

**ZONING**

**Chapter 155**

**ZONING**

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**[HISTORY: Adopted by the Board of Commissioners of the Township of Stonycreek 2-9-1993 by Ord. No. 505. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Planning Commission — See Ch. 25.  
Erosion control — See Ch. 67.  
Flood damage prevention — See Ch. 77.  
Subdivision of land — See Ch. 133.

**ARTICLE I  
General Provisions**

**§ 155-1. Enacting clause.**

The Commissioners of Stonycreek Township hereby ordain and enact as follows.

**§ 155-2. Short title.**

This chapter shall be known as the "Township of Stonycreek Zoning Ordinance," and the map referred to herein and made a part of this chapter shall be known as the "Township of Stonycreek Zoning District Map."<sup>1</sup>

**§ 155-3. When effective.**

The effective date of this chapter shall be 10 days after the advertisement of this chapter by the Township Commissioners under the Municipalities Planning Code (MPC).

**§ 155-4. Validity; conflict with other provisions.**

- A. Should any section or provision of this chapter be declared invalid, the same shall not affect the validity of the chapter as a whole nor any part thereof other than the part so declared to be invalid. Where a provision of

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<sup>1</sup> Editor's Note: Said Zoning Map is on file in the township offices.

this chapter is found to be in conflict with a provision of any building or housing code or in any applicable health regulations or in any other ordinance of the Township existing on the effective date of this chapter, or in any regulation issued under the authority of such code or ordinance, the provisions which established the higher standard for the protection of health, safety and welfare shall prevail. In the event that a higher standard cannot be determined, then the later enactment shall prevail.

(Cont'd on page 15507)

- B. Provisions regarding procedures contained in the MPC shall be deemed to supersede and supplant any provision contained in this chapter and are incorporated by reference herein.

**§ 155-5. Purpose and community development objectives.**

The purpose of this chapter shall be designed:

- A. To promote, protect and facilitate one (1) or more of the following: the public health, safety, morals and general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, and the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as
- B. To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation and loss of health, life or property from fire, flood, panic or other dangers. This chapter has been made in accordance with an overall program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.
- C. To facilitate the development of the township to fulfill the goals and objectives of the Stonycreek Township Comprehensive Plan dated June 1969 in developing the township primarily as a residential area with the preservation of natural beauty, supplemental nonresidential development and a sound fiscal basis.

ARTICLE II  
Definitions and Word Usage

**§ 155-6. Word usage.**

The following rules of construction shall apply to this chapter:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this chapter and any caption of illustration, the text shall control.
- C. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future, words in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and/or "occupied for."

**§ 155-7. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING OR ACCESSORY USE — A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use. An "accessory use" includes, but is not limited to, the following:

- A. Children's playhouse, garden house or private greenhouse.
- B. Civil defense shelter serving not more than two (2) families.



- C. Deck or porch in excess of two (2) feet from ground level at any point.
- D. Garage, shed or building for domestic storage.
- E. Incinerator incidental to residential use.
- F. Storage of merchandise normally carried in stock on the same lot with any commercial use unless such storage is excluded by the district regulations.
- G. Parking of boats, boat trailers and travel trailers and recreational vehicles not used as a dwelling on the premises, provided that said equipment is parked within the setback lines required of any accessory structure.
- H. Private garage.
- I. Private swimming pool appurtenant to an allowed use on the same lot when meeting the width requirements of the district for principal buildings and when the swimming pool or the property on which it is located is adequately fenced to prevent free access of small children and meets all applicable health and sanitary requirements.
- J. Off-street motor vehicle parking area and loading and unloading facility.
- K. Fence and sign.
- L. Home occupation.

ALLEY — A service way at least fifteen (15) feet wide providing a secondary public means of access to abutting properties.

ALTERATIONS — As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another or any change in use from that of one zoning district classification to another.

ALTERATIONS, STRUCTURAL — Any change in the supporting members of a building such as bearing walls, columns, beams, girders or foundations.

APARTMENT — A room or suite of rooms in a multiple-family structure which is used as a single housekeeping unit and which contains complete kitchen, bath and toilet facilities permanently installed.

APARTMENT BUILDING — A building used by three (3) or more families living independently of each other and containing dwelling units.

AREA, BUILDING — The total of areas taken on a horizontal plane at the main grade level of the principal building exclusive of uncovered porches, terraces, steps, garages and other accessory buildings.

AUTOMOBILE REPAIR, MAJOR — Engine rebuilding or major reconditioning or work on damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.

AUTOMOBILE REPAIR, MINOR — Incidental repairs, replacement of parts, motor service to automobiles and state inspection, but not including any operation specified under "automobile repair, major" above.

BASEMENT — A story partly underground, but having at least one-half ( $\frac{1}{2}$ ) of its height above the average level of the adjoining ground. A "basement" shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is five (5) feet or more or if the basement is used for business or dwelling purposes.

BILLBOARD — A structure, building wall or other outdoor surface used to display lettered, pictorial, sculptured or other matter which directs attention to any product, commodity or service offered only elsewhere than on the premises or as a minor and incidental service on the premises.



BOARD — The Zoning Hearing Board of the Township of Stonycreek.

BUFFER AREA — A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

BUILDING — A structure having a roof supported by columns or walls for the shelter of persons, animals, chattels or property. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered as a separate "building."

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade from the lowest ground level to the highest point of the roof for flat roofs, to the deckline of mansard roofs and to the mean height between eave and ridge for gable, hip and gambrel roofs.

BUILDING or SETBACK LINE — The line within a property defining the required minimum distance between any building and the adjacent right-of-way or property line. This includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include walks, steps, paved areas or terraces.

- A. FRONT SETBACK LINE — The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.
- B. SIDE SETBACK LINE — The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.
- C. REAR SETBACK LINE — The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

COVERAGE — That percentage of the lot area covered by the building area.

DISTRICT, ZONING — A section of the township for which uniform regulations governing the use, height, area and intensity of use of buildings and land and open spaces about buildings are herein established.

DRIVEWAY — A minor private way used by vehicles and pedestrians on a mobile home lot or used for common access to a small group of lots or facilities.

DWELLING — A building designed or used exclusively as the living quarters for one (1) or more families. Such dwelling shall be constructed or fabricated permanently in place on a foundation and shall meet area requirements as established for each zoning district. Any building designed for movement with an axle and wheel (mobile home) shall not be considered a "dwelling" under this definition.

- A. ONE-FAMILY — A detached building designed for or occupied exclusively by one (1) family.
- B. TWO-FAMILY — A building designed for or occupied exclusively by two (2) families living independently of each other, with separate dwelling unit entrances.
- C. MULTIPLE-FAMILY — A dwelling or group of dwellings on one (1) plot or lot containing separate living units or dwelling units for three (3) or more families, but which may have joint services or facilities, or both.
- D. GROUP — A group of two (2) or more one-family, two-family or multiple-family dwellings occupying a lot in one (1) ownership and having a yard in common.
- E. MULTISTORY MULTIPLE-FAMILY — A multiple-family dwelling of more than three (3) stories.
- F. ROW — A multiple-family dwelling divided by party walls into distinct and noncommunicating units,

each dwelling unit of which has direct access to outdoors.

**FAMILY** — One (1) or more persons related by blood, marriage or adoption or three (3) unrelated persons living as a household in a dwelling unit. It may also include domestic servants and gratuitous guests.

**FLOOR AREA** — The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of common walls separating buildings. For purposes of determining parking and loading space requirements for the several zoning districts herein, the "floor area" of a building or buildings shall include: basement space, penthouses, attic space providing structural headroom of seven and one-half (7½) feet or more, interior balconies and mezzanines, enclosed porches, accessory uses other than accessory off-street parking, lobbies and hallways. For determination of parking and loading space requirements, the following areas shall not be included: cellar space, elevator shafts and stairwells, floor space for mechanical equipment as necessary to service the needs of the building, uncovered steps, terraces, breezeways, open spaces unroofed unless specifically required in the parking regulations herein and fitting and dressing rooms. For the purpose of determining minimum floor area as applied to a dwelling unit, "floor area" shall mean the habitable living area of the dwelling as measured by exterior dimensions and shall not include attached garages, unfinished basements, laundry or furnace rooms or carports. Neither are porches included unless completely enclosed and finished.

**GARAGE, PRIVATE** — An accessory building housing only motor-driven vehicles, the property of and for the use of the occupants of the lot on which the "private garage" is located.



**GARAGE, PUBLIC** — Any garage, other than a private garage, available to the public and which is used for storage, parking, repair, rental, greasing, washing, servicing, adjusting or equipping of motor-driven vehicles.

**HEALTH AUTHORITY** — The State Department of Health or its authorized representative of Stonycreek Township.

**HOME OCCUPATION** — An accessory use of a service character customarily conducted within a dwelling by the residents which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate and in connection therewith there is not involved the keeping of or exhibition of stock-in-trade. The office of a physician, surgeon, dentist, architect, attorney or other professional person shall be deemed to be a "home occupation." Instructions in violin, piano or other individual musical instruments limited to a single person at a time shall be deemed a "home occupation." The occupation of dressmaker, watchmaker, milliner seamstress or persons who offer skilled services to clients and are not engaged in the purchase or sale of economic goods shall be deemed to be a "home occupation."

**HOSPITAL** — Includes a sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and any place for the diagnosis, treatment or other care of human ailments, and shall be deemed to be limited to such places.

**HOTEL** — A building in which lodging is provided and offered to the public for compensation and in which ingress and egress to and from rooms is made from an inside lobby or office supervised by a person in charge at all hours and which is open to transient guests, in contradistinction to a boardinghouse, lodging house or rooming house.

**HOTEL, MOTOR** — A building in which lodging is provided and offered to the transient public for compensation and in which egress and ingress to and from rooms may be made either directly from the exterior or through an inside lobby or office supervised by a person in charge at all times.

**INSTITUTIONAL HOUSE** — A public or private benevolent establishment devoted to the shelter, maintenance or education and care of minor children; homeless aged or infirm persons; or members of a religious community. The classification shall not include almshouses, penal or reformatory institutions, nursing homes or institutions for the custody, care or treatment of persons suffering from amentia, mental derangement, or drug or alcoholic addiction.

**LOADING SPACE** — A space within the main building or on the same lot therewith providing for the standing, loading or unloading of vehicles.

**LOT** — A parcel, tract or area of land accessible by means of a public street. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder or it may include parts of or a combination of such parcels when adjacent to one another and used as one (1) parcel.

**LOT, CORNER** — A lot at the junction of two (2) or more intersecting streets and having frontage on two (2) or more such streets.

**LOT, DEPTH OF** — The mean horizontal distance between the front line and the rear lot line, measured midway between the side lot lines.

**LOT, INTERIOR** — A lot other than a corner lot or a through lot.

**LOT LINE, FRONT** — In the case of an interior lot, the line separating the lot from the street. In case of a corner lot, the line separating the narrowest frontage of the lot from the street.

LOT, THROUGH — A lot having frontage on two (2) parallel or approximately parallel streets and which is not a corner lot.

LOT WIDTH — The dimension of a lot, measured between the side lot lines on the building line.

MOBILE HOME — A manufactured, transportable, single-family dwelling unit suitable for year-round occupancy and containing water supply, waste disposal and electrical conveniences.

MOBILE HOME LOT — A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

MOBILE HOME PARK — A contiguous parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association or corporation.

MOBILE HOME STAND — That part of an individual lot which has been reserved for the placement of one (1) mobile home unit.

MOTEL — See "hotel, motor", herein.

MPC — The Pennsylvania Municipalities Planning Code.<sup>2</sup>

MUNICIPAL OR PUBLIC BUILDING — Any building or structure erected, altered and/or occupied by a governmental or public agency or organization providing services and facilities for the general public.

NONCONFORMING USE — A building or use of land lawfully existing on the effective date of this chapter that does not completely conform to the use regulations for the district in which it is located.

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<sup>2</sup> Editor's Note: See 53 P.S. § 10101 et seq.



**NURSERY SCHOOL** — A school designed to provide daytime care or instruction for two (2) or more children of preschool age.

**OFFICE STRUCTURE** — A structure designed and used only for office and administrative activities, and shall not include those activities of a commercial or manufacturing nature.

**PARKING LOT** — Any lot, parcel or yard used in whole or in part for the storage or parking of two (2) or more vehicles where such usage is not incidental to or in conjunction with a one-family or two-family dwelling.

**PARKING SPACE** — An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

**PARK STREET** — A private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

**PLANNING COMMISSION** — The Planning and Zoning Commission of the Township of Stonycreek.

**SELF-SERVICE LAUNDRY** — A business that provides home-type washing, drying or ironing machines or dry-cleaning machines for hire to be used by customers on the premises.

**SERVICE BUILDING** — A structure housing toilet, lavatory and such other facilities as may be required by this chapter.

**SERVICE STATION** — A building(s), premises or portions thereof which are used, arranged, designed or intended to be used for the retail sale of gasoline or other fuel for motor vehicles, boats or aircraft as well as for minor automobile repair, including state inspection.



**SIGN** — Any surface, fabric, display of merchandise or vehicle device bearing lettered, pictorial, sculptured or other matter designed to convey information visually and exposed to public view; any structure designed to carry the above visual information; and any structure or device designed or installed principally to direct or attract attention, except traffic signs or devices.

**STORY** — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is not a floor above it, then the space between the floor and the ceiling next above it.

**STREET** — A public or private way other than an alley which affords the principal means of access to abutting properties.

**STRUCTURE** — Anything constructed or erected, the use of which requires location on or in the ground or attachment of something having location on or in the ground.

**TRAVEL TRAILER** — Any trailer usually drawn by a passenger automobile, used for occasional transport of personal effects.

**USE** — The specific purpose for which land or a building is designed, arranged or intended or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**YARD** — A space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this chapter.

**YARD, FRONT** — A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the lot line and building line.

**YARD, REAR** — A yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied by other than accessory buildings which do not occupy more than thirty percent (30%) of the space and steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such building.

**YARD, SIDE** — A yard between the principal building and the side lot line extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required "side yard" is measured horizontally and at ninety degrees (90°) with the side lot line, from the nearest part of the principal building.

**ZONING OFFICER** — The person duly appointed by the Township of Stonycreek to enforce and administer the provisions of this chapter.

### ARTICLE III Establishment of Districts

#### **§ 155-8. Establishment of districts and Zoning District Map.**

- A. The Township of Stonycreek is hereby classified and divided into five (5) districts designated as follows:

R-1 District: R-1 One-and Two-Family Dwelling District

R-2 District: R-2 Multifamily Dwelling Units District

R-3 District: R-3 Multifamily Dwelling Units District

C District: C Commercial District

M District: M Light Manufacturing District

- B. The Zoning District Map which is attached hereto and made a part hereof shows the boundaries of the areas covered by the districts listed in this section.<sup>3</sup>

**§ 155-9. Interpretation of district boundaries.**

- A. Where district boundaries are indicated as approximately following the center lines of streets, highways, street lines, highway right-of-way lines or streams, such center lines shall be construed to be boundaries.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- C. Where district boundaries are so indicated that they approximately follow or are parallel to the center lines of streets, highways or the rights-of-way of the same, such district boundaries shall be construed to be parallel thereto and at such distance therefrom as indicated on the Zoning District Map.
- D. Where the boundary of a district follows a stream or other body of water, another municipality or municipality boundary, the boundary shall be deemed to be the limits of jurisdiction of the township, unless otherwise indicated.

**ARTICLE IV  
General Regulations**

**§ 155-10. Conformance and permits.**

No building, structure, use or land shall, after the effective date of this chapter, except for existing nonconforming uses, be used or occupied and no building or part thereof shall be

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<sup>3</sup> Editor' Note: Said Zoning Map is on file in the township offices.

erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located, and then only after applying for and securing all permits and licenses required by all laws and ordinances.

**§ 155-11. Construction or alteration.**

No building or use shall hereafter be erected or altered to exceed the height to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have a narrower or smaller rear yard, side yard or front yard than is herein specified for the district in which the building is located.

**§ 155-12. Yards.**

No part of a yard or other open space about any building required for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or open space similarly required for another building.

**§ 155-13. Substandard dwellings.**

No structure shall be used or occupied as a dwelling if such structure is in need of such major structural repairs as to render it unsafe or unsanitary or if the premises do not have connection with the municipal sewer system or alternative sanitary sewage facilities approved by the local public health authorities jurisdiction.

A. Items which may be considered to render a structure unsafe or unsanitary shall include but not be limited to:

- (1) Lack of water supply or storage capabilities where the property is inhabited by persons or animals.
- (2) Lack of heating arrangements where the property is to be used for human habitation during winter months, except for hunting camps.



- (3) Lack of adequate properly functioning sewage facilities on a property intended for human habitation.
  - (4) Lack of structural or shell integrity, i.e., holes in walls or roof or windows missing.
  - (5) Any item otherwise substantially out of conformance with provisions of this chapter.
- B. Upon identification of such situation by the Zoning Officer, notice shall be given as provided for in § 155-52. If arrangements for compliance are not made within thirty (30) days or compliance completed within ninety (90) days, unless a greater time period is provided for elsewhere, the township may demolish the structures and/or regrade the property to approximate original contour and assess the costs of demolition against the property as a municipal lien.

**§ 155-14. Uses requiring site plan and/or site plan approval.**

- A. All uses of property for one-and two-family dwellings. The application for a permit shall be accompanied by a site plan at an appropriate scale to indicate the following:
- (1) The size and shape of the property, including property line dimensions, corners, easements, rights-of-way and names of adjacent properties.
  - (2) The size, shape, height, area and location of all principal and accessory buildings. Dimensions from all buildings to adjacent property lines shall be indicated.
- B. Use of property other than one-and two-family dwellings. In addition to the above requirements, uses of all property other than one-and two-family dwellings in R-1, R-2, R-3 and C Districts shall, in addition to conforming to any and all regulations pertaining thereto that are

specifically set forth in this chapter, shall include a plot plan, a site plan and/or other drawings as required and approved by the Zoning Officer. In addition, all public or semi-public buildings, all community unit plans and special exceptions shall be in accordance with a plot plan, site plan or other drawings approved by the Planning Commission and Zoning Hearing Board, as is necessary in cases where exceptions are granted. The plot plan, site plan and/or other drawings shall show, in addition to any specific requirements set forth in the district regulations herein, the following:

- (1) The location of principal and accessory buildings.
  - (2) Traffic circulation features within the site.
  - (3) The location of vehicular access onto the site.
  - (4) The height and bulk of structures.
  - (5) The provision of off-street parking and loading facilities.
  - (6) The provision of open space.
  - (7) The landscaping, paving, fencing, walls and signs on the site.
- C. In considering any plan hereunder, the Planning Commission will endeavor to assure safety and convenience of traffic movement, harmonious and beneficial relationship of buildings and uses on the site as well as to contiguous properties and overall development in a manner not detrimental to the public at large before giving a recommendation to the Zoning Hearing Board.

**§ 155-15. Public utility lines.**

An easement for the transportation, distribution and control of water, gas, electricity, oil, steam, telegraph, cable television and telephone required to be located on a lot shall not be held to reduce yard dimension for other buildings on a lot.

**§ 155-16. Lots of record not meeting lot area requirements.**

A one-family dwelling may be erected or altered upon a lot on an approved plan of record, which lot has insufficient area and dimensions to meet the lot area and setback requirements, provided that said lot, on the effective date of this chapter, was held under separate ownership from adjoining lots and is presently held under separate ownership from the adjoining lots, under the following regulations: the side yard setback line shall be reduced from fifteen (15) feet on a lot sixty (60) feet wide at the rate of one half ( $\frac{1}{2}$ ) foot for each foot of width said lot is less than sixty (60) feet in width, to a minimum internal setback line of five (5) feet on any lot and a minimum side yard setback line of ten (10) feet abutting a street.

**§ 155-17. Fences and enclosure walls.**

- A. An open fence or wall with a ratio of solid portion to open portion not exceeding two to one (2:1) may be built to a height of six (6) feet along or within the property line, provided that said fence or wall does not obstruct the field of vision for vehicular street traffic.
- B. A solid fence or wall not exceeding a height of six (6) feet must comply with the setback requirements for an accessory building.
- C. Decorative fences not exceeding a height of two (2) feet and retaining walls shall be excluded from the foregoing requirements and shall not require the issuance of a building permit.

**§ 155-18. Smoke alarms.**

All structures hereinafter erected and all structures which are occupied or continue to be occupied by any person within the township shall be equipped with at least one (1) operable smoke alarm.



ARTICLE V  
**Residential Districts**

**§ 155-19. R-1 Residential Districts.**

Within the R-1 Residential District the following regulations shall apply:

A. Permitted uses shall be as follows:

- (1) One-family detached dwelling.
- (2) Two-family dwelling.
- (3) Church or similar place of worship.
- (4) School, public, private or parochial having curriculum similar to that offered in a public school.
- (5) Municipal building.
- (6) Park or playground (public).
- (7) Home occupations (as specified).
- (8) Temporary building used for construction purposes not to exceed a period of one (1) year.
- (9) Accessory uses customarily incidental to any of the above-permitted uses.
- (10) As special exceptions under Article VIII: planned residential development (§ 155-25).

B. Setbacks shall be as follows:

- (1) Residential structure and accessory buildings, enlargements and alterations:
  - (a) Interior lot:
    - [1] Front: twenty-five (25') feet.
    - [2] Rear: fifteen (15') feet.
    - [3] Side: fifteen (15') feet.
    - [4] Where more than fifty percent (50%) of the lots within a block in either direction

fronting a street contain existing structures, the front yard setback may be reduced to conform to the setback line of existing structures.

(b) Corner lot:

[1] Street sides: twenty (20) feet.

[2] Interior: fifteen (15) feet.

(2) Nonresidential structure: Except those accessory to residential use:

(a) Front: fifty (50) feet.

(b) Side: thirty (30) feet.

(c) Rear: twenty-five (25) feet.

(3) Accessory Structures to Residential Use: On any lot with a width not over 80 feet, on the rear one third ( $\frac{1}{3}$ ) of the lot the side and rear setback lines may be five (5) feet, except where the side or rear line is a street, in which case the setback shall be the same as for a residential structure.

C. Height. The maximum height of buildings hereafter erected or altered shall be as follows:

(1) One-or two family dwelling: thirty-five (35) feet or two and one-half ( $2\frac{1}{2}$ ) stories.

(2) Church or similar place of worship and other permitted nonresidential structures: forty-five (45) feet or four and one-half ( $4\frac{1}{2}$ ) stories, and seventy-five (75) feet for steeples and towers.

D. Lot area. The minimum lot area for every building hereafter erected or altered shall be as follows:

(1) Residential use, with sewer and water:

(a) One-family dwelling: twelve thousand (12,000) square feet and minimum width at building line of sixty (60) feet.

- (b) Two-family dwelling: fourteen thousand (14,000) square feet and minimum width at building line of eighty (80) feet.
  - (2) Residential use, without public sewer and water:
    - (a) One- or two-family dwelling without public sewer and water: eighteen thousand (18,000) square feet and eighty (80) feet at building line.
  - (3) Public, private and parochial school:
    - (a) Elementary: five (5) acres plus one (1) acre per one hundred (100) students at design capacity.
    - (b) Junior high school: eight (8) acres plus one (1) acre per one hundred (100) students at design capacity.
    - (c) High school: twelve (12) acres plus one (1) acre per one hundred (100) students at design capacity.
  - (4) Other permitted uses: two (2) acres and width at building line of two hundred (200) feet.
- E. Percentage of lot coverage. All buildings excluding accessory uses shall not cover more than twenty-five percent (25%) of the total lot area.
- F. Dwelling standards:
- (1) Every one-story dwelling hereafter erected or altered shall have a total minimum floor area of not less than one thousand two hundred (1,200) square feet.
  - (2) Every two-story dwelling hereafter erected or altered shall have a total minimum floor area of one thousand four hundred (1,400) square feet.
  - (3) Each dwelling unit in a two-family structure shall have a minimum floor area of not less than one thousand (1,000) square feet per unit.

- (4) A modular home hereafter erected shall have a minimum floor area of one thousand (1,000) square feet.

G. Off-street parking shall be provided as under Article IX.

H. Signs shall be provided as under Article X.

**§ 155-20. R-2 Residential District.**

Within the R-2 Residential District, the following regulations shall apply:

A. Permitted uses shall be as follows:

- (1) Any use permitted in the R-1 District.
- (2) Multifamily dwellings not to exceed eight (8) units.
- (3) As special exceptions under Article VIII:
  - (a) Planned residential development (§ 155-25).
  - (b) Funeral home (§ 155-26).
  - (c) Hospital and nursing home (§ 155-27).
  - (d) Rooming house [maximum of four (4) boarders] (§ 155-28).
  - (e) Motels and restaurants (§ 155-29).

B. Setbacks shall be as required in the R-1 Residential District.

C. Height shall be as required in the R-1 Residential District.

D. Lot area. The minimum lot area for every building hereafter erected or altered shall be as follows:

- (1) Residential:
  - (a) One-family dwelling: nine thousand six hundred (9,600) square feet and width of sixty (60) feet at building line.



- (b) Two-family dwelling: twelve thousand (12,000) square feet and width of seventy-five (75) feet at building line.
  - (c) Multifamily dwelling: six thousand (6,000) square feet per unit.
  - (2) Nonresidential: all buildings will have lot area of two and one-half (2½) acres and one hundred (100) feet at the building line.
- E. Percentage of lot coverage.
- (1) All residential buildings excluding accessory uses shall not cover more than thirty percent (30%).
  - (2) All nonresidential buildings excluding accessory uses shall not cover more than thirty-five percent (35%).
- F. Dwelling standards.
- (1) Every one-story dwelling hereafter erected or altered shall have a total minimum floor area of not less than one thousand (1,000) square feet.
  - (2) Every two-story dwelling hereafter erected or altered shall have a total minimum floor area of not less than one thousand two hundred (1,200) square feet.
  - (3) Each dwelling unit in a multifamily structure shall have a minimum floor area of not less than eight hundred (800) square feet.
  - (4) All nonresidential structures hereafter erected or altered shall have a total minimum floor area of not less than one thousand five hundred (1,500) square feet.
  - (5) A modular home hereafter erected shall have a minimum floor area of one thousand (1,000) square feet.

G. Off-street parking facilities shall be provided as required under Article IX.

H. Signs shall be provided as required under Article X.

**§ 155-21. R-3 Residential District.**

Within the R-3 Residential District, the following regulations shall apply:

A. Permitted uses shall be as follows:

(1) As special exceptions under Article VIII:

- (a) Exceptions listed for the R-2 Residential District.
- (b) Apartment building exceeding twelve (12) families per building (§ 155-31).
- (c) Mobile home park (§ 155-30).
- (d) Office building (§ 155-31).
- (e) Farming (§ 155-33).
- (f) Storage yard and building for contracting or excavating equipment (§ 155-34).

B. Setback shall be as required in District R-2.

C. Height.

(1) Height shall be as required in District R-2.

(2) Special conditions.

- (a) Apartment: one hundred fifty (150) feet (ten (10) stories).
- (b) Office structure: forty-five (45) feet (three (3) stories).

D. Lot size shall be as required in the R-2 District.

E. Percentage of coverage.

- (1) All buildings excluding accessory uses shall not cover more than thirty-five percent (35%) of the lot area.
  - (2) Special conditions.
    - (a) Apartment coverage: forty percent (40%) of the lot area.
    - (b) Office structure coverage: forty-five percent (45%) of the lot area.
- F. Dwelling standards.
- (1) Every one-story structure hereafter erected or altered shall have a total floor area of not less than eight hundred (800) square feet.
  - (2) Every two-story structure hereafter erected or altered shall have a total floor area of not less than one thousand (1,000) square feet.
  - (3) Each dwelling unit in a multifamily structure shall have a minimum floor area of not less than five hundred (500) square feet.
- G. Off-street parking shall be provided as required under Article IX.
- H. Signs shall be provided as required under Article X.

## ARTICLE VI Commercial Districts

### § 155-22. Commercial District.

Within the Commercial District, the following regulations shall apply:

- A. Permitted uses shall be as follows:
  - (1) All uses permitted in the R-3 District.
  - (2) Administrative offices for commercial and industrial organizations.



- (3) Amusement establishment, including bowling alley, dance hall and similar place of recreation when conducted wholly within a completely enclosed building.
- (4) Auto accessory store, automobile and truck sales and incidental service.
- (5) Bakery shop, including the baking and processing of food products.
- (6) Bank, financial institution, savings and loan association, drive-in or main office.
- (7) Barber shop or beauty shop.
- (8) Blueprinting or photostating establishment.
- (9) Business, charitable or professional offices.
- (10) Bus passenger terminal.
- (11) Cabinet shop.
- (12) Camera and photographic supply shop, retail sales and service.
- (13) Department store.
- (14) Dry-cleaning or pressing establishment, when employing facilities for the cleaning or pressing of dry goods received on the premises from retail trade only and including no wholesale cleaning or pressing business and when using nonflammable solvents as approved by the Fire Department.
- (15) Dry goods store, haberdashery or wearing apparel store.
- (16) Electrical appliances store, sales, service and repair, but excluding appliance assembly or manufacture.
- (17) Funeral home or mortuary.
- (18) Furniture store or upholstery shop.

- (19) Furrier, conducted as a retail operation for trade on the premises only.
- (20) Garden supplies, seed store or nursery.
- (21) Health club.
- (22) Hotel, motor hotel, club or restaurant.
- (23) Household appliance store, sales and service.
- (24) Interior decorating business, including upholstering and making of draperies, slipcovers and similar articles when conducted as a part of the retail operations and secondary to the main use.
- (25) Jewelry store.
- (26) Medical clinic.
- (27) Office, business or professional.
- (28) Paint or wallpaper sales.
- (29) Photographer's studio or art gallery, including the developing of film when conducted as a part of the retail business on the premises.
- (30) Plumbing, heating or similar business showroom, including shop or repair facilities, provided that work is carried out and storage is accommodated in an enclosed building.
- (31) Post office.
- (32) Printing shop.
- (33) Restaurant, cafeteria and snack bar, including the sale of alcoholic beverages.
- (34) Service station, public garage or other motor vehicle services, provided that no repair work is performed outdoors; provided that all pumps, underground storage tanks lubricating and other devices are located not less than twenty-five (25) feet from any street right-of-way; provided that all fuel, oil or similar substances are stored inside or

underground; and provided that all automobile parts, dismantled vehicles and similar articles are stored within a building.

- (35) Shoe store.
- (36) Sporting good store.
- (37) Theater, indoor.
- (38) Travel agency.
- (39) Typewriter or office equipment sales and services.
- (40) Variety store.
- (41) Similar type retail, service or commercial use not specifically listed herein when authorized by the Zoning Hearing Board after receipt and review of recommendations from the Planning Commission. Special exceptions as regulated and permitted under Article VIII herein which are permitted in the district. As special exceptions under Article VIII: light manufacturing (§ 155-32), and storage yard and building for contracting or excavating equipment (§ 155-34).

B. Setback.

- (1) No building shall hereafter be erected or altered unless the minimum setback is met as follows:
  - (a) Front: fifty (50) feet.
  - (b) Rear: fifteen (15) feet.
  - (c) Side: twenty-five (25) feet.
- (2) Where a commercial structure is proposed adjacent to a residential area, the following setback specifications will be met:
  - (a) Side: forty (40) feet.
  - (b) Buffer area: fifteen (15) feet with landscaping.

- C. Height. The maximum height of buildings hereafter erected or altered shall be as follows: all buildings shall be a maximum of forty-five (45) feet or three (3) stories.
- D. Lot size. The minimum lot area for all commercial buildings hereafter erected or altered shall be twenty thousand (20,000) square feet and a minimum width at the building line of one hundred (100) feet.
- E. Percentage of coverage.
  - (1) All buildings shall cover not more than thirty percent (30%) of the lot area.
  - (2) All buildings plus accessory uses, including parking, shall cover not more than eighty percent (80%) of the lot area.
- F. Dwelling standards shall be as required in the R-3 District.
- G. Off-street parking shall be provided as required under Article IX.
- H. Signs shall be provided as required under Article X.
- I. Conditions of use. In addition to the site plan requirements in Article IV, § 155-14, the following regulations shall apply:
  - (1) Traffic study.
    - (a) The study shall include a comparative analysis of present capacity of street(s) adjacent to the proposed development, together with necessary points of access to off-street parking and loading. Traffic data available from the Highway Department may be utilized, provided that such data is deemed current by the Planning Commission.
    - (b) The study shall include a circulation plan for all streets in the vicinity, existing and proposed, which will show the recommendations for



controlling, signalizing, channelizing, storing, warning and directing traffic.

- (2) Landscape and site development plan, to include:
  - (a) A plan of landscape development which shall include, among other considerations, an area of at least five (5) feet in width along all streets, with the exception of approved entrances, to be planted and maintained with trees, shrubbery or other landscaped material or an ornamental fence or wall to serve as a visual screen for parking areas and loading or servicing areas.
  - (b) A buffer area consisting of suitable landscaping maintained wherever the proposed business abuts an R District or a residential dwelling.
  - (c) The location, arrangement, size and effect of all outdoor advertising or other signs and lighting proposed to be erected.
- (3) Architecture. Architectural plans of the buildings and structures showing that the project has a unified design which will be in character and proper relationship to the surrounding areas shall be submitted to the Planning Commission for recommendation and approval.
- (4) Other permits. Any required state or federal agency approvals or permits shall be obtained before applying for a building or occupancy permit.

#### ARTICLE VII

#### **Light Manufacturing District.**

#### **§ 155-23. Light Manufacturing District.**

Within the light manufacturing zones, the following regulations shall apply:

A. Permitted uses. The permitted uses in a Light Manufacturing District shall be as follows:

- (1) Agricultural activities, including greenhouse and nursery.
- (2) Animal hospital and dog kennel.
- (3) Automobile repair, major.
- (4) Bakery.
- (5) Bottling work.
- (6) Building material yards or establishment.
- (7) Cabinetmaking establishments and carpenter shops.
- (8) Clothing factory.
- (9) Contractors' yard.
- (10) Dairy.
- (11) Dry-cleaning plant.
- (12) Dwelling (minimum requirements referred to R-3).
- (13) Dyeing plant.
- (14) Feed yard.
- (15) Fruit canning and packing establishment.
- (16) Ice plant.
- (17) Laundry.
- (18) Machine shop.
- (19) Milk distribution station.
- (20) Optical goods factory.
- (21) Paper box factory.
- (22) Pencil factory.
- (23) Printing, publication and engraving plant.
- (24) Research and development organization.

- (25) Sheet metal shop.
- (26) Steel fabrication.
- (27) Storage film.
- (28) Trucking terminal.
- (29) Welding shop.
- (30) Wholesale business.
- (31) Any other compatible type manufacturing-light industrial.
- (32) A single mobile home used as a dwelling for a watchman of an industry on the same site, provided that lot size is two (2) acres and the mobile home is connected to public water and either public sewers or approved on-lot system. The minimum floor area shall be four hundred (400) square feet and shall not exceed seven hundred (700) square feet.
- (33) Accessory use of building customarily incidental to the above uses and as regulated by this chapter.

B. Setback.

- (1) No building shall be hereafter erected or altered unless the minimum setback is met as follows:
  - (a) Front: fifty (50) feet.
  - (b) Side: thirty-five (35) feet.
  - (c) Rear: fifteen (15) feet.
- (2) If the proposed structure is to be adjacent to a Residential or Commercial District, the following setback requirements shall be met:
  - (a) Side: fifty (50) feet.
  - (b) Buffer area: fifteen (15) feet.
- (3) For construction of a new structure adjacent to a railroad, no setback standards are required.

- C. Height. The maximum height of buildings hereafter erected or altered shall be as follows:
- (1) All buildings shall be a maximum of forty-five (45) feet or three (3) stories.
  - (2) The height of any accessory apparatus for newly erected or altered buildings shall not exceed seventy-five (75) feet.
- D. Lot Size. The minimum lot size for all light manufacturing buildings hereafter erected or altered shall be one (1) acre, a minimum width at building line of one hundred (100) feet.
- E. Percentage of coverage. All buildings shall not cover more than sixty percent (60%) of the lot area.
- F. Off-street parking shall be provided as required in Article IX.
- G. Signs shall be provided as required in Article X.
- H. Conditions of use. In addition to the site plan requirements in Article IV, § 155-14, the following regulations shall apply:
- (1) Traffic study.
    - (a) Said study shall include a comparative analysis of present capacity of street(s) adjacent to the proposed development, together with necessary points of access to off-street parking and loading. Traffic data available from the Highway Department may be utilized provided that such data is deemed current by the Planning Commission.
    - (b) Said study shall include a circulation plan for all streets in the vicinity, existing and proposed, which will show the recommendations for controlling, signalizing, channelizing, storing, warning and directing traffic.
  - (2) Landscape and site development plan, to include:



- (a) A plan of landscape development which shall include, among other considerations, an area of at least five (5) feet in width along all streets, with the exception of approved entrances, to be planted and maintained with trees, shrubbery or other landscaped material or an ornamental fence or wall to serve as a visual screen for parking areas and loading or servicing areas.
- (b) A buffer area consisting of suitable landscaping maintained wherever the proposed business abuts an R District.
- (c) The location, arrangement, size and effect of all outdoor advertising or other signs and lighting proposed to be erected.
- (3) Architecture. Architectural plans of the buildings and structures showing that the project has a unified design which will be in character and proper relationship to the surrounding areas shall be submitted to the Planning Commission for recommendation and approval.
- (4) Other permits. Any required state or Federal agency approvals or permits shall be obtained before applying for a building or occupancy permit.

## ARTICLE VIII

### Special exceptions, requirements and procedures

#### § 155-24. General provisions.

- A. The special exceptions listed in this Chapter and their accessory buildings and uses may be permitted by the Zoning Hearing Board in the districts indicated therein, in accordance with the procedures and requirements set forth in this Article and Article XIV.
- B. Upon receipt of an appeal for special exception by the Zoning Officer, a preliminary site plan by the developer

shall be referred to the Planning Commission for investigation as to the manner in which the proposed location and character of the special exception will affect the community and how the required standards are applied. The Planning Commission shall report the results of its study to the Zoning Hearing Board within thirty (30) days following receipt of the application. If no such report has been filed with the Zoning Hearing Board within this time period, the Zoning Hearing Board may assume the Planning Commission has acted favorably, but in any event the recommendation of the Planning Commission shall be advisory and not binding upon the Zoning Hearing Board.

- C. The Zoning Hearing Board shall conduct a public hearing on the appeal under the procedure of Article XIII.
- D. If the proposed special exception is located in a district wherein such use may be permitted and the requirements set forth herein for special exception will be met and the special exception is consistent with the spirit, purpose and intent of this chapter and will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare, the Zoning Hearing Board may approve the special exception, subject to such appropriate conditions and safeguards as the Board may deem necessary or desirable.
- E. The applicant may then apply to the Zoning Officer for building and occupancy permits in accordance with the procedures specified in this chapter.
- F. An existing lawful use which is listed herein as a special exception is a conforming use in the district permitted as a special exception.
- G. Any expansion of such special exception involving the enlargement of the buildings, structure and land area devoted to such use shall be subject to the procedure described in this section.

- H. If the nature of the special exception involved more than one (1) of those listed, the applicant may apply for a permit for the special exception which most closely related to the primary use, provided that the requirements of all related uses will be met.

**§ 155-25. Planned residential development.**

- A. A planned residential or community unit residential development may be permitted as a special exception in any residential district with the minimum requirements hereinafter set forth.
- B. Recommendations of the Planning Commission. The proposed multiple-family dwelling plan, with the required statements and supplementary information, shall be studied by the Planning Commission, and a report recommending approval or disapproval and the reasons therefor shall be made to the Zoning Hearing Board for its considerations. Any report from the Planning Commission approving a proposed multiple-family dwelling plan shall contain findings relating to the following conditions:
- (1) Such multiple-family dwelling is laid out and developed as a unit in accordance with an integrated overall design.
  - (2) The location and arrangement of building or buildings, parking areas, walks, lighting and appurtenant facilities are adjusted to the surrounding land uses, and any part of the site not used for buildings or other structures or for parking, loading or accessways is landscaped with grass, trees and shrubs.
  - (3) Additional requirements as to landscaping, lighting, screening, accessways and building setbacks may be recommended by the Planning Commission for the protection of adjacent residential property.



- C. Approval of the Board. If the Zoning Hearing Board approves the plan after the report and recommendations of the Planning Commission, building permits and certificates of occupancy may be issued even though the use of land, the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located, provided that the spirit and intent of this chapter are not violated.
- D. Permitted uses. Buildings and premises shall be used only for multiple-family dwelling and accessory buildings and uses customarily incidental to the above uses.
- E. Lot requirements.
  - (1) The minimum lot area shall not be less than four (4) acres and the minimum width at the building line shall not be less than three hundred (300) feet.
  - (2) There may be two (2) or more main buildings upon a lot, and for the purpose of determining the yard requirements of Subsection H hereof, the yard requirements shall be applied to the lot as a whole, the front thereof being that having the greatest frontage upon a street or upon an officially approved street, and each building upon said lot shall not be required to separately meet the front, side and rear yard requirements.
- F. Dwelling unit standards. Each dwelling unit shall not have less than eight hundred (800) square feet of floor area per dwelling unit.
- G. Yard requirements. All buildings and structures hereafter erected shall provide and maintain a front yard, side yard and rear yard of horizontal dimension of not less than the height of the building or fifty (50) feet, whichever is the greater.
- H. Density. The maximum density of the development shall not exceed twenty (20) units per acre. The maximum coverage of all buildings shall not exceed thirty percent



(30%) of the gross area of the site. At least two hundred fifty (250) square feet per family unit shall be reserved and maintained as an outdoor recreation area by the owner or developer of the site.

- I. Off-street parking and loading facilities shall be provided as required under Article IX.
- J. Assurance requirements. Assurance shall be required from the developer that the project will be used for the specified purposes, and the Township Commissioners may require a trust indenture restricting the area to such uses.

**§ 155-26. Funeral homes.**

- A. A funeral home may be permitted as a special exception in R-2 and R-3 Residential Districts with the minimum requirements as hereinafter set forth.
- B. Height shall be as permitted in each district.
- C. Lot area. The minimum lot area shall be one (1) acre.
- D. Yard areas shall be as required in each district.
- E. Percentage of lot coverage shall be as permitted in each district.
- F. Site plan shall be as required under Article IV, § 155-14.
- G. Off-street parking facilities shall be as required under Article IX.

**§ 155-27. Hospital and nursing home.**

- A. A hospital or nursing home may be permitted as a special exception in the R-2 and R-3 Residential Districts with the minimum requirements as hereinafter set forth.
- B. Height shall be as permitted in each district.
- C. Lot area. The minimum lot area shall be two (2) acres.

- D. Yard areas shall be as required in each district.
- E. Percentage of lot coverage shall be as permitted in each district.
- F. Site plan shall be as required under Article IV, § 155-14.
- G. Off-street parking facilities shall be as required under Article IX.

**§ 155-28. Rooming house.**

A rooming house may be permitted as a special exception in R-2 and R-3 Residential Districts, provided that it does not accommodate more than four (4) boarders and meets the requirements of a single dwelling in the district.

**§ 155-29. Motels and restaurants.**

A motel or restaurant may be permitted as a special exception in R-2 and R-3 Residential Districts under the minimum requirements as set forth for the Commercial District.

**§ 155-30. Mobile home park.**

- A. A mobile home park may be permitted as a special exception in the R-3 Residential District with the minimum requirements as hereinafter set forth. No mobile home may be permitted except in approved mobile home parks or for a watchman or employee in a light manufacturing district.
- B. Lot area. The minimum area for every mobile home park hereafter developed shall be three (3) acres.
- C. Plot plan. Each application shall be accompanied by three (3) copies of a plot plan drawn at a scale of one (1) inch equals twenty (20) feet, prepared by a licensed surveyor or engineer, showing limits and square footage

of the proposed mobile home park and location and size of driveways, parking areas, drying areas, playgrounds, service buildings, other buildings, and mobile home lots, together with required setbacks from rights-of-way and property lines. All mobile home lots shall be numbered in sequence on the plot plan.

- D. Minimum lot area for each trailer. The minimum unit area for each lot used or occupied by and under each trailer shall be as follows:
- (1) Seventy-five percent (75%) of the lots in any one (1) mobile home park shall be not less than two thousand one hundred (2,100) square feet in area.
  - (2) Twenty-five percent (25%) of lots in any one (1) mobile home park shall be not less than one thousand eight hundred (1,800) square feet in area.
  - (3) Density in any mobile home park shall not exceed ten (10) units per gross acre.
- E. Minimum width of trailer lots. The minimum width of each mobile home lot shall be thirty (30) feet.
- F. Minimum distance between trailers. No mobile home shall be placed within fifteen (15) feet of another, provided that with respect to mobile homes parked end-to-end, the distance between mobile homes so parked shall be not less than ten (10) feet.
- G. Setbacks. No mobile home shall be placed a lesser distance from the mobile home park boundary than the side yard width required in the zoning district which abuts each boundary line. In no case shall a mobile home be parked less than ten (10) feet from the mobile home park boundary.
- H. Mobile home stands. The area of the mobile home stand shall be improved to provide adequate support for the placement and tiedown of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.



- I. Markers. Every mobile home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the plot plan.
- J. Streets and driveways. The minimum lane or driveway on which an individual mobile home lot fronts shall be twenty-eight (28) feet in width. In cases where driveways dead-end, there shall be constructed at each deadend a cul-de-sac with a minimum turning radius of thirty-eight (38) feet. All streets and driveways will be paved in accordance with standards and specifications required for local streets in Chapter 133, Subdivision of Land. All construction material for such roads shall meet established township requirements. Where an entrance to any mobile home park is from a state highway, approval of said entrance from the State Highway Department must be secured before said development is approved.
- K. Water and sewer facilities. An adequate supply of water approved by the Health Department shall be furnished from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, with supply faucets located on each trailer lot. In each trailer park, all waste water from a faucet, toilet, tub, shower, sink, drain, washing machine, garbage disposal unit or laundry shall empty into an approved sewer system installed in accordance with state and township regulations.
- L. Service buildings. Each trailer park shall provide service buildings to house the following facilities:
  - (1) All service buildings shall be adequately lighted at all times of day and night, shall be well ventilated, shall be constructed of such moistureproof material, including painted woodwork, as shall permit repeated cleaning and washing and shall be



maintained at a temperature of not less than sixty-eight degrees Fahrenheit (68°F.) during the period from October 1 to May 1.

- (2) All service buildings and grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant of the public or constitute a nuisance or fire hazard.

M. Storage tanks. Gasoline, liquefied petroleum, gas or oil storage tanks shall be so installed as to comply with all county, state and National Fire Prevention Code regulations.

N. Playgrounds. The purpose of this subsection is to provide for areas and facilities for recreational purposes appropriate to the needs of the occupants. At least fifty (50) square feet of playground space shall be provided and maintained for each trailer lot. Each trailer park must provide not less than one (1) playground, and no playground shall be less than two thousand five hundred (2,500) square feet in area. Such areas shall be used exclusively for playground purposes.

O. Additions to trailers. No permanent or semipermanent structures shall be affixed to any mobile home as an addition to such mobile home, nor shall any accessory structure be permitted on any trailer lot or in any mobile home park except those accessory structures required by these regulations and an office structure. The prohibition herein against any addition or accessory to a mobile home shall not apply to a canopy or awning designed for use with a mobile home. The mobile home or lot coverage of a mobile home shall not exceed thirty percent (30%) of the total mobile home lot area.

P. Parking. Parking shall be provided as follows:

- (1) Off-street parking shall be provided at the rate of one and five-tenths (1.5) spaces for each mobile home lot.

(2) All parking areas shall be paved.

- Q. General conditions. All procedures for development of a mobile home park shall be the same as required for a special use exception as specified in the zoning regulations.

**§ 155-31. Office building.**

An office building may be permitted as a special exception in an R-3 Residential District with the minimum requirements as hereinafter set forth for commercial districts.

**§ 155-32. Light manufacturing in C District.**

- A. Light manufacturing may be permitted as a special exception in a C Commercial District with the minimum requirements as hereinafter set forth.
- B. In the C District, the light manufacturing use shall be one which creates a minimum amount of nuisance outside the plant; is conducted entirely within enclosed buildings; does not use the open area around such buildings for storage of raw materials or manufactured products unless screened from public view or for any other industrial purpose other than transporting goods between buildings; and which is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noises or vibrations beyond the confines of the building. Such uses include animal hospital; automobile repair, major; bottling work; building material yard or establishment; cabinetmaking establishments and carpenter shops; clothing factory; contractor's yard; dry-cleaning plant, machine shop; milk distribution station; optical goods factory; paper box factory; pencil factory; publication and engraving plant; research and development organization; storage firm; wholesale business; and any other compatible-type light industrial

manufacturing, accessory uses or building customarily incidental to the above-permitted uses.

- C. All the minimum requirements of the C-Commercial District shall be met.

**§ 155-33. Farming, agricultural and accessory uses.**

Farming may be permitted as a special exception in an R-3 District on a tract of land greater than five (5) acres as follows:

- A. Cultivation of grain, hay, vegetables and other similar crops.
- B. Nursery, greenhouse and landscape gardening yard for cultivation and sale of trees, shrubs and similar crops.
- C. Horse stable, riding stable and grazing of livestock, provided that the area in which the animals are confined is located a minimum distance of three hundred (300) feet from the nearest residential structure.
- D. Barns, storage sheds, grain storage buildings, fences and similar buildings and structures necessary and incidental to conducting the permitted agricultural activities.
- E. Accessory uses customarily incidental to any of the above-permitted uses.

**§ 155-34. Storage yard and buildings for contractor or excavating equipment.**

A storage yard and buildings for contractor or excavating equipment may be permitted as a special exception in an R-3 Residential District or a commercial district as an accessory to an owner's residence on a tract of land greater than two (2) acres, as follows:

- A. Storage yard for trucks, tractors, earthmoving equipment and similar types of equipment, provided that the equipment storage yard is set back a minimum



distance of twenty-five (25) feet from the nearest property line and the area is properly screened from adjacent properties.

- B. Storage of materials and supplies customarily incidental to the operation of a contractor's business, provided that all materials are stored within an enclosed building or structure.
- C. Office for a contractor.

### ARTICLE IX Supplementary Provisions

#### § 155-35. Parking and loading facilities.

All off-street parking and loading facilities shall be indicated on the site plan as required under Article IV, § 155-14, of this chapter. Off-street parking and/or loading facilities shall be in compliance with provisions of this chapter as follows:

- A. Extent of control. All buildings and structures erected or altered and all land uses initiated after the effective date of this chapter shall provide off-street parking and/or loading facilities as required herein. When a building or structure undergoes any increase in the number of dwelling units, gross floor area, seating capacity or other unit of measurement specified for off-street parking or loading facilities, off-street parking and loading requirements shall be determined by the entire building or structure as modified.
- B. Schedule of off-street parking requirements.

Type	Number of Spaces
1- and 2-family dwellings	2 for each unit
3 or more family units	1½ for each unit
Bowling alleys, recreation centers, public swimming	1 for every four (4) customers at maximum capacity and 1 for every



Type	Number of Spaces
pools, skating rinks and outdoor recreation facilities	2 persons regularly employed during break periods
Clubhouse and meeting places of veterans, business, civic, fraternal, labor and similar organizations	1 for every 50 square feet of gross floor area in the auditorium, assembly hall and dining hall of such buildings plus 1 additional for every 2 persons regularly employed during peak shift on the premises
Drive-in restaurant facilities	5 per 100 square feet of floor space
Funeral homes and undertaking establishments	Parking or storage space for all vehicles directly in the conduct of the business plus 1 parking space for every 2 persons regularly employed on the premises during peak shift and 1 for every 6 seats in the establishment
Hospital and nursing homes	1 for each 4 beds intended for patients, excluding bassinets, 1 per 2 employees on peak shift plus 1 plus 1 per hospital vehicle
Indoor retail businesses	Parking or storage space for all vehicles used directly in the conduct of such business plus 1 parking space for each 250 square feet of

Type	Number of Spaces
	building area used for rental or business purposes
Junior and senior high schools	1 for every 6 seats available at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the school grounds or campus; 1 shall be provided for each person regularly employed at such school plus 2 additional for each classroom
Libraries, museum, post offices and similar establishments	Parking or storage space for all vehicles used directly in the operation of such establishment plus 1 parking space for each 250 square feet of total of floor area
Manufacturing	1 for every 3 employees during peak period
Medical and dental Clinics	3 for each doctor plus 1 additional space for every 2 regular employees
Motels and hotels	1 for each sleeping room offered for tourist accommodation plus 1 for each dwelling unit on the premises plus 1 additional for every 2 persons regularly employed on the premises during peak shift

Type	Number of Spaces
Offices	3 for every 1000 square feet of office space
Outdoor and retail business	Parking or storage space for all vehicles used directly in the conduct of such business plus 2 parking spaces for each person employed on the premises based on maximum seasonal employment plus 1 for every 500 feet of lot area used for business purposes
Public and private elementary schools	1 for each person regularly employed at such school plus 1 additional for each classroom
Public garages	Indoor or outdoor parking or storage space for all vehicles used directly in the conduct of such business plus 3 parking spaces for each person regularly employed on the premises
Restaurants, indoor, and other eating and drinking establishments	1 for each table or booth plus 1 for every 2 stools at a bar or counter plus 1 for every 2 employees on peak shift
Service stations	Parking or storage space for all vehicles used directly in the conduct of the business plus 1 parking space for each gas pump, 3 for each grease rack or similar

Type	Number of Spaces
	facility and 1 for every 2 persons employed on the premises at maximum employment on a single shift.
Theaters, auditoriums, churches, stadiums, and places of public assembly	1 for every 6 seats available at maximum capacity
Transportation terminals	1 for every 100 square feet of waiting room plus 1 additional space for every 2 persons regularly employed on the premises during peak shift

C. Schedule of loading requirements. Every building or structure used for business, trade or industry shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have direct access to a public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements of off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in any manner to obstruct or interfere with the free use of any street, alley or adjoining property. Off-street loading and unloading spaces shall have a minimum width of twelve (12) feet and a minimum length of fifty (50) feet. The following off-street loading and unloading space requirements of specific uses shall be provided:

- (1) Multistory multiple-family in excess of ten (10) units shall have one (1) off-street loading and unloading space for providing service to the structure.



- (2) Commercial, retail and/or manufacturing building shall have one (1) off-street loading and unloading space plus one (1) additional space for every ten thousand (10,000) square feet of floor area devoted to commercial, retail and/or manufacturing use.
- (3) Warehouse and wholesale storage facilities shall have one (1) off-street loading and unloading space for every seven thousand five hundred (7,500) square feet of floor area of the building or structure.

D. Design and development standards.

- (1) Area and dimension requirements for parking lot. Each parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet and contain a minimum area of one hundred eighty (180) square feet. A gross area of three hundred (300) square feet for each parking space shall be provided to allow for maneuvering and access to each space.
- (2) Access to adjacent street. Access lane to a parking lot shall be a minimum width of twenty (20) feet and maximum width of forty (40) feet. The minimum center line distance between any two (2) curb cut or access points to a parking lot shall be one hundred fifty (150) feet. Signs designating entrances, exits and conditions of use shall not exceed twenty (20) square feet and shall be erected in a manner which will not restrict the sight distance of persons entering or leaving the lot.
- (3) Screening and buffer requirements. Whenever a parking lot abuts a public street, a structurally sound wall or planting strip shall be installed. Whenever a parking lot abuts a residential district or residential property, a landscaped buffer strip a minimum width of ten (10) feet shall be developed in a manner which will screen the parking lot from the residential property or district.

- (4) Surfacing. All off-street parking space, except that accessory to a single-family residential dwelling, shall be improved with a compacted base surface with all-weather dustless material of adequate thickness to support the weight of fully loaded vehicles which customarily park or travel on it.
  - (5) Lighting. Any lighting used to illuminate off-street parking shall be so arranged as to reflect the light away from adjoining properties.
  - (6) Storm drainage. Adequate storm drainage facilities shall be designated and installed in accordance with accepted engineering practices. All surface water shall be collected and/or diverted in a manner which does not flow onto the surface of adjacent streets, sidewalks or properties.
- E. Control of off-street facilities. When required accessory off-street parking facilities are provided other than on the road on which the principal use is located, in addition to the above regulations the following provisions shall apply:
- (1) The off-site parking shall be located only in a C or R-3 District and shall be within three hundred (300) feet of the use or structure being served.
  - (2) Said parking shall be used solely for the parking of passenger automobiles.
  - (3) No commercial repair work nor storage of automobiles or equipment for a period of greater than twenty four (24) hours may be permitted on the lot.
  - (4) No sign of any kind other than that designating entrances, exits and conditions of use shall be maintained on said lot, and signs shall not exceed twelve (12) square feet in area.
  - (5) Entrances and exits of said parking lot shall be at least thirty-five (35) feet from any adjacent property.

A buffer area of fifteen-foot minimum width shall be provided and maintained along all lot lines which do not abut a street.

- (6) All off-street parking facilities require approval by the Planning Commission.

**§ 155-36. Swimming pools.**

**A. Private swimming pools.**

- (1) A private swimming pool in the ground or prefabricated installation above the ground shall be any pool, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet.
- (2) No such swimming pool shall be allowed in an R-1, R-2, R-3 or C District except as an accessory use and unless it complies with the following conditions and requirements:
  - (a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests, and no fee shall be charged.
  - (b) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than fifteen (15) feet to any property line of the property on which it is located.
  - (c) The swimming pool or the entire property on which it is located shall be walled or substantially fenced so as to prevent uncontrolled access by children from the street or from adjacent properties, said fence or wall to be not less than four (4) feet in height and maintained in good condition.

- (3) Pools shall conform to the Pennsylvania Department of Health Standards. Existing pools shall conform in ninety (90) days to the requirements set forth in this section.

B. Community or club swimming pools. A community or club swimming pool shall be any pool constructed by an association of property owners or by a private club solely for use and enjoyment by members of the association or club and their families and guests of members. Community and club swimming pools shall comply with the following conditions and requirements:

- (1) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which they are located.
- (2) The swimming pool and all of the areas used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition. The area surrounding the enclosure, except of the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.

**§ 155-37. Animals in residence districts.**

Farm animals, hoofed animals and poultry shall not be kept in any residence district except in an R-3 Residence District as a special exception under § 155-33 relating to farming. Household pets shall be limited to three (3) pets per family.



## ARTICLE X

## Signs

**§ 155-38. General provisions.**

Any sign erected or altered after the effective date of this chapter shall be in accordance with the provisions and regulations contained in this Article.

- A. A permit shall be required for any sign erected with a surface area in excess of two (2) square feet.
- B. All signs shall be constructed and maintained in a safe, orderly manner. No sign shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic by obscuring view or causing distraction.
- C. Any sign, if illuminated, shall be nonflashing, shall be of enclosed lamp design and shall be lighted in a manner not detrimental to any adjacent property or public right-of-way.
- D. No sign, except traffic signs and other official signs, may be erected or extend onto any public street or right-of-way.
- E. Any sign attached to or painted on a building may not extend more than a maximum distance of six (6) feet from the wall to which it is attached, may cover a maximum of twenty five percent (25%) of the total area of the wall to which it is attached and shall not extend beyond the highest point of the roof of the building to which the sign is attached.
- F. The height of any sign may not exceed the building height regulation for the zone in which the sign is to be erected, and in no case may the height of a sign exceed forty (40) feet, as measured from the ground level to the top of the sign, except in a light manufacturing district as specified in § 155-41.

**§ 155-39. R-1, R-2 and R-3 Zones.**

In a residential district, the following signs shall be permitted and the following regulations shall apply:

- A. All signs erected in a residential zone shall be on-premises signs and refer, advertise or direct attention only to activities conducted on the site, except that a temporary directional sign may be erected for special events, if prior approval is granted by the owner of the property on which the sign is to be erected under the same conditions provided for temporary promotional signs in § 155-40A(6).
- B. One (1) temporary sign of contractors, realtors, architects, mechanics and artisans, provided that such signs shall not exceed six (6) square feet and shall be removed within thirty (30) days following completion of work.
- C. One (1) identification sign for each professional and accessory use indicating the name, profession or activity of the occupant of a dwelling or structure and similar type signs, provided that such signs do not exceed an area of two (2) square feet per occupant and are set back a minimum of five (5) feet from the nearest property line.
- D. One (1) identification sign for motels, office buildings, churches, schools, restaurants, mobile home parks, funeral homes and other places of business permitted in respective residential zones, provided that such signs shall not exceed an area of twenty-four (24) square feet and are set back a minimum distance of fifteen (15) feet from the nearest property line.

**§ 155-40. C Commercial Zone.**

In a commercial district, the following signs shall be permitted and the following regulations shall apply:

A. Signs permitted within the front yard setback area (between the building setback line and the property line).

- (1) All signs erected in the front yard must be set back a minimum distance of five (5) feet from all property lines.
- (2) Any sign within the setback area must be erected in a manner to permit the free and unobstructed vision of persons entering or leaving the property and adjacent property.
- (3) One (1) sign within the setback line may be permitted for each twenty-five (25) feet of frontage of the lot used for business advertised on the sign, and the maximum number of such signs shall not exceed four (4) for any one (1) business or commercial lot. Double-faced signs shall be considered two (2) signs under this provision.
- (4) For a commercial lot with a frontage of less than sixty (60) linear feet, the maximum area of any single-faced sign shall not exceed thirty (30) square feet, for a double-faced sign the combined area shall not exceed sixty (60) square feet.
- (5) In no case may the combined area of all signs within the setback area exceed three hundred sixty (360) square feet.
- (6) Temporary promotional signs or displays may be erected within the setback line subject to the following regulations:
  - (a) A special two-dollar permit must be obtained for all signs to be erected or displayed during the temporary promotion. Such a permit shall be valid for a period not to exceed thirty (30) days.
  - (b) The applicant for such a permit shall submit drawings and/or a narrative description of the

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size and location of all signs and/or display material to be utilized in the temporary position.

- (c) The maximum number of six (6) signs or displays may be used in a temporary promotion, and the combined area of all such signs or displays shall not exceed thirty (30) square feet.
- (d) Any sign or display erected under a special temporary promotion permit shall be removed by the applicant on the expiration date of such a permit.

B. Signs permitted behind the setback lines of a commercial zone. In addition to the above-regulated signs permitted within the setback area, signs behind the setback line and those attached to a building shall be permitted and regulated as follows:

- (1) All signs erected shall conform to the height and setback regulations of the Commercial Zone and to § 155-38, General provisions, of this Article.
- (2) One (1) sign may be permitted for each twenty-five (25) feet of linear frontage of the lot used for commercial purposes.
- (3) The combined area of all signs behind the setback may not exceed one (1) square foot in area for each one (1) foot of linear frontage of the lot used for commercial purposes. In no case may the combined area of all signs exceed three hundred sixty (360) square feet.
- (4) Billboards may be permitted by the Zoning Hearing Board's granting of a special exception, provided that:
  - (a) The area of the billboard does not exceed three hundred (300) square feet.



- (b) The billboard is set back a minimum distance of fifty (50) feet from the nearest public right-of-way.
  - (c) The billboard does not exceed forty (40) feet in height.
  - (d) The billboard is a minimum distance of three hundred (300) feet from the nearest residential district, church, park, school or other public building.
  - (e) The billboard is a minimum distance of four hundred (400) feet from the center line of any expressway or limited access highway if the face of the sign is visible therefrom.
- C. Off-premises signs may be permitted by special exception only in a commercial zone, provided that such signs comply with the area regulations of the district and that the land on which such sign is erected is owned or leased by the individual or business erecting the sign.

**§ 155-41. M Light Manufacturing Districts.**

In M Districts, the following signs shall be permitted and the following regulations shall apply:

- A. Any sign permitted in the R and C Districts.
- B. A business or identification sign, not to exceed one (1) square foot for every one (1) linear foot of frontage per street occupied, but not to exceed one hundred twenty (120) feet for any one (1) sign.
- C. One (1) business or identification sign per street for a group of three (3) or more businesses on one (1) parcel or tract, not to exceed two hundred forty (240) square feet per sign.
- D. Signs not attached to a building shall be set back at least five (5) feet from a lot or street line or any required buffer area. Any sign mounted on a building may project

above the ridge line of a sloping roof or above the eave line of a flat roof but cannot exceed forty (40) feet from ground level.

## ARTICLE XI

### Nonconforming Uses and Buildings

#### § 155-42. Continuance.

The lawful use of a building existing at the time of the effective date of this chapter may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted one. Whenever the use of a building becomes nonconforming through a change in the zoning ordinance or district boundaries, such use may be continued and, if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification.

#### § 155-43. Discontinuance of use.

Whenever a nonconforming use of a property, building, sign or part thereof has been discontinued for a period of twelve (12) consecutive months, said nonconforming use shall be presumed to be abandoned, and the use of the premises thereafter shall be in conformance with the regulations of the district.

#### § 155-44. Alterations.

No existing building or premises devoted to a use not permitted in the district in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use

permitted in the district in which such building or premises is located except when approved by the Zoning Hearing Board.

**§ 155-45. Reconstruction.**

Any building or structure containing a nonconforming use which is damaged by fire, flood, wind or other act of God or man to the extent of seventy-five percent (75%) or more of its fair market value immediately prior to damage shall not be repaired or reconstructed except in a manner which will not be detrimental to the character of the neighborhood. In the event that the Zoning Officer's estimate of the extent of damage of fair market value is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Zoning Hearing Board.

**§ 155-46. Construction in progress.**

No building or structure designed or intended to be utilized for a nonconforming use shall be constructed or allowed unless construction is already underway at the time of the enactment or subsequent amendment of this chapter and is being diligently prosecuted so that such building or structure will be completed within eighteen (18) months from the time of the enactment or subsequent amendment of this chapter. All outstanding building permits for construction which does not meet those requirements are hereby rendered null and void. Said structure must be completed before a certificate of occupancy is granted (§ 155-50).

**§ 155-47. Historical landmarks.**

The provisions of this Article shall not apply to any building or structure which is designated by the Planning Commission, with concurrence of the Township Commissioners, to be a historical landmark.



ARTICLE XII  
Administration

**§ 155-48. Zoning Officer and application fees.**

- A. A Zoning Officer shall be appointed for a term of one year and shall administer the provisions of this chapter. Compensation for the duties performed by the Zoning Officer shall be established by the Township Commissioners.
- B. Application fees.
- (1) Each application for a zoning permit to erect, add to or structurally alter a building or structure, including a sign and principal or accessory structures shall be accompanied by cash, certified check or money order payable to Stonycreek Township as follows: Construction value of \$1,000 or less, a fee of \$10, plus an additional fee of \$1 per each \$1,000 or fraction thereof of additional construction value in excess of \$1,000. [Amended 4-13-1999 by Ord. No. 544; 3-14-2000 by Ord. No. 549]
  - (2) Payment of application fees does not obligate the Stonycreek Township or the Zoning Officer to grant a permit to the applicant. All permits issued must be in conformance with the provisions of this chapter, and in the event that a permit is not granted, the application fee shall be retained by the Township. All fees received hereunder shall be credited to the general fund.

**§ 155-49. Building permit.**

- A. No building or structure shall be erected, added to or structurally altered until a permit therefor has been issued by the Zoning Officer. No such building permit shall be issued for any building where said construction, addition or alteration or use thereof would be in violation



of any of the provisions of this chapter, except upon written order of the Zoning Hearing Board.

- B. There shall be submitted with all applications for the building permits two copies of a layout or plot plan prepared by a registered engineer or surveyor drawn to scale showing actual dimensions of the lot; the exact size and location on the lot of the building; accessory buildings; site improvements; and such other information as may be necessary to determine and provide for the enforcement of this chapter. The property owner must have the location of the building or structure staked out on the lot by a registered engineer or registered surveyor and verified in the field by the Zoning Officer prior to the start of construction.
- C. All proposed construction as indicated on the building permit shall be completed within 18 months from date of issue. An escrow account, performance bond or its equal may be required by the Zoning Officer with the cooperation of the Board of Commissioners prior to granting the building permit to insure proper construction and completion.
- D. One copy of such layout or plot shall be returned when approved by the Zoning Officer, together with such permit or the application.

**§ 155-50. Certificate of occupancy.**

- A. After completion of a building or structure for which a building permit has been issued and inspection has determined that all requirements of all codes and ordinances of Stonycreek Township have been met, a certificate of occupancy shall be issued by the Zoning Officer stating that the building and proposed use thereof comply with the provisions of the ordinance.
- B. No nonconforming use shall be maintained, renewed or changed without a certificate of occupancy having been

secured from the Zoning Officer within one (1) year from the effective date of this chapter.

- C. All certificates of occupancy shall be applied for at the same time as the application for a building permit. Said certificate will be issued within ten (10) days after the erection or alteration and inspection, if the building or use is found to be in accordance with all codes and ordinances.
- D. The Zoning Officer shall maintain a record of all certificates and copies, which will be furnished upon request to any person having proprietary or tenancy interest in the building affected.

#### ARTICLE XIII

#### **Zoning Hearing Board**

##### **§ 155-51. Creation and organization.**

- A. Creation and membership. There is hereby established a Zoning Hearing Board. The membership of the Board shall consist of three (3) residents of the municipality appointed by the Township Commissioners. Their terms of office 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 Township Commissioners 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, except that no more than one (1) member of the Board may also be a member of the Planning Commission.
- B. Removal of members. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Township Commissioners, 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.

- C. Organization. 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 and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but 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 § 155-52. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the township 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 Township Commissioners once a year.
- D. Expenses. Within the limits of funds appropriated by the township, the 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 by the township.

#### **§ 155-52. Hearings.**

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

- A. Notice shall be given to the public, the applicant, the County Planning Agency, the Zoning Officer, such other persons as the Township shall designate by ordinance and to any person who has made timely request for the same. Notice of hearing shall be given to interested persons by mail sent at least ten (10) days before the hearing and to the public by advertisement published in a newspaper of general circulation in the township a like period in advance of the hearing.



- B. 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.
- C. The parties to the hearing shall be any person who is entitled to notice under Subsection A without special request therefor who has made timely appearance of record before the Board and any other person permitted to appear by the Board.
- D. 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.
- E. 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.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- G. The Board or the hearing officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- H. 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, 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 with any party or his representative unless all parties are given an opportunity to be present.

- I. 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. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this chapter 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, and the parties shall be entitled to make written recommendations thereon to the Board prior to final decision or entry of findings. Where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by this subsection, the decision shall be deemed to have been rendered in favor of the applicant.
- J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**§ 155-53. Functions.**

- A. Appeals from the Zoning Officer. The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to Pennsylvania Rules of Civil Procedure Sections 1091 to 1098 relating to mandamus.
- B. Challenge to the validity of any ordinance or map. Except as provided hereafter in Subsection D relating to variances, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the township. Recognizing that challenges to the validity of an ordinance or map present issues of fact and interpretation which may lie within the special competence of the Board and to facilitate speedy disposition of such challenges by a court, the Board may hear all challenges wherein the validity of the ordinance or map represents any issue of fact or of interpretation not hitherto properly determined at a hearing before another competent agency or body and shall take evidence and make a record thereon as provided in § 155-52. At the conclusion of the hearing, the Board shall decide all contested questions of interpretations and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
- C. Challenges to a subdivision and land development ordinance and to a planned residential development ordinance; special rules. Challenges to the validity of a subdivision and land development ordinance or the validity of a planned residential development ordinance, if such ordinances are enacted under the Pennsylvania Municipalities Planning Code (MPC), P.L. 247, enacted

July 31, 1968, and appeals from any action of the Zoning Officer thereunder shall be governed by Subsections A and B above. But when the Planning Commission or township has held a hearing upon an application for development under the subdivision and land development ordinance or the planned residential development ordinance, such hearing shall be deemed in lieu of a hearing by the Board provided for under Subsection B, and appeal from any decision or determination of the Planning Commission or Township Commissioners (including challenge to the validity of any provisions of such ordinance) shall lie directly to court.

D. Variances.

- (1) The Board shall hear requests for variances where it is alleged that the provisions of the zoning 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 the following findings are made where relevant in a given case:
  - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance and in the neighborhood or district in which the property is located;
  - (b) That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore



necessary to enable the reasonable use of the property;

- (c) That such unnecessary hardship has not been created by the appellant;
  - (d) 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
  - (e) 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.
- (2) In granting any variance, the Board may attach such reasonable conditions and safeguards as it deem necessary to implement the purposes of this chapter.
- E. Special exceptions. The Board shall hear and decide appeals for special exceptions and may grant exceptions and may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter. The following special exceptions, in addition to those otherwise specifically set forth in other parts of this chapter, may be granted:
- (1) To permit the construction in a district where the boundary line of a district divides a lot of record in single ownership.
  - (2) To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God or the public enemy to the extent of loss greater than seventy-five percent (75%) of its fair market value when the Board finds some compelling public necessity requiring continuance of the nonconforming use.



- (3) To interpret the provisions of the zoning ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this chapter.<sup>4</sup>
- (4) To vary parking regulations of the zoning ordinance whenever the character of use of the building is such as to make unnecessary the full provision of parking facilities or when such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.

F. Parties appellant before Board. Appeals under Subsection A and proceedings to challenge an ordinance under Subsection B may be filed with the Board in writing by any officer or agency of the township or any person aggrieved. Requests for a variance under Subsection D and for special exception under Subsection E may be filed with the Board by any landowner or any tenant with the permission of such landowner.

G. Time limitations. The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:

- (1) No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Board later than thirty (30) days from the time such ordinance, map or amendment takes effect unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

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<sup>4</sup> Editor's Note: Said Zoning Map is on file in the township offices.

- (2) No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate municipal 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 failed to receive adequate notice of such approval. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- H. Stay of proceedings. Upon filing of any proceeding referred to in Subsection F 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 thereunder 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. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.
- I. Appeal fee. A fee shall be paid at the time an appeal to the Board is taken based on the actual cost of the

nonconforming construction. The fee shall be delivered to the Secretary of the Board, who shall forward the fee to the Township Treasurer for the credit of the general revenue fund. No part of the fee shall be refunded to the applicant. Fees shall be as follows:

<b>Construction Cost</b>	<b>Fee</b>
\$1 to \$1,000	\$150.00
\$1,001 to \$5,000	175.00
\$5,001 to \$15,000	200.00
\$15,001 to \$50,000	225.00
\$50,001 and over	250.00

#### ARTICLE XIV Amendment Procedure

##### § 155-54. Procedure.

The procedure for amending this chapter, including the Zoning District Map, shall be as follows:

- A. A request for amending this chapter in writing signed by the person requesting the changes and setting forth the nature of the requested changes and the reasons thereof shall be filed with the Secretary of the township.
- B. Such requests and requests initiated by the township or the Planning Commission shall be referred by the Township Commissioners to the Planning Commission for study.
- C. The Planning Commission may hold at least one (1) public hearing pursuant to public notice in regard to the proposed amendment and, upon completion of its study, the Planning Commission shall present to the Township Commissioners its recommendation regarding the proposed amendment to this chapter.
- D. The Township Commissioners shall hold a public hearing on the proposed amendment to this chapter pursuant to



public notice. If after any public hearing held upon an amendment the proposed amendment is revised or further revised to include land previously not affected by it, the township shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment.

- E. Public notices of proposed Zoning Chapter amendments shall include either the full text thereof or a brief summary setting forth the principal provisions in reasonable detail or reference to a place within the municipality where copies of the proposed chapter amendment may be examined in addition to the time and place of hearing.
- F. The advertisement of the amendment to this chapter may consist solely of a reference to the place within the township where copies of the amendment shall be obtainable for a charge not greater than the cost thereof and available for examination without charge.

#### **§ 155-55. Fees.**

Any person other than the township or Planning Commission requesting an amendment of this chapter shall pay a fee of one hundred dollars (\$100.) at the time the request is filed to the Secretary of the township, who shall forward the fee to the Township Treasurer to the credit of the general revenue fund. No part of the fee shall be refunded to the applicant.

### **ARTICLE XV Enforcement, Violations and Penalties**

#### **§ 155-56. Enforcement.**

It shall be the duty of the Zoning Officer to enforce this chapter. Appeal from the decision of the Zoning Officer may be made to the Zoning Hearing Board as provided in Article XIII.



**§ 155-57. Violations and penalties.**

Enforcement remedies shall be in accordance with the following:

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this chapter or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than five hundred dollars (\$500.) plus all court costs, including reasonable attorney fees incurred by a municipality 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 municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a 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 municipality whose ordinance has been violated.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than

the municipality the right to commence any action for enforcement pursuant to this section.

ARTICLE XVI  
**Special Airport Provisions**

**§ 155-58. Scope.**

All uses, structures or vegetation pursued, built, modified or planted within the zones surrounding the Johnstown Cambria County Airport, as those zones are further defined herein, is subject to the height limitations and use restrictions contained in this Article XVI. The requirements of this Article are in addition to those contained in any other zone in which the existing or proposed use, property, structure or vegetation is located.

**§ 155-59. Definitions.**

As used in this Article XVI, unless the context otherwise requires, the following words shall have the following meanings:

AIRPORT — The Johnstown Cambria County Airport.

AIRPORT ELEVATION — The highest point of an airport's usable landing area measured in feet from sea level. For purposes of this Article, "airport elevation" shall be two thousand two hundred eighty four (2,284) feet above sea level.

AIRPORT ZONES — All the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Johnstown Cambria County Airport. Such zones are shown on the Stonycreek Township Zoning Map, consisting of one (1) sheet prepared by CPS Surveys, Inc., and dated April 1986, which is attached to this

Article and made a part hereof.<sup>5</sup> An area located in more than one (1) of the following zones and/or in another zone established by this chapter is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- A. UTILITY RUNWAY VISUAL APPROACH ZONE — The inner edge of this approach zone coincides with the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- B. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM AS LOW AS THREE-FOURTHS MILE NONPRECISION INSTRUMENT APPROACH ZONE — The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- C. PRECISION INSTRUMENT RUNWAY APPROACH ZONE — The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its center

<sup>5</sup> Editor's Note: Said Zoning Map is on file in the township offices.



line is a continuation of the center line of the runway.

- D. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN THREE-FOURTHS MILE NONPRECISION INSTRUMENT APPROACH ZONE — The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- E. TRANSITIONAL ZONES — The areas beneath the transitional surfaces.
- F. HORIZONTAL ZONES — Established by swinging arcs of ten-thousand-foot radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The "horizontal zone" does not include the approach and transitional zones.
- G. CONICAL ZONE — The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet.

APPROACH SURFACE — A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in § 155-60 of this Article. The perimeter of the approach surface shall coincide with the perimeter of the "approach zone."

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES — These zones are set forth in § 155-60 of this Article.



CONICAL SURFACE — A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

HAZARD TO AIR NAVIGATION — An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable air space.

HEIGHT — For the purposes of determining the height limits in all zones set forth in this Article and shown on the Zoning Map, the datum shall mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE — A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which plane coincides with the perimeter of the horizontal zone.

OBSTRUCTION — Any structure, growth or other object, including a mobile object, which exceeds the limiting height set forth in § 155-60 of this Article.

PERSON — An individual, firm, partnership, corporation, company, association, joint-stock association or governmental entity, and includes a trustee, a receiver, an assignee or a similar representative of any of them.

PRIMARY SURFACE — A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the "primary surface" extends two hundred (200) feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface or planned hard surface, the "primary surface" ends at each end of that runway. The width of this "primary surface" is set forth in § 155-60 of this Article. The elevation of any point on the "primary surface" is the same as the elevation of the nearest point on the runway center line.

RUNWAY — A defined area on an airport prepared for landing and takeoff of aircraft along its length. Types of runways are more specifically defined as follows:

- A. LARGER THAN UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet-powered aircraft.
- B. NONPRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area-type navigation equipment for which a straight in, nonprecision instrument approach procedure has been approved or planned.
- C. UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.
- D. VISUAL RUNWAY — A runway intended solely for the operation of aircraft using visual approach procedures.
- E. PRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

STRUCTURE — An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITIONAL SURFACES — These surfaces extend outward at ninety degree angles to the runway center line and the runway center line extended at a slope of

seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces where they intersect the horizontal and conical surfaces. "Transitional surfaces" for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend the distance of five thousand (5,000) feet measured horizontally from angles to the extended runway center line.

TREE — Any object of natural growth.

ZONING HEARING BOARD — The Stonycreek Township Zoning Hearing Board.

#### **§ 155-60. Airport zone height limitations.**

Except as otherwise provided in this Article, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height limit herein established for such zone. The height limitations for each of the zones are as follows:

- A. Precision instrument runway approach zone. The height limitation slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line; then the limitation slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway center line.
- B. Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone. The height limitation slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.



- C. Utility runway visual approach zone. The height limitation slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway.
- D. Runway larger than utility with a visibility minimum as low as three-fourths mile nonprecision instrument approach zone. The height limitation slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line.
- E. Transitional zones. The height limitation slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach one projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of five thousand (5,000) feet measured at ninety-degree angles to the extended runway center line.
- F. Horizontal zone. The height limitation is established at one hundred fifty (150) feet above the airport elevation.
- G. Conical zone. The height limitation slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and to one hundred fifty (150) feet above the airport elevation and extending to a



height of three hundred fifty (350) feet above the airport elevation.

- H. Accepted height limitations. Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to fifty (50) feet above the surface of the land.

**§ 155-61. Use restrictions.**

Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create hazards or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

**§ 155-62. Nonconforming uses.**

- A. Regulations not retroactive. The regulations prescribed by this Article should not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure the construction or alteration of which was begun prior to the effective date of this Article and is diligently prosecuted.
- B. Marking and lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance

thereon of such markers and lights as shall be deemed necessary by the Township Supervisors to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of Johnstown Cambria County Airport Authority or any successor organization or corporation.

**§ 155-63. Zoning approval related to airport zones.**

A. Future uses. Except as specifically provided in Subsection A(1)(a), (b) and (c) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no trees shall be planted in any zone hereby created unless zoning approval therefor shall have been applied for and granted. Each application for zoning approval shall meet the requirements of this Article in addition to the requirements set forth in Article XII and shall indicate the purpose for which the zoning approval is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the zoning approval shall be granted. No zoning approval for use inconsistent with the provisions of this Article XVI shall be granted unless a variance has been approved by the Zoning Hearing Board.

- (a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree less than seventy five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree would extend above the height limits prescribed for such zones.
- (b) In areas lying within the limits of the approach zones but at a horizontal distance of not less

than four thousand two hundred (4,200) feet from each end of the runway, no zoning approval shall be required for any tree less than seventy five (75) feet of vertical height above the ground, except when such tree would extend above the height limit prescribed for such approach zones.

- (c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree less than seventy five (75) feet of vertical height above the ground, except when such tree; because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

- (2) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any height limits established by this Article.

B. Existing uses. No zoning approval shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments thereto or than it is when the application for a zoning approval is made. Except as indicated, all applications for such zoning approval shall be granted.

C. Variances. Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use property not in accordance with the regulations prescribed by this Article may apply to the Zoning Hearing Board for a variance from such regulations. Such variances shall be heard in accordance with the standards and procedures set forth in Article XIII of this chapter and may be allowed where it is duly found that a



literal application or enforcement of the regulations will result in unnecessary hardship and that the relief granted will not be contrary to the public interest, will do substantial justice and will be in accordance with the spirit of this Article. Additionally, an application for variance from the requirements of this Article may be referred by the Zoning Hearing Board to the Johnstown Cambria County Airport Authority or the Johnstown Cambria County Airport Manager for advice as to the aeronautical affects of the variance.

- D. Obstruction, marking and lighting. When such action is deemed advisable to effectuate the purpose of this Article and to be reasonable in the circumstances, a granted zoning approval or variance may be conditioned to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Hearing Board, this condition may be modified to require the owner to permit the Johnstown Cambria County Airport Authority, at its own expense, to install, operate and maintain the necessary markings and lights.

**§ 155-64. Enforcement.**

It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Application for permits and variances shall be made to the Zoning Officer in accordance with Article XV of this chapter.

**§ 155-65. Violations and penalties.**

Each violation of this article shall be punishable as set forth in Article XV of this chapter.



**§ 155-66. Conflicting regulations.**

Where any of the regulations or limitations prescribed in this article are inconsistent or conflict with any other zoning regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail.

**ARTICLE XVII****Communications Towers and Antennas**

[Added 4-13-1999 by Ord. No. 540]

**§ 155-67. Scope.**

The purpose of this article shall be designed:

- A. To facilitate efficient and adequate communications services and protect the interest of the residents of Stonycreek Township.
- B. To regulate the construction and placement of communications towers and antennas.

**§ 155-68. Definitions.**

As used in this Article XVII, unless the context otherwise requires, the following words shall have the following meanings:

COMMUNICATIONS ANTENNA — Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television

antennas or amateur radio equipment, including without limitation ham or citizen band radio antennas.

**COMMUNICATIONS EQUIPMENT BUILDING** — An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

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

**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, collection, communications, supply or disposal systems and their essential buildings, excluding communications towers and communications antennas, as defined herein.

**HEIGHT OF A COMMUNICATIONS TOWER** — The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

**PUBLIC UTILITY TRANSMISSION TOWER** — A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

**STRUCTURE** — Any thing built, constructed or erected which requires location on the ground or attachment to something located on the ground.

**§ 155-69. Use restrictions.**

- A. Any height exceptions set forth in the Stonycreek Township Zoning Ordinance shall not apply to any

communications antennas or communications towers. Further, to the extent that any height restrictions are in conflict with the restrictions and provisions herein, the more stringent shall be applicable.

- B. Omnidirectional or whip communications antennas shall not exceed 20 feet in height and seven inches in diameter.
- C. Directional or panel communications antennas shall not exceed five feet in height and three feet in width.
- D. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- E. Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township of Stonycreek.
- F. A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
- G. The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

**§ 155-70. Site restrictions.**

- A. A communications tower may be located as a special exemption only within the following geographic boundaries of Stonycreek Township:
  - (1) That section of Stonycreek Township which is known as the "Wertz Road" area of the Oakland section of the township. This area is located in the northwest section of the township to which access to this area is obtained from Bedford Street (State L.R. 3036), by turning onto Wertz Road and then traveling approximately 1/2 mile up Wertz Road.



This area is bounded by the City of Johnstown on the west side and to the southwest by Lorain Borough.

- (2) That section of Stonycreek Township known as the "Glass Hill" area of the township near the Solomon Run section of the township. The area is located in the northeast section of the township to which access to this area is from the Johnstown 56 Bypass (State L.R. 0056) turning onto Widman Street and then turning onto Glass Road and traveling approximately one mile to the top of the hill. The area is bounded to the northeast by Conemaugh Township, Cambria County, and to the east by Richland Township.
  - (3) The preexisting zoning districts shall remain for all uses previously permitted on the tracts of land described in Subsection A(1) and (2) above.
- B. 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 20 feet in width and shall be improved to a width of at least 10 feet, with a dust-free all weather surface for its entire length.
  - C. 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.
  - D. Recording a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided that the communications equipment building is unmanned.
  - E. The height of the communications tower shall not exceed 150 feet.
  - F. The foundation and base of any communications tower shall be set back from a property line (not lease line)



located in any residential district at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.

- G. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- H. The communications equipment building shall comply with the required yard and height requirements of the applicable zoning district for an accessory structure.
- I. 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 and applicable requirements of the Stonycreek Township Building Code.
- J. 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 \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.
- K. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- L. The site of a communications tower shall be secured by a fence with a maximum height of eight feet to limit accessibility by the general public.
- M. 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 which has jurisdiction.

- N. Communications towers shall be protected and maintained in accordance with the requirements of the Stonycreek Township Building Code.
- O. If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such twelve-month period.
- P. One off-street parking space shall be provided within the fenced area.

#### **§ 155-71. Enforcement.**

It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer in accordance with Article XV of this article.

#### **§ 155-72. Violations and penalties.**

Each violation of this article shall be punishable as set forth in Article XV of this article.

#### **§ 155-73. Conflicting regulations.**

Where any of the regulations or limitations prescribed in this article are inconsistent or conflict with any other zoning regulations applicable to the same area, whether the conflict is with respect to the height of structures, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail.