office, or for other just cause, by a majority vote of Council, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 904 Organization of Board

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

Section 905 Expenditures for Services

Within the limits of funds appropriated by the Township Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by the Township Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors.

Section 906 Legal Counsel

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

Section 907 Hearings

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

- A. Notice shall be given to the public by notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The Board of Township Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

- C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- J. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer or such time as fixed by the Pennsylvania Municipalities Planning Code. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the

hearing officer. Where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction. All variances granted by the Zoning Hearing Board and conditional uses granted by the Board of Township Supervisors shall expire eighteen (18) months from the date of the Board's action unless construction has been initiated or a land development plan has been submitted for approval.

- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board nor later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 908 Board's Functions:

The Board shall have exclusive jurisdiction for the following:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and Section 808(H) of this Ordinance.
- F. Appeals from the Zoning Officer's determination under Section 916.2 of the Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Articles VI or VII applications of the Planning Code.
- H. **Variances:** The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the

Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

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

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance. All variances granted by the Zoning Hearing Board shall expire eighteen (18) months from the date of the Board's action approving the variance, unless a land development plan has been submitted or a construction permit obtained.

Section 909 Parties Appellant Before Board

Appeals under Section 908 and proceedings to challenge the Ordinance under Section 908 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 908 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

Section 910 Time Limitations; Persons Aggrieved

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.

Section 911 Stay of Proceedings

Upon filing of any proceeding referred to in Section 908 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals

on petition after notice to the Zoning Officer or other appropriate agency or body. See also Section 915.1 of the Planning Code.

ARTICLE 10 ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 1001 Zoning Officer

The Township of Pine shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall also have the duties as set forth by Section 1002 of this Ordinance. The Zoning Officer shall not hold any elective office in the Township. The Township may appoint a deputy zoning officer, or administrative assistant to the Zoning Officer. An administrative assistant may hold other offices in the Township, but not exercise any powers of the Zoning Officer.

Section 1002 Duties of the Zoning Officer

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

1002.1 Application for Zoning Permits: The Zoning Officer shall receive applications for Zoning Permits and/or Certificates. A Zoning Permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Township ordinances. Applications conforming to such ordinances shall be approved; those not conforming to such ordinances shall be denied.

1002.2 Inspections: The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Zoning Permit or a Zoning Certificate has been requested. Such inspections may be before, during and after any construction and shall be made upon the termination of construction and prior to the issuance of a Certificate of Occupancy.

1002.3 Permits, Applications, Appeals and Certificates: The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved; shall receive all applications for Conditional Uses, Special Exceptions and Variances and forward same to the appropriate body. Where a decision is made by another body, the Zoning Officer shall issue or deny the permit as ordered by the applicable Board.

1002.4 Enforcement: The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance and to revoke or refuse permits as authorized.

1002.5 Non-Conforming Use Registry: The Zoning Officer may compile a register of nonconforming uses. If compiled, this registry shall be kept at the Township offices, and updated upon any amendment of the ordinance as necessary. A certificate of nonconformity may be granted upon payment of a fee determined by resolution of the board of supervisors.

Section 1003 Permits and Certificates

1003.1 Zoning Permits: An application for a Zoning Permit will be to show compliance with this and other appropriate Township ordinances. Applications shall contain information relative to the proposed construction and/or use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including any sketches, plat plans as well as the number of copies, time limits and fees for such applications shall be determined by the Township.

1003.2 Zoning Certificate: The Zoning Certificate shall be issued upon request to confirm that the use of land or a building within the Township is in compliance with this Ordinance. Zoning Certificates shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure. The exact form of the Certificate and fees charged shall be determined by the Township.

1003.3 Sign Permit: A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Article Six of this Ordinance.

- A. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information required in section 604 as well as such additional information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of Article Six of this Ordinance.
- B. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.

Section 1004 Violations

1004.1 Enforcement Notice: When it appears to the Township and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

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

1004.2 Causes of Action: In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, and any amendment thereto or prior enabling laws, the Township, the Zoning Officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Township Supervisors of Pine Township. No such action may be maintained until such notice has been given.

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

1004.4 Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

1004.5 Causes of Action: To protect public health safety and welfare, nothing in this chapter shall prevent the Township or its agents from seeking injunctive relief, or other means to action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation pursuant to Section 617 of the Pa Municipalities Planning Code.

ARTICLE 11 AMENDMENTS

Section 1101 General

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

Section 1102 Petitions

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

Section 1103 Referral

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

Section 1104 Action

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

Section 1105 Curative Amendments

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

**ARTICLE 12
EFFECTIVE DATE**

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

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

Township of Pine
Mercer County, Pennsylvania

Chairman – Board of Supervisors

Member – Board of Supervisors

Member – Board of Supervisors

**ARTICLE 13
CERTIFICATION**

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

Township Secretary