MOUNT PLEASANT TOWNSHIP

WASHINGTON COUNTY, PENNSYLVANIA

ZONING ORDINANCE
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ORDINANCE NO. _____


Article I

GENERAL PROVISIONS

Section 1. Enacting Clause. BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Mount Pleasant, County of Washington, by authority of and pursuant to the provisions of Articles VI through X of Act No. 247 of 1968, 53 P.S. §10101 et. seq., known as the Pennsylvania Municipalities Planning Code, and any amendments and supplements thereto, as follows:

Section 2. Title. This ordinance shall be known and cited as the Mount Pleasant Township Zoning Ordinance.

Section 3. Purposes, Interpretation, Conflict. The general purpose of this Ordinance is stated in the enabling clause in the Pennsylvania Municipalities Planning Code. In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon heights of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolutions or agreements, the provisions of this ordinance shall control.

Section 4. Compliance With Regulations

4.1 No building shall be erected, converted
or altered nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged or altered except in conformity with the area regulations, minimum yard requirements and minimum off-street parking space requirements of this ordinance for the district in which such building is located.

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

4.3 Wherever the regulations of this Ordinance are not consistent with another part or with another regulation of the Township or other agency having jurisdiction, the more restrictive regulations shall apply.

Section 5. Zoning Hearing Board. In accordance with Article IX of the Pennsylvania Municipalities Planning Code, there is hereby created a Zoning Hearing Board. This Zoning Hearing Board shall initially be comprised of the members of the present Zoning Board of Adjustment. From and after the effective date of this Ordinance, the Zoning Hearing Board shall have the members and such powers and authority as are set forth in this Ordinance and in the Pennsylvania Municipalities Planning Code. The duly established Zoning Hearing Board may, from time to time, be referred to in this Ordinance as the Board, and unless otherwise clearly indicated, the term "Board" shall refer to such Zoning Hearing Board.

Section 6. Validity. If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

Section 8. Community Development Objectives. This Ordinance is intended to implement the objectives for future development of Mount Pleasant Township as specified in the Comprehensive Plan for Mount Pleasant Township, 1965, as supplemented by the update of the Comprehensive Plan adopted in 1978.

Section 9. Uses Not Provided For. Whenever, in any District established under this Ordinance, a use is neither specifically permitted nor denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall
have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose of this Ordinance.
Article II

DEFINITIONS

Section 1. For the purpose of this ordinance, certain terms and words are defined as follows. Words used in the present tense include the future, and the plural includes the singular, and the singular the plural. The word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." Except where specifically defined, all words used in this ordinance shall carry out their customary meanings.

Accessory Use or Structure. A use or structure (such as a garage) incidental to the main use of the land or building. In buildings restricted to residence use, the office of a professional man, customary family occupations, and workshops not conducted for compensation shall be deemed accessory uses. A roadside stand for sale of farm products conducted solely by the farm operator shall be considered an accessory use.

Agriculture. Any agricultural use, including farming, dairying, pasturage, agriculture, horticulture, floriculture, veticulture, and animal and poultry husbandry.

Automotive Repair. The repair, rebuilding or recondition of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive Sales. The sales or rental of new or used motor vehicles or trailers.

Board. The Zoning Hearing Board.

Boarding House. A building other than a hotel where, for compensation and arrangement, meals or lodging and meals are provided for three (3) or more persons but not exceeding twenty (20) persons.

Building. Any structure other than a boundary wall or fence.

Building Line, Front. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps. Unless otherwise specified, the front line of the lot shall mean the line dividing the property and the road right-of-way.
Building, Height of. The vertical distance from the average grade level along the front building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Business Classifications.

(a) Business, General. Retail and service establishments which, in addition to catering to the community residents and workers daily needs for convenience goods and services, also include establishments offering comparative type shopping facilities. Community business included, but are not limited to supermarkets and stores for the sale of drugs, hardware, appliances, furniture, apparel, footwear, business and personal services, professional services, offices and other similar or related activities which lend themselves to contributing to the design and economics of a unified shopping center.

(b) Business, Highway. Includes commercial uses requiring locations on major thoroughfares and at their principal intersections. Highway uses include motels, gas stations, restaurants, drive-in establishments, auto and farm implement sales and services, building trades and services, commercial recreation and similar commercial activities.

(c) Business, Neighborhood. Retail and service establishments which cater to and can be located in close proximity to or within residential districts without other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises which normally employ less than five persons. Permitted uses include drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and hardware and grocery stores, if less than 2,500 square feet of floor area. Other small businesses of an equally restricted and local nature may be permitted, based on the discretion of the Board.

Business Services. Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or business.

Clinic. An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.
Club. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, education or recreation purpose, but not primarily for profit or to render a service which is customarily carried on as a business.


Community Development Project. Any proposed development of land for industrial, commercial or residential purposes, or a combination of these uses, provided they are functionally integrated, and the project is unique in design in order to attain an improved character of development that conforms to the purpose and intent of this ordinance even though the project does not comply with all its provisions.

Districts, Zoning Districts. Administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the "district map" which is part of this ordinance.

Drive-In Commercial Uses. Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

Dwelling. Any building or portion thereof which is designed for or used for residential purposes.

Dwelling, Single-Family. A building designed for or occupied exclusively by one family.

Dwelling, Two-Family. A building designed for or occupied exclusively by two families.

Dwelling, Multiple. A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats, group houses, garden apartments and similar structures.

Dwelling, Residential Conversion. A building previously built or occupied as other than a residence which is modified to provide a dwelling unit. Such units shall have a minimum of 600 square feet of floor area.

Entertainment Facilities. Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, bowling alleys, roller skating rinks, miniature golf, golf driving ranges, commercial swimming pools, carnivals and related uses.
Essential Services. The erection, construction, alteration, replacement, use and maintenance by municipal or governmental agencies, public utilities or public corporations engaged in serving the public directly or indirectly of such facilities as are reasonably necessary or convenient for the furnishing of adequate service to the public, or for public health, safety or general welfare. Such facilities will include underground or overhead electrical, gas, steam, or water systems; including poles, wires, lines, mains, drains, sewers, conduits, cables, sustations, fire alarm boxes, police call boxes, traffic signals, hydrants, gas regulator and measuring devices, including the structures in which they are housed, and other similar equipment and accessories in connection therewith.

Family. One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a boarding house or hotel, as herein defined.

Farm Recreation Enterprises. Farms and woodland adapted for use as vacation farms; picnicking and sports areas; fishing waters; camping, scenery, and nature appreciation areas; hunting areas; hunting preserves; and watershed projects.

Food Processing. The preparation of food products for retail sale on the premises.

Forestry. The growing and care of trees for commercial purposes, including the cutting and marketing of timber, excluding lumber mills.

Frontage. All the property on one side of a street between the two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Garage, Private. An accessory building designed or used for the storage of motor driven vehicles owned and used by the occupants of the buildings to which it is accessory. Not more than one of the vehicles may be a commercial vehicle of more than two-ton capacity.

Garage, Public. A building, or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

Gas Station, Service Station. Any building, structure, or land used for the dispensing, sale or offering
for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting.

Highway, Major. A street or road of considerable continuity and used primarily as a traffic artery for travel among large areas.

Home Occupation. Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

(a) Non-Professional. An occupation for gain or support conducted only by immediate members of a family residing on the premises and conducted entirely within the dwelling or accessory building; provided no article is sold or offered for sale except such as may be produced on the premises by members of the family, and further provided that such occupation shall in no case occupy more than twenty-five (25) percent of the floor area of the dwelling.

(b) Professional. An occupation for gain or support conducted by a member of a recognized profession, entirely within the dwelling or accessory building, provided that not more than three (3) persons not in residence in the dwelling are employed, and, further provided that such occupation shall in no case occupy more than twenty-five (25) percent of the floor of the dwelling.

Hotel. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in distinction to a boarding house, a lodging house or an apartment which are generally intended for the exclusive use of longer term residents.

Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks.

Lot. For zoning purposes, as covered by this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and open spaces as herein
required. A lot may or may not consist of a single lot of record. A lot shall have frontage on a public street of an approved private street or easement of access.

Lot Coverage. Lot coverage shall be the ratio of enclosed ground floor area of the principal buildings, to the horizontally projected area of the lot, expressed as a percentage.

Lot of Record. Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder of Deeds of the County.

Lot, Minimum Area of. The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot, Width. The width of a lot at the front building line measured at right angles to its depth. The width of lots fronting on curved streets shall be the chord distance between points of intersection of the side lot lines with the curve coinciding with the required depth of the front yard.

Manufacturing, Light. Any manufacturing or industrial processing which by nature of the materials, equipment, and process utilized are to a considerable measure clean, quiet and free of any objectionable or hazardous element. Restricted industrial uses shall comply with the performance requirements specified in this Ordinance and shall include the following industrial uses listed below and any other uses which are determined by the Board to be of the same general character: drugs, jewelry, musical instruments, sporting goods; processing and assembly of glass products, small household appliances, electronic products and parts for production of finished equipment; research and testing laboratories; printing and engraving plants, bakeries and dairies.

Manufacturing. The process of making products by hand, by machinery or by other agency.

Mediation. A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Mineral Extraction, Storage, and Processing. Any mining, quarrying, or processing of coal, limestone, clay, sand, gravel or other mineral resources.
Mobilehome. A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobilehome Lot. A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome, which is leased by the park owner to the occupants of the mobilehome erected on the lot.

Mobilehome Park. A parcel of land under single ownership which has been planned and improved for the placement of mobilehomes for nontransient use, consisting of two or more mobilehome lots.

Non-Conforming Use. Any lawful use of buildings or land existing at the effective date of adoption or amendment of this Ordinance and which does not conform to the regulations of the district in which it is situated.

Non-Conforming Lot of Record. A lot which fails to meet the area or width requirements at the effective date of adoption or amendment of this Ordinance.

Outdoor Advertising Structure. Any sign or billboard which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises or on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located.

Personal Services. Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, valet service, watch repairing, barber shop, beauty parlors and related activities.

Plant Cultivation. The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials.

Professional Activities. The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects and engineers.

Public Hearing. A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.
Public Maintenance and Storage Facilities. Public land and buildings devoted solely to the maintenance and storage of equipment and materials.

Public Meeting. A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

Public Notice. Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Uses. Public parks; schools; and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

Recreational Facilities, Non-Commercial. Country Clubs, riding stables, golf courses, and other private non-commercial recreation areas and facilities or recreation centers including private community or club swimming pools.

Restricted Commercial Recreational Facilities. Semi-public and public golf courses; boat docks and fishing piers, boat launching, maintenance, repair and fueling facilities; and ski-lodges.

Seasonal Residence. A dwelling, cabin, lodge, or summer house which is intended for occupancy less than one hundred and eighty-two (182) days of the year.

Semi-Public Uses. Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

Sewage Disposal System, Combined. An approved system of piping, tanks or other facilities for the collection, treatment, and disposal of sewage wastes from two or more lots.

Sewage Disposal System, On-Site. An approved system of piping, tanks or other facilities which collects and disposes of sewage, in whole or in part, into the soils or waters on the property on which the source of the sewage waste is located.
Social Activities. Any building and land used for private or semi-private club activities, including lodges, fraternities and similar activities.

Solicitor. The Solicitor of the Township of Mount Pleasant.

Special Exception. The granting of a use permitted under certain provisions of this Ordinance as authorized in specific instances listed, and under the terms, procedures and conditions prescribed herein. Special exceptions are administered by the Zoning Hearing Board.

Specialized Animal Raising and Care. The use of land and buildings for the raising and care of furbearing animals such as rabbits and domestic pets; and the stabling and care of horses, animal kennels, pigeon raising and raising of any other domestic animals or birds of a similar nature.

Story. That portion of a building other than a cellar included between the surface of any floor and the surface of the floor next above it or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters or if two-thirds of its volume is above the average level of the adjacent ground.

Street Right-of-Way Line. A dividing line between a lot, tract or parcel of land and contiguous street.

Structure. Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

Structural Alterations. Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

Supervisors, Board of Supervisors. The Board of Township Supervisors of Mount Pleasant Township.

Tourist Home. A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

Trailer, Small Utility. Any trailer drawn by passenger automobile, used for the occasional transport of personal effects.

Variance. A variance is a relaxation of requirements where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant.
a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

**Yard.** An open space at grade between a building and the adjoining lot lines, unoccupied by any use or by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

**Yard, Front.** A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street right-of-way line and the main building or any projection thereof, other than the projections of less than six feet of the usual uncovered steps, uncovered balconies, or uncovered porch.

**Yard, Rear.** A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches.

**Yard, Side.** A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

**Zoning District Map.** The zoning district map or maps of Mount Pleasant Township together with all amendments.

**Zoning Inspector.** The Zoning Inspector or his authorized representative appointed by the Board of Supervisors.

**Zoning Permit.** The document issued by the Zoning Inspector authorizing the use of the land or building.
Article III

ESTABLISHMENT OF DISTRICTS

Section 1. Districts. The Township is hereby divided into districts under four general categories which shall be known as: Open Space Districts, Residential Districts, Business Districts and Industrial Districts.

1.1 Open Space Districts.

A-1 Agricultural-Rural. Land which is level to gently rolling, possesses productive soil characteristics or contains useful mineral deposits.

1.2 Residential Districts.

R-1 Residential. For low to medium density residential development. Most community services could be provided. Includes land with little or no major topographical problems.

1.3 Business District.

B-1 General Business. Areas to accommodate community needs for goods and services as well as those social, cultural and civic uses which are appropriate to the district.

1.4 Industrial Districts.

M-1 Industrial. Areas which, because of their access to transportation and community services, provide good sites for most types of industry.

Section 2. District Map. The boundaries of the districts are shown upon the map which is made a part of this Ordinance, which map is designated as the "District Map." The district map and all the notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set or described herein, the original of which district map is properly attested and is on file with Board of Supervisors.

Section 3. District Boundaries.

3.1 The district boundary lines on said map are intended to follow either street or alley or lot lines, or the center lines of streams; and, where the districts designated on the map are bounded approximately by such stream street, alley or lot lines, the street or alley or lot line shall be construed to be the boundary of
the district, unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the District Map or by dimensions.

3.2 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line unless the district line as shown on the district map follows the right-of-way line.

3.3 When there is a question on the specific location of a district boundary which cannot be resolved with the use of the official zoning map and scale, the Zoning Hearing Board shall determine the proper placement.
Article IV

REGULATIONS

Section 1. Use Regulations. Permitted and conditional uses for each district are shown on the following table:

<table>
<thead>
<tr>
<th>District</th>
<th>Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Agriculture, Single-Family Dwelling, Forestry, Accessory Uses to the Above, Horses and other livestock with a minimum of 3 acres of ground with stables (structures) no less than 85 feet from any property line.</td>
</tr>
<tr>
<td>R-1</td>
<td>Single-Family dwellings, two-family dwellings, agriculture, accessory uses to the above.</td>
</tr>
<tr>
<td>B-1</td>
<td>Retail business, personal services, business services, professional activities, commercial schools, offices and banks, restaurants, automotive sales, tourist homes, entertainment facilities, mortuaries, semi-public uses, medical and dental clinics, social clubs and lodges, accessory uses to the above.</td>
</tr>
<tr>
<td>M-1</td>
<td>Light manufacturing, food processing, printing, research and testing facilities, transport and trucking terminals, offices, public maintenance and storage facilities, essential services, accessory uses, sale and storage of building materials, agriculture, warehousing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>District</th>
<th>Special Exception Requiring Zoning Hearing Board Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Home occupations, recreation facilities, cemetary, specialized animal raising and care, riding stables, animal hospitals, mobilehome parks, sand, gravel, topsoil extraction, coal mining.</td>
</tr>
</tbody>
</table>
### Special Exceptions Requiring Zoning Hearing Board Approval

<table>
<thead>
<tr>
<th>District</th>
<th>Special Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>Multiple-family dwellings, recreation uses not municipally-owned, home occupation, neighborhood business, nursery school.</td>
</tr>
<tr>
<td>B-1</td>
<td>Multiple-family dwelling, whether or not in a commercial building, taverns, wholesale business, drive-in commercial uses, animal hospitals or clinics, sale or storage of building materials, recreational facilities, motels and hotels, home occupations, limited industrial uses in which emit no pollutants or noise or vibrations perceptible beyond the property line, and providing that the minimum side yard setback for either side shall be 30 feet and the minimum rear yard setback shall be 30 feet.</td>
</tr>
<tr>
<td>M-1</td>
<td>Restaurants, wholesale business, manufacturing, coal extraction, auto and metal salvage operations, sanitary landfills, sand, gravel and topsoil extraction, lumber mill, slaughtering plant.</td>
</tr>
</tbody>
</table>

### Conditional Use

<table>
<thead>
<tr>
<th>District</th>
<th>Conditional Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Public uses, semi-public uses, essential services, sanitary landfills, PRD</td>
</tr>
<tr>
<td>R-1</td>
<td>Public uses, municipal recreation uses, essential services, semi-public uses, PRD</td>
</tr>
<tr>
<td>B-1</td>
<td>Vehicle service stations, public uses, essential services</td>
</tr>
</tbody>
</table>

### Section 2. Basic Yard, Area and Height Requirements for Dwellings.

The following schedule for dwellings and structures accessory to dwellings by district.
### A-1 DISTRICT SETBACK REQUIREMENTS

<table>
<thead>
<tr>
<th>District</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Either Side</th>
<th>Minimum Lot Width (In Feet)</th>
<th>Minimum Lot Area Per Family</th>
<th>Maximum Height of Buildings Stories</th>
<th>Maximum Height Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>35</td>
<td>60</td>
<td>20</td>
<td>20</td>
<td>150</td>
<td>1 acre</td>
<td>2 1/2</td>
</tr>
</tbody>
</table>

### R-1 DISTRICT SETBACK REQUIREMENTS

**OFF-SITE COMBINED SEWAGE DISPOSAL SYSTEMS**

<table>
<thead>
<tr>
<th>R-1 District</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Either Side</th>
<th>Minimum Lot Width (In Feet)</th>
<th>Minimum Lot Area Per Family</th>
<th>Maximum Height of Buildings Stories</th>
<th>Maximum Height Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Family</td>
<td>35</td>
<td>30</td>
<td>20</td>
<td>40</td>
<td>85</td>
<td>12,750 sq. ft.</td>
<td>2 1/2</td>
</tr>
<tr>
<td>Two-Family</td>
<td>35</td>
<td>30</td>
<td>20</td>
<td>40</td>
<td>125</td>
<td>8,500 sq. ft.</td>
<td>2 1/2</td>
</tr>
<tr>
<td>Multiple Dwellings</td>
<td>40</td>
<td>30</td>
<td>30</td>
<td>60</td>
<td>100</td>
<td>2,000 sq. ft. and 12,000 sq. ft. per building</td>
<td>3</td>
</tr>
</tbody>
</table>

(see also Section 4 of this article)
R-1 ON-SITE SEWAGE DISPOSAL SYSTEMS

<table>
<thead>
<tr>
<th>R-1 District</th>
<th>Minimum Depth (In Feet)</th>
<th>Minimum Side Yard Widths (In Feet)</th>
<th>Sum of Minimum</th>
<th>Minimum Lot Area Per Family</th>
<th>Maximum Height of Buildings Stories Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Family</td>
<td>35</td>
<td>30</td>
<td>10</td>
<td>20</td>
<td>150</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 acre</td>
</tr>
<tr>
<td>Two-Family</td>
<td>35</td>
<td>30</td>
<td>10</td>
<td>20</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 acre</td>
</tr>
</tbody>
</table>

B-1 DISTRICT SETBACK REQUIREMENTS (Residential Uses)

<table>
<thead>
<tr>
<th>B-1 District</th>
<th>Minimum Depth (In Feet)</th>
<th>Minimum Side Yard Widths (In Feet)</th>
<th>Sum of Minimum</th>
<th>Minimum Lot Area Per Family</th>
<th>Maximum Height of Buildings Stories Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Dwellings</td>
<td>70</td>
<td>30</td>
<td>20</td>
<td>40</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,000 sq. ft. and 12,000 sq. ft. per building</td>
</tr>
</tbody>
</table>

(see also Section 4 of this article)
Section 3. Special Regulations for Neighborhood Business.

Neighborhood Business. A convenience goods store which primarily offers food for sale but which may also sell various other products normally associated with grocery store sales and certain personal service uses. Such a store is designed and intended solely for the use of residents in the immediate area within the community; it is not intended to serve the community as a whole, nor a regional market beyond the community.

Neighborhood Business may be approved as a special exception subject to the following additional regulations:

3.1 The total area of the first floor shall not exceed 2,500 square feet; no part of any other floor may be used for commercial purposes.

3.2 There shall be no outside display of merchandise.

3.3 The establishment shall not be open for business between the hours of 11:00 p.m. and 7:00 a.m.

3.4 There shall be no gas or oil sales.

3.5 There shall be no food sold for consumption on the premises.

3.6 A buffer yard of screening and landscaping shall be required for a minimum of 10 feet in the front and 15 feet on each of the sides and rear. Such buffers may be included as part of the minimum yard setbacks.

Section 4. Special Provisions for Multiple Dwellings.

4.1 Minimum Lot Size. The following minimum requirements shall apply to the erection of multiple dwellings or apartment dwellings:

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Area of Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>12,000 sq. ft.</td>
</tr>
<tr>
<td>B-1</td>
<td>12,000 sq. ft.</td>
</tr>
</tbody>
</table>
4.2 More than one multiple dwelling or apartment building may be permitted on a single site only after approval of the site plan by the Planning Commission.

4.3 Multiple dwellings shall utilize collective sewers connecting with an approved community sewage disposal system.

Section 5. Exemption for Existing Lots of Record. Any lot of record existing at the effective date of this Ordinance in any "R" District may be used for the erection of a single-family dwelling even though its area and width is less than the minimum requirements set forth herein. Front, rear and side yards for existing lots of record shall not be less than the established yard prevailing in the immediate area, but in no case shall side yards be less than five (5) feet. Where two adjacent lots of record with less than the required area and width are held by one owner, the Board may require that the two lots be combined and used for one main building. When three or more lots of record with less than the required area and width are held by one owner, the Board may require replatting to fewer lots to permit compliance with minimum yard requirements.

Section 6. Basic Yard, Area, Lot Coverage, and Height Requirements for All Buildings Other Than Dwellings. The table on the following page establishes the yard, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwellings, by districts.

Section 7. Location Restrictions in "A" Agricultural-Rural Districts.

7.1 With the exception of a residential, agricultural, public or semi-public use or building, no use or building shall be located within three hundred (300) feet of a dwelling, except that the Zoning Hearing Board may allow such a use within the required 300 feet upon written consent of the owner of the dwelling.

7.2 Except for a residential or agricultural use or building, no use or building shall be located within three hundred (300) feet of a principal building classified as a public or semi-public building except the Zoning Hearing Board may allow such a use within the required 300 feet upon written consent of the owner of the public or semi-public building.

Section 8. Height Exceptions. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors or flagpoles, silos and all coal extracting facilities.
BASIC YARD, AREA, LOT COVERAGE, AND HEIGHT REQUIREMENTS FOR ALL BUILDINGS OTHER THAN DWELLINGS

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Depth (In Feet)</th>
<th>Minimum Width Each Side Yard (In Feet)</th>
<th>Minimum Lot Width (In Feet)</th>
<th>Minimum Lot Area</th>
<th>Maximum Percent of Lot Coverage</th>
<th>Maximum Height of Buildings Stories</th>
<th>Maximum Height of Buildings Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>35</td>
<td>50</td>
<td>250</td>
<td>3 acres</td>
<td>15%</td>
<td>2½</td>
<td>35</td>
</tr>
<tr>
<td>R-1</td>
<td>35</td>
<td>50</td>
<td>250</td>
<td>3 acres</td>
<td>15%</td>
<td>2½</td>
<td>35</td>
</tr>
<tr>
<td>B-1</td>
<td>70</td>
<td>10</td>
<td>70</td>
<td>8,000 sq. ft.</td>
<td>25%</td>
<td>3</td>
<td>45</td>
</tr>
<tr>
<td>M-1</td>
<td>70</td>
<td>15</td>
<td>100</td>
<td>10,000 sq. ft.</td>
<td>40%</td>
<td>3</td>
<td>45</td>
</tr>
</tbody>
</table>

NOTE: Gasoline sales stations shall have a minimum front lot width of 100 feet.
Section 10. Special Yard Regulations.

10.1 When forty (40) percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the District, no building shall project beyond the average front yard so established, provided, however, that a front yard depth shall not be required to exceed fifty (50) percent in excess of the front yard otherwise required in the District in which the lot is located.

10.2 Lots having frontage on more than one street shall provide the required front yards along every street.

10.3 No accessory uses or structures, material or equipment storage other than off-street parking shall be located in any front yard without approval of the Board.

10.4 Filling station pumps and pump islands may be located within a required yard, provided they are not less than forty (40) feet from the right-of-way line of any route designated as a secondary highway on the Township major highway plan, fifty (50) feet from any route designated as a primary highway on the Township major highway plan, and not less than fifty (50) feet from the boundary of any residential district. Such lots shall have clearly defined traffic flow patterns and shall limit access to not more than two curb cuts of not more than 25 feet in width for each side fronting a street.

Section 11. Architectural Projections.

11.1 Cornices, eaves, belt courses, sills, canopies or similar architectural projections may extend or project into required side yards not more than two (2) inches for each one (1) foot of width of side yard, and may extend or project into a required front or rear yard not more than thirty (30) inches. Bay windows and chimneys may project into a required front, side or rear yard not more than eighteen (18) inches provided the side yard is not reduced to less than eight (8) feet.

11.2 Open structures such as porches, balconies, platforms or portecocheres, carports, and covered patios, shall be considered a part of the building to which attached and shall not project into the required minimum front or side yard.
Section 12. Side and Rear Yard Requirements for Non-Residential Uses Abutting "R" Districts.

12.1 Minimum Yard Requirements. Non-residential buildings or uses located in any "B" or "M" District shall not be located nor conducted closer to any lot line of any lot in an "A" District than the distance specified in the following schedule, except as provided in Section 11.1.

Minimum Side or Rear Yard Abutting Any "R" District

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Side or Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-street parking spaces and access drives for non-residential uses.</td>
<td>25 feet</td>
</tr>
<tr>
<td>Churches, schools, and public and semi-public buildings.</td>
<td>50 feet</td>
</tr>
<tr>
<td>Recreation facilities, entertainment facilities, motels, all commercial uses, except those listed below and billboards.</td>
<td>80 feet</td>
</tr>
<tr>
<td>Outside sale or storage of building material or construction equipment, auto salvage operations, all industrial uses.</td>
<td>150 feet</td>
</tr>
</tbody>
</table>

12.2 Landscaping or Screening Provisions. For non-residential uses abutting "R" Districts, the minimum yards may be reduced to fifty percent of the above requirements if acceptable landscaping or screening, approved by the Zoning Inspector, is provided. Such screening shall be a masonry or solid fence not less than four feet in height, maintained in good condition and free of all advertising or other signs. Landscaping, provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen feet in width planted with an evergreen hedge, or dense planting of evergreen shrubs not less than four feet in height.

Section 13. Uses Requiring Site Plan Approval by Planning Commission.

13.1 The Zoning Inspector shall not issue a zoning certificate for the construction of a new building or for the expansion of an existing building in any of the following cases unless a site plan has been approved by the Board of Supervisors after review and recommendation by the Planning Commission:
(a) On any property in a "B" or "M" District.

13.2 Every site plan shall contain the following information for review and recommendation by the Planning Commission and approval by the Board of Supervisors.

(a) A plot plan showing all property lines, building setback lines, adjacent road rights-of-way, and road centerlines.

(b) A location map sufficient to identify the placement of the property with respect to the adjacent area and road network.

(c) All proposed curb cuts or driveway entrances including the design of the curbing.

(d) The proposed placement of any buildings on the site and their relationship to internal circulation of traffic, parking and loading.

(e) Topography and drainage as it may affect public rights-of-way.

13.3 In considering any site plan, the Commission shall endeavor to assure safety and convenience of traffic movement both within the site covered and in relation to access streets to the site, and harmonious and beneficial relationships of buildings on the site as well as contiguous properties.

13.4 The Commission shall transmit its recommendation to the Board of Supervisors within thirty days after submission thereof. The Board of Supervisors shall approve or disapprove the request within 60 days of submission.

13.5 Approval of the Board of Supervisors of a site plan under the provisions of Section 13 shall expire one (1) year after the date of such approval if building permits have not been obtained for construction in accordance therewith.

13.6 Appeal from the action of the Planning Commission may be made to the Zoning Hearing Board.

13.7 This requirement for certain site plans to be submitted to the Commission does not relieve the Zoning Inspector of his duty to determine whether or not the proposed use or building conforms to all regulations pertaining thereto as set forth in this Ordinance.

14.1 General Regulations.

(a) Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

(b) Each parking space shall consist of not less than an average of two hundred seventy square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than ten feet wide and twenty feet long. Outdoor parking space, and the approaches thereto, shall be paved, or stabilized with a suitable material. Such outdoor parking spaces shall not be used to satisfy any open space requirements of the lot on which it is located. The minimum area of 270 square feet shall not apply to driveways at least forty-five feet in length for single family houses.

(c) A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.

(d) Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board provided a written agreement approved by the municipal solicitor and accepted by the Board of Supervisors, shall be filed with the application for a zoning permit.

(e) Surfacing. Any off-street parking or loading area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as gravel, concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.

(f) Lighting. Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.
(g) There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private alley or easement of access, there shall be provided an access drive not less than twelve feet in width suitably graded and surfaced; and not less than eighteen feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.

(h) For other uses which do not fit into one of the categories listed in Section 14.2, determination of the appropriate parking space requirement shall be made by the Board of Supervisors.

(i) Parking Area Screening. All off-street parking areas which provide more than five parking spaces shall be screened from any abutting property zoned residential or used for residential purposes. Screening shall be accomplished according to the requirements of Section 12.2 of this Article.

(j) Parking Area Reservation. All off-street parking areas shall be reserved and used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind on residential dwelling lots in Residential Districts. The parking of not more than one commercial vehicle of more than one ton is permitted if needed by an individual for his livelihood for a business not conducted on the premises. One vehicular dwelling is permitted for storage purposes only and when it is not to be used for sleeping, recreational or living purposes at any time or in any way, shape or form.

(k) Off-street parking and loading space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. The word "addition" as used above shall include any alterations intended to enlarge or increase capacity by adding or creating dwelling units, floor area or seats.

(l) Existing off-street parking or loading facilities provided at the effective date of this Ordinance and actually being used at that time in connection with the operation of an existing use, shall not be reduced below the minimum required in this Ordinance.

(m) Whenever the existing use of a building, structure or land shall hereafter be changed to a new use, parking and loading facilities shall be provided as
required for such new use. However, if the said building or structure was erected or the use of land established prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.

(n) In the case of mixed uses, the total number of required parking or loading spaces shall be the sum of the required spaces for the various uses computed separately.

14.2 Parking Facilities Required. Off-street parking facilities shall be provided as follows:

(a) Residential Parking Requirements.

1. Schedule

<table>
<thead>
<tr>
<th>Uses</th>
<th>One Parking Space for Each</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached dwellings</td>
<td>½ dwelling unit</td>
</tr>
<tr>
<td>Single-family semi-detached dwellings</td>
<td>½ dwelling unit</td>
</tr>
<tr>
<td>Two-family detached dwellings</td>
<td>½ dwelling unit</td>
</tr>
<tr>
<td>Two-family semi-detached dwellings</td>
<td>½ dwelling unit</td>
</tr>
<tr>
<td>Townhouse dwellings</td>
<td>½ dwelling unit</td>
</tr>
<tr>
<td>Garden apartment dwellings</td>
<td>2/3 dwelling unit</td>
</tr>
<tr>
<td>Low-rise apartment dwellings</td>
<td>2/3 dwelling unit</td>
</tr>
<tr>
<td>Mid-rise apartment dwellings</td>
<td>2/3 dwelling unit</td>
</tr>
<tr>
<td>Residential conversion units</td>
<td>½ dwelling unit</td>
</tr>
<tr>
<td>Boarding, rooming or tourist houses</td>
<td>Guest room</td>
</tr>
</tbody>
</table>

(b) Commercial Parking Requirements.

1. Schedule

<table>
<thead>
<tr>
<th>Uses</th>
<th>One Parking Space for Each</th>
</tr>
</thead>
<tbody>
<tr>
<td>Places of public or private assembly including theaters, auditoriums, churches, schools, stadiums</td>
<td>3 seats provided for public or private assembly</td>
</tr>
<tr>
<td>Uses</td>
<td>One Parking Space for Each</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Retail stores and other places for trade or business</td>
<td>200 square feet of floor area for public use</td>
</tr>
<tr>
<td>Food markets and grocery stores</td>
<td>100 square feet of floor area for public use</td>
</tr>
<tr>
<td>Restaurants, tearooms, cafeterias, taverns, night clubs</td>
<td>3 seats or 3 persons based on design capacity</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>( \frac{1}{4} ) alleys plus 1 employee</td>
</tr>
<tr>
<td>Office buildings</td>
<td>200 square feet of floor area plus 1 employee</td>
</tr>
<tr>
<td>Vehicle service stations</td>
<td>200 square feet of floor area devoted to repair or service facilities plus 1 employee</td>
</tr>
<tr>
<td>Hospital and sanitariums</td>
<td>3 beds, plus each employee on the largest shift</td>
</tr>
<tr>
<td>Drive-in restaurants, drive-in dairies or other similar establishments</td>
<td>50 square feet of building</td>
</tr>
<tr>
<td>Private clubs and lodges</td>
<td>100 square feet of floor area available to patrons</td>
</tr>
<tr>
<td>Public swimming pools</td>
<td>3 persons for whom facilities for dressing are provided; or for every 12 square feet of water surface whichever is greater</td>
</tr>
<tr>
<td>Golf driving range</td>
<td>Tee provided</td>
</tr>
<tr>
<td>Miniature golf</td>
<td>( \frac{1}{2} ) hole</td>
</tr>
<tr>
<td>Coin laundries</td>
<td>1 ½ washing machines</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>1 guest unit, plus employee</td>
</tr>
<tr>
<td>Dormitory, fraternity house, nursing home</td>
<td>1 sleeping room</td>
</tr>
<tr>
<td>Mortuaries, funeral homes, and undertaking establishments</td>
<td>3 seats based on maximum seating capacity</td>
</tr>
<tr>
<td>Home occupations</td>
<td>Determined to be adequate for the particular home occupational use</td>
</tr>
</tbody>
</table>
(c) **Industrial Parking Requirements.**

1. **Schedule**

<table>
<thead>
<tr>
<th>Uses</th>
<th>One Parking Space for Each</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial and manufacturing establishments, truck terminals and wholesale warehouses</td>
<td>Employee on the combined major and next largest shift</td>
</tr>
</tbody>
</table>

2. Space shall be provided to the above parking requirements for salesmen and other visitor parking, according to specific needs.

(d) **Public and Semi-Public Parking Requirements.**

1. **Schedule**

<table>
<thead>
<tr>
<th>Uses</th>
<th>One Parking Space for Each</th>
</tr>
</thead>
<tbody>
<tr>
<td>School</td>
<td>Staff members plus one space for each twenty students or assembly requirements, whichever is greater</td>
</tr>
<tr>
<td>Indoor recreation center</td>
<td>90 square feet of floor area available to patrons</td>
</tr>
<tr>
<td>Outdoor recreation center</td>
<td>500 square feet of lot area devoted to amusement devices</td>
</tr>
</tbody>
</table>

(e) **Parking Prohibitions.** Parking shall not be permitted on public rights-of-way except in designated areas.

14.3 **Loading and Unloading Space.**

(a) In addition to the off-street parking space required above, any building erected, converted, or enlarged for any non-residential use shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be fifty feet in depth, twelve feet in width, with an overhead clearance of fourteen feet.

(b) All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs.
This required space will be provided in addition to established requirements for patron and employee parking. IN no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall the public rights-of-way be used for loading or unloading of materials.

(c) Required off-street parking space shall not be computed for loading and unloading purposes.

(d) Loading access and docks shall be designed and constructed to permit trucks sufficient area to make a complete turn on the premises and prevent any need for a truck to back off the highway or to back out onto the highway.

14.4 Access to Off-Street Parking and Loading Areas. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with the following provisions:

(a) Access drives shall not open upon any public right-of-way within eighty feet of the nearest right-of-way line of any intersecting public street or highway.

(b) Access drives shall not open upon any public right-of-way where the sight distance in either direction along the public thoroughfare would be less than five hundred feet when the posted speed limit exceeds thirty-five miles per hour; however, when the posted speed limit is thirty-five miles per hour or less, the sight-distance requirement may be reduced to two hundred fifty feet.

14.5 Parking and Loading Setbacks. All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty feet in depth; unless adjoining owners mutually agree to common facilities subject to greater setbacks as may be required elsewhere in this Ordinance.

Section 15. Performance Requirements.

15.1 Requirements. No land or buildings in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements.
(a) Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.

(b) Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

(c) Noise. Noise which is objectionable as determined by the Board due to volume, frequency or heat shall be muffled or otherwise controlled, except that air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

(d) Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

(e) Smoke. Smoke shall not be permitted for longer than eight minutes in any hour which is of a shade equal to or darker than No. 3 on the Standard Ringleman Chart as issued by the U.S. Bureau of Mines.

(f) Odors. No malordorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

(g) Air Pollution. No pollution by air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.

(h) Glare. No direct or reflected glare shall be permitted which is visible from any property outside of "M" District, or from any public street, road or highway.

(i) Erosion. No erosion, by water, shall be permitted which will carry objectionable substances onto neighboring properties.

(j) Water Pollution. Pollution of water shall be subject to the requirements and regulations established by the State Environmental Quality Board.

15.2 Enforcement Provisions.

(a) All uses existing on the effective date of this Ordinance shall conform to these performance requirements within one year, provided, however, that an extension of up to six (6) months may be granted by the Zoning Hearing Board.
any proposed use which is likely to violate performance requirements to the Board for review. See Section 2, (Article VII).

Section 16. Signs.

16.1 Erection and Maintenance of Signs. Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other Ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

16.2 Signs Permitted in Residential Districts.

(a) Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental or such premises, may be erected and maintained, provided: (1) the size of any such sign is not in excess of six square feet; and (2) not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

(b) Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder or agent, may be erected and maintained, provided: (1) the size of any such sign is not in excess of six square feet, and not in excess of four feet in length; and (2) not more than one such sign is erected on each five hundred feet of street frontage.

(c) Signs bearing the word "sold" or the word "rented" with the name of the persons affecting the sale or rental may be erected and maintained provided the conditions in Subsection 2.a hereof are complied with.

(d) Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided: (1) the size thereof is not in excess of twelve square feet; and (2) such signs are removed promptly upon completion of the work.

(e) Trespassing signs, or signs indicating the private nature of a driveway or property provided that the size of any sign shall not exceed two square feet.
(f) Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar nature may be erected and maintained provided: (1) the size of any such sign is not in excess of forty square feet; and (2) not more than two signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

(g) Signs advertising home occupations shall not be larger than twelve inches by twenty-four inches, and may include the name, occupation, and logotype or trade mark, if appropriate, of the practitioner. Such signs shall not be illuminated, with the exception of medical offices during the hours such offices are open for the care of patients.

(h) Signs advertising the sale of farm products when permitted by this Ordinance, provided: (1) the size of any such sign is not in excess of six (6) square feet; (2) not more than two signs are used; and (3) the signs shall be displayed only when such products are on sale.

(i) Official traffic and street name signs when erected by, or with the written approval of, the Township Supervisors.

(j) Signs necessary for the identification, operation or protection of public utility facilities and municipal uses; however, all General Regulations, Section 16.5, shall apply to such signs.

16.3 Panel Type Signs (Billboards). Signs which advertise products or services other than those which are sold on the premises where the sign is located are permitted in commercial and industrial districts, subject to the following conditions, as well as other applicable requirements.

(a) No billboards or advertising sign board shall exceed three hundred (300) square feet in area.

16.4 Business Identification Signs. Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in commercial and industrial districts. The size of business identification signs shall not exceed seventy-five (75) square feet in area; however, all General Regulations, Section 16.5, shall apply to such signs.

16.5 General Regulations for All Signs. The following regulations shall apply to all permitted sign uses.
(a) Signs must be constructed of durable material, maintained in good condition, and not allowed to become dilapidated.

(b) No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.

(c) No sign, other than an official traffic sign, shall be erected within the right-of-way lines of any street, unless authorized by the Municipal Governing Board for a special purpose.

(d) No sign shall project over a public sidewalk area more than eighteen inches.

(e) Clearance beneath overhead signs shall be at least nine feet, measured from the ground or pavement to the bottom-most part of the sign.

(f) No portion of a sign shall be positioned in a manner that exceeds the height of the primary structure on the property on which it is located.

(g) No permit shall be required for the erection, alteration or maintenance of any signs as permitted in Section 16.2, Signs in Residential Districts.

(h) A permit shall be required for the erection or alteration of panel type signs or advertising sign boards, and business identification signs.

(i) Advertising painted upon, or displayed upon a barn or other building structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.

(j) Each sign shall be removed when the circumstances leading to its erection no longer apply.

(k) No animated, sequential, flashing, or oscillating signs shall be permitted in any district. Any sign by reason of its intensity, color, location or movement that may interfere with traffic lights, signals, or other controls, or abrogate public safety shall not be permitted in any district.

(l) Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.

Section 17. Temporary Buildings. Temporary buildings in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.
Section 18. Oil and Gas. Oil and gas wells and natural underground storage areas will be permitted in any district provided any structure or equipment constructed in connection therewith shall be located a minimum of three hundred (300) feet from any other lot in any district. The site shall be maintained in good condition and structures shall harmonize insofar as possible, with the character of the structures in the district in which it is located.

Section 19. Ventilating Shafts, Mine Portals, Coal Tipples, Cleaning Plants and Mine Waste Disposal Areas. The construction and operation of ventilating shafts, mine portals, coal tipples, cleaning plants, bore holes, electrical substations, transformers and fan structures, and/or mine waste disposal areas shall be permitted only if the requirements of this section are observed.

19.1 General Provisions. The following general provisions shall apply to the design, construction, and maintenance of ventilating shafts, mine portals, coal tipples, cleaning plants and mine waste disposal areas:

(a) The operator of the coal mine shall submit to the Zoning Hearing Board for approval, copies of plans showing the proposed location and/or type of structure to be erected.

(b) With the exceptions of coal tipples, cleaning plants, and mine waste disposal areas, the structure of all buildings shall harmonize as far as reasonably possible with the character of the structures in the district in which it is located.

(c) Parking areas for mine portals, coal tipples and cleaning plants shall conform with the provisions of Section 14.2.

(d) Except as more specifically provided, in areas around coal tipples, cleaning plants, and mine waste disposal areas, shall be appropriately landscaped and maintained in good condition so as to protect the adjacent properties. As a minimum, there shall be 200 square feet of landscape area in the front and side yards for each 1,000 square feet of building, parking or roadway area.

(e) With the exception of the mine waste disposal areas, the site and areas used shall, upon completion or discontinuation of mining operations, be left in a manner making them usable in accordance with the regulations applicable to the district in which they are located.
(f) Coal operations and/or land uses shall comply with the provisions of Section 15 of this Article.

(g) Prior to receiving a permit from the Zoning Hearing Board, any proposed initiation or expansion of a coal extraction operation shall provide a report with the following information:

1. An assessment of existing structural damage and glass breakage in any structure within 500 feet of the property lines;

2. A report on the quality and quantity of any well in use within 500 feet of the property lines. Quantity shall be measured in gallons per minute. The report on quality shall include the results of tests for the following specific criteria: pH; dissolved oxygen (mg/l); iron (mg/l); dissolved solids (mg/l); turbidity (units); Threshold Odor number; alkalinity (mg/l); and hardness (mg/l).

19.2 Coal Operations. The following provisions shall apply to coal mining operations:

(a) Ventilating Shafts. Ventilating shafts, including all structures intended to supply air or power to underground coal mines, shall comply with the general provisions set forth herein.

Mechanical baffles supplemented by topography and/or landscaping shall be utilized to protect the adjacent properties from the noise level of exhaust fans.

(b) Mine Portals. Mine portals, including structures, parking areas and other related facilities, shall comply with the requirements set forth in the general provisions.

(c) Coal Tipples and Cleaning Plants. Coal tipples and cleaning plants including structures, parking areas and other related facilities, shall comply with the requirements set forth in the general provisions as well as the following additional conditions and requirements.

1. Structure shall be located at a minimum distance of five hundred (500) feet from any other lot in any "A", "R", "B", or "M-1" District to insure adequate screening.
2. The site of tipples or cleaning plants shall be appropriately screened by tree plantings, to supplement natural screening provided by the topography, and shall be maintained in good condition.

(d) Mine Waste Disposal. Mine waste disposal areas including any related facilities, shall comply with the requirements set forth in the general provisions as well as the following additional conditions and requirements:

1. Mine waste shall be placed in a manner that will prevent combustion.

2. Mine waste shall be deposited wherever possible in ravines or low areas and at a minimum distance of one hundred (100) feet from any other lot in any "A", "R", "B", or "M-1" District to minimize their visibility. Where topographical conditions and natural vegetation do not afford adequate screening, a suitable landscape screen of trees and shrubs, and a minimum setback distance of two hundred fifty (250) feet from any other lot in any "A", "R", "B", or "M-1" District shall be provided.

Section 20. Strip Mining, Other Surface Extraction Processes and Refuse Disposal. Strip mining for coal and other mineral resources, the mining, removal, transportation, processing and storage of bituminous coal by the Strip or Auger Mining Method, removal of the top soil and refuse disposal operations within the three hundred (300) foot area upon written permission of the adjacent property owner.

20.1 All operations must be conducted no closer than three hundred (300) feet to any adjacent property, except that the Zoning Hearing Board may allow operations within the three hundred (300) foot area upon written permission of the adjacent property owner.

20.2 The operator shall file with the Board a location map which clearly shows areas to be used and the location of adjacent properties, roads, and natural features.

20.3 The operator shall submit information on the anticipated depth of any excavations and on the depth and probable effect upon the existing water table.

20.4 The operator shall file with the Board a detailed plan for the restoration of the affected area, which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, steps which shall be taken to conserve topsoil; they type and number per
acre of trees or shrubs to be planted; and the location of future roads, drives, drainage courses, or other improvements contemplated.

20.5 The operator shall file with the Board of Supervisors a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be used, of the required bond shall be as fixed by ordinance or resolution of the Board of Supervisors. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

20.6 Prior to receiving a permit from the Zoning Hearing Board, any proposed initiation or expansion of a coal extraction operation shall provide a report with the following information:

(a) An assessment of existing structural damage and glass breakage in any structure within 500 feet of the property lines.

(b) A report on the quality and quantity of any well in use within 500 feet of the property lines. Quantity shall be measured in gallons per minute. The report on the quality shall include the results of tests for the following specific criteria: pH; dissolved oxygen (mg/l); iron (mg/l); dissolved solids (mg/l); turbidity (units); Threshold Odor number; alkalinity (mg/l); and hardness (mg/l).


21.1 Private Swimming Pools. A private swimming pool, but not including farm ponds, shall be any pool 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 feet. No such swimming pool shall be allowed in any "R" 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.

(b) The pool and any accessory walks, paved areas and structures shall be located no closer than twenty (20) feet to any property line of the property on which located.

(c) The swimming pool area, or the entire property on which it is located, shall be walled or
fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than six feet in height and maintained in good condition.

21.2 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 for use and enjoyment by members of the association or club and their families. Community and club swimming pools shall comply with the following conditions and requirements:

(a) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.

(b) 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 located.

(c) The swimming pool and all of the area by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.

(d) One parking space for every seventy-five square feet of pool surface area.

Section 22. Trailers, Trailer Coaches, Mobile Homes and Trailer Parks.

22.1 (Reserved)

22.2 Trailer parks where permitted shall observe the following requirements:

(a) No trailer park shall have an area less than five acres.

(b) Every trailer shall be connected to a sanitary sewer and an approved sewage disposal system.

(c) Shall provide an adequate supply of pure water.
(d) Shall provide a clearly defined minimum area of three thousand (3,000) square feet including a minimum width of forty (40) feet for each mobile home or trailer.

(e) Shall provide a minimum of twenty (20) feet clearance between individual mobile homes.

(f) All mobile home spaces shall abut upon paved driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a private or public street.

(g) No trailer shall be located less than thirty-five (35) feet from any abutting property.

(h) The park shall be permanently landscaped and maintained in good condition.

(i) A safe, usable recreation area shall be conveniently located in every trailer park and shall not be less in area than ten percent (10%) of the gross area of the trailer park.

Section 23. Motel or Motor Court Regulations.

23.1 Motels shall utilize collective sewers connecting with an approved community or individual sewage disposal system.

23.2 Any lot to be used for a motel shall not be less than one acre in area and shall contain not less than two thousand (2,000) square feet per sleeping unit. All buildings and structures shall be distant at least sixty (60) feet from a front lot line and at least twenty (20) feet from the rear and at least twenty-five (25) feet from side lot lines. The buildings and structures on the lot shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.

23.3 All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.


24.1 Purpose. The purpose of the Planned Residential Development regulation is to encourage environmental amenities which cannot be provided within traditional single use zoning districts and which will provide:
(a) A maximum choice in types of environment and living units available to the public.

(b) Sufficient recreational areas and open space appropriate to the natural features of the land.

(c) A pattern of development which preserves trees, outstanding natural topography and prevents soil erosion.

(d) An environment of stable character in harmony with surrounding development.

(e) Flexibility to provide for changes in the technology and economics of land development.

The Planned Residential Development section is designed to provide for small and large scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites. Common open space for recreational purposes shall be an essential and major element of the plan which is related to and affects the long-term value of the homes and other development.

The Planned Residential Development shall also provide public facilities, commercial, industrial uses; parks, playgrounds, recreational areas or reservation of areas and reservation for educational and governmental facilities wherever these are deemed necessary by the Board of Supervisors.

24.2 Uses Permitted. The following residential uses may be permitted in a Planned Residential Development:

(a) Single-family dwellings.
(b) Semi-detached and duplex dwellings.
(c) Townhouses.
(d) Apartments.
(e) Nursing homes and retirement homes.

The following additional uses may be permitted:

(a) Neighborhood shopping center, when
the Board of Supervisors deems that it is appropriate to and an integral part of the Planned Residential Development.

(b) Convenience shops not exceeding 2,400 square feet of total floor areas intended for the exclusive use of occupants of the Planned Residential Development may be located within a multiple dwelling or an administration or community building for the development. Business signs or displays shall not be visible from the outside of any such building.

(c) Industrial uses may be permitted where the development contains 1,000 or more dwelling units. Any area devoted to industrial use shall not exceed 5% of the total land within the development. Only the following uses shall be permitted: Research and development; dairy; bakery; assembly of electrical appliances; scientific and technical equipment, including the manufacturing of small parts only; office building; limited warehousing and storage. All storage of parts, equipment, etc., shall be located entirely within the main or accessory structures. Industrial uses shall be located adjacent to a main highway.

(d) The Board of Supervisors may also permit such additional uses as churches, public schools, golf course, and community clubs provided they are designed to serve primarily the residents of the Planned Residential Development and are compatibly and harmoniously incorporated into the unitary design of the Planned Residential Development. Such additional uses shall not, by reason of their location, construction, manner or timing of operation, signs, lighting, parking arrangements or other characteristics, have adverse effects on residential uses within or adjoining the District, or create traffic congestion or hazards to vehicular or pedestrian traffic.

24.3 **Area and Bulk Regulations.** Except where a project exhibits good design in the arrangement of buildings on a site, the distance between such buildings shall not be less than thirty feet for PRDs in A-1 Districts and twenty feet for PRDs in R-1 Districts. Due consideration shall be given to building height and to the openness normally afforded by intervening streets and alleys.

The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. Apartment buildings shall be located within a Planned Residential Development in such a manner so as not to create any adverse impact on adjoining buildings and shall not invade the privacy of occupants of the adjoining buildings.
The minimum area necessary for consideration of a PRD application is twenty-five (25) contiguous acres.

24.4 Density. In order to encourage landowners to take advantage of the Planned Residential concept and to fulfill the intent of this Regulation, the Supervisors may permit a density of up to four dwelling units per acre, provided that the development exhibits good project design, provides maximum open space and encourages pedestrians movements throughout.

(a) The Board of Supervisors may not allow the maximum density if the development:

1. Creates inconvenient or unsafe access to the Planned Development.

2. Creates traffic congestion in the streets which adjoin the Planned Development.

3. Places an excessive burden on parks, recreational areas, schools and other public facilities which serve or are proposed to serve the Planned Residential Development.

4. Is not serviced with a water supply and a sanitary sewer system, both of which are approved by the Commonwealth Department of Health.

(b) The maximum floor space permitted, and minimum recreational space, outdoor living space, open space and parking requirements, shall be provided in accordance with Graph 1.

(c) Within a Planned Residential Development, the lot area required by the zoning ordinance may be reduced by no more than 25% of the required size for the district in which the development is located, provided that the open space provisions of this Ordinance are satisfied. In addition, each such lot shall be contiguous with an equal or greater percentage of common open space.

(d) The overall density of a Planned Residential Development shall not include lands intended for commercial or industrial purposes or churches or other public or non-residential uses deemed by the Supervisors not to be incidental to the project.

(e) If a Planned Residential Development is located in more than one zoning district, the space requirements shall be calculated separately for each portion of the Planned Residential Development in a different zone, then combined to determine the criteria for the entire
DENSITY AND OPEN SPACE GUIDELINES

GRAPH 1

AMOUNT COMMON OPEN SPACE
(Percent of Entire Tract)

10  20  30  40  50  60  70

DWELLING UNITS PER ACRE
(over entire tract)
development. The distribution of dwellings or other land uses shall not be affected by existing zoning district boundaries.

24.5 Perimeter Requirements. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned development, the Planning Commission shall impose either of the following requirements and may impose both:

(a) Structures, other than single-family residences, located within 200 feet of the perimeter of a Planned Residential Development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses.

(b) Such structures located on the perimeter of the Planned Residential Development must be permanently screened from the view of the persons utilizing the existing adjacent structures.

24.6 Common Open Space.

(a) The Board of Supervisors may not approve a Planned Residential Development unless it meets the following standards:

1. The location, shape, size, and character of the common open space shall be suitable for the planned development and must consist of not less than thirty percent (30%) of the area being developed.

2. Common open space shall be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

3. Common open space must be suitably improved for its intended use, but common open space containing natural features, existing trees and ground cover, worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

4. The development schedule which is part of the development plan must coordinate the improvement of the common open space, the construction of buildings,
structures, and improvements in the common open space, and the construction of residential dwellings in the planned development.

5. The use and improvement of the common open space shall be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within 1,500 feet of the perimeter of the planned development.

(b) All land shown on the final development plan as common open space shall be conveyed under one of the following options:

1. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it, or

2. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the Planned Residential Development.

The common open space must be conveyed to the trustees subject to covenants to be approved by the Board of Supervisors which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose. No common open space may be put to any use not specified in the final development plan unless the final development has been amended to permit that use. However, no such change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants are expressly reserved.

(c) If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:

1. The legal right to develop the common open space for the uses not specified in the final development plan must be conveyed to a public agency; or

2. The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.
If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space may authorize a public agency to enforce their provisions.

24.7 Procedure for Establishing a Planned Residential Development. An applicant wishing to receive approval of a Planned Residential Development within the Township shall submit plans in accordance with procedures outlined under this section.

(a) Pre-Application Conference. Before submitting an application for a Planned Residential Development, an applicant at his option may confer with the Planning Commission to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.

(b) Application for Tentative Approval of a Planned Residential Development.

1. An applicant desiring to establish a Planned Residential Development shall provide the Planning Commission with ten (10) copies of a master plan indicating the following:

A. A key map showing the location of the site.

B. A plan showing the proposed general layout; the location of the various types of land uses; the approximate location, use, height, and bulk of buildings; the proposed density of population in each distinct residential area; the location and sizes of recreational spaces, parks, schools, and other facilities which are intended for public use; the provisions for automobile parking; and the size and floor space of commercial or industrial uses.

C. A public utility plan for sanitary sewer, water and storm drainage.

D. A plan showing the width and location of proposed streets and public ways.

2. The applicant shall also submit ten (10) copies of a written statement made up of the following information:

A. An explanation of the character of the Planned Residential Development and why a PRD would be in the public interest and would be consistent
with the Comprehensive Plan for the Development of the Township.

B. A statement of proposed financing.

C. A statement of the present ownership of all of the land included within the Planned Residential Development and the applicant's interest in the land proposed for development.

3. A development schedule indicating:

   A. The approximate date when construction of the project can be expected to begin.
   
   B. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin. This schedule shall be updated annually, on the anniversary of its approval.
   
   C. The approximate dates when the development will be completed.
   
   D. The area and location of common open space that will be provided at each stage.
   
   E. Agreements, provisions, or covenants, which govern the use, maintenance, and continued protection of the Planned Residential Development and any of its common open areas.

4. Public Hearing. Within sixty days after the filing of an application for tentative approval, the Board of Supervisors shall hold a public hearing in accordance with Act 247. The Supervisors shall receive a report from the Planning Commission on its findings prior to or during the public hearing.

   Within thirty days after the public hearing, the Board of Supervisors shall officially notify the applicant in writing of its decision.

5. In granting, modifying or denying tentative approval, the Supervisors shall consider all sections of this Ordinance and shall set forth its findings in writing.

   When tentative approval has been granted, the same shall be noted on the zoning map. In the event that the owner elects to abandon the development
plan, or fails to file application for final approval within three (3) months, the tentative approval shall be revoked and the lands shall be again subject to zoning regulations applicable to the site prior to tentative plan approval.

(c) Final Approval. Within three months after receiving tentative approval of a Planned Residential Development, the owner may make application for final approval of all or a portion of this development to the Township Planning Commission.

1. Application for final approval shall be accompanied by:

   A. Ten copies of a final plan, prepared or certified by a registered surveyor or engineer showing the final location and widths of all streets, the location of all buildings, parking areas, pedestrian ways, utility easements, lot lines, the location and size of all open space not devoted to parking lots, streets or driveways, the proposed use of all lands and buildings and the metes and bounds of all proposed dedicated areas and lots.

   B. Restrictive covenants executed by all owners of the premises within the section covered by the final plan which, if approved, shall be recorded with the Recorder of Deeds of the County. The restrictive covenants shall be effective for a period of thirty-five years, except reference to parks, recreation and other open space areas shall provide that the same remain as such perpetually.

   C. Any additional conditions set forth at the time of tentative approval.

   D. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this ordinance and the conditions set forth at the time of tentative approval, the Board of Supervisors shall, within thirty days of such filing, grant final approval. The Supervisors may refuse final approval if the plan varies from the development plan given tentative approval and shall notify the landowner within thirty days, setting forth reasons why such variations are not in the public interest. In the event of such refusal, the landowner may, within sixty days, either:

      (1) Refile his application for final approval without the variations objected, or
(2) File a written request with the governing body that it hold a public hearing on his application for final approval.

6. A development plan, or any part thereof, which has been given final approval shall be so certified by the Board of Supervisors upon approval and shall be filed on record within ten days with the Recorder of Deeds of the County, along with any restrictive covenants and agreements or other provisions which govern the use, maintenance and continued protection of the Planned Residential Development and of its common open space. No development of the land shall take place prior to said recording.

24.8 Post Final Plan Conditions. In the event that a development plan, or a section thereof, is given final approval and the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the governing body in writing; or, in the event the landowner shall fail to commence and carry out the Planned Residential Development within such reasonable time as may be fixed by ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to the municipal zoning ordinance in the manner prescribed for such amendments in Article XVI.

No changes may be made in the approved final development plan during the construction of the Planned Residential Development except upon application to the appropriate agency under the procedures provided below:

(a) Minor changes in the location, siting, and height of buildings and structures may be authorized by the Planning Commission if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this section may increase the cube of any building or structure by more than ten percent.

(b) All other changes in use, any rearrangement of lots, blocks, and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final development plan must be made by the Board of Supervisors, under the procedures authorized for the amendment of the zoning map. No amendments may be made in the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved or by changes in the development policy of the Township.
24.9 Additional Applicable Ordinances and Laws.

(a) The plans required under Section 24.7 of this Ordinance shall be submitted in a form which will satisfy the requirements of the subdivision control ordinance for the preliminary and final plans required under those regulations.

(b) Article VII, Planned Residential Development, of the Pennsylvania Municipalities Planning Code, Act 247, shall also govern approvals of Planned Residential Developments.

(c) Any other ordinance of the Township governing construction of buildings.

24.10 Appeals Procedure. Any decision of the Board of Supervisors granting or denying tentative or final approval of a development plan shall be subject to appeal to court in the same manner and within the same time limitations as provided for appeals under Article VII.

Section 25. Seasonal Residences (Summer or Winter Cottages). Seasonal residences shall have a minimum floor area of 400 square feet and shall conform to the lot requirements for dwellings in "A" and "S" Districts under Section 11 (Article IV). These residences shall conform to any county or state health standards and shall not be occupied more than six months in a year.

Section 26. Permanent Foundations for Mobilehomes. All single-family dwellings, including mobilehomes, shall be placed on a permanent foundation.
Article V

NON-CONFORMING USES

Section 1. Non-Conforming Uses.

1.1 Any lawful use of buildings or land existing at the effective date of this ordinance may be continued, even though such use does not conform to the provisions hereof. The non-conforming use of a building may be extended throughout those existing parts of the building which were arranged or designed for such use. No non-conforming buildings or structure shall be moved, extended, enlarged or altered, except when authorized by the Zoning Hearing Board in accordance with the provisions of this Ordinance.

1.2 Whenever the use of a building or land becomes non-conforming through a change in the Zoning Ordinance or in the district boundaries, such use may be continued.

1.3 A non-conforming use which is discontinued for a period of one year shall not again be used except in conformity with the regulations of the district in which it is located.

1.4 A non-conforming building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty percent of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty percent of its reproduction value, a non-conforming building may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are completed within one year of the date of such damage.

1.5 If no structural alterations are made, any non-conforming use can be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is more appropriate to the district than the existing non-conforming use.

1.6 A zoning certificate shall be issued for all lawful non-conforming uses of land or buildings created by adoption of this Ordinance or amendments. Application for such certificate for a non-conforming use shall be filed
with the Zoning Inspector by the owner or lessee of the building or land occupied by such non-conforming use within three (3) months of the effective date of this Ordinance or amendment.

1.7 It is not the intention herein to classify as non-conforming, a use or building allowed in a district as a special exception under the regulations of this Ordinance.
Article VI

ENFORCEMENT

Section 1. Zoning Inspector.

1.1 It shall be the duty of the Zoning Inspector, who shall be appointed by the Board of Supervisors, to enforce this ordinance. It shall also be the duty of all officials and employees of the Township to assist the Zoning Inspector by reporting to him upon new construction, reconstruction or land uses, or upon seeming violations.

1.2 Appeal from the action of the Zoning Inspector may be made to the Zoning Hearing Board.

Section 2. Zoning Permit.

2.1 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or partly, until a zoning permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a permit, provided he is satisfied that the structure, building, or premises and the proposed use thereof conform with all the requirements of this Ordinance. No permit for excavation or construction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this ordinance.

2.2 Under written request from the owner or tenant, the Zoning Inspector shall issue a zoning permit for any building or premises existing at the time of enactment of this Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Ordinance.

Section 3. Conditions Under Which Permits are Required. A zoning permit shall be required for any of the following except as herein provided.

3.1 Construction or alteration of any building including accessory buildings.

3.2 Change in use of an existing building or accessory building to use a different classification.

3.3 Occupancy and use of vacant land.
3.4 Change in the use of land to a use of a different classification.

3.5 A zoning permit shall be required for all lawful non-conforming uses of land or buildings created by adoption of this ordinance or any amendments.

3.6 A change in the use of a non-conforming use.

Section 4. Application and Issuance of Zoning Permit.

4.1 Written application for a zoning permit for the construction of a new building or for the alteration of an existing building shall be made at the same time as the application for a building permit. Said permit shall be issued within fifteen days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this ordinance.

4.2 Every application for a zoning permit for the construction of a new building or the expansion of an existing building shall be accompanied by a plot plan in duplicate and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made.

(a) Each plan to show:

1. The street providing access to the lot and the exact location of the lot in relation to the nearest cross-street. The street rights-of-way lines.

2. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.

3. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.

4. The location and size of the proposed structure, and/or the proposed enlargement of the existing structure.

5. Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.

(b) Each plan shall bear a statement declaring that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
(c) Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.

(d) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.

(e) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

4.3 The Zoning inspector shall not issue a zoning permit for any application requiring site plan review by the Planning Commission under Section 13 (Article IV) of this Ordinance unless the proposed site plan has been approved by the Planning Commission.

4.4 Written application for a zoning permit for the use of vacant land, or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Inspector; if the proposed use is in conformity with the provisions of this ordinance, the permit therefor shall be issued within fifteen days after the application for same has been made.

Section 5. Zoning Certificate for Non-Conforming Use.

5.1 Application for certificate for a lawful non-conforming use shall be filed with the Zoning Inspector by the owner of lessee of the building or land occupied by such non-conforming use within three (3) months of the effective date of this ordinance or amendment.

Section 6. Fees. The Board of Supervisors may, from time to time, establish by resolution the fees to be paid by applicants for administration of this Ordinance.

Section 7. Enforcement, Penalty and Remedy.

7.1 The construction, erection, replacement, alteration, repair, extension, and/or use of any structure building, sign, and/or land or the change of use, area of use, percentage of use of extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a permit for the use of any building, structure, sign, and/or land without receipt of a certificate of use and occupancy or the failure to comply with any other provisions of this ordinance, are hereby declared to be a violation of this Zoning Ordinance.

7.2 If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated,
the Zoning Officer shall issue a written Enforcement Notice to the person responsible for such violation. The Enforcement Notice shall contain the following information:

(a) The name of the owner of record and any other person against whom the Township intends to take action.

(b) The location of the property in violation.

(c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.

(d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.

(f) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

7.3 If the notice of violation is not complied with within a period of three days, the Zoning Officer shall institute, in the name of the Township, any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, and/or land in violation of the provisions of the Zoning Ordinance or of the order of direction made pursuant thereto.

7.4 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred ($500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant
to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) 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 this Ordinance shall be paid over to the Township.

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.

Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

7.5 In case any buildings, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors, or with the approval of the Board of Supervisors, any officer of the Township, in addition to other remedies, may institute any appropriate action or proceeding to correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
Article VII

ZONING HEARING BOARD

Section 1. Zoning Hearing Board.

1.1 Creation and Membership. There is hereby created, to be appointed by the Board of Township Supervisors, a Zoning Hearing Board consisting of three members. The present Board of Adjustment shall now be known as the Zoning Hearing Board. Members of the Board shall hold no other office in the municipality except that one member may also be a member of the Planning Commission. Successors in office to the present Board shall be appointed on the expiration of their respective terms to serve three years. The members of the Board shall be removable for cause, by the Board of Supervisors, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

1.2 Appointment of Alternate Members: The Board of Supervisors may appoint by Resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Subsection 1.3., below, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Subsection 1.3., below.

1.3 Participation by Alternate Members. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.
1.4 Stay of Proceedings. Upon filing of any proceeding 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 whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Washington County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given.

1.5 Upon receiving an appeal, the Board shall fix a reasonable time and place for a public hearing thereon and shall give the notice thereof:

(a) By giving public notice, as defined herein.

(b) By mailing due notice at least six days prior to the date of the hearing to the party's interest.

(c) By mailing due notice thereof to the Township Planning Commission, the County Planning Agency, if applicable, the Zoning Officer, and such other persons who make timely request for the notice.

(d) By posting a conspicuous notice on the affected property. Such notice shall be on a placard not less than one foot in either dimension and shall be posted within twenty feet of the front property line or on the front outside wall of commercial buildings.

Said notice shall be posted at least one (1) week prior to the hearing.
1.6 Public Hearing. The Board shall conduct a public hearing on such appeal at which hearing any party may appear in person, or by agent or attorney, and all of said parties so affected shall be given an opportunity to be heard. All proceedings shall be conducted in accordance with Article IX of Act 247 of 1968, "The Pennsylvania Municipalities Planning Code" as amended.


1.8 Effect of Board's Decision. If the variance is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within three months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized; and the building or alteration, as the case may be, shall be completed within twelve months of said date. For good cause the Board may, upon application in writing stating the reasons therefor, extend either the three months' or twelve months' period.

Should the appellant or applicant fail to obtain the necessary permits within said three months' period, or having obtained the permit shall fail to commence work thereunder within such three months' period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.

Should the appellant or applicant commence construction or alteration within said three months' period, but should he fail to complete such construction or alteration within said twelve months' period, the Board may upon ten days' notice in writing, rescind or revoke the granted variance, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that a good cause appears for the failure to complete within such twelve months' period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.

1.9 Appeals from Board Rulings. Any person aggrieved by any decision of the Zoning Hearing Board or any

1.10 General Procedures. The Zoning Hearing Board shall be governed by the provisions of the "Pennsylvania Municipalities Planning Code", Act 247 of 1968, as amended and revised, and such other Commonwealth of Pennsylvania laws as may be applicable. As used in this Ordinance, unless the context clearly indicates otherwise, the term "Board" shall refer to such Zoning Hearing Board, and "Act 247" shall refer to the "Pennsylvania Municipalities Planning Code" of 1968, as amended.

1.11 Officers. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.

1.12 Meetings. Meetings shall be held at the call of the Board chairman and at such other times as the Board may determine.

1.13 Hearings. Hearings will be held and records will be kept in accordance with Article IX, Act 247.

1.14 Jurisdiction of the Board. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

(a) Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of Supervisors.

(b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the ordinance.

(c) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

(d) Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
(e) Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance.

(f) Applications for special exceptions under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance.

(g) Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code. (Act 247, as amended.)

(h) Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development.

1.15 Mediation Option. Parties to proceedings authorized in this Article within the jurisdiction of the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Section once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

(a) Funding mediation.

(b) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

(c) Completing mediation, including time limits for such completion.

(d) Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended) governing proceedings before the Zoning Hearing Board or the Board of Supervisors, as the case may be, provided there is written consent by the mediating parties, and by an applicant or
Township decision-making body, if either is not a party to the mediation.

(e) Identifying all parties and affording them the opportunity to participate.

(f) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

(g) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance.

No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

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

The failure of anyone, other than the landowner, to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

1.17 Zoning Hearing Board Fees. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.
(a) **Hearing Fees.** The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

(b) **Stenographer's Fees.** The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of the graphic or written material received in evidence shall be made available to any party at cost. The appearance fee for the stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board, if the transcript is ordered by the Board or Hearing Officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

Section 2. **Appeals to the Zoning Hearing Board.**

2.1 Appeals to the Board may be made by any person or by any Township official or agency aggrieved or affected by any decision of the Zoning Officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the Zoning Officer and with the Board a notice of appeal, specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall state:

(a) The name and address of the appellant.

(b) The name and address of the owner of the real estate to be affected by such proposed exception, or variance.

(c) A brief description and location of the real estate to be affected by such proposed change.

(d) A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
(e) A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted.

2.2 Special Exception Uses.

(a) Uses specified as special exception with zoning districts of this Ordinance shall be permitted only after approval by the Zoning Hearing Board. In granting a special exception, the Zoning Hearing Board shall require all regulations of the district in which the special exception is proposed to be satisfied if feasible. The proposed special exception shall be appropriate to the specific location and neighborhood for which it is proposed, consistent with the community development plan, and in keeping with the purposes and intent of this Ordinance.

(b) The Zoning Hearing Board's decision to grant a permit for a special exception use shall be made only after public notification of a hearing.

(c) At the discretion of the Zoning Hearing Board, an advisory report may be requested from the Planning Commission in which case no decision will be made until the report from the Planning Commission is received or until the Planning Commission has had such request for thirty days. In the event that the Planning Commission fails to file its report within thirty days, such application shall be deemed to be approved by the Planning Commission.

(d) The Zoning Hearing Board shall notify the applicant for a special exception use in writing of their decision and how the decision was arrived at not more than ninety days after the acceptance of the application.

(e) A special exception use permit shall be issued upon approval of the Zoning Hearing Board stating the conditions upon which the permit was issued.

A special exception permit shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than six months for any reason.

(f) A special exception use, for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this ordinance, shall be construed a conforming use.

2.3 The following standards shall be applicable to conditional uses and special exception uses:
(a) The location and size of the use, the nature and intensity of operations involved and the size of the site in relation to it shall be in harmony with the orderly development of the District. The location, nature, and height of buildings, walls and fences shall be such as will not discourage the permitted use of adjacent land and buildings.

(b) No conditional use (or special exception use) shall be more objectionable to nearby properties by reason of traffic, parking, noise, fumes, vibrations, or lights than any other use allowable in the District.

(c) The principal and accessory buildings shall meet all area and bulk coverage, setback, height, and off-street parking, loading and unloading, sign and any other regulations applicable to the District or use including supplementary regulations.

(d) Each proposed use shall plan for sufficient safeguards such as traffic control, storm drainage, screening, setbacks, lighting, etc., so as to remove any potential adverse effects the use may have on adjoining uses.

(e) Each proposed use shall provide for sewage treatment facilities which meet or exceed specifications established by the Pennsylvania Department of Environmental Resources and submit to the municipality evidence of approval from that agency of such a facility and system.
Article VIII

DISTRICT CHANGES AND ORDINANCE AMENDMENTS

Section 1. Amendments. The Board of Township Supervisors may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change or repeal this ordinance including the Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Supervisors, or by a petition to the Board of Township Supervisors; such amendment, supplement, change or repeal shall be submitted to the Township Planning Commission for its recommendations and shall be specifically found by the Board of Township Supervisors to be in accordance with the spirit and intent of the formally adopted portions of the Comprehensive Plan before final action shall be taken by the Board of Supervisors.

1.1 Amendments Initiated by the Township Planning Commission. When an amendment, supplement, change, or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Township Supervisors, which shall then proceed in the same manner as with a petition to the Board of Township Supervisors which has already been reviewed by the Township Planning Commission.

1.2 Amendment Initiated by the Board of Township Supervisors. When an amendment, supplement, change or repeal is initiated by the Board of Township Supervisors, it shall submit the proposal to the Township Planning Commission for review and recommendation.

1.3 Amendment Initiated by Landowner - Curative Amendments. A landowner who, on substantive grounds, desires to challenge the validity of the zoning ordinance or map or any provision thereof which prohibits or restricts the use or develop of land in which he has an interest shall submit a petition to the governing body together with a request for a curative amendment as set forth in Section 1003 of "The Pennsylvania Municipalities Planning Code", Act 247 of 1968, as amended. A fee set by resolution established by the Board of Supervisors shall be paid upon filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.

1.4 Procedure for Petition. The petition for amendment, supplement, change or repeal, shall contain as fully as possible all the information requested by the Zoning Officer and shall be signed by at least one record owner of the property in question whose signature shall be
notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee set by resolution of the Board of Township Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.

1.5 Referral to Township Planning Commission.
After receipt of the petition by the Board of Township Supervisors, said petition shall be presented to the Township Planning Commission for review and recommendations at least forty-five days prior to the public hearing. A report of said review, together with any recommendations, shall be given to the Board of Township Supervisors in writing within forty-five days from the date of said referral. If the Township Planning Commission shall fail to file such a report within the time and manner specified, it shall be conclusively presumed that the Township Planning Commission has approved the proposed amendment, supplement, change or repeal.

1.6 Referral to County Planning Commission.
At least thirty (30) days prior to the Board of Supervisor's public hearing on the amendment, the Township shall submit the amendment to the Washington County Planning Commission for review and comment.

1.7 Public Hearing and Enactment: The Board of Supervisors shall hold a public hearing pursuant to public notice, as defined by this Ordinance. In the case where a proposed amendment involves the rezoning of property, a minimum of five (5) public notices shall be posted on and around the perimeter of the affected property for a minimum of seven (7) days prior to the date of the public hearing conducted by the Board of Supervisors.

If after the public hearing, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

Before voting on enactment, the Board of Supervisors shall give notice of proposed enactment in accordance with the requirements of Section 610 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

Within thirty (30) days after enactment, a certified copy of the amendment to this Ordinance shall be forwarded to the Washington County Planning Commission.
1.8 Action by the Board of Township Supervisors. At the time and place specified, the Board of Township Supervisors shall conduct a hearing on said petition to amend, supplement, change, or repeal the Zoning Ordinance or Zoning Map of the Township and shall thereafter within a period of thirty days either reject the proposed change or adopt an ordinance implementing the proposed change. The Board of Township Supervisors may adjourn said hearing at its discretion to a time and place certain.

1.9 Authentication of Official Zoning Map. Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the official map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

1.10 The Township may offer a mediation option as an aid in completing proceedings authorized by this Section 604. In exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Article VII, Subsection 1.15 of this Ordinance.

Section 2. Landowner Curative Amendments: Any landowner who wishes to challenge the validity, on substantive grounds, of this Ordinance or the Zoning Map or any other provision thereof which prohibits or restricts the use of development of land in which he has an interest may file a curative amendment together with a written request that the challenge and the proposed amendment be heard and decided by the Board of Supervisors in accordance with the provisions of Sections 609.2 and 1004 of the Pennsylvania Municipalities Planning Code (PA Act 247, as amended).

2.1 The Board of Supervisors shall hold a public hearing, pursuant to public notice, on the matter within sixty (60) days of receiving the request at a regular monthly meeting. The Board of Supervisors shall conduct the hearing in accordance with the requirements for conducting a public hearing specified in Section 908 of the Pennsylvania Municipalities Planning Code. All references in Section 908 to the Zoning Hearing Board shall apply to the Board of Supervisors.

2.2 The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission for review and comment at least thirty (30) days prior to the public hearing.

2.3 Evaluating Merits of Curative Amendment. If the Board of Supervisors determines that a validity challenge
has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

(a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Map;

(c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

(d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

(e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

2.4 Declaration of Invalidity by the Court. If the Township does not accept a landowner's curative amendment brought in accordance with this Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
MOUNT PLEASANT TOWNSHIP
WASHINGTON COUNTY
PENNSYLVANIA

FLOOD PLAIN MAP

FLOOD PLAIN

NOTE: Based on Federal Insurance Administration Flood Hazard Boundary
(Except Where Noted)

Based on LGR estimates

MAP PREPARED FOR PLANNING
PURPOSES ONLY; IT IS NOT
DEIGNED TO PROVIDE ENGINEERING DATA.

LOCAL GOVERNMENT RESEARCH CORPORATION
1310 S. ALLEN ST. STATE COLLEGE, PA. 16801
TEL. 814-234-3200
ZONING DISTRICTS

R-1 Residential
A-1 Rural-Residential
B-1 Commercial
M-1 Industrial

ADOPTED: June 3, 1978
AMENDED: ___________________________
ENACTED as an Amended Ordinance of May 9, 1966 this 8th day of June, 1978 to be effective five days after enactment.

MOUNT PLEASANT TOWNSHIP
BOARD OF SUPERVISORS

Charles R. Marquis, Chairman
Lee A. Robinson, Vice Chairman
Ralph E. Moore, Supervisor

Secretary

70
ATTENTION: ZONING MAP

THE M-1 DISTRICT SHOWN ON THE ZONING MAP ATTACHED TO ZONING ORDINANCE BETWEEN HICKORY AND WESTLAND IS NOT CORRECT.

THIS AREA SHOULD PROBABLY BE SHOWN AS A-1. SEE ROBERT LOUGHRY, ZONING OFFICER FOR DETAILS.
ORDINANCE NO. C4

An Ordinance of the Township of Mt. Pleasant, Washington County, Pennsylvania providing for the erection of all types of communication towers, including but not limited to telephone, telegraph, television, radio, and microwave transmission towers, in M-1 zoning districts as conditional uses.

Whereas, the Mt. Pleasant Township Planning Commission has recommended to the Board of Supervisors that the erection of communication towers be allowed as a conditional use in M-1 Zoning Districts in the Township; and

Whereas, the Board of Supervisors has conducted a public hearing to take public comment on this amendment to the Mt. Pleasant Township Zoning Ordinance; and

Whereas, the Board of Supervisors has determined that this amendment to the Zoning Ordinance is consistent with the Mt. Pleasant Township Comprehensive Plan; and

Whereas, the Board of Supervisors has determined that this amendment to the Zoning Ordinance is in the best interest, health, safety and general welfare of the residents of Mt. Pleasant Township; and

Whereas, the Board of Supervisors has the authority to adopt this amendment pursuant to the Pennsylvania Municipalities Planning Code, as amended, and the Pennsylvania Second Class Township Code, as amended.
Now therefore, the Board of Supervisors of Mt. Pleasant Township hereby enacts the following amendments to the Mt. Pleasant Township Zoning Ordinance No. 20 and any amendments thereto:

**FIRST:** Article II section 1 is amended to include the following:

"Communication Towers": Shall include any all structures and devises that provide for conveying or transmitting messages or communications or telecommunications by telegraph, telephone, television, radio and microwave through the use of a structure that exceeds the height requirements of the Township Zoning Ordinance as follows:

"Essential Services": Is amended to the extent that it does not include "Communication Towers"

**SECOND:** Article IV Section 1 under Conditional Use is amended to include the following:

"M-1 Communication Towers."

**THIRD:** The erection of Communication Towers shall be under and subject to the standards and regulations set forth in Township Ordinances, any applicable State or Federal law and or regulation and any reasonable conditions and/or safeguards attached by the Board of Supervisors as they deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and Township Ordinances.

**FOURTH:** If any provision of this ordinance is found to be invalid, for any reason, it shall not effect the remaining provisions of the same.
FIFTH: Any prior ordinance or part thereof that is inconsistent with this ordinance is hereby repealed.

SIXTH: This ordinance shall take effect five (5) days after adoption.

Enacted this 27th day of June, 1995.

The Mt. Pleasant Township Board of Supervisors

[Signatures]

William Dinsmore, Chairman

Charles Cass, Vice-Chairman

Richard McClain
ORDINANCE NO. 20

ORDINANCE AMENDING MOUNT PLEASANT TOWNSHIP ZONING ORDINANCE, ARTICLE IV, SECTION 1, CONCERNING ZONING EXCEPTION REQUIREMENTS IN AN M-1 DISTRICT.

WHEREAS, the Supervisors of Mount Pleasant Township have by publication and public hearing proposed and amended to Article IV, Section 1, of the Mount Pleasant Zoning Ordinance; and

WHEREAS, the Supervisors of Mount Pleasant Township feel that the Amendment herein is necessary for the health, safety, and general welfare of its residents;

NOW THEREFORE, it is hereby ORDAINED that Article IV, Section 1 of the Zoning Ordinance of Mount Pleasant Township be amended as follows:

1. That Section 1, Article IV, is now amended as follows:

Article IV

REGULATIONS

Section 1. Use Regulations. Permitted and conditional uses for each district are shown on the following table:

<table>
<thead>
<tr>
<th>District</th>
<th>Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Agriculture, Single-Family Dwelling, Forestry, Accessory Uses to the Above, Horses and other livestock with a minimum of 3 acres of ground with stables (structures) no less than 85 feet from any property line.</td>
</tr>
<tr>
<td>R-1</td>
<td>Single-Family dwellings, two-family dwellings, agriculture, accessory uses to the above.</td>
</tr>
<tr>
<td>B-1</td>
<td>Retail business, personal services, business</td>
</tr>
</tbody>
</table>

SIGNED B. STEGENG
ATTORNEY AT LAW
WASHINGTON TRUST BLDG.
WASHINGTON, PA.
services, professional activities, commercial schools, offices and banks, restaurants, automotive sales, tourist homes, entertainment facilities, mortuaries, clinics, social clubs and lodges, accessory uses to the above.

Light manufacturing, food processing, printing, research and testing facilities, transport and trucking terminals, offices, essential services, accessory uses, sale and storage of building materials, agriculture, warehousing.

Special Exception Requiring Zoning Hearing Board Approval

Home occupations, recreation facilities, cemetery, specialized animal raising and care, riding stables, animal hospitals, mobile-home parks, sand, gravel, topsoil, extraction, coal mining.

Multiple-family dwellings, recreation uses, not municipally-owned, home occupation, neighborhood business, nursery school.

Multiple-family dwelling, whether or not in a commercial building, taverns, wholesale business, drive-in commercial uses, animal hospitals or clinics, sale or storage of building materials, recreational facilities, motels and hotels, home occupations, limited industrial uses which emit no pollutants or noise or vibrations perceptible beyond the property line, and providing that the minimum side shall be 30 feet and the minimum rear yard setback shall be 30 feet.

Restaurants, wholesale businesses, manufactures, coal extractions, coal preparation plants, coal washers, mine waste disposal and refuse, auto and metal salvage operations, sanitary land fills, sand, gravel and top-soil extractions, lumber mills, slaughtering plants.
District

A-1

R-1

B-1

Conditional Use

Public uses, semi-public uses, essential services, sanitary landfills, PRD

Public uses, municipal recreation uses, essential services, semi-public uses, PRD

Vehicle service stations, public uses, essential services.

ORDAINED, this 24th day of June, 1982, to come effective on June 30th, 1982.

BOARD OF SUPERVISORS OF MOUNT PLEASANT TOWNSHIP,

ATTEST:

By

James B. Adley

Secretary
ORDINANCE NO. 20-7

ORDINANCE AMENDING MOUNT PLEASANT TOWNSHIP ZONING ORDINANCE ARTICLE IV, SECTION 19.2.

WHEREAS, the Supervisors of Mount Pleasant Township have by publication and public hearing proposed and amended to Article IV, Section 19.2, of the Mount Pleasant Township Zoning Ordinance; and

WHEREAS, the Supervisors of Mount Pleasant Township feel that the Amendment herein is necessary for the health, safety, and general welfare of its residents;

NOW THEREFORE, it is hereby ORDAINED that Article IV, Section 19.2, of the Zoning Ordinance of Mount Pleasant Township be amended as follows:

1. That Section 19.2, Article IV, is now amended as follows:

19.2 Coal Operations. The following provisions shall apply to coal mining operations.

(a) Ventilating Shafts. Ventilating shafts, including all structures intended to supply air or power to underground coal mines, shall comply with the general provisions set forth herein.

Mechanical baffles supplemented by topography and/or landscaping shall be utilized to protect the adjacent properties from the noise level of exhaust.

(b) Mine Portals. Mine portals, including structures, parking areas and other related facilities shall comply with the requirements set forth in the general provisions.

(c) Coal Tipples and Cleaning Plants. Coal Tipples and cleaning plants including structures, parking areas and other related facilities, shall comply with the requirements set forth in the general provisions as well as the following additional conditions and requirements.
1. Structures shall be located at a minimum distance of 750 feet from any other lot or tract in any "A", "R", "B", or "M-1" District to insure adequate screening. All such structures shall be completely enclosed structures.

2. The site of tipples or cleaning plants shall be appropriately screened by tree plantings, to supplement natural screening provided by the topography and shall be maintained in good condition.

3. All noise, vibrations, dust and particulates, smoke and odor shall be in conformity with the other regulations set forth in this Ordinance, and as required by the Department of Environmental Resources.

19.2 (d) 1. Mine Waste Disposal. Mine waste disposal areas including any related facilities, shall comply with the requirements set forth in the general provisions as well as the following additional conditions and requirements:

2. Mine waste shall be placed in a manner that will prevent combustion in accordance with the standards of the Department of Environmental Resources, and a complete plan of the disposal project together with all areas upon which disposal is to be placed, shall have the approval of the Department of Environmental Resources, and written approval shall be submitted to the Zoning Hearing Board at the time of the hearing.

3. Mine waste and refuse shall be deposited wherever possible in ravines, or low areas, to conform to the general topography of the area, and that a minimum distance of 750 feet from any other road or tract of ground in any "A", "R", "B", or "M-1" District, (not an "M-1" District already owned by the applicant) to minimize the visibility of the mine waste or refuse.

Where topographical conditions and natural vegetation do not afford adequate screening, a suitable landscape of trees, shrubs, or fencing shall be required. Mine waste shall be disposed of in such a manner that the mine waste or refuse shall not be visible from any contiguous "A", "R", "B", or "M-1" District, (an "M-1" District not already owned by the applicant.)
and mine waste shall not be visible from any public road passing through the area or adjoining said area.

4. All applicants applying to the Zoning Hearing Board, must simultaneously with the application, present copies of all applications submitted to the Department of Environmental Resources.

5. All permits required by the Commonwealth of Pennsylvania of the United States government, must be presented at the hearing.

ORDAINED, this 24th day of June, 1982, to come effective on June 30th, 1982.

ATTEST:

[Signature]

[Name]

Secretary

[Name]

BoDn OF SUPERVISORS OF MOUNT PLEASANT TOWNSHIP

[Signature]

[Name]
TOWNSHIP OF MOUNT PLEASANT
ORDINANCE NO. 20

AN ORDINANCE OF THE TOWNSHIP OF MOUNT PLEASANT, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 20, MOUNT PLEASANT TOWNSHIP ZONING ORDINANCE, TO: (1) ADD DEFINITIONS FOR MEDIATION, PUBLIC HEARING, PUBLIC MEETING AND PUBLIC NOTICE; (2) SPECIFY CONTENTS OF ENFORCEMENT NOTICE; (3) PROVIDE FOR APPOINTMENT OF ALTERNATE MEMBERS OF ZONING HEARING BOARD AND AUTHORIZE THEIR PARTICIPATION; (4) REVISE JURISDICTION OF ZONING HEARING BOARD; (5) PROVIDE MEDIATION OPTION IN ZONING HEARING BOARD PROCEEDINGS; (6) ADD PROVISIONS FOR ZONING HEARING BOARD FEES; (7) SPECIFY TIME LIMITATIONS AND STAY OF PROCEEDINGS ON APPEALS; (8) REQUIRE PROPERTY PROPOSED FOR REZONING; (9) PROVIDE MEDIATION OPTION IN REZONING PROCEEDINGS; (10) REQUIRE SUBMISSION OF CERTIFIED COPY OF ADOPTED ZONING AMENDMENTS TO COUNTY PLANNING COMMISSION; (11) ADD PROVISIONS FOR LANDOWNER'S CURATIVE AMENDMENT; AND (12) REVISE PENALTY PROVISIONS.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the the Board of Supervisors of the Township of Mount Pleasant, Washington County, Pennsylvania and it is hereby ordained and enacted by and with the authority of the same as follows:

SECTION 1. In Article I, Section 1, the following new definitions are hereby inserted in alphabetical order:

Mediation. A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Public Hearing. A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting. A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act."

Public Notice. Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at
the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

SECTION 2.

In Article VI, Section 7, Subsection 7.2 is hereby deleted and the following new Subsection 7.2 is substituted therefor:

7.2 If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, the Zoning Officer shall issue a written Enforcement Notice to the person responsible for such violation. The Enforcement Notice shall contain the following information:

(a) The name of the owner of record and any other person against whom the Township intends to take action.

(b) The location of the property in violation.

(c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.

(d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.

(f) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

SECTION 3.

In Article VI, Section 7, Subsection 7.4 is hereby deleted and the following new Subsection 7.4 is substituted therefor:

7.4 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars ($500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment
shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) 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 this Ordinance shall be paid over to the Township.

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.

Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

SECTION 4.

In Article VI, Section 7, Subsection 7.5 is hereby deleted and the following new Subsection 7.5 is substituted therefor:

7.4 In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted maintained or used in violation of this Ordinance, the Board of Supervisors, or with the approval of the Board of Supervisors, any officer of the Township, in addition to other remedies, may institute any appropriate action or proceeding to correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

SECTION 5.

In Article VII, Section 1, Subsections 1.2 through 1.12 are hereby renumbered 1.4 through 1.14 and the following new Subsections 1.2 and 1.3 are hereby inserted:

1.2 Appointment of Alternate Members: The Board of Supervisors may appoint by Resolution at least
one (1), but no more than three (3), residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Subsection 1.3, below, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Subsection 1.3, below.

1.3 Participation by Alternate Members: If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

SECTION 6. In Article VII, Section 1, renumbered Subsection 1.4 is hereby deleted and the following new Subsection 1.4 is substituted therefor:

1.4 Stay of Proceedings. Upon filing of any proceeding 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 whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Washington County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given.

SECTION 7. In Article VII, Section 1, renumbered Subsection 1.5, Subparagraph (a) is hereby deleted and the following new Subparagraph (a) is substituted therefor:

(a) By giving public notice, as defined herein.

SECTION 8. In Article VII, Section 1, renumbered Subsection 1.5, the following sentence is added at the end of Subparagraph (d):

Said notice shall be posted at least one (1) week prior to the hearing.

SECTION 9. In Article VII, Section 1, renumbered Subsection 1.14 is hereby deleted and the following new Subsection 1.14 is substituted therefor:

1.14 Jurisdiction of the Board. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

(a) Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of Supervisors.
(b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken with thirty (30) days after the effective date of the ordinance.

(c) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

(d) Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

(e) Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance.

(f) Applications for special exceptions under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance.

(g) Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code. (Act 247, as amended.)

(h) Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development.

SECTION 10. In Article VII, Section 1, the following new Subsections 1.15, 1.16 and 1.17 are hereby inserted:

1.15 Mediation Option. Parties to proceedings authorized in this Article within the jurisdiction of the Zoning Hearing Board may
utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Section once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

(a) Funding mediation.

(b) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

(c) Completing mediation, including time limits for such completion.

(d) Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended) governing proceedings before the Zoning Hearing Board or the Board of Supervisors, as the case may be, provided there is written consent by the mediating parties, and by an applicant or Township decision-making body, if either is not a party to the mediation.

(e) Identifying all parties and affording them the opportunity to participate.

(f) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

(g) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body.
pursuant to the authorized procedures set forth in this Ordinance.

No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

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

The failure of anyone, other than the landowner, to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

1.17 Zoning Hearing Board Fees. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

(a) Hearing Fees. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not
include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

(b) Stenographer's Fees. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of the graphic or written material received in evidence shall be made available to any party at cost. The appearance fee for the stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board, if the transcript is ordered by the Board or Hearing Officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

SECTION 11. In Article VIII, Section 1, Subsections 1.6 through 1.8 are hereby renumbered 1.7 through 1.9 and the following new Subsection 1.6 is hereby inserted:

1.6 Referral to County Planning Commission. At least thirty (30) days prior to the Board of Supervisors' public hearing on the amendment, the Township shall submit the amendment to the Washington County Planning Commission for review and comment.

SECTION 12. In Article VIII, Section 1, renumbered Subsection 1.7 is hereby deleted and the following new Subsection 1.7 is substituted therefor:

1.7 Public Hearing and Enactment: The Board of Supervisors shall hold a public hearing pursuant to public notice, as defined by this Ordinance. In the case where a proposed amendment involves the rezoning of property, a minimum of five (5) public notices shall be posted on and around the the perimeter of the affected property for a minimum of seven (7) days prior to the date of the public hearing conducted by the Board of Supervisors.

If, after the public hearing, the proposed amendment is changed substantially, or is
revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

Before voting on enactment, the Board of Supervisors shall give notice of proposed enactment in accordance with the requirements of Section 610 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

Within thirty (30) days after enactment, a certified copy of the amendment to this Ordinance shall be forwarded to the Washington County Planning Commission.

SECTION 13. In Article VIII, Section 1, the following new Subsection 1.10 is hereby inserted:

1.10 The Township may offer a mediation option as an aid in completing proceedings authorized by this Section 604. In exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Article VII, Subsection 1.15 of this Ordinance.

SECTION 14. In Article VIII, the following new Section 2 is hereby inserted:

Section 2. Landowner Curative Amendments: Any landowner who wishes to challenge the validity, on substantive grounds, of this Ordinance or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may file a curative amendment together with a written request that the challenge and the proposed amendment be heard and decided by the Board of Supervisors in accordance with the provisions of Sections 609.2 and 1004 of the Pennsylvania Municipalities Planning Code (PA Act 247, as amended).

2.1 The Board of Supervisors shall hold a public hearing, pursuant to public notice, on the matter within sixty (60) days of receiving the request at a regular monthly meeting. The Board of Supervisors shall conduct the hearing in accordance with the requirements for conducting a public hearing specified in Section 908 of the Pennsylvania Municipalities Planning Code. All references in Section 908 to the Zoning Hearing Board shall apply to the Board of Supervisors.
2.2 The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission for review and comment at least thirty (30) days prior to the public hearing.

2.3 Evaluating Merits of Curative Amendment. If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

(a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Map;

(c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

(d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

(e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

2.4 Declaration of Invalidity By the Court. If the Township does not accept a landowner's curative amendment brought in accordance with this
Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

SECTION 15. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.


TOWNSHIP OF MOUNT PLEASANT

Chairman, Board of Supervisors

ATTEST:

Township Secretary