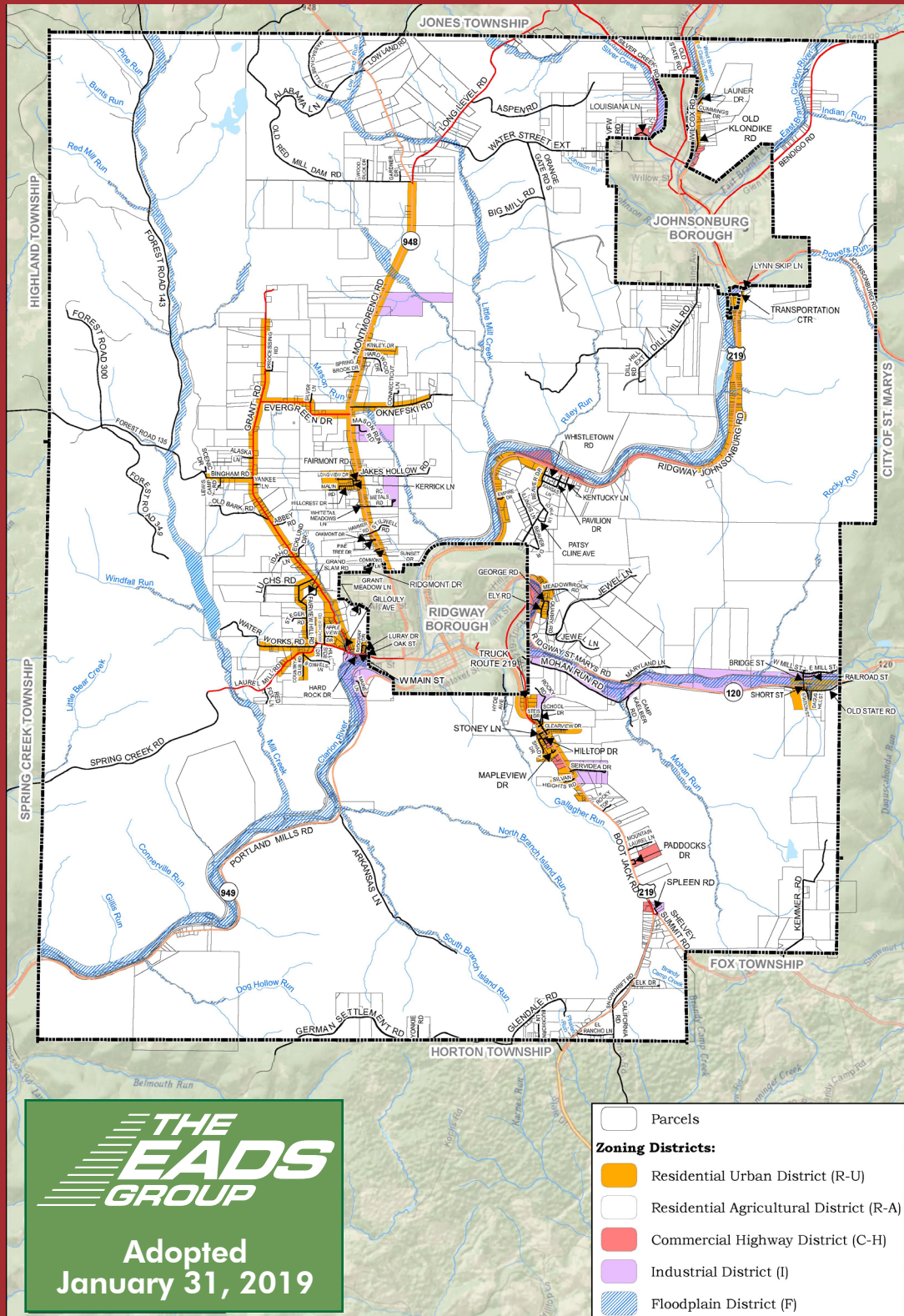


# Ridgway Township

Elk County, Pennsylvania

Ordinance No. 116 • Comprehensive Rezoning



**THE EADS GROUP**  
Adopted  
January 31, 2019

**RIDGWAY TOWNSHIP**  
**Elk County, Pennsylvania**

**Ordinance No. 116**

**Comprehensive Rezoning**

Prepared by:  
The EADS Group

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## TABLE OF CONTENTS

<b>ARTICLE/Major Subsections</b>	<b>PAGE</b>
<b>I GENERAL PROVISIONS</b>	<b>1</b>
1.00 Short Title	1
1.01 Ordaining Clause	1
1.02 Purpose	1
1.03 Establishment of Controls	2
1.04 Interpretation	3
1.05 Severability	3
1.06 Repealer	4
<b>II COMMUNITY DEVELOPMENT OBJECTIVES</b>	<b>5</b>
2.00 Community Development Objectives	5
<b>III DEFINITIONS</b>	<b>7</b>
3.00 Application and Interpretation	7
3.01 Definition of Terms	7
<b>IV ZONING DISTRICTS</b>	<b>30</b>
4.00 Establishment and Description of Districts	30
4.01 R-U Residential-Urban District	30
4.02 R-A Residential-Agricultural District	31
4.03 C-H Commercial-Highway District	33
4.04 I Industrial District	35
4.05 Zoning Map	38
4.06 Interpretation of District Boundaries	38
4.07 Application of District Regulations	38
4.08 Use Regulations and Dimensional Requirements	39
4.09 Federal, State, County or Municipally Owned Property	39
<b>V SPECIAL AND SUPPLEMENTARY REGULATIONS</b>	<b>40</b>
5.00 Accessory Buildings	40
5.01 Adult Entertainment Establishments	40
5.02 Building Height Regulations	40
5.03 Building Yard Exceptions	41
5.04 Camps	41
5.05 Clubs, Lodges and Fraternal Organizations	41
5.06 Communication Antennas and Facilities	42
5.07 Conversions of Single-Family Housing	45
5.08 Drainage Buffers	45
5.09 Environmental Performance Standards	45
5.10 Fences and Related Barriers	46
5.11 Home Occupations	46
5.12 Performance Standards	47
5.13 Junkyards/Auto Wrecking	48
5.14 Lots of Record – Existing	49
5.15 Modifications for Existing Structures	49
5.16 Mobile Home Parks	49

<b>ARTICLE/Major Subsections</b>	<b>PAGE</b>
<b>V SPECIAL AND SUPPLEMENTARY REGULATIONS (continued)</b>	
5.17 Off-Street Parking, Traffic Control and Loading	52
5.18 Oil and Gas Requirements and Performance Standards	59
5.19 Public Use Considerations and Exemptions - Public Utility and Governmental Structures, and Essential Services	64
5.20 Screening Requirements	65
5.21 Sign Regulations	68
5.22 Special Use Regulations	74
5.23 Swimming Pools, Private	74
5.24 Trailers, Recreational	75
5.25 Uses Not Provided For	75
<b>VI ADMINISTRATION AND ENFORCEMENT PROCEDURES</b>	<b>76</b>
6.00 Zoning Officer	76
6.01 Administration and Administrative Procedures	77
6.02 Municipal Civil Enforcement Proceedings/Enforcement Notices/Jurisdictional and Standing Matters/Penalties	79
6.02A Causes of Action	81
6.03 Zoning Hearing Board	81
6.04 Functions of the Township Supervisors	88
6.05 Procedures for Hearings	89
6.06 Schedule of Fees, Charges and Expenses	90
6.07 Non-conforming Lots, Uses, Structures and Buildings	91
6.08 Change in Use	93
<b>VII AMENDMENTS</b>	<b>95</b>
7.00 Amendments	95
7.01 Procedure for Landowner Curative Amendments	96
7.02 Procedure for Municipal Curative Amendments	97
7.03 Advertising Requirements	98
7.04 Incorporation	98
<b>VIII MISCELLANEOUS PROVISIONS</b>	<b>99</b>
8.00 Reviews and Appeals	99
8.01 Remedies	99
8.02 Repeal and Conflicting Ordinances	99
8.03 Effective Date	99
8.04 Official Zoning Map	99
<b>Appendix – Uses by Zoning District Summary</b>	<b>100</b>
<b>Enactment</b>	<b>104</b>
<b>Zoning Map</b>	<b>105</b>

## ARTICLE I

### GENERAL PROVISIONS

#### 1.00 SHORT TITLE

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

#### 1.01 ORDAINING CLAUSE

This Ordinance shall become effective five (5) days after enactment by the Township Supervisors of the Township of Ridgway, County of Elk. Enactment by the Ridgway Township Supervisors is by the authority of and pursuant to the provisions of Articles VI through X-A of Act No. 247 of 1968, P.L. 805, as reenacted and amended by the Pennsylvania General Assembly, known and cited as the *Pennsylvania Municipalities Planning Code*.

#### 1.02 PURPOSE

This Ordinance is designed, adopted and enacted to achieve the following purposes:

- (1) To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and well-planned community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic resources in the environment and preservation of critical components of the area heritage.
- (2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other natural or manmade dangers.
- (3) To preserve farmland and agricultural activities, taking topography, soil type and classification and present use.
- (4) To provide for the use of land within the Township for residential housing of various dwelling types encompassing basic forms of housing, including single-

family and two-family dwellings, and multi-family dwellings at an appropriate scale and height, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

- (5) To accommodate reasonable overall community growth and development, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.
- (6) To produce comprehensive rezoning in the Township by, among other means, repealing in its entirety prior zoning Ordinance No. 43, replacing that ordinance with the present revised ordinance, restating and affirming herein all relevant contents of prior Township Ordinance No. 111 (relating to provisions for exploration and extraction of oil and gas), defining 4 zoning districts rather than the 5 established in 1981 under No. 43, adding substantially to the definitional section, and revising the Township's zoning map.

The regulations and districts contained herein represent reasonable consideration as to the character of the districts and their particular suitability for particular uses of land. These provisions have been drawn with a view to preserving the existing environment and assuring the development of land on individual properties, balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties, with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

### **1.03 ESTABLISHMENT OF CONTROLS**

- (1) Minimum and uniform regulations: The regulations set forth in this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structures or land.
- (2) Proposed uses and structures: In all zoning districts, after the effective date of this chapter, any new building or other structure or any tract of land shall be constructed, developed, and used only in accordance with the regulations specified herein, except where a variance has been authorized by the Zoning Hearing Board in accordance with Article VI of this Ordinance.
- (3) Existing uses and structures: In all districts, after the effective date of this chapter, any existing building or other structure or any tract of land which is not in conformity with the regulations of the district in which it is located shall be deemed to be nonconforming and subject to the regulations of Article VI of this Ordinance
- (4) Floodplain regulations: All structures, land areas and/or premises which are located in areas identified as floodplain by the National Flood Insurance Program are subject to additional regulations of the Ridgway Township Floodplain Ordinance, as amended.

#### **1.04 INTERPRETATION**

For the purpose of the interpretation and application of this Ordinance, the provisions contained herein shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling.

- (1) Whenever any regulations made under authority of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this Ordinance shall govern.
- (2) Whenever the provisions of any other statute or requirements require a greater width or size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by any regulations made under authority of this Ordinance, the provisions of such statute or requirement shall govern.
- (3) Whenever any regulations pertaining to a specific use or activity under authority of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required for the zoning district or generally required under this Ordinance, the greater or higher standards shall govern.
- (4) In interpreting the language of this zoning ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Township Supervisors, in favor of the property owner and against any implied extension of the restriction.

#### **1.05 SEVERABILITY**

The provisions of this Ordinance shall be severable, and if any of these provisions shall be held or declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, the validity of the remaining provision of this Ordinance shall not be affected. It is hereby declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provisions not been included herein.

## **1.06 REPEALER**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action occurred or existing under any ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.



## ARTICLE II

### COMMUNITY DEVELOPMENT OBJECTIVES

#### 2.00 COMMUNITY DEVELOPMENT OBJECTIVES

The Ridgway Township Board of Supervisors identifies the following legislative finding with respect to land use, density of population, location and function of roads, and other community facilities and utilities, and other factors that the Township believes relevant in establishing community development objectives for the future development of the Township. It is the purpose of the Ordinance to reflect the objectives of the Township, to establish such other objectives as may be deemed necessary, and to provide the means and regulations whereby these objectives may be attained. The overall approach of this Ordinance is to ensure orderly, appropriate and compatible growth that reduces conflicting and nuisance land uses and results in well-planned and orderly development and redevelopment of Ridgway Township.

- Provide for an adequate supply, balance and location of land uses appropriate for the infrastructure and community needs of the Township but flexible enough to sustain orderly and well-planned development.
- Encourage and reinforce new development and renewal activities, while preserving the rural and small town atmosphere of the Township.
- Encourage development within, adjacent and comparable to existing development, thereby enabling the most efficient and economic provision of basic community facilities and public utilities; reuse and rehabilitation of presently vacant industrial structures; and prioritize the reuse of existing vacant land served by existing infrastructure.
- Provide for no-impact home based business and encourage traditional commercial and industrial development in appropriate areas by providing for uses and dimensional requirements that reinforce them.
- Provide for appropriate highway-oriented commercial and industrial development along the main roadways and in areas where vehicle access is readily available.
- Encourage single family and lower-density multi-family housing residential development within the Township.
- Minimize the potential for conflict between residential areas and commercial/industrial development within the Township.
- Encourage well-planned future in-fill development and new development of presently vacant parcels.

- Assure the preservation, protection, appreciation and appropriate use of surface water and ground water resources in and bordering the Township.
- Preserve waterways, 100-year floodplains, natural heritage resources, open spaces and wooded lands and other physical and natural resources of local and regional significance.

## ARTICLE III

### DEFINITIONS

#### 3.00 Application and Interpretation

It is not intended that these definitions include only words used or referred to in this Ordinance. The words are included in order to aid in the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning indicated as follows:

- (1) Words used in the present tense include the future tense.
- (2) The word "person" includes a profit or non-profit corporation, company, partnership or individual.
- (3) The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged", or "designed" to be used or occupied.
- (4) The word "building" includes structure.
- (5) The word "lot" includes plot or parcel.
- (6) The word "shall" is always mandatory.

#### 3.01 Definition of Terms

**Abandonment**: The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any evidence of transferring the rights to the property to another owner or of resuming the use of the property for a period of twelve (12) consecutive months.

**Abutting**: Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**Accessory Building**: A subordinate building, structure or portion of the main building on the same lot, the use of which is customarily incidental to that of the main or principal building, including but not limited to, detached garages, non-commercial greenhouses in residential districts, storage sheds, swimming pools, children's playhouses, decks, carports and private animal pens and dog houses, located in the required side or rear yards.

**Accessory Use**: The use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use or building.

**Adult Entertainment**: All adult oriented businesses or sections of other businesses exceeding fifteen (15) square feet of floor area devoted to the display and selling of materials depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", in the form of books, magazines, films, videos, DVD's,

live entertainment or similar trade. This includes but is not limited to adult bookstores, novelty stores and video/motion picture stores/theaters. This type of business also includes adult escort agencies, nude model studios and sexual encounter centers; massage parlors, night clubs, bars, taverns, restaurants, arcades, theaters, motels, hotels or similar businesses that provide for entertainment characterized as depicting or displaying “Specified Sexual Activities” and/or “Specified Anatomical Areas”.

**Agricultural Use:** The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, uticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce.

**Airspace Easements:** A right expressed as an easement, covenant, condition, or other property interest, which protects the space lying above a certain area of land or water, entitling its holders to a specific limited use by forbidding or limiting activities that interfere with access to natural alternate energy forces (wind, sunlight, and rain).

**Alley:** A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

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

**Alterations, Structural:** Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**Amendment:** Revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the Township Supervisors and is pursuant to the Pennsylvania Municipalities Planning Code.

**Animal Hospital:** A building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds, by a veterinarian.

**Animal Shelter:** An establishment operated by a for-profit or non-profit entity or volunteers, supported by charitable contributions, which provides a temporary home for dogs, cats, and other animals that are offered for adoption.

**Antenna:** An electrical device consisting of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves (See **Communications Antenna**).

**Antenna, Directional:** Also known as a beam antenna is an antenna that radiates or receives greater power in specific directions allowing for increased performance and reduced interference from unwanted sources. Directional antennas provide increased

performance over omnidirectional antennas when greater concentration of radiation in a certain direction is desired.

**Antenna, Omnidirectional:** A class of antenna that radiates radio wave power uniformly in all directions in one plane, with the radiated power decreasing with elevation angle above or below the plane, dropping to zero on the antenna's axis. Omnidirectional antennas oriented vertically are widely used for non-directional antennas because they radiate equally in all horizontal directions. Omnidirectional antennas are widely used for radio broadcasting antennas, and in mobile devices that use radio such as cell phones, FM radios, walkie-talkies, wireless computer networks, cordless phones, GPS as well as for base stations that communicate with mobile radios, such as police and taxi dispatchers and aircraft communications.

**Antenna, Panel:** A type of directional antenna, in its simplest form, consisting of a dipole placed ahead of a flat-panel reflector. Most often, a panel antenna will be constructed as multiple "bays" with each consisting of an individual dipole placed before a shared reflector - with all of these bays connected in parallel to increase received signal strength.

**Antenna, Whip:** A type of omnidirectional antenna consisting of a straight flexible wire or rod. Whips are the most common type of monopole antenna, and are used in the HF, VHF and UHF radio bands. They are widely used as the antennas for hand-held devices and may be attached to vehicles as the antennas for car radios and two-way radios for wheeled vehicles and for aircraft. Larger versions mounted on roofs and radio masts are used as base station antennas for police, fire, ambulance, taxi, and other vehicle dispatchers.

**Apartment House:** A building arranged, intended, or designed to be occupied by three or more families living independently of each other.

**Application:** An application, required to be filed and approved by the Township of Ridgway prior to start of construction or development.

**Area, Building:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

**Area, Lot:** The total area within the lot lines.

**Auto Body Shop-Vehicle:** Any structure or any building or part thereof that is used for the repair or painting of bodies and fenders of motor vehicles.

**Basement:** A story partly underground but having at least one-half of its height above the average level of the adjoining ground.

**Bed and Breakfast Inn:** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in abutting premises.

**Buffer Strip/Area:** An area of land maintained in permanent vegetation that helps to control or mitigate air, soil, water quality, land use and other potential environmental and/or compatibility problems

**Building:** Any structure having a roof supported by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

**Building, Accessory:** A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.  
**Building, Detached:** A building surrounded by open spaces on the same lot.

**Building, Front Line of:** 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.

**Building, Height of:** The vertical distance measured from the average, elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gable roofs.

**Building, Main:** A building in which is conducted the principal use of the lot on which it is located.

**Building, Setback Line:** A line established by the Zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as provided in said code.

**Camp:** A permanent structure for seasonal and/or recreational use, by a person or persons having permanent residence elsewhere. Such uses would include shelter during hunting and fishing seasons; vacation uses to include weekends and holidays; and similar periodic visits at any time of the year.

**Campgrounds - Trailer/Tents/RV's/Recreational Camps:** A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, tents, RV's and/or recreation camps, with or without a fee charged for the leasing, renting or occupancy of such space. A campground may or may not include the dwelling unit of the owner or operator of the facility.

**Canopy:** A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building, also includes a pavilion.

**Carport:** An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building at which the carport is an accessory building or extension.

**Cellar:** A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

**Church or House of Worship:** A building or structure used for public worship by a religious organization.

**Clubs, Lodges and Fraternal Organization:** A nonprofit association of persons who are bonafide members paying dues on an annual or other regular basis, with the use of premises being restricted to members and their guests, and any facilities used for civic, cultural, educational, social, or recreational purposes for members and their guests. The serving of food and meals on such premises is permissible providing adequate dining room space and kitchen facilities are available, and the serving of alcoholic beverages to members and their guests shall be allowed, provided it is in compliance with the applicable federal, state, and municipal laws and regulations.

**Commercial Establishment:** An establishment housing an occupation, employment or enterprise, carried on for profit by the owner, lessee, or licensee, involving a sale of retail goods or the provision of personal or business services.

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

**Communications Equipment Building:** An un-crewed building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 375 square feet.

**Communications Facility, Stealth:** means any telecommunications tower/antenna that is integrated as an architectural feature of a structure so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer.

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

**Communications Tower, Height:** The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

**Community Center:** A building open to the general public, without paid admission, and used for community activities, which may include cultural, recreational, or social activities.

**Conditional Use:** A use permitted in a particular zoning district pursuant to the provisions in Article VI, requiring review and approval of Township Supervisors in accordance with Subsection 6.04 of this Ordinance.

**Convenience Store:** A commercial establishment offering gasoline, prepared food primarily for off-premises consumption, packaged food and dairy products, beverages and related items, typically over extended hours or open for 24 hours.

**Conversion Apartments:** A multi-family or multi-family dwelling constructed by converting an existing single family dwelling into apartments for more than two families without substantially altering the exterior of the building.

**Court:** An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

**Court, Inner:** A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

**Court, Other:** A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

**Curb Level:** The officially established grade of the curb in front of the midpoint of the lot.

**Day Care Facilities:** A facility in which part-time care is provided for children or adults, having the necessary licenses and permits required by the Commonwealth of Pennsylvania.

**Deck:** An open roofed or unroofed platform structure having a vertical elevation above the ground extending from a principal building.

**Dog and Animal Kennel:** The keeping of dogs or other domestic animals for selling, breeding, training, grooming, boarding or similar use, by a for-profit or non-profit entity. A dog kennel in any district requires Zoning Hearing Board approval and must be constructed so as not to be a nuisance to surrounding properties.



**District or Zoning District:** An area constituted by or pursuant to this Ordinance and delineated by text and map as to location, extent, nature and contents.

**Drinking Establishment:** Any premises licensed by the Pennsylvania Liquor Control Board wherein alcoholic beverages are sold at retail for consumption on the premises.

**Dwelling:** A building or portion thereof that provides living facilities for one or more families.

**Dwelling, Multi-Family:** A building or portion thereof for occupancy by more than two (2) families living independently of each other and containing three or more dwelling units.

**Dwelling, Single-Family, Attached:** One of two or more residential buildings having a common or party wall separating dwelling units.

**Dwelling, Single-Family, Detached:** A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

**Dwelling, Two Family Attached:** A building arranged, designed, or intended for occupancy by two (2) families living independent of each other and doing their own cooking therein, on a single lot.

**Dwelling Unit:** One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

**Eating Establishment:** A commercial establishment that serves food and beverages primarily for on-premises consumption. This includes cafes, sit-down restaurants and outdoor cafes. Establishments shall have all required health licenses, and, where applicable, required Pennsylvania Liquor Control Board permits.

**Electric Substation:** An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of modifying its characteristics to meet the needs of the general public.

**Essential Service:** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings and recycling collection points, excluding communications towers and communications antennas, as defined herein.

**Family:** One or more persons who live together in one dwelling unit and maintain a common household. It may consist of a single person; or of two or more persons, related by genetics, marriage or adoption; or a group of four or fewer persons who are not related by genetics, adoption, or marriage living together as a single housekeeping unit, and may also include domestic servants and gratuitous guests.

**Farm:** Any parcel of land containing ten or more acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

**Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose, separate or screen areas of land.

**Floor Area, Building:** The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**Floor Area, Gross:** The sum of the total horizontal areas of the building of all floors of a building sustaining a particular use, measured from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings or uses, excluding any space where the floor-to-ceiling height is less than six (6) feet and any interior parking/garage/loading space.

**Floor Area, Habitable:** The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court.

**Floor Area Retail, Net:** All that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for customer; but not to include office space, storage space and other general administrative areas.

**Forestry:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

**Garage, Private:** An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space therein for more than one car is leased to a non-resident of the premises.

**Garage, Public:** Any garage not a private garage and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

**Group Home:** An agency licensed, operated and supervised residential environment for unrelated people having physical or mental disabilities, under the care and supervision by trained personnel, with at least one trained caregiver present 24 hours a day.

**Halfway House:** An agency licensed, operated and supervised temporary residential living arrangement for unrelated persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution, and receiving the appropriate care, supervision and counseling deemed necessary to assist them in their readjustment, with at least one trained supervisor or counselor present 24 hours a day.

**Hazardous Materials:** Materials and wastes that, in sufficient quantities and concentrations, pose a threat to human life, human health or the environment when improperly stored, transported, treated or disposed as defined and regulated by the PA Department of Environmental Protection under 25 PA. CODE Chapters. 260-270a and/or defined by the US Environmental Protection Agency under 40 CFR §261.31-§261.33 and/or meeting the four characteristics defined in 40 CFR Part 261 Subpart C for ignitability, corrosivity, reactivity and toxicity.

**Home Gardening:** The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock, and permitting the sale of produce raised thereon.

**Home Occupation:** An occupation, profession, activity, or use other than a No-Impact Home-Based Businesses as defined in this Ordinance, permitted under the provisions and conditions of this Ordinance.

**Horticulture:** The science or art of cultivating fruits, vegetables, flowers, or ornamental plant.

**Hospital:** Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

**Hotel (See also motel):** A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

**Industrial, Light:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**Industrial, Heavy:** An industrial use involving the manufacture or refining of finished or semi-finished products from raw materials or minerals, typically for sale to other industrial users and not the end consumer.

**Industrial Park:** A tract of land that has been planned, developed and operated as an integrated facility for a number of individual light industrial users, with special attention to circulation, parking, utilities, aesthetics and compatibility.

**Junkyard:** A lot or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

**Land Development:** Any of the following activities are included as land developments:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - a. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.

**Lighting:** The following clarifies and differentiates artificial illumination as regulated by this Ordinance:

- (1) Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.
- (2) Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- (3) Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

**Lot**: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a Zoning permit for a building on such land.

**Lot Area**: The area of horizontal plan bounded by the vertical planes through front, side, and rear lot lines.

**Lot, Corner**: A parcel of land at the junction of, and abutting on, two or more intersecting streets.

**Lot Coverage**: Determined by dividing that area of lot that is occupied or covered by the total horizontal projected surface of all buildings and structures including covered porches and accessory buildings, by the gross area of that lot.

**Lot Depth**: The average horizontal distance between the front and rear lot lines.

**Lot Lines**: The lines bounding a lot as defined herein.

**Lot Line, Front (See also yard front)**: On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot.

**Lot of Record**: A lot where its existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

**Lot Width**: The horizontal distance between side lot lines, measured at the required front setback line.

**Manufactured Housing**: A type of prefabricated housing that is assembled in factories and then transported to sites of installation and use. The definition of the term in the United States is regulated by federal law (Code of Federal Regulations, 24 CFR 3280).

**Minerals**: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**Mineral Extraction**: The surface and/or sub-surface extraction, mining, quarrying, drilling, processing and/or removal of minerals from the earth via a variety of techniques, excluding oil and gas.

**Mixed-use Buildings:** Buildings housing a combination of two or more permitted residential, commercial, service and/or office uses.

**Mobile Home:** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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.

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

**Mobile Home Park:** A parcel of land or contiguous parcels of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

**Motel (See also hotel):** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room.

**Municipality:** The Township of Ridgway, Elk County Pennsylvania.

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

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses;
- (2) The business shall employ no employees other than family members residing in the dwelling;
- (3) The business shall not involve the display or sale of retail goods and no stockpiling or inventory of a substantial nature;
- (4) There shall be no outside appearance of a business use, including but not limited to parking, signs or lights;
- (5) The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors, electronic or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood;
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential uses in the neighborhood;

- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor space; and
- (8) The business may not involve any illegal activity.

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

**Non-Conforming Structure:** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

**Non-Conforming Use:** A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**Nursing Home:** A non-residential institution for the care of the aged or the infirm, who are residents by virtue of requiring 24 hour specialized care and supervision relating to health, social and/or rehabilitative services, but not for the care and treatment of alcoholism or narcotics addiction. The facility shall be licensed in accordance with appropriate State and/or County laws and regulations.

**Oil and Gas Compressor:** A device that raises the pressure of oil and natural gas and/or by-products thereof. Compressors are any devices that create a pressure differential to move or compress a liquid, vapor, or a gas. Any such device used alone or in series to adequately move a liquid, vapor or a gas is considered a compressor.

**Oil and Gas Compressor Station:** A facility designed and constructed for the primary purpose of compressing natural gas that originates from an Oil and Gas Well or collection of such wells and which operates as a midstream facility for delivery of gas to a transmission pipeline, or distribution pipeline, including one or more compressors, associated buildings, pipes, valves, tanks, and other equipment. The Oil and Gas Compressor Station may also include facilities or equipment to remove water, water vapor, oil, condensate or naturally occurring liquids from the gas.

**Oil and Gas Freshwater: Liquid Impoundment:** A tined depression. Excavation, pit, or facility situated in or upon the ground, whether natural or artificial, used to store fresh water, associated with an oil and gas use, as approved as such by permit from and defined by the Pennsylvania Department of Environmental Protection,

and excluding water sourced from an oil and gas well or a byproduct of oil and gas drilling activity.

**Oil and Gas Liquid Storage Tank:** One or more stationary tanks, containers or like facilities, wholly or partially above the land surface of a parcel including underground pipes and dispensing systems connected thereto, that are used to contain for any period of time an accumulation of fresh water (excluding potable water), wastewater, or other liquids, including but not limited to brine, fracturing fluid, or residual waste associated with an oil and gas use.

**Oil and Gas Metering/Gathering Station:** A facility or structure used to measure all oil and/or natural gas entering or exiting the pipeline system to provide accurate and continuous gas measurements and/or regulate gas pressure and delivery volumes.

**Oil and Gas Processing Facility:** A facility designed or constructed using a fractionation tower, column, or similar structure to remove materials such as ethane, propane, butane, and other constituents or similar substances from gas to allow the gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but does not include facilities, or equipment that are designed and constructed primarily to remove water, water vapor, oil, condensate or naturally occurring liquids from natural gas.

**Oil and Gas Protected Use:** Any church, community center, or public or accredited private school located in Ridgway Township, Elk County, Pennsylvania where members of the public congregate such that coordinated evacuation may be necessary during public safety emergencies.

**Oil and Gas Use:** The processing, fabrication, extraction, treatment, or assembly for distribution of crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substance that are produced by drilling and producing an Oil and Gas Well. Oil and Gas Uses include but are not limited to: Oil or Gas Wells, Oil and Gas Well Sites, Oil & Gas Compressor Stations, and Oil and Gas Processing Facilities, Oil and Gas Metering/Gathering Stations, Oil and Gas Freshwater Liquid Impoundments, Oil and Gas Wastewater Liquid Impoundments, and Oil and Gas Liquid Storage Tanks.

**Oil and Gas Wastewater Liquid Impoundment:** A lined depression, excavation, pit, or facility situated in or upon the ground, whether natural or artificial, used to store wastewater and other liquids, including but not limited to brine, fracturing fluid or residual waste, associated with an oil and gas use, as approved as such by permit from and defined by the Pennsylvania Department of Environmental Protection.



**Oil and Gas Well:** A pierced or bored hole drilled or being drilled in the ground for the purpose of or to be used for producing, extracting or injecting gas, oil, petroleum or another liquid related to oil and gas production or storage and includes all related equipment, aboveground pipeline, and structures such as the wellhead.

**Oil and Gas Well Site:** The location, including oil and gas well and well pad, where facilities, structures, materials and equipment whether temporary or permanent, are erected and maintained for or incidental to the preparation, construction, drilling, production, or operation of one or more Oil and Gas Wells. The Oil and Gas Well Site may include facilities or equipment that are designed and constructed to compress the gas for purposes of extraction as well as facilities to remove water, water vapor, oil, condensate, or naturally occurring liquids from the gas extracted at the well site.

**Oil and Gas Wellhead:** The specific location of an Oil and Gas Well or any structure or facility constructed and maintained directly over the location of the Oil and Gas Well.

**Parcel:** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**Parking Space:** An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle.

**Patio:** An unroofed area or courtyard built at ground level, paved with concrete, bituminous, brick or a similar dustless all-weather surface, adjoining a residential dwelling, non-residential establishment or restaurant/eating establishment used as an area for outdoor lounging, dining, etc.

**Pave:** Construction of an all-weather cohesive and dust-free surface in the form of bituminous material, concrete, bricks and/or pavers and similar materials that yield an all-weather cohesive and dust-free surface.

**Pavilion:** An accessory structure consisting of a roof and its support posts, and is open to the elements on one or more of the structure's sides.

**Pennsylvania Municipalities Planning Code:** Act of 1968, P.L. 805, No. 247 as reenacted and amended, the enabling legislation that permits municipalities in Pennsylvania to prepare and enact comprehensive development plans, zoning ordinances and other land use controls.

**Permit:** A document issued by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

**Personal Care Home:** Residential facilities possessing the appropriate governmental licenses and permits that provide lodging, food and some support services for people who are elderly or who have mental or physical disabilities; who are unable to care for themselves but who do not require 24 hour nursing services in a licensed nursing care facility. Typically, residents of these facilities need help with dressing, feeding, taking medications, mobility issues and finances.

**Planning Commission, Township:** The Planning Commission of the Township of Ridgway.

**Planning Commission, County:** The Planning Commission of the County of Elk.

**Plat:** A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

**Porch:** A roofed open area, which may be glazed or screened, attached to and directly accessible to/from a principal building, conforming to the dimensional requirements required for principal buildings in the respective zoning district.

**Premises:** Any lot, parcel or tract of land and any building constructed thereon.

**Principal Building:** A structure in which the principal use of the site is conducted.

**Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.

**Professional Office:** The office of a member of a recognized profession practitioner of a calling or occupation that is commonly identified to be professional in character by virtue of specialized knowledge, training, education and/or experience required for the practice of said calling or occupation. Said professions shall include, but not be limited to, law, medicine, dentistry, ministry, architecture, accounting, engineering, writing and consulting.

**Public Hearing:** A formal meeting held pursuant to public notice by the governing body, the Commission or the Zoning Hearing Board, 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 successive weeks in a newspaper of general circulation in the Ridgway Township area. Such notice shall state 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.

**Raw Material:** Unfinished good consumed by an industrial manufacturer in providing finished goods, which may exist as a basic substance in its natural, modified, or semi-processed state, used as an input to a production process for subsequent modification or transformation into a finished good.

**Recreation, Private:** Active or passive recreational facilities owned or leased, maintained and operated by a private individual, organization, corporation or other private sector arrangement as a commercial establishment.

**Recreation, Public:** Active or passive recreational facilities owned, maintained and operated by a municipal, county, state or federal governmental body or agency, or by a non-profit organization.

**Riding Academy:** Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

**Right-of-Way:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

**Road:** A public or private way that affords principal means of access to abutting properties. The word "road" shall include, but not be limited to, the words "street", "highway", "alley", and "thoroughfare".

**Screen Planting:** A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

**Self-Service Storage:** A warehousing facility where separate storage spaces of varying size are available for lease or rental, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy nor commercial sales conducted from such storage areas.

**Service Station:** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted for motor vehicles

**Setback:** The required specified horizontal distance between the building line and the related front, side, or rear property line or right-of-way line, whichever is closer to the building line.

**Shade Tree:** A tree planted or valued chiefly for providing screening from sunlight, in the form of a perennial woody plant having a main trunk and branches forming a distinct elevated crown.

**Shielded Luminaire:** A luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, located and properly fitted with a light blocking device(s).

**Shopping Center:** A group of commercial establishments planned, constructed, and managed as a total entity; with customer and employee parking provided on-site, provision for goods delivery separated from customer access.

**Short-Term Rentals:** The renting out of a furnished home, apartment or condominium unit, otherwise used as a principal residential use on the subject property, by the owner of record, for a short-term business or vacation stay by the day, week or period up to thirty (30) days, with the owner also in residence during rental period. Marketing may be via Airbnb, FlipKey, Vacation Rentals By Owner, or other service providers, or individually by the owner of record.

**Shrub:** A woody plant of relatively low height, having several stems arising from the base and lacking a single trunk, also commonly referred to as a bush.

**Sign:** A structure that consists of any device, light, letter, word, model, banner, pennant, trade flag, logo, insignia, balloons or representation that advertises, directs, or announces the use conducted; goods, products, services or facilities available; or that influences persons or conveys information, or that calls attention to the building or the use located on the lot (See Subsection 5.21).

**Silviculture:** The development and/or maintenance and/or control of the establishment, growth, composition, health, and quality of forests and wooded areas.

**Solid Waste:** Waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

**Solid Waste Facilities:** Land, buildings and all supportive facilities associated with the storage, disposal, processing, recycling, transfer and disposal of solid waste, as regulated and permitted by the Pennsylvania Department of Environmental Protection under PA Code Title 25 Environmental Protection Chapter 271. Municipal Waste Management, further described as follows:

- (1) Disposal—The deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of this Commonwealth.
- (2) Municipal waste disposal or processing facility - A facility using land for disposing or processing of municipal waste. The facility includes land affected during the lifetime of operations, including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post-closure care and

maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.

- (3) Processing—Technology used for the purpose of reducing the volume or bulk of municipal or residual waste or technology used to convert part or all of the waste materials for offsite reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.
- (4) Recycling facility—A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials.
- (5) Storage Facility - The containment of any waste on a temporary basis in such a manner as not to constitute disposal of the waste. It shall be presumed that the containment of waste in excess of 1 year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.
- (6) Transfer facility—A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility. The term includes a facility that uses a method or technology to convert part or all of the waste materials for offsite reuse. The term does not include a collecting or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.

**Special Exception:** A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of Act 247, the Pennsylvania Municipalities Code, as amended.

**Specified Anatomical Areas:** These include less than completely and opaquely covered human genitals or pubic region; human female breast; and human male genitals.

**Specified Sexual Activities:** These activities include human genitals in a state of sexual stimulation or arousal; sexual intercourse or other sexual acts; or fondling of Specified Anatomical Areas as defined above.

**Stable, Private:** An accessory building in which horses are kept for private use, and not for hire, remuneration or sale.

**Stable, Public:** A building in which any horses are kept for remuneration, hire, or sale.

**Stoop:** A covered or uncovered area of a front, side or rear door not exceeding four feet by five feet or twenty square feet in area.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**Story, Half:** A story under a gable, hip or gable roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

**Street:** A public way which affords principal means of access to abutting properties.

**Street Grade:** The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint ) shall be taken as the street grade.

**Street Line:** The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way, provided that where a proposed right-of-way width for a road or street has been established, that width shall be determined the location of the street line.

**Structure:** Anything constructed or installed or portable that requires for normal use a location on a parcel of land. This includes any moveable structure located on land which can be used either temporarily or permanently for housing, business, commercial, agricultural, or office purposes. It also includes billboards and advertising signs (See Subsection 5.21).

**Subdivision:** The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer or ownership of building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**Swimming Pool, Private:** Any permanent or temporary structure intended for swimming, recreational bathing or wading, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth any point greater than twenty-four (24) inches. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools. Ponds and/or lakes are not included, provided that swimming is not the primary purpose for their construction. Farm ponds and/or lakes are not included provided that swimming was not the primary purpose for their construction.

**Telephone Central Office:** A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone or radio telephone messages between subscribers and other business of the telephone company; but in a residential district not to include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

**Theater:** A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

**Theater, Outdoor, Drive-In:** An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

**Township:** The Township of Ridgway, Elk County Pennsylvania.

**Township Supervisors:** The Board of Township Supervisors of the Township of Ridgway, Elk County, Pennsylvania.

**Toxic Materials:** Materials and wastes including, but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and waste which requires special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.

**Trailer:** Any portable or mobile vehicle used or designed to be used for recreational rather than permanent residential living purposes.

**Trailer Camp:** A tract of land where two or more trailers are parked, and/or which is used or held out for the purpose of supplying to the public a parking space for two or more trailers.

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

**Variance:** A modification of the literal provisions of this Ordinance pursuant to the provisions of Articles VI and IX of Act 247, the Pennsylvania Municipalities Code, as amended, which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

**Vehicle Sales:** The use of building, land area or other premise for the display and sale of new or used automobiles, trucks, vans, trailers, or recreational vehicles and including any warranty repair work and other repair service as an accessory use.

**Vehicle Service Station:** A building or portion thereof or premises used for dispensing, or offering for sale at retail, any automotive fuels or oils; having pumps and tanks thereon, or where battery, tire, motor, transmission and other similar repair services are rendered.

**Warehousing:** Terminal facilities and buildings used for the storage of goods and materials and/or handling of freight with or without maintenance facilities.

**Wholesaling:** The business of selling merchandise to retailer, industrial, commercial, institutional, professional or other business users; or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Wind Energy Conversion Systems (WECS):** Mechanisms, including windmills, turbines and all appurtenances thereto, designed or operated for the purpose of converting kinetic wind energy into electrical power and excluding non-electric generating windmills used for pumping water or decorations.

**Window:** An opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

**Yard:** An open space that is between the principal building or group of buildings and the nearest public right-of-way line or lot line, whichever is closer to the building(s). Such space shall be unoccupied and unobstructed from the ground upward except as may herein be permitted.

**Yard, Front:** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unclosed, shall be considered as part of the main building and shall not project into a required front yard.

**Yard, Rear:** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.

**Yard, Side:** An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.



**Zoning Hearing Board:** The Zoning Hearing Board of the Ridgway Township

**Zoning Map:** The official zoning map of Ridgway Township, together with all notations, references and amendments that may subsequently be adopted. The zoning map shall be considered a part of this Ordinance.

**Zoning Officer:** The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

**Zoning Ordinance:** The ordinance in effect as adopted or amended that controls or regulates land use in the Township.

**Zoning Permit:** A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the District in which it is located.

## ARTICLE IV

### ZONING DISTRICTS

#### 4.00 ESTABLISHMENT AND DESCRIPTION OF DISTRICTS

For the purpose of implementing the community development objectives of this Ordinance, the following zoning districts are hereby established:

R-U	-	Residential Urban District
R-A	-	Residential Agricultural District
C-H	-	Commercial Highway District
I	-	Industrial District

The Districts and district requirements are delineated in this Article.

#### 4.01 R-U – Residential Urban District

The purpose of the R-U District is to provide for low to moderate density residential development and supportive community facilities in areas accessible to/from the major transportation network. The district also provides for certain public and semipublic uses considered necessary to the general welfare of the district.

- A. **Permitted Uses** – Refer to *Uses by Zoning District Summary* matrix in Appendix
- B. **Special Exception Uses** – Refer to *Uses by Zoning District Summary* matrix in Appendix
- C. **Area** - The minimum lot area for uses within the R-U District are as follows:
  - 1. 20,000 square feet in areas without public sanitary sewers, or the minimum needed to meet PADEP on-lot sewage requirements, whichever is greater
  - 2. 10,000 square feet in areas with public sanitary sewers.
- D. **Minimum lot width** – The minimum lot width within the R-U District at front setback is as follows:
  - 1. 75 feet - interior lot
  - 2. 90 feet - corner lot
- E. **Lot Coverage** - All buildings, including accessory buildings/structures, shall not cover more than thirty percent (30%) of the lot.

- F. Setback** – The minimum distance from the right-of-way or property line is as follows:
1. Front Yard

Principal Building:	Thirty (30) feet from the front lot line, or fifty-five (55) feet from the fronting road centerline, whichever is greater
Accessory Building:	Same as Principal Building
  2. Side Yard

Principal Building:	Ten (10) feet minimum on each side
Accessory Building:	Ten (10) feet
Corner Lot:	Thirty (30) feet from the side lot line, or fifty-five (55) feet from the road centerline abutting side lot line, whichever is greater
  3. Rear Yard

Principal Structure:	20% of lot depth from property line
Accessory Structure:	10 feet from rear property line abutting alley; or 5 feet from rear property line
- G. Height** – The maximum height of buildings within the R-U District is as follows:
- |                      |                       |
|----------------------|-----------------------|
| Principal Building:  | Thirty-five (35) feet |
| Accessory Structure: | Twenty (20) feet      |
- H. Off-Street Parking** – Shall be provided as under Subsection 5.17.
- I. Signs** – In accordance with Subsection 5.21.

**4.02 R-A - Residential Agricultural District**

The purpose of the R-A District is to protect existing agricultural land and low-density rural residential areas from incompatible land uses and to provide for the continuation of farming with low-density residential development. The district also provides for certain public and semipublic uses considered necessary to the general welfare of the district.

- A. Permitted Uses** – Refer to *Uses by Zoning District Summary* matrix in Appendix  
 Note: All industrial uses permitted in the RA District shall comply with the Industrial District regulations in Section 4.04 and the Performance Standards in 5.12.
- B. Special Exception Uses** – Refer to *Uses by Zoning District Summary* matrix in Appendix

- C. Conditional Uses** – Refer to *Uses by Zoning District Summary* matrix in Appendix
- D. Area** - The minimum lot areas for uses within the R-A District are as follows:
1. 20,000 square feet in areas without public sanitary sewers, or the minimum needed to meet PADEP on-lot sewage requirements, whichever is greater
  2. 10,000 square feet in areas with public sanitary sewers.
- E. Minimum lot width** – The minimum lot width within the R-A District at front setback is as follows:
1. 100 feet - interior lot
  2. 120 feet - corner lot
- F. Lot Coverage** - All buildings, including accessory buildings/structures, shall not cover more than thirty percent (30%) of the lot.
- G. Setback** – The minimum distance from the right-of-way or property line is as follows:
1. Front Yard

Principal Building:	Thirty (30) feet from the front lot line, or fifty-five (55) feet from the fronting road centerline, whichever is greater
Accessory Building:	Same as Principal Building
  2. Side Yard

Principal Building:	Ten (10) feet minimum on each side
Accessory Building:	Ten (10) feet
Corner Lot:	Thirty (30) feet from the front lot line, or fifty-five (55) feet from the road centerline abutting side lot line, whichever is greater
  3. Rear Yard

Principal Structure:	20% of lot depth from property line
Accessory Structure:	10 feet from rear property line abutting alley; or 5 feet from rear property line
- H. Height** – The maximum height of buildings within the R-A Residential District is as follows:
- |                      |  |
|----------------------|--|
| Principal Building:  | Thirty-five (35) feet                    |
| Accessory Structure: | Twenty (20) feet (except farm buildings) |
- I. Off-Street Parking** – Shall be provided as under Subsection 5.17.
- J. Signs** – In accordance with Subsection 5.21.

#### 4.03 C-H – Commercial Highway District

The C-H District is intended to encourage commercial retail and service uses, which may cater to residents of the region, typically dependent upon access to the regional highway network.

- A. **Permitted Uses** – Refer to *Uses by Zoning District Summary* matrix in Appendix
- B. **Special Exception Uses** – Refer to *Uses by Zoning District Summary* matrix in Appendix
- C. **Conditional Uses – Conditional Uses** – Refer to *Uses by Zoning District Summary* matrix in Appendix
- D. **Area** - The minimum lot area for uses within C-H Commercial-Highway District is as follows: 20,000 sf, or minimum needed to meet PADEP on-lot sewage requirements if required, whichever is greater.
- E. **Minimum lot width** – The minimum lot width within the C-H Commercial-Highway District at setback is one-hundred (100) feet.
- F. **Lot Coverage** - All buildings, including accessory buildings/structures, shall not cover more than sixty percent (60%) of the lot.
- G. **Setback** – The minimum distance from the right-of-way or property line is as follows:
  - 1. Front Yard
    - Principal Building: Twenty (20) feet or thirty-five (35) feet from the fronting road centerline, whichever is greater
    - Accessory Building: Twenty (20) feet or thirty-five (35) feet from the fronting road centerline, whichever is greater
  - 2. Side Yard
    - Principal Building: 2@ Fifteen (15) ft, except with agreement between adjoining owners
    - Accessory Building: Ten (10) feet, except with agreement between adjoining property owners
  - 3. Rear Yard
    - Principal Building: Thirty (30) ft from property line
    - Accessory Building: Ten (10) feet
- H. **Height** – The maximum height of buildings within the C-H Commercial-Highway District is thirty-five (35) feet.

- I. **Off-Street Parking** – Shall be provided as under Subsection 5.17.
- J. **Signs** – In accordance with Subsection 5.21.

#### 4.04 I – INDUSTRIAL DISTRICT

The purpose of the Industrial District is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township, to contribute to the economic base and create local employment opportunities. All uses are subject to state, federal, and local regulations and requirements associated with management and permitting of air, water, and land discharges associated with industrial activities. In addition, certain non-manufacturing uses are also possible in this district as a means of accommodating reasonable uses without negatively affecting residential and commercial uses elsewhere in the Township.

- A. **Permitted Uses** - Refer to *Uses by Zoning District Summary* matrix in Appendix.
- B. **Special Exception Uses** - Refer to *Uses by Zoning District Summary* matrix in Appendix.
- C. **Conditional Uses** - Refer to *Uses by Zoning District Summary* matrix in Appendix.
- D. **Area** – The minimum lot area for uses within I – Industrial District is one (1) acre.
- E. **Minimum lot width** – 100 feet.
- F. **Lot Coverage** – All buildings, including accessory buildings/structures, shall not cover more than seventy-five (75%) of the lot.
- G. **Setback** – The minimum distance from the right-of-way or property line is as follows:
  - 1. Front Yard: Principal and Accessory Buildings: Fifty (50) feet, except one-hundred (100) feet abutting the R-U and R-A Districts.
  - 2. Side Yard: Principal and Accessory Buildings: Thirty (30) feet, except one-hundred (100) feet abutting the R-U and R-A Districts.
  - 3. Rear Yard: Principal and Accessory Buildings: Fifteen (15) feet, except one-hundred (100) feet abutting the R-U and R-A Districts.
- H. **Height** - The maximum height of buildings within the I – Industrial District is thirty-five (35) feet.

- I. Off-Street Parking** – Shall be provided as under Subsection 5.17.
1. When determination of off-street parking results in a requirement of a fractional space, any fraction shall be counted as one parking space.
  2. For the purpose of this Section, one automobile parking space shall be assumed to be two hundred square feet of area, exclusive of adequate interior driveways or ingress and egress driveways to connect the parking space with a public street or alley.
  3. Each required off-street parking space shall open directly upon an aisle or drive of such design as to provide safe and efficient means of vehicular access to a street in a manner which will least interfere with traffic movements.
  4. All open off-street parking spaces shall be improved with a bituminous or other all-weather, dust free surface.

**J. On-Street Parking** – Is not permitted.

**K. Off-Street Unloading:**

1. The principal building of any use involving the receipt or distribution of material or merchandise shall be required to provide off-street loading space permanently maintained within the structure or on the same lot.
2. Loading areas and docks shall not be permitted to front or face on any street. Provisions for handling and loading of all freight and other materials must be at the side or rear of the building unless otherwise approved by the Zoning Hearing Board.

**L. Rights-of-Way and Pavement:**

1. All interior streets shall have a minimum right-of-way width of fifty feet and a minimum pavement width of eighteen feet.
2. Shoulder widths, maximum grades, curbs, gutters, and sidewalks shall conform to the requirements of the Subdivision Ordinance for collector streets, except where specific alternate specifications are deemed appropriate by the Planning Commission and the Township's engineer.
3. Driveways shall not be wider than thirty-five feet and shall be separated by a distance of at least one hundred twenty-five feet between center lines. No driveway shall be located within a distance of one hundred fifty feet from an inter-section of any state or local highway.



**M. Landscaping Requirements**

1. Planting areas and landscaping shall conform to reasonably minimum standards as required by the Zoning Hearing Board. Lot areas not covered by buildings, sidewalks, or paving shall be seeded with grass or other appropriate ground cover material compatible with the landscape and architectural design for the district.
2. All planted and landscaped areas shall be maintained in a clean and trim condition, subject to reasonably minimum standards of the Code Enforcement Officer.

**N. Lighting Requirements:** All exterior lighting of structures, signs, and ground shall be shielded luminaries and be located so that the beams are not directed toward any lot or structure in a residential district or a public highway.

**O. Signs** – In accordance with Subsection 5.21

**P. Performance Standards** – All permitted uses, Special Exception Uses and Conditional Uses shall conform to Subsection 5.12.

#### **4.05 ZONING MAP**

The boundaries of the Zoning Districts shall be shown on the map attached to and made a part of this Ordinance that shall be designated the “Official Zoning Map”. The same map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described within the text of this Ordinance.

#### **4.06 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

Where uncertainty exists as to boundaries of any District as shown on said map, the following rules shall apply.

- a. District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan or record in the Elk County Recorder of Deeds’ office at the time of the adoption of this Ordinance, although District boundary lines are graphically depicted in scale as per the legend on the Zoning Map.
- b. Where a District boundary is not fixed by dimensions and where it approximately follows lot lines and where it does not scale more than ten (10) feet there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- c. In unsubdivided land or where a District boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.

#### **4.07 APPLICATION OF DISTRICT REGULATIONS**

The regulations set forth in this Article for each District shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the District in which it is located.

- B. No building or other structure shall hereafter be erected or altered, unless approved in a Special Exception approved by the Zoning Hearing Board:
1. To exceed height or bulk requirements.
  2. To occupy a greater percentage of lot area.
  3. To accommodate or house a greater number of families, except as permitted in a residential conversion.
  4. To have narrower or smaller rear yards, front yards, side yards, or other open space than herein required or in any other manner be contrary to this Ordinance.
- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this chapter.
- E. Any territory which may hereafter be annexed to the Township shall be considered to be in the A Residential District until otherwise classified.

#### **4.08 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS**

The specific use regulations and dimensional requirements pertaining to each District are contained in the descriptions in this Article.

#### **4.09 FEDERAL, STATE, COUNTY OR MUNICIPALLY-OWNED PROPERTY**

Wherever federal, state, or county-owned property is included in one or more zoning districts, it shall be subject to the provisions of this Ordinance (only insofar as is permitted to the Constitution) and laws of the United States of America and of the Commonwealth of Pennsylvania. In the case of municipally-owned property, the use provisions of this Ordinance shall not apply.

## **ARTICLE V**

### **SPECIAL AND SUPPLEMENTARY REGULATIONS**

#### **INTENT**

This Article lists specific controls over general aspects of land utilization that either further explains requirements of this Ordinance, provide additional requirements or are not included elsewhere in this Ordinance.

#### **5.00 ACCESSORY BUILDINGS**

Accessory structures to a use permitted herein shall be located as designated hereunder:

- (1) Attached to a principal building, in which case they shall be part of the principal building.
- (2) In the rear and side yard of a lot, in which case they shall not be located closer than ten feet from a side or rear property line, unless noted otherwise in the respective District regulations..
- (3) Air conditioning units shall in all cases be at least ten feet from any property line.

#### **5.01 ADULT ENTERTAINMENT ESTABLISHMENTS**

Within the C-H District, adult entertainment establishments may be considered as Special Exception subject to the following:

- (1) No materials sold within shall be visible from any window, door, or exterior of the building.
- (2) Signage shall be limited to one attached sign no larger than twelve (12) square feet. Signage may be lighted by a covered and recessed fixture located at the top or base of the sign.
- (3) The minimum spacing between an adult entertainment establishment and a residential district or an existing residential structure is 1,000 feet.
- (4) The minimum spacing between an adult entertainment establishment and a church/house of worship, educational facility or a cemetery is 1,000 feet.

#### **5.02 BUILDING HEIGHT REGULATIONS**

The following are exceptions to the height requirements of the Districts:

- (1) The height of any building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulation for the district in which the building is located.
- (2) Height regulations shall not apply to spires, cupolas, penthouses, or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks,

bulkheads, utility poles or towers, television antennae, silos, and ornamental or necessary mechanical appurtenances.

- (3) No building or structure shall exceed thirty-five feet in height, except that no accessory building other than a farm building shall exceed twenty feet in height.

### **5.03 BUILDING YARD EXCEPTIONS**

No structure or part of a structure shall be erected within or shall project into any required yard setback except the following:

- (1) Overhanging eaves, gutters, cornices or solar energy collector not exceeding two (2) feet in width;
- (2) Arbors, trellises, flagpoles, unroofed steps, unroofed patios, awnings, movable canopies, walls and fences;
- (3) Unenclosed fire escapes that extend no more than six (6) feet into any required yard area; and
- (4) Ramps and other access aids and appurtenances required to assure ADA access and/or access by persons with mobility limitations.

### **5.04 CAMPS**

- a. Camps shall be construed as defined in Article III. Such uses would include shelter during hunting and fishing seasons; vacation uses to include weekends and holidays; and similar periodic visits at any time of the year.
- b. Camp installation shall be subject to all standards and regulations pertaining to permanent residences, with the exception of those having an approved UCC Recreational Cabin Affidavit exception, in addition to the following regulations:
  - (1) Minimum lot area, 20,000 square feet.
  - (2) Sanitary facilities (water supply and toilet installation) shall be subject to all rules and regulations of the Pennsylvania Department of Environmental Protection applicable thereto.
  - (3) Electrical service shall be subject to any local ordinances, and the regulations of the Public Utility Commission.

### **5.05 CLUBS, LODGES AND FRATERNAL ORGANIZATIONS**

In districts where allowed as Permitted or Special Exception Uses, these uses are restricted to those organizations not conducted primarily for gain, although a dining room may be operated primarily for the benefit of and use by club members and their guests. Buildings or structures hereafter erected or converted for such uses are subject to all applicable regulations for the Zoning District in which it is located. Private clubs, lodges and fraternal organizations shall be permitted as outlined in the District requirements in Article IV, in accordance with the following requirements:

- (1) The facilities of these organizations shall be operated for civic, cultural, educational, social, or recreational purposes of members;
- (2) The activity shall be noncommercial, nonprofit and one not customarily carried on as a Commercial Establishment as defined herein; and
- (3) The facility shall provide adequate parking for members and guests as outlined in Subsection 5.17.

**5.06 COMMUNICATION ANTENNAS AND FACILITIES – including communication towers/antennae, and television and citizen band facilities/antennae**

These uses shall be allowed as a Special Exception in the RA, C-H and I Districts, subject to the following:

- (1) Building mounted communications antennas shall not be located on any single family or two family dwelling.
- (2) Height:
  - a. Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable zoning district by not more than 20 feet. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
  - b. Omni directional or whip communications antennas shall not exceed 20 feet in height and 7 inches in diameter.
  - c. Directional or panel communications antennas shall not exceed 5 feet in height and 3 feet in width.
  - d. In all zoning districts, the maximum height of any communications tower shall be 150 feet; provided, however, that such height may be increased to no more than 200 feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one foot for each one foot of height in excess of one hundred fifty (150) feet. .
- (3) Any applicant proposing communications antennas to be mounted on an existing building or other structure shall submit the following:
  - a. Evidence from a Pennsylvania registered professional engineer or architect certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location;
  - b. Detailed construction and elevation drawings to the Township indicating how the antennas shall be mounted on the structure to be reviewed for compliance with the Building Code;
  - c. Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that

installation and maintenance of the antennas and communications equipment building can be accomplished.

- (4) Communications antennas and tower shall comply with all applicable standards associated with:
  - a. Federal Communications Commission standards governing human exposure to electromagnetic radiation; and
  - b. Federal Aviation Administration, PennDOT Bureau of Aviation, applicable Airport Zoning Regulations and any other applicable federal or state standards.
- (5) Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township.
- (6) The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any Residential District at least 150 feet.
- (7) A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure. Communications equipment housed in underground vaults shall be exempt from setback requirements.
- (8) The owner and/or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas. The applicant shall:
  - a. Submit a copy of its current Federal Communications Commission license;
  - b. Provide the name, address and emergency telephone number for the operator of the communications tower; and
  - c. Provide a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1 million per occurrence and property damage coverage in the minimum amount of \$1 million per occurrence covering the communications tower and communications antennas.
- (9) Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:
  - a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
  - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.

- c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - e. A commercially reasonable agreement could not be reached with the owners of such structures.
- (10) Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width.
  - (11) A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirements for the Zoning District.
  - (12) Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building meets the definition herein.
  - (13) The base of a Communications Tower shall be landscaped so as to screen the foundation, base and communications equipment building from abutting properties.
  - (14) The site of a communications tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public.
    - a. All guy-wires associated with communications antenna shall be clearly marked so as to be visible at all times and shall be located within the fenced area.
    - b. One (1) off-street parking space shall be provided within the fenced area.
  - (15) No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
  - (16) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township's Building Code.
  - (17) If a Communications Tower remains unused for a period of 12 consecutive months, the owner or operator shall, at the order of the Zoning Officer, dismantle



and remove the communications tower within six 6 months of the expiration of such 12 month period.

### **5.07 CONVERSIONS OF SINGLE-FAMILY HOUSING**

The Zoning Hearing Board may authorize as a Special Exception, the conversion of a dwelling in a R-U District, a R-A District and/or a C-H District from single-family to two-family or multi-family occupancy, subject to the following requirements:

- (1) The lot area per dwelling unit shall not be reduced below the required lot area applying to a single-family dwelling in the R-U District, except where public sewage and water are available. The lot area per dwelling unit may be reduced to not less than 5,000 square feet.
- (2) Each family unit shall have not less than six hundred square feet of gross habitable floor area, not including stairs and corridors.
- (3) A separate means of access to each living unit shall be provided without passing through any other living unit.
- (4) All applicable requirements of the Pennsylvania Department of Labor and Industry, Elk County and Ridgway Township, PA Department of Environmental Protection,, and the Building Code, and other applicable Codes shall apply.
- (5) The Zoning Hearing Board may prescribe such further conditions with respect to the conversion and use of building or property as it deems appropriate.

### **5.08 DRAINAGE BUFFERS**

In all districts, no permanent structure shall be permitted within fifteen feet of the edge of any stream or existing natural drainage channel. If normal agricultural operations require a fence to cross a stream or drainage channel, such fence shall be permitted only if it does not restrict the natural drainage channel.

### **5.09 ENVIRONMENTAL PERFORMANCE STANDARDS**

The Ridgway Township may require safeguards to assure compliance with the certain environmental standards for non-residential development. When required, the applicant shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements related to this Subsection. Upon request of the Township Governing Body or Zoning Hearing Board, the owner shall furnish or obtain proof at his/her own expense that he/she is in compliance with the following environmental standards, via expert witness(es) that demonstrate that the standards of the respective industry are being met:

- (1) All lighting shall be shielded and not cause a glare beyond the lot boundary.
- (2) Any operation producing heat shall prevent any effect from the heat beyond the property lines.
- (3) No flashing or oscillating lights shall be permitted.

- (4) Lighting that by reason of intensity, color, location or movement of its beam that may interfere with or abrogate public safety shall not be permitted.
- (5) The use, processing, storage, generation and/or transport of toxic and/or hazardous materials is in compliance with all applicable state and federal guidelines, regulations and permits.

## **5.10 FENCES AND RELATED BARRIERS**

Rules and regulation for creation and uses of fences, shrubs, hedges, trees, walls, light posts and poles:

- (1) The above are exempt from building and zoning permits and fees;
- (2) In any District, none of the above mentioned improvements shall be constructed within any state, federal, municipal or private right-of-way unless written permission is granted by the owner(s) of such rights-of-way;
- (3) In any District, none of the above mentioned improvements shall obstruct a sidewalk, driveway or entranceway;
- (4) In any District, any of the above mentioned improvements shall be maintained by the landowner(s) so as not to create a hazard;
- (5) In all Districts, floodplain regulations must be adhered to:
- (6) In all Districts, no fence or wall shall be used for advertising purposes unless sign regulations are adhered to for the District in which said fence or wall is located;
- (7) In all Districts, no fences shall be erected in excess of six (6) feet in height, except by Special Exception; and
- (8) Barbed wire fences may be erected only in the R-A District, unless otherwise expressly permitted by Special Exception.

## **5.11 HOME OCCUPATIONS**

Home Occupations, not meeting the definition of a *No Impact Home Based Business*, are Special Exception Uses in the RA and RU Districts:

- (1) The home occupation shall be carried on only by residents of the dwelling that serves as the principle use of the parcel.
- (2) The character or external appearance of the dwelling unit or accessory structure must be consistent with the Zoning District. No display of products may be shown so as to be visible from outside.
- (3) A sign not larger than four (4) square feet in area shall be permitted, and cannot be animated or illuminated by direct light.
- (4) Not more than twenty-five percent (25%) of the gross floor area of a dwelling unit may be devoted to a home occupation.
- (5) The use will not involve any waste product other than domestic sewerage or municipal waste.
- (6) The use is clearly an incidental and secondary use of a residential dwelling unit;
- (7) The use does not require mechanical equipment other than that customarily used for domestic or hobby purposes.

- (8) The site for the use can accommodate parking on-site in accordance with Section 5.17.
- (9) The use requires shipments or deliveries by the US Postal Service or commercial parcel services customarily associated with deliveries and shipments in residential areas.
- (10) The use will not be one that creates dust, heat, glare, smoke, vibration, audible noise, or odors outside the building.
- (11) The home occupation use shall involve the provision of services and shall not involve the sale of goods, unless approved as part of a Special Exception by the Zoning Hearing Board, or sold off-premises.

## **5.12 PERFORMANCE STANDARDS**

All Permitted uses, and approved Special Exception and Conditional Uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Governing Body or Zoning Hearing Board may obtain a qualified consultant/expert witness to testify, whose cost for services shall be borne by the Applicant.

- (1) Fire Protection: Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
- (2) Electrical Disturbances: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
- (3) Noise: Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
- (4) Vibrations: Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- (5) Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- (6) Air Pollution: No pollution of air by fly ash, dust, smoke, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property.
- (7) Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
- (8) Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- (9) Water Pollution: Water pollution shall be subject to the standards established by the PA Department of Environmental Protection.

### 5.13 JUNKYARDS/AUTO WRECKING

Within the I District, junkyards meeting the definition of this Ordinance shall be a Special Exception use, subject to the following requirements:

- (1) The deposit or storage for more than one hundred twenty (120) days of two (2) or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or of two (2) or more wrecked or inoperable vehicles, or the major parts of two (2) or more such vehicles, shall be deemed to make the lot a junk yard and subject to requirements in this Section.
- (2) No material shall be placed in any junkyard in such a manner that is capable of being transferred out of the junkyard by wind, water, or other natural causes.
- (3) The boundaries of any junkyard shall at all times be clearly delineated by a closed fence.
- (4) All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be kept within fully enclosed buildings.
- (5) The land area used for junkyard purposes shall not be less than ten (10) acres and shall not be exposed to public view from any public street or road by virtue of its location on a hillside or location on a plateau below street level.
- (6) Screening of the junkyard from neighboring land uses shall, as a minimum, require the following:
  - a. The junkyard shall be entirely enclosed by a closed fence at least eight (8) feet by no more than ten (10) feet high constructed of approved fencing material with access only through solid gates. Such fence or wall shall be kept in good repair. A brick wall, stockade fence or a chain link fence with opaque insets that shields the view of the property will meet this requirement.
  - b. The contents of such a junkyard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
- (7) All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures, or other means.
- (8) Fire shall be prevented and hazards avoided by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary by the provision of adequate aisles at least fifteen (15) feet for escape and firefighting, and by other necessary measures.

#### **5.14 LOTS OF RECORD – EXISTING**

In the case of a lot of record held in single and separate ownership at the effective date of this Ordinance, the following apply:

- (1) For lots not meeting the minimum area for the District, buildings for Permitted Uses may be constructed and those for Special Exceptions may be constructed after approval in accordance with Article VI.
- (2) For lots having unusual depth or width rendering construction in strict accordance with yard requirements of the District, yard requirements may be reduced as a Variance under Article VI.

#### **5.15 MODIFICATIONS FOR EXISTING STRUCTURES**

Where a lot is held under a single and separate ownership prior to the effective date of this Ordinance and said lot contains a major structure establishing the principal use of the lot, accessory buildings shall be permitted either attached or unattached and the side yard areas may be modified as follows:

- (1) Carports: Side yards requirements may be reduced to a minimum of two feet.
- (2) Enclosed Garage: The side yard may be reduced subject to special exception authorized by the Zoning Hearing Board.
- (3) Driveways: Driveway construction shall be permitted to within six inches of the side yard. However, upon agreement by adjacent property owners, a common driveway may be permitted providing that it is evident to the satisfaction of the Zoning Hearing Board that separate driveways of adequate width could not be achieved.
- (4) Accessory buildings in rear yard areas shall be subject to the regulations set forth under the respective district requirements.

#### **5.16 MOBILE HOME PARKS**

Mobile home parks are permitted as a Special Exception in the R-U and R-A Districts, subject to the following provisions.

- (1) General Standards
  - a. A notice shall be placed on the land development plan stating that it shall be the responsibility of the mobile home park owner to maintain all park facilities, including private streets, sewage disposal facilities, and areas designated as open space.
  - b. Construction and related standards associated with design, foundation systems, skirting and perimeter enclosures, footings and foundations, pier construction/height anchorage installation and ties/materials installation governing the placement of units in a Mobile Home Park shall conform to the requirements of the *International Residential Code*.

- c. A minimum of two off-street parking spaces per each mobile home lot within the development shall be provided within 100 feet of the lot to be served.
- (2) Dimensional Requirements
- a. Mobile home park lot width minimums
    - 1) 100 feet for portions used for vehicular access and exits; and
    - 2) 200 feet for portions containing mobile home berths.
  - b. The minimum lot size per mobile home lot in areas not served by an approved public or community sanitary sewer system shall be not less than 20,000 square feet, and the maximum number of mobile home lots per acre shall be 2. In areas served by an approved public or community sanitary sewer system, the minimum lot size shall be not less than 10,000 square feet and the maximum number of mobile home lots per acre shall be 4.
  - c. Minimum setbacks for mobile homes
    - 1) 75 feet from the edge of pavement of any existing state or municipal road; and
    - 2) 50 feet from any property line.
- (3) Buffer Strips and Screening Requirements
- a. A fifty (50) foot minimum buffer strip shall be provided around the perimeter of the mobile home park. This requirement may be reduced to twenty-five (25) feet if a suitable perimeter screening, plantings and/or fencing is provided and approved as a part of the Special Exception approval.
  - b. Mobile homes shall be located at least 50 feet from any auxiliary park buildings and any repair, maintenance or storage areas of buildings.
- (4) Design Standards
- a. The developer shall provide a minimum of 10 percent of the gross area of the mobile home park for recreational/open space.
  - b. The minimum distance between mobile homes shall be forty (40) feet.
  - c. Access to mobile home lots within the development shall be provided via an internal paved street or gravel roadway system.
    - 1) Developers proposing public dedication of streets within Mobile Home Park shall submit road design and construction plans and a road survey, which meet the minimum specifications of the Township as part of the plan submission process. A deed, which dedicates the land to be used as a public street to the municipality, shall be recorded with the final plan.
    - 2) Private streets may be permitted. Private streets include all streets or roads not dedicated, accepted, and maintained for public use. The minimum width of a one-way private street is twelve (12) feet and of a two-way street is twenty (20) feet.
    - 3) All accessory service buildings in the mobile home park shall be connected to mobile home berths by a paved walkway not less than three (3) feet in width.

- (5) Mobile home parks shall be provided with water supply facilities designed and constructed in accordance with the standards of the Department of Environmental Protection and the following regulations.
- a. The developer shall construct a system of water mains and connect with such public water supply system where a public water supply with sufficient capacity is available at plat boundary or within 1,000 feet of any section of the mobile home park.
  - b. If a public water supply system is not available under the conditions stated above, the developer shall provide individual or community wells to serve the mobile home park that shall be approved by the Department of Environmental Protection.
  - c. Where wells provide a water supply in a mobile home park, at least one test well shall be drilled in the proposed area for each 10 lots, or upon the requirements of the Department of Environmental Protection.
  - d. All public water systems shall be laid wherever possible in the planting strip on the higher side of the street and constructed in accordance with the standards of the authority, utility company, Department of Environmental Protection or municipal department operating such water mains.
- (6) Mobile home parks shall be provided with sanitary sewer facilities designed and constructed in accordance with the standards of the Department of Environmental Protection and the following regulations.
- a. The developer shall construct a sanitary sewer system and connect with such sewer main and provide lateral connections for each lot where a public sanitary sewer main is available at plat boundary or within 1,000 feet of any section of the mobile home park.
  - b. If a public sanitary sewer main is not available under the conditions stated above, the developer shall construct a public, community sewage treatment system, or other On-Lot Sewage Disposal System as approved by the Department of Environmental Protection and/or the Township Sewage Enforcement Officer.
  - c. All sanitary sewers shall be constructed and installed according to the standards of the authority or municipal department operating such sewers. Storm water shall not be permitted to enter sanitary sewers.
  - d. All phases of construction, including excavation, trench, pipe size, grade, back-fill and manholes shall be in accordance with approved construction drawings, Department of Environmental Protection requirements, and inspected by the Township Engineer, his authorized representative, authority or health officer during the entire construction period.
- (7) In areas where a municipal sewer is planned to be available as per the most recent Act 537 Plan but not yet built, laterals shall be extended to the center of the street or into the right-of-way, and trunk lines provided to the edge of the mobile homes closest to the municipal trunk location and capped. Until such time as a municipal sewer becomes available, a project system must be installed. In

the case of a project system, a trunk shall be provided to connect into the municipal system.

- (8) All phases of construction, including minimum size line, excavation, trench, type pipe, back-fill hydrants, tees and valves shall be in accordance with approved construction drawings, Department of Environmental Protection's Standards and inspected by the Township Engineer, his authorized representative or the authority or agency representative of the utility company during the entire construction period.
- (9) Garbage, rubbish and recyclable storage facilities shall be provided in enclosed containers and screened from view on public rights-of-way or abutting properties, no more than 150 feet from any mobile home berth.

#### **5.17 OFF-STREET PARKING, TRAFFIC CONTROL AND LOADING**

- (1) To minimize traffic congestion and hazard, control road access and encourage orderly development of street frontage, the following regulations shall apply:
  - a. Every building erected or altered shall be on a lot adjacent to a public road or have access to a public road via an approved private road/driveway.
  - b. Each use with less than one hundred (100) feet of road frontage shall not have more than one ingress and egress lane to such road. No use with one hundred (100) feet or more of road frontage shall have more than two (2) access ways to any one road for each three hundred (300) feet of road frontage. A common access point for two (2) or more uses is encouraged, where practical, to minimize vehicular access points along roads classified other than local roads.
  - c. All driveways to any public road shall be located a minimum of forty (40) feet from any intersection of road centerlines.
  - d. Provision shall be made for safe and efficient ingress and egress to and from public roads, without undue congestion or interference with normal traffic flow. The developer shall be responsible for the design and construction, and the costs thereof, of any necessary traffic control device and/or highway modifications required by the Township or the Pennsylvania Department of Transportation.
  - e. The maximum width of driveway entrances and exits onto a public road, measured at the road line and within the road right-of-way, shall be fourteen (14) feet for one-way driveways and twenty-eight (28) feet for two-way driveways. The radius of the edge of the driveway apron shall not exceed twenty-five (25) feet.



- (2) The following internal circulation regulations shall apply to multiple family residential, commercial and industrial uses, unless *otherwise specified*:
- a. Design of access aisles and drives:
    - 1) Internal drives and service areas shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Egress to roads classified other than as local roads shall be in a forward direction.
    - 2) Access ways, parking areas and loading areas shall have clearly defined parking bays and circulation designated by markings, curbs, and/or landscaped islands, so that patrons shall not impede traffic as a result of any confusion as to location of entrances and exits.
    - 3) All interior drives and access ways shall be paved with an approved all-weather cohesive and dust free surface, and shall be graded, properly drained and maintained in a good condition. Interior drives shall have a maximum grade of eight (8) percent.
    - 4) Minimum interior drive cartway widths shall conform to the table following 5.17 (4) e. below.
  - b. Common or shared access driveways to parking and loading areas are permitted and encouraged provided landowners submit an agreement of maintenance responsibility.
  - c. Landscaping/screening requirements: Required off-street parking shall be landscaped and/or screened from adjacent properties as summarized below:
    - 1) Paved off-street parking lots in excess of twenty thousand (20,000) square feet shall provide perimeter planting strips of eight (8) feet between the parking lot and all lot lines to be planted with row of planting which shall be comprised of (a) deciduous (40%) and evergreen (60%) trees spaced no more than twenty (20) feet apart measured from the center of the trees; or (b) a continuous evergreen hedge; or (c) an earthen berm of at least three (3) feet in height. In addition, parking lots meeting the definition of a Regulated Earth Disturbance Activity, shall meet the requirements of the Ridgway Township Stormwater Management Ordinance as amended.
  - d. Fire lane easements: Any use or building located more than six hundred (600) feet from a road shall provide a dedicated fire lane easement consisting of an unobstructed right-of-way width of thirty (30) feet.
- (3) Loading and Unloading requirements in connection with any use, building or structure which requires the receipt or distribution of materials by trucks or similar vehicles, there shall be provided a sufficient number of off-street loading and unloading berths in accordance with the following requirements:

- a. Location: Loading and unloading areas shall not be located between the front building setback line and street line or within ten (10) feet of to any adjoining lot line abutting a dwelling, or residential district.
- b. Space Allowed: Space allowed to any off-street loading berth may be used to satisfy no more than fifty percent (50%) of space requirements for off-street parking.
- c. Loading and unloading space shall be at least ten (10) feet wide, twenty (20) feet in length with fourteen (14) feet of vertical clearance, and shall have an adequate maneuvering area.
- d. Surface: Loading and unloading areas shall have an all-weather cohesive and dust-free surface.
- e. Minimum Requirements: Each new use or change in use shall provide the following:

<b>Use</b>	<b>Gross Floor Area</b>	<b>Minimum # Spaces</b>
Retail and Industrial	Under 8,000 Sq. Ft.	1
	8,000 – 40,000 sq. ft.	2
	40,001 – 250,000 sq. Ft.	3
	Each additional 200,000 Sq. ft.	1
Offices	Under 100,000 sq. ft.	1
	100,000-300,000 sq. ft.	2
	Over 300,000 sq. ft.	3

- (4) Off-Street Parking Requirements are subject to the following:
- a. Off-street parking facilities shall be provided whenever a building is constructed or a new use is established in an existing building, or an existing building has a change in use.
  - b. Off-street parking facilities existing at the effective date of this Ordinance shall not be reduced to an amount less than that required under this Ordinance for a similar new building or use.
  - c. Land Use issues:
    - 1) Off-street parking shall be an accessory use solely for the parking of patrons, occupants and/or employees.
    - 2) No motor vehicle repair work of any kind except emergency service shall be permitted within parking lots.
  - d. Location:
    - 1) All parking spaces shall be on the same lot as the principal building or on an abutting lot of record. Parking spaces may be located within a structure or in the open.
    - 2) The parking spaces may be located elsewhere than on the same lot when authorized by the Zoning Hearing Board, subject to some portion of the off-street parking area being within three hundred (300) feet of an entrance, regularly used by patrons.
    - 3) For all residential dwellings, the parking spaces shall be within one hundred (100) feet of the dwelling unit they serve.
    - 4) Parking areas requiring direct access to a Township road shall be subject to a Highway Occupancy Permit and required to have a curb cut approved by the Township, while those having direct access to a State highway shall be subject to PennDOT Highway Occupancy requirements.
  - e. Size and Design of Parking Lot
    - 1) In the layout of parking lots, minimum parking stall and aisle dimensions shall be as follows:
    - 2) Parking lots shall be landscaped in accordance with Section 5.20.
    - 3) Parking lots for commercial and industrial uses and for multi-family dwellings shall be illuminated at night.
    - 4) Parking lots/areas for all commercial uses, light industrial uses, multi-family dwellings and all uses other than single- and two-family dwellings shall be paved and have an all-weather cohesive and dust-free surface.
    - 5) Parking lots shall have a minimum slope of one (1) percent and a maximum slope of five (5) percent. Stormwater run-off shall not be directed across pedestrian walkways or other lots.

Parking Angle	Space Width	Space Length	Aisle Width		Width @ Curb
			(1-way)	(2-way)	
90°	9'	18' 0"	24'	24'	9' 0"
60°	9'	21' 0"	18'	20'	10' 5"
45°	9'	19' 10"	15'	20'	12' 9"
30°	9'	16' 10"	12'	20'	18' 0"
Parallel	8'	24' 0"	12'	24'	NA

(5) Handicapped/Accessible Parking

This subsection shall apply to projects where parking is provided including commercial, industrial, office, institutional, multi-family residential and educational uses.

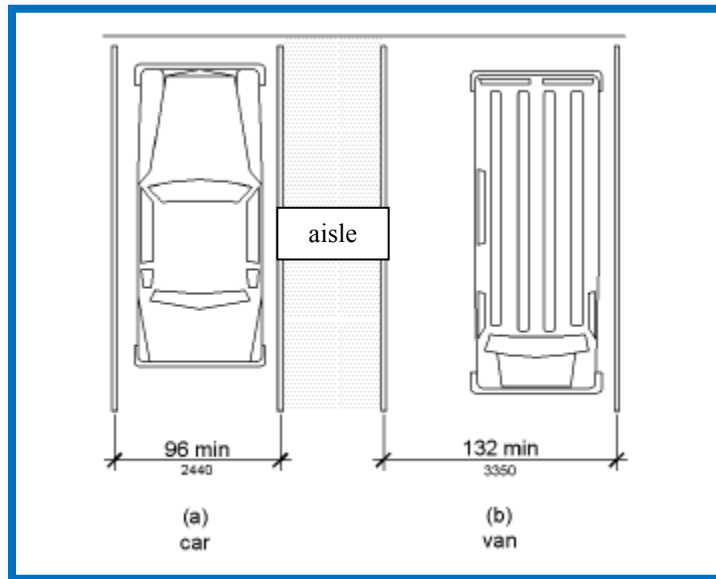
- a. The number and location of handicapped accessible parking spaces shall conform to the requirements of the *Americans with Disabilities Act*. Specific numbers of spaces from this Act are as follows:

Total Parking Spaces Required for Use	Required Minimum Accessible Spaces	Accessible # Required to be Van Accessible
1 – 25	1	1
26 – 50	2	1
51 – 75	3	1
76 – 100	4	1
101 – 150	5	1
151 – 200	6	1
201 – 300	7	1
301 – 400	8	1
401 – 500	9	1
501 – 1,000	2% of total	1 in every 6 accessible spaces
More than 1,000	20 plus 1/each 100 over 1,000	1 in every 6 accessible spaces over 1000

- b. "Accessible" parking spaces are also subject to the following:
- 1) Car parking spaces shall be 96 inches (2440 mm) wide minimum.
  - 2) Van parking spaces shall be 132 inches (3350 mm) wide minimum and have a 98-inch minimum height clearance.
  - 3) Accessible parking spaces shall be marked to define the width, and shall have an adjacent access aisle.
  - 4) Access aisles serving car and van parking spaces shall be 60 inches (1525 mm) wide minimum. Two parking spaces shall be permitted

to share a common access aisle. Access aisles shall adjoin an accessible route.

- 5) Van parking spaces shall be permitted to be 96 inches (2440 mm) wide minimum where the access aisle is 96 inches (2440 mm) wide minimum.
- 6) Parking space identification signs shall include the International Symbol of Accessibility. Signs identifying van parking spaces shall contain the designation "van accessible."
- 7) Signs shall be 60 inches (1525 mm) minimum above the finish floor or ground surface measured to the bottom of the sign.
- 8) Accessible parking spaces must be located on surfaces with a maximum slope of 2 percent in all directions, and shall be most accessible and approximate to the building or buildings that the parking spaces shall serve.



(6) Specific Off-street Parking Requirements for various uses in each District shall be as follows:

USE	PARKING SPACE REQUIREMENT
Banks and Financial	1 space per 300 square feet of gross floor area plus 3 space reservoir area at each drive-in window and/or ATM
Barber and beauty shops	2 spaces per shop plus one and 1 1/2 spaces per chair.
Day Care facilities	1 space per employee plus a drop-off area equating to 1 space per 6 children/clients
Doctor/Dental Office	4 spaces per doctor/dentist, plus 1 space per employee
Eating and drinking establishments, Sit-Down	1 parking space for every three (3) seats for patron use and 1 space for each employee per shift
Eating establishment, Drive-In	1 space for every fifty (50) square feet of gross floor area and one (1) space for each employee, plus 3 space reservoir area at each drive-in window
Educational Facilities	3 space per classroom plus 1 space per employee (in addition to spaces for auditoriums above)
Furniture store	1 space per 1,000 sq. ft. of gross floor area
Golf courses/ranges	1 space per four holes/stalls and 1 space per employee
Home occupations	2 spaces in addition to the residential parking requirement
Hospital/Clinic	3 spaces per bed
Houses of Worship/auditorium/assembly halls/theaters	1 space for every four (4) seats
Indoor recreation/Health Clubs	1 space for every one hundred (100) square feet of gross floor area.
Industrial Uses	1.5 spaces for every 2 employees on the largest shift plus 5 for visitors
Motels, hotels, Bed and Breakfasts and guest homes	1 space for each unit and 1 space for each employee on the largest shift
Nursing/Personal Care Home	1 space for every three beds plus 1 space per employee on the largest shift
Office buildings and professional offices (not medical/dental)	1 space for each three hundred (300) square feet of floor area
Parks and outdoor recreation	1 space for every 4 persons of design capacity
Residential	Single/Two-family -2 spaces per dwelling unit Multi-family/Conversion Apartments – 1.5 per dwelling unit
Retail/Commercial (not otherwise classified)	1 space per 300 square feet of gross floor area used for sales purposes
Self-service storage	1 space per 2,000 sq. ft. of gross floor area
Service stations and vehicle repair	2 spaces per repair bay and 1 space per employee
Shopping centers	1 space for each three hundred fifty (350) square feet of floor space used for sales purpose
Social halls, Clubs, Lodges and Fraternal Organizations	1 space per 200 square feet of gross square feet
Supermarkets and food stores	1 space for every 200 square feet of gross floor area used for sales purposes

## **5.18 OIL AND GAS REQUIREMENTS AND PERFORMANCE STANDARDS**

All Oil and Gas Uses shall be authorized in zoning districts consistent with the *Uses by Zoning District Summary* matrix in the Appendix and shall be subject to the following requirements, regulations and performance standards, in addition to any other applicable regulation of this Zoning Ordinance, including but not limited to such applicable regulations as those pertaining to administration, enforcement and remedies.

### **Subsection 5.18A – Performance Standards**

- (1) Setbacks:
  - a. Oil and Gas Freshwater Liquid Impoundments where permitted as principal and/or accessory uses to an Oil and Gas Use and shall be set back a minimum of 500 feet from the nearest outside wall of the nearest permanently occupied dwelling.
  - b. Oil and Gas Liquid Storage where permitted as principal and/or accessory uses to an Oil and Gas Use and shall be set back a minimum of 500 feet from the nearest outside wall of the nearest permanently occupied dwelling.
  - c. Oil and Gas Well Sites are permitted as uses by right provided that the use is set back a minimum of 1.000 feet from the outside edge of the nearest wellhead to the nearest outside wall of the nearest permanently occupied dwelling.
  - d. Oil and Gas Well Sites are permitted as conditional uses where the use is setback less than 1.000 feet from the nearest outside wall of the nearest permanently occupied dwelling and are subject to the applicable provisions of Article XI-Supplementary Regulations.
  - e. Oil and Gas Wastewater Liquid Impoundments where permitted as accessory uses to Oil and Gas Uses and shall be set back a minimum of 500 feet from the nearest outside wall of the nearest permanently occupied dwelling.
- (2) Measurement of Setbacks:
  - a. Setbacks for an Oil and Gas Well Site shall be measured from the outside edge of the nearest wellhead.
  - b. Setbacks for Oil and Gas Uses other than Oil and Gas Well Sites shall be measured from the edge of the nearest structure or equipment associated with the use, including any accessory use.
- (3) Where a driveway or haul road provides access to an oil and gas use from a public street, the full width of the access driveway or haul road shall be paved for a distance of 100 linear feet to minimize washout on roadways, or shall be paved

for a distance of 50 linear feet where a tire cleaning device is installed and in proper use.

- (4) Dust control measures, such as regular watering by water trucks, shall be provided on all access roads to minimize dust impacts to occupied residential or commercial structures.
- (5) The minimum setback for any principal or accessory Oil and Gas Use from any property line shall be 50 feet.
- (6) Oil and Gas Uses shall not be located within 100 feet of any property lines of any adjoining residential use.
- (7) No lights shall be located and directed in such a manner so that they shine directly on a public road or adjacent property. Site lighting shall be directed downward and internally to the site so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings.
- (8) Applications for approval of oil and gas uses must include the following information, five copies of which must be provided to the Township, in addition to any other application requirements:
  - a. Narrative description of the proposed use and any accessory use, site and/or modification to an existing site;
  - b. A written statement that the applicant will provide reasonable advance written notice of anticipated constructed start and completion date;
  - c. Plan of the site showing clearly marked scale, all property lines, all buildings and rights-of-way, with identification of any wetlands or floodplains;
  - d. In addition, applications for Oil and Gas Wells, Compressor Stations and Processing Facilities must include the following:
    - 1) Approximate number of acres to be disturbed;
    - 2) Proposed maximum number of Oil and Gas Wells and maximum number of Compressor Stations, including number of compressors within each Station.
    - 3) A map showing the planned truck access route to the proposed use via public streets and a plan indicating the type, number, and weight of vehicles used for transportation of materials and equipment to the use site.



- 4) The well survey plat submitted to the Pennsylvania Department of Environmental Protection, showing the planned surface location of the wells.
  - 5) Copies of all issued State and Federal permits (provided prior to issuance of a Township zoning permit).
  - 6) Plans for restoration of the site after construction and drilling are completed.
- (9) A Township overweight hauling permit is required. The applicant shall apply for the permit pay the required fee and adhere to all conditions set forth in the permit.
- (10) Vehicle staging shall not include the use of any portion of any public road right of way.
- (11) Site identification signage shall be installed and clearly visible for emergency services, in a location where any site access road intersects with a public road and at the entrance gate to any Oil and Gas Use. The signage must include:
- a. Applicant name;
  - b. Unit name;
  - c. Township-assigned address, if any; and
  - d. Emergency contact phone number.
- (12) The applicant shall provide to the Township a copy of the emergency response plan for the proposed use, if applicable. The applicant shall, at its sole cost and expense, provide to emergency services appropriate site orientation with adequate information and ongoing training dealing with any potential dangerous conditions that may result from the oil and gas use.
- (13) In addition to any other setback required by this ordinance, the setback from any oil and gas well, compressor station or processing facility to any oil and gas protected use shall be 2,000 feet. This setback may be modified or waived provided that the owner of the property upon which the protected use is located shall provide an agreement to waive or modify the setback. Where multiple setbacks apply, the owner of each protected use associated with each setback may provide an agreement of modification or waiver. No individual setback modification or waiver can affect the applicability of any other setback that is not modified or waived. Such agreements to modify or waive the setback shall be in writing and recorded with the Elk County Recorder's Office (as an article of agreement in duly acknowledged form) and evidence of such agreement shall be provided to the Township prior to any Township approvals.

- (14) Notwithstanding any other required setback of this ordinance, the following shall not occur within 500 feet of the nearest outside wall of a permanently occupied dwelling; vehicle storage; staging or idling; materials storage or staging; equipment storage or staging; or any similar activity associated with an oil and gas use. However, vehicle access by way of a designated access road or driveway through the required setback area is permitted where such access road or driveway is necessary to construct, operate, and maintain the oil and gas use as such construction, operation and maintenance activity occurs outside of the 500 foot setback, provided that the access road or driveway cannot be feasibly located outside the 500 feet and further provided that if such access road or driveway is located within the 500 foot setback, it shall be constructed in a location that requires the minimal possible impacts to the 500 foot setback area.
- a. This setback may be modified or waived provided that the owner of the permanently occupied dwelling shall provide an agreement to waive or modify the setback. Where multiple setbacks apply, the owner of each dwelling associated with each setback may provide an agreement of modification or waiver. No individual setback modification or waiver can affect the applicability of any other setback that is not modified or waived. Such agreements to modify or waive the setback shall be in writing and recorded with the Elk County Recorder's Office (as an article of agreement in duly acknowledged form) and evidence of such agreement shall be provided to the Township prior to any Township approvals.

#### **Subsection 5.18B – Conditional Use Requirements**

- (1) The following oil and gas uses are conditional uses as authorized by the regulations for each zoning district created by this Zoning Ordinance. Supervisors shall grant a conditional use approval if they find adequate evidence that the proposed conditional use will meet all of the Performance Standard requirements of Subsection 5.18A, the applicable standards for zoning district within which the use is proposed, and the express standards and criteria for each conditional use as defined by this Subsection.
- (2) In addition to the express standards for each conditional use, the following shall apply to all conditional uses identified by this Subsection.
- a. A setback required by this Subsection 5.18B may be modified or waived provided that the owner of the property, protected use, or permanently occupied dwelling from which the required setback is measured shall provide an agreement to waive or modify the setback. Where multiple setbacks apply, the owner of the property, protected use, or permanently occupied dwelling associated with each setback may provide an agreement of modification and waiver. No individual setback modification or waiver can affect the applicability of any other setback that is not modified or waived. Such

agreements shall be in writing and recorded with the Elk County Recorder's Office (as an article of agreement in duly acknowledged form) and evidence of such agreement shall be provided to the Township prior to any Township approvals.

- b. The requirements of this Subsection 5.18B may be waived or modified where the proposed use is located on a property that is greater than 100 acres in size or located within an aggregate of adjoining contiguous proper ties in common ownership that total in excess of 100 acres in size and the use is set back a minimum of 2.000 feet from all property lines of a single parcel in excess of 100 acres in size or set back a minimum of 2.000 feet from the common outside boundary of adjoining contiguous properties in common ownership.
  - c. The Board of Supervisors may attach the following additional requirements as conditions of approval to be met prior to issuance of any Township permit for the proposed conditional use:
    - 1) Copies of all required and submitted State and Federal permit applications, including copies of all permit applications submitted to the DEP for water withdrawal and disposal identifying the source of the water, proposed truck routes and/or temporary water lines, on- site storage, treatment and disposal facilities.
    - 2) Provision to the Township of a schedule of anticipated beginning and ending dates of well site preparation, drilling, perforation, and hydraulic fracturing, if any, measured in weeks from the date of anticipated approval of the use by the Township.
- (3) Oil and Gas Well
- a. The setback from any existing permanently occupied dwelling shall be 750 feet.
- (4) Oil and Gas Compressor Station
- a. The setback from any existing permanently occupied dwelling shall be 2,000 feet, measured from the outside wall of the dwelling.
  - b. All Oil and Gas compressor stations shall not produce noise that exceeds 60 decibels measured at 6 feet of height at a distance of 200 feet from the nearest outside wall of a permanently occupied dwelling. Based upon evidence provided during the conditional use process, approval of a compressor station may be conditioned upon its construction within a fully enclosed sound dampening structure or alternative sound dampening method.

- (5) Oil and Gas Processing Facility
  - a. The setback from any existing permanently occupied dwelling shall be 3.000 feet, measured from the outside wall of the occupied dwelling.
  - b. The Oil and Gas Processing Facility shall not produce noise that exceeds 60 decibels measured at 6 feet of height at a distance of 200 feet from the nearest outside wall of a permanently occupied dwelling.
- (6) Oil and Gas Liquid Impoundment. Fresh Water
  - a. No Oil and Gas Liquid Impoundment shall be situated within 500 feet of an occupied dwelling or protected use.

**5.19 PUBLIC USE CONSIDERATIONS AND EXEMPTIONS – PUBLIC UTILITY AND GOVERNMENTAL STRUCTURES AND ESSENTIAL SERVICES**

- (1) Exemptions - This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience and welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of such hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.
- (2) Essential Services: The erection, construction, alteration, use, and maintenance of municipal or governmental agencies and public utilities or public service corporations of such facilities as are reasonable necessary for the furnishing of adequate service by such agencies, utilities or public service corporations or for. public health, safety or general welfare, including underground or overhead electrical, gas, steam, or water transposal systems, including poles, wires, lines, mains, drains, sewers, conduits, cables, 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; provided that any structure housing such equipment shall conform to the general character as to appearance and structural material of the other structures within the districts; and further provided that such structures shall not include the storage of vehicles or equipment necessary to the normal maintenance, repair or installation for any utility. Structures shall not be permitted for the housing of transformers, pumps, and similar equipment that cause any noise, odor, smoke, or other hazardous effect. The installation of these "Essential Services" shall be permitted without the requirements of a public hearing by the Public Utility Commission, the Township Supervisors or the Zoning Hearing Board.

- (3) Municipal, Township, State and Federal Buildings and Uses: This Ordinance shall not apply to such building if the municipal governing body shall decide that such building or extension thereon or such use of any premises is reasonably necessary for the convenience or welfare of the public provided that any municipal recreational building or use may be established by the municipality at any location in the municipality without holding such public hearing.

## **5.20 SCREENING REQUIREMENTS**

It is the intent of the screening provisions to provide visual and auditory separation between potentially incongruous land uses. It is a further intent of the following provisions to provide flexibility to the developer or property owner to create effective concealment through performance design requirements below.

- (1) Screening requirements shall be applicable around the perimeter border of any of the following uses and under the following circumstances:
- a. A proposed non-residential use abuts an existing residential use or residential district.
  - b. A proposed multi-family residential building abuts an existing residential use or district;
  - c. A mobile home parks shall be screened along their entire perimeter, as specified in Section 5.16.
  - d. Any other instance where screening is required by this Ordinance, or deemed necessary by the Zoning Hearing Board in relation to Special Exceptions and Variances.

Screening is not required if the features to be screened are set back three hundred (300) feet or more from the lot line along which screening would otherwise be required.

- (2) In addition to the Zoning District boundary areas described above, the following land development features shall be screened on the lot for which development is proposed:
- a. Storage of products or raw materials;
  - b. Mechanical equipment, vents, fans, and similar appurtenances.
  - c. Garbage dumpsters
- (3) Site and district requirements
- a. Required screening shall occur on the perimeter of the lot unless additional screening is otherwise required by approvals under this ordinance and/or other regulations and ordinances.
  - b. Screening may be interrupted for necessary driveways to the street, provided a gap in the screening does not exceed thirty (30) feet.

- (4) Effective screening may be accomplished through the use of one or more of the following methods:
  - a. Placement of features to be screened behind an existing or proposed earthen landform or berm.
  - b. Use of existing or proposed opaque architectural barrier or a closed fence.
  - c. Use of existing woody vegetation masses such as hedges, woodlands and hedgerows, provided they are preserved intact during construction on the site.
  - d. Evergreen plantings.
  
- (5) Buffer/Screen width located between potentially conflicting land uses shall be in response to the degree of land use conflict. The width shall be as follows:
  - a. A minimum planted buffer of eight (8) feet width is required where any proposed commercial and/or industrial uses abut the existing residential dwellings/district/platted lot, and for required off-street parking areas in excess of 20,000 square feet.
  - b. A planted buffer of up to fifteen (15) feet width is required between any other incongruous land uses so deemed by the Zoning Hearing Board, as applicable for the specific Special Exception Use, Variance or Appeal, or by Township Supervisors for the specific Conditional Use.
  - c. The width of the planted buffer may be reduced by means of employing other methods as noted in Section 5.20 (4) above, as approved by the Zoning Officer (for permitted uses), the Zoning Hearing Board (for variances, Special Exceptions and Appeals) or Township Supervisors (for Conditional Uses).

To meet the above screening requirements in part or in whole, existing vegetation, wood lots and hedgerows should be utilized, if they exist.

- (6) The following design standards shall guide the design of the buffer:
  - a. For areas requiring a screen width of more than eight (8) feet, a tree plantation or a combination of trees and shrubs is required.
  - b. Where proposed evergreen shrubs are used, the maximum distance between plant centers shall be eight (8) feet.
  - c. At a minimum, screening shall be of sufficient height and density to constitute a continuous opaque screen in summer months to a height of six (6) feet within a period of three (3) years of planting.
  - d. Proposed trees and shrubs shall be healthy, typical of their species, have normal growth habits with well-developed branches and vigorous root systems.
  
- (7) The following Performance Standards affect the design and requirement of screening reviewable and subject to action by the Zoning Officer (for Permitted uses), the Zoning Hearing Board (for Special Exceptions) or the Township Supervisors (for Conditional Uses):
  - a. The developer is encouraged to consider placing improvements on the land in a manner that would lessen the extent and cost of required screening. Examples of sensitive design include the following:

- i. Situating development in or behind existing vegetation such as woodlots or hedgerows.
      - ii. Consolidating or clustering development in the smallest possible land area.
      - iii. Situating development far from the lot line.
      - iv. Situating development behind landform crests.
    - b. To assure compliance with screening requirements, the applicant shall provide a screening plan to enable the Township to access whether proposed screening will create an effective buffer at necessary points. The screening plan shall be drawn to scale and proposed plants shall be indicated, including type, quantity, size at planting time, and spacing, and may include any one of the following:
      - i. Plot plan with view analysis,
      - ii. Landscaping and grading plan,
      - iii. Topographic profiles and cross-sections, or
      - iv. Photographic evidence.
- (8) The following maintenance requirements apply to all screening/buffering:
- a. Any tree or shrub planted for screening purposes that dies shall be replaced.
  - b. Any fence, wall or other architectural method utilized for screening shall be maintained in a structurally sound condition, and the surfaces facing the lot line shall be maintained for an attractive appearance.
  - c. Any landform or existing vegetation mass approved for screening shall not be altered or otherwise developed, except for usual maintenance.
  - d. The owner shall be responsible for continual maintenance of the screening. A note on the application or site plans shall indicate this, and be signed by the applicant.
- (9) The table below summarizes buffer requirements:

<b>Use/Description</b>	<b>Width in Feet</b>	<b>Comments</b>
Parking lots 20,000 sf+	8 ft. min.	Planting requirements (See 5.20 (5))
Mobile Home Parks	50 ft. min.	With no plantings [See 5.16 (3)]
	25 ft. min.	With plantings [5.16 (3)]
Commercial/Industrial uses abutting residential dwellings and districts	8 ft. min.	With plantings (See 5.20 (5))
Special Exceptions, Variances and Appeals	15 ft. max.	As required by the Zoning Hearing Board (See 5.20 (5))
Conditional Uses		As required by Township Supervisors (See 5.20 (5))
<b>Reductions</b>		
Special Exceptions, Variances and Appeals	Alternate buffering measures	As determined by the Zoning Hearing Board [See 5.20 (5)]
Conditional Uses		As determined by Township Supervisors [See 5.20 (5)]

## 5.21 SIGNS

**Sign:** A structure that consists of any device, light, letter, word, model, banner, pennant, trade flag, logo, insignia, balloons or representation that advertises, directs, or announces the use conducted; goods, products, services or facilities available; or that influences persons or conveys information, or that calls attention to the building or the use located on the lot.

(1) Signs may include:

- a. Abandoned: A sign which has not identified or advertised a current and/or operational business, service, owner, product or activity for a period of at least 365 calendar days.
- b. Address/Name Plate: A sign that designates the street number and/or street name for identification for identification purposes, as designated by the United States Postal Service. The Address/Name Plate sign does not require a permit.
- c. Animated: A sign depicting action, motion, or light or color changes through electrical or mechanical means.
- d. Awning: A sign painted on or attached to a removable frame, of the hinged, rolled or folding type, that may have a covering, either combustible or noncombustible.
- e. Balloon: A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.
- f. Banner: Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.
- g. Billboard/Off-Premises: A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises or land on which the sign is located.
- h. Billboard/On-Premises: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured or to an entertainment event offered on the premises where the sign is located.
- i. Canopy: Any sign that is part of, or attached to a canopy.
- j. Changeable Copy: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.
- k. Digital Display: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.
- l. Feather/Swooper Flags/Signs: A sign typically of 10 ft. – 20 ft. in height, composed of lightweight fabric on a structure, which may be of the “flutter” or “windless” variety.



- m. Flashing: A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.
- n. Free-standing Permanent: Any non-movable sign not affixed to a building.
- o. Home Occupation: A sign identifying an approved home occupation.
- p. Inflatable: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.
- q. Interactive: An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.
- r. Manual Changeable Copy: A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.
- s. Marquee: A sign painted on, attached to, or consisting of an interchangeable copyreader, on the face of a building, or as part of a freestanding sign.
- t. Mechanical Movement: A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.
- u. Message Center: A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gasoline price display, time, temperature, special notifications associated with premises, etc., not exceeding 50% of the sign area.
- v. Multi-Tenant: A directory, on or off premises, used to identify specific enterprises that are located within a multiple-tenant commercial, industrial, business or office center.
- w. Non-Permanent: A sign displaying a message that is temporary in nature and relates to a specific event or occurrence, which is not intended for permanent installation. Examples of non-permanent signs include a banner advertising a sale or promotion at a retail establishment, or a lawn sign promoting a particular candidate for an election. These signs may be displayed on private property for not more than 30 consecutive days, up to twice per calendar year, and are restricted according to the type of the sign (wall, freestanding, etc.), height, size, and the number permitted per property. Temporary signs do not require a permit.
- x. Permanent: A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.
- y. Portable: A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.
- z. Projecting: A sign other than a wall sign that is attached to and projects from a building face or wall, or from a structure whose primary purpose is other than the support of the sign.

- aa. Reflective: A sign containing any material or device which has the effect of intensifying reflected light.
- bb. Roof: A building-mounted sign erected upon, against, or over the roof of a building.
- cc. Sandwich Board: A portable sign having changeable letters or sign face that may have up to two (2) sign areas for temporary placement on a sidewalk or other frontage.
- dd. Snipe: A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner.
- ee. Tri-Vision Boards: An outdoor sign unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.
- ff. Vehicular: A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.
- gg. Wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and does not project more than ten (10) inches from such building or structure.
- hh. Window: A sign affixed to the surface of a window, or within the display area of a window, with its message intended to be visible to and readable from the public right-of-way, and/or from adjacent properties.

(2) Sign Area: The area of the smallest geometric figure or sum of the combination of regular geometric figures and background that comprise the sign face, excluding structural supports, and decorative trim, that displays the sign copy.

(3) Signs, Excluded: Exclusions from signage requirements include the following:

- a. The flag of the United States of America or the Commonwealth of Pennsylvania.
- b. Any Federal, State, or Municipal traffic or directional sign.
- c. Other official signs placed by Federal, State, County, or Municipal government agencies.
- d. Non-commercial decorative flags and banners on residential structures.
- e. On-premises security and/or warning signs, including but not limited to "no trespassing," "no hunting," "private driveway," or "no soliciting" signs.

(4) Sign Regulations: The following general regulations shall apply to all Zoning District.

- a. Permits to construct install and maintain signs shall be obtained from the Zoning Officer, and shall be in accordance with the requirements of the respective Zoning District.

- b. Non-commercial non-permanent signs are considered as temporary signs and are permitted in all zoning districts without a permit, but subject to any requirements of the respective zoning districts.
- c. Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations relating to the erection, alteration, or maintenance of signs.
- d. No sign shall be placed in a position, or have illumination that it will cause any danger or distraction to pedestrians or vehicular traffic.
- e. Floodlighting of any sign shall be arranged so that the source of light is not visible nor glare is detected from any property line or vehicular access, and that only the sign is illuminated.
- f. No signage other than official traffic signs or other approved signage shall be mounted within the right-of-way lines of any street, pending approval by the Pennsylvania Department of Transportation in the case of State highways or the Township in the case of municipal roadways.
- g. Every sign must be constructed of durable material and be kept in good condition. Any sign that is allowed to become dilapidated shall be removed by the owner, or upon failure of the owner to do so, by the Township at the expense of the owner or lessee.
- h. No sign shall be erected or located as to prevent free ingress to or egress from any window, door, fire escape, sidewalk or driveway.
- i. No sign shall be erected which emits smoke, visible vapors or particles, sound or odor.
- j. No sign shall be erected which uses an artificial light source, or reflecting device, which may be mistaken for a traffic signal.
- k. No Sign shall be erected containing information that implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.
- l. Signs shall not project above the maximum building height permitted in any District in which they are located.
- m. Square footage calculations shall take into account all types of signage permitted within the respective zoning district requirements, with discretion to the applicant to determine how much square footage per sign type within the maximum designated in each district requirement.

(5) Signs in the Residential Urban District (R-U) and the Residential Agricultural District (R-A):

- a. The size of the sign shall not be larger than four square feet.
- b. No more than one sign shall be erected for each permitted use or dwelling.
- c. Signs may be illuminated if such lighting is shielded or indirect but shall not include neon signs unless approved by the Zoning Hearing Board.
- d. In addition, signs advertising the sale of farm products in the R-A District:
  - 1) Shall be no larger than six square feet.
  - 2) No more than two signs may be erected.
  - 3) The sign(s) shall be displayed only when products are available for sale.

- (6) Signs in the Commercial Highway District (C-H) and the Industrial District (I):
  - a. The size of any such sign shall not be larger than fifty square feet.
  - b. No more than one such sign shall be erected for each permitted use.
  - c. Such signs may be illuminated if such lighting is shielded or indirect.
  - d. These signs shall not contain messages that flash or pulsate unless approved by the Zoning Hearing Board.
  
- (7) Off- Premises signs:
  - a. Off-Premise signs in any district shall be permitted if no larger than four square feet provided the owner of the property where the sign is to be erected provides a signed notarized statement to the Zoning Officer stating his permission for the sign to be erected.
  - b. Off-Premise signs larger than four square feet shall be approved by the Zoning Hearing Board.
  - c. Billboards may be permitted as a Special Exception by the Zoning Hearing Board in the R-A, C-H, and I Districts and are subject to the following:
    - 1) Billboards shall be located no closer than within three hundred (300) feet of another billboard.
    - 2) Billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
    - 3) All billboards shall be set back at least fifty (50) feet from any road right-of-way lines.
    - 4) All billboards shall be set back at least one hundred (100) feet from any existing residential dwelling.
    - 5) Billboards shall not obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
    - 6) Single billboards shall not exceed an overall size of four hundred (400) square feet, nor exceed twenty-five (25) feet in height. No more than two (2) billboards shall be permitted on a single standard and/or location.

(8) Permitted Signs by Zoning District:

<b>P:</b>	Permitted if not larger than the size regulation for the district in which it is located.
<b>NP:</b>	Not Permitted
<b>S:</b>	With Special Exception
<b>T:</b>	Permitted as a Temporary Sign
<b>RU:</b>	Residential Urban
<b>RA:</b>	Residential Agricultural
<b>CH:</b>	Commercial Highway
<b>I:</b>	Industrial

Description of Signs	RU	R-A	C-H	I	PROHIBITED ALL DISTRICTS
Abandoned					NP
Address/Name Plate	P	P	P	P	
Animated					NP
Awning	NP	S	P	P	
Balloon	NP	T	T	T	
Banner	NP	S	T	T	
Billboard - Off Premise	NP	S	S	S	
Billboard - On Premise	NP	S	S	S	
Canopy	NP	S	P	P	
Changeable Copy	NP	S	P	P	
Digital Display	NP	S	P	P	
Feather/Swooper	NP	S	P	P	
Flashing					NP
Free-standing Permanent	P	P	P	P	
Home Occupation	P	P	S	NP	
Inflatable	NP	S	T	T	
Interactive					NP
Manual Changeable Copy	NP	P	P	P	
Marquee	NP	S	P	P	
Mechanical Movement	NP	S	P	P	
Message Center	NP	S	P	P	
Multi-Tenant	S	S	P	P	
Projecting	NP	S	P	P	
Reflective					NP
Roof	NP	P	P	P	
Sandwich Board	NP	P	P	P	
Snipe					NP
Temporary	T	T	T	T	
Tri-Vision Boards	NP	S	S	S	
Vehicular					NP
Wall	P	P	P	P	
Window	P	P	P	P	

## **5.22 SPECIAL USE REGULATIONS**

- (1) Agriculture, Animals, and Poultry shall be allowed as permitted in each zoning district. In the R-U district, use shall be limited to three (3) chickens and two (2) goats. In all districts, the use shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration, or other nuisance effects beyond the property lines of the parcel upon which the use is located.
- (2) Motels: In districts where permitted, motels shall be subject to the following safeguards and regulations:
  - a. No motel shall have a lot area less than one acre.
  - b. Motels shall utilize collective sewers connecting with an approved sewage disposal system.
  - c. Front, side, and rear yards of the motel shall be permanently landscaped and maintained in good condition.
  - d. Cabins or parts thereof shall be placed no closer, to any lot line than thirty feet.
  - e. The space between cabins or multiple units shall be not less than twenty feet and the space between the fronts or rears of cabins or multiple units shall be not less than seventy feet.
  - f. At least one parking space shall be provided on the premises for each accommodation. Off-street parking and loading spaces for other facilities developed on the motel premises shall be provided as required in Section 5.17(6).
  - g. Every cabin or unit shall be provided with running hot and cold water and toilet facilities.
- (3) Taverns: No tavern shall hereafter be located closer than 1,000 feet to any lot line of a school, hospital, or public institution for human care (see also additional controls as may be set forth in District Regulations.)

## **5.23 SWIMMING POOLS, PRIVATE**

Private swimming pools are permitted as accessory uses subject to the following requirements:

- (1) The pool shall be intended and shall be used solely for the enjoyment of the occupants and their guests of the principal use of the property.
- (2) The pool shall be located in either the rear or side yard of the property.
- (3) All in-ground pools that are installed to be permanent shall be fenced and have a locked gate or otherwise protected so as to prevent uncontrolled access from the street or adjacent properties.
- (4) All pools shall have a barrier fence of at least and four (4) feet and be maintained in structurally sound condition. The fence requirement for above-ground pools may be met in part by the elevation of the pool structure. In this case, the four-foot

requirement may be met by the combined height of the pool and any extension measured at the lowest exposed elevation.

- (5) Pools shall conform to other locational, barrier, pedestrian gate, wiring and other applicable requirements as per the Uniform Construction Code.

#### **5.24 TRAILERS, RECREATIONAL**

(1) Trailers for the purpose and interpretation of this Ordinance shall be deemed to be a temporary use for recreational purposes, and shall be permitted in the R-U District as a Special Exception and as Permitted Use in the R-A District. Trailers and recreational vehicles owned and parked or stored within the R-U District on the property of a full-time Township resident are exempt from the requirement for a Special Exception.

(2) Trailer Camps; in districts where permitted, shall be subject to the following safeguards and regulations:

- a. The driveways, exits, entrances, and walks shall be lighted and paved in accordance with municipal standards. One way traffic driveways shall be not less than twelve feet wide and two way traffic driveways shall be not less than twenty-two feet wide.
- b. An area of not less than two thousand square feet shall be provided for each trailer coach.
- c. The minimum width of each trailer space shall be forty (40) feet.
- d. Separate provisions shall be made for the parking of two vehicles at a location removed from the trailer spaces, and there shall be one off-street parking space required equal to one-half the number of trailer spaces provided in the trailer camp.
- e. Sewers: Each trailer camp shall be provided with sewage disposal facilities. The proposed provisions for sewage shall be presented to the Zoning Hearing Board for applications requiring a Special Exception, or to the Zoning Officer for applications as a Permitted Use, for approval before any trailer shall be permitted on the site. Approval shall be given only when a collective type sewerage facility is to be provided, or an alternate system as approved by the PA Department of Environmental Protection and the Township Sewage Enforcement Officer.

#### **5.25 USES NOT PROVIDED FOR**

Whenever in any District established under this Ordinance, a use is not a specified Permitted Use, use by Special Exception or Conditional Use, or is not specifically prohibited, and an application is made by the property owner, the applicant may apply to the Zoning Hearing Board for a hearing in accordance with Sections 6.03 and 6.05. The Board shall have the authority to permit the proposed use, attach conditions to the proposed use, or deny the proposed use, provided that in all such applications the Zoning Hearing Board analyzes whether the proposed use is similar to and not more objectionable to the health, safety and welfare than any permitted uses listed in the District at issue.

## ARTICLE VI

### ADMINISTRATION AND ENFORCEMENT PROCEDURES

This Article establishes the procedures and framework necessary for the enforcement and administration of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No.246, (MPC), as amended.

#### **6.00 – Zoning Officer**

- (1) Appointment - The Zoning Officer shall be appointed by the Township Supervisors to administer and enforce this Zoning Ordinance. The Zoning Officer shall not hold any elective office within the Municipality. No building, structure or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit issued by the Zoning Officer for that purpose.
- (2) Legal Framework – The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonably implied for that purpose. He/She shall not issue a zoning permit in connection with any contemplated erection, construction, alterations, repair, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms to the requirements of this Zoning Ordinance, with all other ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania.
- (3) Duties and Powers of the Zoning Officer - It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance and amendments. He/she shall have such other duties and powers as are conferred upon him/her by this Ordinance or as are reasonably implied for that purpose, or as may be, from time to time, conferred upon him by the Township Supervisors. The Zoning Officer's powers and duties shall include but are not limited to the following:
  - a. Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Ordinance.
  - b. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and the action taken consequent to each such complaint. All such records shall be open and available for public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained in hard copy as long as they remain in existence.
  - c. At his/her discretion examine, or cause to be examined, all buildings, structures, signs, and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and/or use before issuing any permit, and otherwise as



required to fulfill her/his duties. Thereafter, he/she may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign and/or change, a final inspection shall be made and all violations of the approved plans or zoning permit shall be noted and the holder of the zoning permit shall be notified of the discrepancies. He/she shall have the power to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties. Should such access be prevented by any property owner, lessee or other person, he/she shall have the authority, with the approval of the Township Supervisors, to obtain a search warrant for said property.

- d. Issue permits for conditional uses, special exception uses and/or variances only after such uses and/or buildings have been approved in writing by either the Zoning Hearing Board, in the case of special exceptions and/or variances, or the governing body in the case of conditional uses.
- e. Maintain responsibility for keeping this Ordinance and the Official Zoning Map up to date so as to include all amendments thereto.
- f. Issue Zoning Permits in accordance with the provisions of this Ordinance.
- g. Investigate alleged violations and address violations to this Ordinance.
- h. Prepare and submit a report of the activities of the Zoning Officer to and if requested by the Board of Supervisors.
- i. Any other such duties as directed by Township Supervisors.

#### **6.01 – Administration and Administrative Procedures**

- (1) Applicability of Ordinance - No permit shall be issued except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of a special exception or variance, or as otherwise provided for by this Ordinance, any applicable laws or any Court of competent jurisdiction.
- (2) Requirement for Permit - It shall be unlawful to commence the excavation for or the construction or alteration of any buildings, until the Zoning Officer has issued a zoning permit for such work. A zoning permit shall be required for all construction or alterations. No zoning permit shall be required for repairs to or maintenance of any building, structure or grounds provided such repairs do not change the use or otherwise violate the provisions of this Ordinance. All applications shall be made in writing and shall be accompanied by all applicable fees and one (1) set of plans showing, at a minimum, the following information to be considered as a complete application, if applicable:

- a. Actual dimensions and shape of the lot to be used.
  - b. The exact size and location on the lot of buildings, structures, or signs existing and/or proposed, including any extensions thereto.
  - c. The distance from the proposed structure or addition to the lot lines.
  - d. The number of dwelling units.
  - e. A parking plan, indicating the number, size and location of all off-street parking spaces and/or required loading areas for the specific use(s).
  - f. Statement indicating any existing or proposed use(s).
  - g. Height of any structure, building or sign existing or proposed.
  - h. Statement indicating the provider of essential services such as water supply, sewage disposal, electrical service, natural gas service, etc.
  - i. The Name, Address and Telephone Number of the Property Owner, the Applicant (if different from the owner), and the estimated value of any proposed improvements.
  - j. Any other information deemed necessary by the Zoning Officer in order to determine compliance with this and any other applicable Ordinances.
- (3) Action by Zoning Officer - One (1) copy of the submitted plans and associated information shall be returned to the applicant by the Zoning Officer after he/she shall have made a determination of compliance with the provisions of this Ordinance and other applicable Ordinances.
- a. Said plans shall be either marked approved or disapproved, and shall be attested to it by the signature of the Zoning Officer.
  - b. Plans that are marked approved shall be returned with a Permit, and shall note any conditions of approval.
  - c. Plans that are marked disapproved shall be accompanied by a written statement of the deficiencies of said plans.
- (4) Review Period - All applications shall be reviewed and marked for approval or disapproval within thirty (30) days from the date of submission of a complete application.
- (5) Disapproval Procedure - All applications marked for disapproval shall be accompanied by a letter informing the applicant of the applicable ordinance

sections and requirements that were used to deny the plans, the applicant's rights for appeal and a copy of the hearing application.

- (6) Forms - Applications for a zoning permit shall be submitted in such form as the Zoning Officer may prescribe.
- (7) Effective Period - Zoning permit(s) shall be valid for a period of one hundred and eighty (180) days from date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun within the one hundred and eighty- (180) day period said permit shall expire after two (2) years from the date of issuance thereof.
  - a. If work is not initiated and/or completed within the timeframes noted in 6.01 (7), continuation of work approved in the original application may only occur after payment of additional application costs as per Section 6.06.
  - b. Work initiated prior to the issuance of a zoning permit will be subject to fees double those outlined in Section 6.06.
- (8) Zoning Compliance - A Zoning Permit shall be required prior to any work permitted under this Ordinance. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof in any manner until such Zoning Permit has been issued.
  - a. The Zoning Officer may inspect any use, structure, building, sign and/or land or portions thereof and to determine the compliance therewith to the provisions of this Ordinance.

## **6.02 - Municipal Civil Enforcement Proceedings/Enforcement Notices/Jurisdictional and Standing Matters/Penalties**

- (1) If it appears that a violation of the Township zoning ordinance has occurred, then the Zoning Officer may initiate enforcement proceedings by preparing and sending a written Enforcement Notice consistent with the MPC at Section 616.1.
- (2) The Enforcement Notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive Enforcement Notices regarding that parcel, and to any other person requested in writing by the owner of record. The Zoning Officer also shall have discretion to impart notice of violation by conspicuously posting an Enforcement Notice on the door or window of any improvement located on a parcel which is the subject of an averred violation of this Ordinance.
- (3) The Enforcement Notice shall state and contain at least the following:

- (a) The name of the owner of record and any other person against whom the municipality intends to take action;
  - (b) The location of the property in violation;
  - (c) The specific violation(s) with a description of the action(s) required to correct such violation(s) or otherwise describing the requirements which have not been met, and citing in each instance the applicable provisions of this ordinance. An Enforcement Notice may contain the Zoning Officer's order immediately to 'cease and desist' the use or activity alleged to constitute a violation of the ordinance.
  - (d) The date before which the steps for compliance must be commenced and the date before which such steps must be completed.
  - (e) That the recipient of the notice has the right to contest the Zoning Officer's determination by written appeal to the Zoning Hearing Board within 30 days after the Zoning Officer's Enforcement Notice is issued. Forms for such appeal together with applicable filing fees to be paid shall be established as set forth in Section 6.06 of this ordinance.
  - (f) That failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described; and,
  - (g) The Zoning Officer's signature and contact information.
- (4) Consistent with the MPC at Sections 617.1 and 616.1(c)(5), District Justices shall have initial jurisdiction over a civil enforcement proceeding brought by the Zoning Officer under Section 6.02(1)-(3) of this ordinance, subject however to the Township Zoning Hearing Board having exclusive jurisdiction over zoning ordinance violation determinations made by the Zoning Officer and as appearing at subdivision (3)(e), above. See also: Section 909.1(a)(3) of the MPC.
- (5) Penalties to be assessed upon a determination of liability in a civil enforcement proceeding instituted by the Township's Zoning Officer shall be as prescribed in the MPC at Section 617.2(a), the terms of which are incorporated herein by reference as if set forth in full.
- (6) Only the governing body, acting by and through its Zoning Officer, shall have the right to commence civil enforcement proceedings pursuant to Section 6.02 of this ordinance.

### **6.02A – Causes of Action**

- (1) The procedures set forth in Section 6.02 of this ordinance shall be optional for use by the governing body and its Zoning Officer. The governing body also may utilize any of the causes of action authorized by and as set forth in the MPC at Section 617 (relating to Causes of action) to address a perceived violation of this zoning ordinance, it being the intent of this ordinance to incorporate by reference as if set forth in full Section 617 of the MPC.
- (2) Causes of action for violation of this ordinance shall also be available to an aggrieved owner or tenant of real property, but subject to the notice provisions contained in Section 617 of the MPC.

### **6.03 – Zoning Hearing Board**

- (1) Membership - The Township hereby creates a Zoning Hearing Board (ZHB), herein referred to as the ZHB, consisting of three (3) members, and Supervisors shall have the right to appoint two (2) alternate members, pursuant to Article IX of the MPC, who shall perform all the duties and have all the powers prescribed by said statute and as herein provided.
- (2) Terms and Related - The membership of the ZHB shall consist of three (3) residents of the Township, appointed by the Township Supervisors. The terms of office shall be three (3) years, and shall be so fixed that the term of office of one member of the ZHB shall expire each year.
  - a. There shall be two alternate members of the ZHB also Township residents, appointed by the Township Supervisors. The term of office shall be three years.
    - 1) The alternate members, when seated pursuant to the provisions of Section 906, of the MPC, shall be entitled to participate in all proceedings, and shall have the powers and duties specified in the statute and this Ordinance.
    - 2) The chairman of the board may designate alternate members of the board to replace any absent or disqualified member and 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 reach 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 decision on the matter or case. Designation of an alternate pursuant to this section shall be made on a case by case basis.

- b. Members of the ZHB and alternate members of the ZHB shall hold no other elected or appointed office of the Township nor shall any member be an employee of the Township.
  - c. Any member or alternate member of the ZHB may be removed for malfeasance, misfeasance or nonfeasance or for other just cause by a majority vote of the Township Board of Supervisors.
    - 1) A member or alternate member shall receive a minimum of fifteen (15) days advance notice of the intent to take such a vote.
    - 2) A public hearing shall be held, if the member or alternate member requests one in writing.
  - d. The ZHB shall promptly notify Township Supervisors of any vacancies that occur. Vacancies shall be filled by appointment by the Township Supervisors for the unexpired portion of the vacated term.
  - e. ZHB members are required to attend ZHB-related training/continuing education courses offered by State or other third-party qualified trainers once within each appointed term within one (1) year of appointment/reappointment, pending availability in close proximity to the Township. Tuition and travel costs shall be met by the Township.
- (3) Compensation - The members of the ZHB shall receive such compensation if and/or as shall be fixed by the Township Supervisors, by resolution, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors.
- (4) Technical Assistance - Within the limits of funds appropriated by the Township Supervisors, the ZHB may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical or legal staff. The solicitor to the ZHB shall not be the solicitor of the Municipality.
- (5) Procedures - The ZHB may make, alter and rescind rules and forms for its procedure, consistent with the Ordinances of the Township and the laws of Pennsylvania.
- a. The ZHB shall keep full public records of its business.
  - b. The records of the ZHB shall be the property of the Township, but shall nevertheless be available under the Right To Know Law by written request made either to the governing body or the Township's Zoning Hearing Board.
  - c. The ZHB shall submit a report of its activities and any recommendations to the Township Supervisors as requested by the Township Supervisors.

- d. Such rules as may be established by the ZHB shall continue in force and effect, until amended or repealed by the ZHB, by municipal Ordinance or by Federal or State Law.
  - e. The ZHB shall elect, from its own membership, its officers, who shall serve annual terms as such, and may succeed themselves.
  - f. Meetings and hearings of the ZHB shall be held at the call of the Chairman and at such other times as the ZHB, by majority vote, may determine.
- (6) Hearings - The ZHB shall conduct hearings and make decisions in accordance with the following requirements.
- a. For the conduct of any hearing and the taking of any action, a quorum of not less than a majority of the members or voting alternates shall be present. In the event that any member is disqualified, for reason of conflict of interest, his/her place on the hearing panel may be taken by a voting alternate.
  - b. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, abutting or adjoining property owners within 300 feet of the property being the subject of the hearing, and such other persons as the Township Supervisors or the ZHB may designate, and to any person who has made a timely request for same. Written notice of said hearing shall be conspicuously posted on the affected tract at least one week prior to the hearing.
    - 1) Public notice shall consist of publication of an advertisement in a newspaper of general circulation in the Township, once each week for two successive weeks, with the first publication not more than thirty (30) and the second publication not or less than seven (7) days prior to the hearing.
  - c. Hearings shall be conducted by the ZHB.
    - 1) The hearing shall be commenced within sixty (60) days from the date of the receipt of the applicant's request, unless the applicant has agreed in writing to an extension of time. Any subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of the presentation of the case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the ZHB shall assure that the applicant receives at least 6 hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete the case-in-chief

provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on record by the applicant and Municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- 2) Fees for hearings shall be established by the Township Supervisors.
  - a) Fees may include compensation for the members and secretary (or court stenographer), notice, advertising costs and administrative costs.
  - b) Fees shall not include legal expenses, consultant expenses or expert witness costs.
- 3) The findings shall be made by the ZHB.
- 4) The ZHB shall not appoint a member to serve as a hearing officer.
- 5) The parties to any hearing shall be the Township, the applicant, any person affected by the application who has made timely appearance of record before the ZHB, and any other person including civic or community organizations permitted to appear by the ZHB. The ZHB shall have the power to require that all persons who wish to be considered parties enter appearances in writing in a form acceptable to the ZHB.
- 6) The chairman or acting chairman of the ZHB shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and production of relevant documents and papers, including any witnesses and/or documents requested by the parties.
- 7) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- 8) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- 9) The ZHB shall keep a stenographic record of the proceedings.
  - a) The appearance fee for a stenographer shall be shared equally by the ZHB and the applicant.
  - b) The cost of the original transcript shall be paid by the ZHB if the transcript is ordered by the ZHB.
  - c) The cost of the transcript shall be paid by any person or party who might appeal from the decision of the ZHB.
  - d) Additional copies of the transcript shall be paid by the person requesting such copy.
- 10) The ZHB shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate.
  - a) The ZHB shall not take notice of any communication, reports staff memoranda, or other materials, except advice from their



solicitor, unless parties are afforded an opportunity to contest the material so noticed.

- b) The ZHB shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present.
- 11) The ZHB shall render a written decision, or when no decision is called for, a written finding on the application within forty-five (45) days after the last hearing before the ZHB.
- a) Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.
  - b) Conclusions based on the provisions of Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No. 246, as amended), this Ordinance or any other rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
  - c) Where the ZHB fails to render the decision within the required forty-five (45) day period, or fails to hold a hearing within the required sixty (60) day period, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
  - d) In such case when a decision has been rendered in favor of the applicant because of the failure of the ZHB to meet or render a decision as herein provided, the ZHB shall give public notice of said decision within ten (10) days from the last day it could have met to render such decision as provided in this Ordinance. If the ZHB should fail to provide such notice, the applicant may do so.
  - e) Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- 12) A copy of the final decision or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him/her not later than the day following its date. To all other persons who have filed their name and address with the ZHB not later than the last day of the hearing, the ZHB shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the time and place at which the full decision or findings may be examined.

- (7) Functions of the Zoning Hearing Board - The ZHB shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- a. Substantive challenges to the validity of this Ordinance or the Township Subdivision and Land Development Ordinance, except that the ZHB shall have no jurisdiction regarding any landowner curative amendments.
  - b. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, the registration or refusal to register any nonconforming use, structure or lot, the interpretation of any district boundary line or any other official map.
    - 1) In exercising this power, the ZHB may reverse or affirm, wholly or in part, or may modify, the order, requirement, decision, determination or permit appealed from.
    - 2) Nothing in this Section shall be construed to deny the appellant the right to proceed directly to court, when appropriate, pursuant to the Pennsylvania Rules of Civil Procedure relating to mandamus.
  - c. Appeals from the decision by the Professional Engineer retained by the Township or the Zoning Officer with reference to the administration of the Township's Floodplain Management Ordinance or Stormwater Management Ordinance.
  - d. Applications for variances from the terms of this Ordinance pursuant to Article VI of this Ordinance.
  - e. Applications for Special Exceptions under this Ordinance pursuant to any Special Exception criteria established within or in the administration of this Ordinance.
  - f. Appeals from the determination of the Zoning Officer regarding any performance or density provisions of this Ordinance.
  - g. Appeals from the determination of the Professional Engineer or Consultant retained by the Township with reference to sedimentation and erosion control plans.
- (8) Standards for Variances - The ZHB shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The ZHB shall, by rule, prescribe the form of application and may require the submission of a preliminary application to the Zoning Officer. The ZHB may grant a variance, provided that all the following findings are made where relevant to a given case:
- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such

conditions and not the circumstances created by the provisions of this Ordinance in the district in which the property is located.

- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - c. That such unnecessary hardship has not been created by the applicant.
  - d. That the variance if authorized, will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (9) Other conditions and safeguards - The ZHB may also grant a variance, provided that all the following findings are made where relevant to a given case:
- a. That no nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of land, structure or buildings in other districts shall be considered grounds for the granting of any variance.
  - b. That in no case shall a variance be granted solely for reasons of financial hardship or additional financial gain on the part of the applicant.
  - c. In granting any variance, the ZHB may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of the Ordinance.
- (10) Standards for Special Exceptions - The ZHB shall have the power to hear and decide only such special exceptions as specifically authorized in Article IV and Article VI Subsection 6.08 of this Ordinance. All Special Exceptions shall meet the following criteria:
- a. Special Exception Uses shall be specifically authorized in the Zoning District, and shall meet any Special Exception Criteria established in Article V.
  - b. Special Exception Uses shall be found to be consistent with the Community Development Goals and Objectives; the general purposes and intent of the Ordinance.

- c. Special Exception Uses shall not adversely affect the character of the district, nor the conservation of neither property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- d. Special Exception Uses shall be in substantial compliance with County and/or local comprehensive plans.
- e. Special Exception Uses shall comply with the Supplemental Regulations contained in Article V.
- f. Special Exception Uses requiring a variance from this or any other Ordinance, shall be granted after such time as the variance may be authorized.
- g. The ZHB may attach any reasonable conditions and safeguards, as it may deem advisable and appropriate to any Special Exception Permit. Refusal of the applicant to accept such conditions shall result in the revoking of the Special Exception Permit.

**6.04 - Functions of the Township Supervisors:**

- (1) The Township Supervisors shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
  - a. All applications for approval of subdivisions or land developments, pursuant to the Ridgway Township Subdivision and Land Development Ordinance, demonstrating compliance with this Ordinance.
  - b. Applications for curative amendment to this Ordinance.
  - c. All petitions for amendments to this Ordinance, as well as other ordinances enacted and administered by the Township Supervisors.
  - d. Petitions for waivers from the requirements of the Township Subdivision and Land Development Ordinance, related to compliance with this Ordinance.
  - e. Appointment of the members to the Zoning Hearing Board.
  - f. Appointment of the Zoning Officer
  - g. Applications for Conditional Uses under this Ordinance pursuant to any Conditional Use Criteria established within or in the administration of this Ordinance.

**6.05 - Procedures for Hearings:** The procedures discussed in this section shall apply to all proceedings before the ZHB and where applicable shall apply to proceedings before the Township Supervisors.

- (1) Enabling Regulation - All hearings shall be held in strict accordance with the procedures contained in Article IX of Act 246 as amended by Acts 66 and 67 of 2000, the Pennsylvania Municipalities Planning Code.
- (2) Applications - All appeals and other applications shall be in writing, in a form prescribed by the Board. Such applications shall contain, at a minimum:
  - a. The specific Ordinance and provision of said Ordinance involved.
  - b. The interpretation that is claimed for any challenges to the validity of said Ordinance, or
  - c. The use for which special exception is sought, or
  - d. The details of the variance that is applied for, and the grounds on which it is claimed that the variance shall be granted.
  - e. All required filing fees as may be established by the Township Board of Supervisors.
- (3) Appeals, General - No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the appropriate municipal officer agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he/she had no notice, knowledge or reason to believe that such approval had been given.
  - a. If such person has succeeded to his interest after such approval, he/she shall be bound by the knowledge of his/her predecessor in interest.
  - b. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Article VI of this Ordinance or from an adverse decision by the Zoning Officer on a challenge to the validity of an Ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No. 246, as amended) shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative plan.
- (4) Appeal Timeframe - All appeals from determinations adverse to landowners shall be filed by the landowner within thirty (30) days after the determination is issued.

- (5) Stay - Upon filing of any proceeding referred to in this Article and during its pendency before the ZHB, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any appropriate agency or bodies 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, that may be granted by the ZHB or by a court of competent jurisdiction on petition, after notice to the Zoning Officer or other appropriate agency or body.
- (6) Bonding for Approved Applications - 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 ZHB by persons other than the applicant, the applicant may petition a court of competent jurisdiction to order such persons to post bond as a condition to continuing the proceedings before the Board.
  - a. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.
  - b. An order denying a petition for bond shall be interlocutory.
  - c. An order directing the responding party to post a bond shall be interlocutory.

#### **6.06 - Schedule of Fees, Charges and Expenses**

- (1) Establishment of Fees - The Township Supervisors shall establish by resolution a schedule of fees, charges and expenses and the collection procedures for zoning permits, certificates of occupancy, special exceptions, variances, appeals and any other matters pertaining to this Ordinance.
- (2) Schedule and Changes - The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended, by resolution, by the Township Supervisors.
- (3) Payment of Fees - No action shall be taken on any application or appeal until such time as all fees, charges and expenses have been paid in full.

#### **Section 6.07 - Nonconforming Lots, Uses, Structures and Buildings**

- (1) Statement of Intent - Within the zoning districts established pursuant to this Ordinance or subsequent amendments thereto, there exists or will exist certain nonconformities that, if lawful before this Ordinance was enacted or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendments thereto. In order to avoid undue hardship, nothing in this

Ordinance shall be deemed to require a change in the plans, construction or designated use of any buildings or structures on which actual construction was lawfully begun prior to the effective date of adoption of amendment to this Ordinance and upon which actual building construction has been diligently carried on.

(2) Nonconforming Lots of Record - Lots of record existing at the date of adoption or amendment of this Ordinance that do not conform to the regulations of the Zoning District in which they are located may be used for primary structures or dwellings and customary accessory uses as a Special Exception, and if the buildings are erected according to the following stipulations:

- a. The yard requirements for the any such nonconforming lot in a block shall conform at a minimum to the average setbacks of the two adjoining lots, or the average of the setbacks for the nearest lots upon which a primary structure is located.
  - 1) These provisions shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.
  - 2) A block shall be defined as a tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or any municipal boundary.
- b. If two or more lots, combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption of this Ordinance or amendment thereto, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land shall be considered to be an undivided parcel for the purpose of this Ordinance. No portion of said parcel shall be used or sold in a manner that diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made that creates a lot with width or area below the minimum requirements established in this Ordinance.

(3) Nonconforming Structures or Buildings

- a. Structures or buildings that at the effective date of this Ordinance or subsequent amendments thereto that do not conform to the requirements contained therein by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the building or structure, may be continued to be used, maintained and repaired so long as such structure or building remains otherwise lawful, subject to the following provisions:
  - 1) No such nonconforming structure or building may be enlarged or altered in any way that increases its nonconformity.

- 2) No nonconforming structure or building shall be, for any reason, moved any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.
  - 3) Whenever any nonconforming structure or building has been vacated and not publicly advertised for a period of twelve (12) consecutive months, such structure or building shall thereafter not be used except in compliance with the provisions of this Ordinance.
- b. Should a nonconforming structure or building be destroyed by fire, flood, wind or other means not of the owner's decision, it shall not be reconstructed in any manner that increases its nonconformity. This will allow the rebuilding and/or reconstruction of a building/structure on the same horizontal footprint for the same type, height and density of use that existed prior to the fire, flood, wind or other applicable event not of the owner's decision, in conformance with other applicable Township ordinances and regulations in effect at the time of the rebuilding/reconstruction.
  - c. In cases where two or more uses or principal structures, exclusive of any accessory structures, exist on a single parcel, all such buildings or uses shall comply with all requirements of this Ordinance and subsequent amendments that would normally apply to each building or use if each was on a separate lot. In cases where existing multiple uses and/or primary buildings are non-conforming, any alterations or modifications shall be in accordance with Article VI of this Ordinance.

(4) Nonconforming Uses

- a. Lawful uses of land, structures or buildings that at the effective date of this Ordinance or as a result of subsequent amendments thereto that do not conform to the requirements contained therein may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:
  - 1) Any nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A nonconforming use may, by variance, be changed to another nonconforming use provided that the ZHB shall find that the proposed use is equally or more appropriate in the Zoning District in which the property is located than the previously existing nonconforming use.
  - 2) Whenever a nonconforming use of any land, structure or building has been discontinued and/or not publicly advertised for a period of twelve (12) consecutive months such land, structure or building or any portion thereof shall be used only in a manner in full compliance with this Ordinance.



- 3) Should a structure or building that sustains a non-conforming use be destroyed by fire, flood, wind or other means not of the owner's decision, it shall not be reconstructed in any manner that increases its nonconformity. This will allow the rebuilding and/or reconstruction of a building/structure on the same horizontal footprint for the same type, height and density of use that existed prior to the fire, flood, wind or other applicable event not of the owner's decision in conformance with other applicable Township ordinances and regulations in effect at the time of the rebuilding/reconstruction.
  - 4) Voluntary removal of the structure or building, by the owner of record and/or authorized agents, in which any nonconforming use is located, shall eliminate the use of the land upon which the structure or building was erected for such nonconforming use.
- b. A nonconforming use may be extended throughout any part of the existing land, structure or building, or a new extension or addition to a structure or building may be constructed, provided that all such structural alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard and coverage requirements for the Zoning District in which the building is located. Total extension of any non-conforming use shall not exceed twenty-five (25) percent of the gross floor area of any building or twenty five (25) percent of the gross land area of any outdoor use, occupied by said nonconforming use at the time of the adoption and/or amendment of this Ordinance.
- (5) Effect of Special Exception - Any use that is permitted as a Special Exception in any Zoning District under the terms of this Ordinance (other than a change through ZHB action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such a Zoning District, but shall without further action be considered a conforming use.

### **Section 6.08 - Change in Use**

Changes in use involving structures or buildings existing at the effective date of this Ordinance or subsequent amendments shall follow the following process:

- (1) A change in use from one or more permitted uses in a Zoning District to one or more different permitted uses in that District shall require a Zoning Permit in accordance with the requirements of the respective Zoning District, reviewed and approved by the Zoning Officer and/or, where applicable, the Zoning Hearing Board or the governing body.
- (2) A change in use from one or more permitted uses in a Zoning District to one or more different permitted uses in that District that does not meet the present requirements of that Zoning District shall require a Variance in accordance with Subsection 6.03 of this Ordinance, with review and action by the Zoning Hearing Board.

- (3) A change in use from one or more allowed by a Special Exception in a Zoning District to one or more different Special Exception uses allowed in that District shall require a Special Exception in accordance with Subsection 6.03 of this Ordinance, with review and action by the Zoning Hearing Board.
- (4) Other changes in use shall conform to the requirements for the Zoning District.

## ARTICLE VII

### AMENDMENTS

The provisions of this Ordinance and the boundaries of the Zoning Districts as set forth on the Official Zoning Map may from time to time be amended or changed by the Township Supervisors, in accordance with the provisions of Section 609 of the Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No.246, as amended.

#### **7.00 Amendments**

- (1) Procedural - Before voting on the enactment of an amendment, the Township Supervisors shall hold at least one (1) public hearing thereon, pursuant to public notice, as defined in this ordinance, in a newspaper of general circulation. In addition, for rezoning excluding that associated with comprehensive rezoning, the following notifications shall occur:
  - a. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Zoning Officer along the perimeter of the tract(s) to be affected.
  - b. The affected tract(s) shall be posted at least seven (7) days prior to the date of the hearing.
  - c. Written notice shall be provided at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for real property located within the area being rezoned, as evidenced by real estate tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing.
- (2) Substantial Change - If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include any land not previously affected by it, the Township Supervisors shall hold another public hearing before proceeding to vote on the amendment.
- (3) County Planning Commission Review - All proposed amendments shall be submitted by the Township Supervisors to the Elk County Planning Commission at least forty-five (45) days prior to the public hearing, for recommendation.
- (4) Submission, County Planning Commission - Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the Elk County Planning Commission.

## **7.01 - Procedure for Landowner Curative Amendments.**

- (1) Background - A land owner who desires to challenge on substantive ground the validity of the Ordinance or map, or any provision thereof, that prohibits or restricts the use or development of land in which he/she has an interest may submit a curative amendment to the Township Supervisors, pursuant to the provisions of Section 609.1 of the Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No.246, as amended.
- (2) Hearing Timing and Notice - The Township Supervisors shall commence a hearing thereon within 60 days of the request, pursuant to public notice, unless the landowner requests or consents to an extension of time. Public notice shall include notice that the validity of the Ordinance or map is in question and the place and time when a copy of the requests, including any plans, explanatory material or proposed amendments may be examined by the public.
- (3) Review by Planning Commissions - The landowner curative amendment shall be referred by the Township Supervisors to the County Planning Commissions for review and recommendation.
- (4) Enabling Regulations for Hearing - The hearing shall be conducted by the Township Supervisors in accordance with Section 908 of the Pennsylvania Municipalities Planning Code and all references therein to the zoning hearing board shall, for the purposes of this section be references to the Township Supervisors: provided, however, that the provisions of Section 908 (1.2) and (9) shall not apply and the provisions of Section 916.1 shall control.
- (5) Severability - In the event the Township Supervisors does not accept the landowner curative amendment and a court of competent jurisdiction subsequently rules that the challenge has merit; the court's decision shall not result in a declaration of invalidity for the entire Ordinance, but only for those provisions that specifically relate to the landowner's curative amendment and challenge.
- (6) Additional Criteria Considered - The Township Supervisors shall consider the curative amendment, plans and explanatory material submitted by 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 excluded by the challenged provisions of the Ordinance or map.

- c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
  - d. The impact of the propose use on the site's soils, slopes, woodlands, wetlands, floodplains, 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.
  - e. The impact of the proposal on the preservation of agricultural and other uses that is essential to public health and welfare.
- (7) Decision-making Timeframe - The Township Supervisors shall render its decision within 45 days after the conclusion of the last hearing. If the Township Supervisors fails to act on the landowner's request within this time period, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

**7.02 - Procedure for Municipal Curative Amendments:** Should the Township Supervisors determine that this Ordinance or any portion thereof is substantially invalid, it shall take the actions outlined in this subsection.

- (1) Background - The Township Supervisors shall declare this Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Township Supervisors shall:
- a. By resolution make specific findings setting forth the invalidity of this Ordinance that may include:
    - 1) References to those specific uses that are either not permitted or not permitted in sufficient quantity.
    - 2) Reference to a class of use or uses that require revision.
    - 3) Reference to the entire Ordinance that requires revision.
  - b. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
- (2) Timeframe - Within one hundred eighty (180) days from the date of the declaration and proposal, the Township Supervisors shall enact a curative amendment to cure the declared invalidity.
- (3) Procedural - Upon initiation of the procedures, as set forth above, the Township Supervisors shall not be required to consider or entertain any landowner's curative amendment, nor shall the Zoning Hearing Board be required to provide the report required in Section 916.1 of Act 246, as amended (The Pennsylvania Municipalities Planning Code). Upon completion of the procedures set forth

above no rights to a cure pursuant to the provisions of this Subsection shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Ordinance.

- (4) Subsequent Use Requirements - A municipal curative amendment may not be utilized for a period of thirty-six (36) months following the date of enactment of a Municipal Curative Amendment, provided however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of an Appellate Court decision, the Township may utilize the provisions of this Subsection to prepare a curative amendment to fulfill said duty or obligation.

**7.03 – Advertising requirements:** The Township Supervisors shall publish notice of enactment of any proposed amendment not more than sixty (60) days nor less than seven (7) days prior to the meeting at which passage will be considered, in a newspaper of general circulation. Such notice shall contain, at a minimum:

- (1) The time and place of the meeting.
- (2) A reference to where copies of the proposed amendment may be examined without charged, or obtained for a charge not greater than the cost thereof.
- (3) A brief summary of the amendment, including the title, prepared by the Township Solicitor. An attested copy of the full text of the amendment shall be filed in the County Law Library and in the Office of the Elk County Planning Commission. The attested copies may be distributed to the public and a fee for such copies may be imposed that is not greater than the actual cost of preparing the copies.
- (4) In the event that substantial amendments are made to the Ordinance, (substantial being defined as amending more than ten percent (10%) of the Ordinance) before voting upon any enactment, the Township Supervisors shall, at least ten (10) days prior to scheduled enactment re-advertise, re-advertisement shall be in one newspaper of general circulation and shall summarize, in reasonable detail all the amendment provisions.

**7.04 – Incorporation:** Amendments shall be incorporated into official Ordinance books by reference with the same force and effect as if duly recorded therein.

## ARTICLE VIII

### MISCELLANEOUS PROVISIONS

#### **8.00 - Reviews and Appeals**

Proceedings for securing review and/or appeal of any Ordinance, decision, determination or order of the Township Supervisors, its agencies or officers adopted pursuant to this Ordinance shall be in strict accordance with the provisions of the Pennsylvania Municipal Planning Code Act of 1967, P.L. 705, No. 246, as amended.

#### **8.01 - Remedies**

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

#### **8.02 - Repeal of Conflicting Ordinances**

All other existing Ordinances or parts of Ordinances of the Township of Ridgway inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect.

#### **8.03 - Effective Date**

This Ordinance shall become effective five (5) days after enactment by the Township Supervisors of the Township of Ridgway, County of Elk.

#### **8.04 - Official Zoning Map**

The Official Zoning Map, for purposes of district identification, shall be the Official Zoning Map adopted as part of this Ordinance and posted in the Offices of the Township and Township Zoning Officer. Any reproductions, reductions or copies of said map shall be for information purposes only. Amendments to the Official Zoning Map shall be made by Ordinance and a new Official Zoning Map prepared within thirty days of said amendment.

**RIDGWAY TOWNSHIP  
USES BY ZONING DISTRICT SUMMARY**

See the actual provisions of the Zoning Ordinance to understand the additional requirements and limitations upon each of these uses within the various zoning districts.

- P= Permitted by Right
- S= Special Exception, requiring zoning approval by the Zoning Hearing Board
- C= Conditional Use, requiring approval by the Board of Supervisors
- R-U= Residential Urban District
- R-A= Residential Agricultural District
- C-H= Commercial Highway District
- I= Industrial District

In all Floodplain areas refer to the current Floodplain Ordinance for additional regulations.

Description	R-U	R-A	C-H	I
Accessory Uses	P	P	P	P
Adult Entertainment			S	
Airport/Heliport		C		
Animal Hospital and or Veterinary Office		S	S	
Animal Shelter		S	S	
Antique Sales		S	P	
Apparel & Accessory Sales		S	P	
Auto Body Shop-Vehicle		S	S	
Auto Wrecking/Junkyards		S		S
Bakery		S	P	
Banks		S	P	
Barn Weddings/Recreation - Commercially		S		
Beauty & Barbera Shops	S	S	P	
Bed & Breakfast	S	S	P	
Boat Sales		S	P	
Bowling Alleys		S	P	
Breezeway	P	P	P	P
Building Material Supply - For Sale		S	P	
Building Material Supply - Manufacturing of		S		S
Campgrounds - Trailer/Tents/RV's/Recreational Camps		S	S	
Camps	S	P		
Carport	P	P	P	P
Car Wash		S	P	
Carpenter Shop		S	S	P
Churches and places of Worship	P	P	P	



<b>Description</b>	<b>R-U</b>	<b>R-A</b>	<b>C-H</b>	<b>I</b>
Clubs - Civic/Cultural/Educational/Fraternal/Lodges	S	S	S	
Commercial Establishments not otherwise specified		S	S	
Community & or Senior Center	S	S	S	
Computer/Cell/Radio/TV Services		S	P	
Concrete Mixing		S	S	S
Convenience Store	S	S	P	
Conversion Apartments	S	S	S	
Dairying		P		
Dance Studio		S	P	
Day Care Facility	S	S	P	
Deck	P	P	P	P
Dog and Animal Kennels - Profit and Non Profit		S	S	
Drinking Establishment		S	S	
Drive-In Restaurant		S	P	
Drug Store		S	P	
Dry Cleaners		S	P	
Dwelling - Single Family	P	P	S	
Dwelling - Two Family Attached	P	P	S	
Dwelling - Multi-Family - meeting the height regs	S	S	S	
Eating Establishments/Restaurant		S	P	
Electric/Telephone transmission/distribution		P	P	
Electric Shop		S	P	
Farm Products for Sale		P	P	
Farmer's Market		P	P	
Farming		P		
Fireworks - Sale of		S	P	
Fitness Center		S	P	
Floor Coverings		S	P	
Food Cart		S	P	
Forest Industry - Sawmills, etc.		S		S
Forestry	P	P	P	P
Funeral Home	S	S	P	
Furniture Store		S	P	
Garage - Public		S	P	
Gardens & Greenhouses/Private	P	P		
Gardens/Greenhouses/Nurseries/Florists - Commercial		S	P	
Golf Course		S		
Golf Course - Miniature		S	P	
Group Home - 4 or fewer persons	P	P		
Group Home - 5 or more persons	S	S		
Halfway House - 4 or fewer persons	P	P		
Halfway House - 5 or more persons	S	S		

<b>Description</b>	<b>R-U</b>	<b>R-A</b>	<b>C-H</b>	<b>I</b>
Heating/HVAC Shop		S	P	P
Home Occupation	S	S	P	
Hospital	S	S		
Hotels/Motels	S	S	P	
Industrial Park		C		C
Industrial Use - Heavy		S		S
Industrial Use - Light		S	P	P
Industrial Use - Not otherwise listed		S		S
Iron/Rag Storage		S		S
Jewelry Sales		S	P	
Junkyard				S
Laundromat		S	P	
Library/Museum		S	P	
Liquor Store		S	P	
Livery & Boarding Stable		S		
Mineral Extraction		S		S
Mobile Home Park	S	S		
Municipal Uses		P	P	
Neighborhood Commercial Businesses not otherwise listed		S	S	
No-Impact Home Business	P	P	P	
Nursing Home	S	S	S	
Oil & Gas Compressor Stations		C	C	C
Oil & Gas Freshwater Liquid Impoundments (accessory use to approved principal use)		P	P	P
Oil & Gas Freshwater Liquid Impoundments (principal use)		C	C	C
Oil & Gas Liquid Storage Tanks (accessory use to approved principal use)		P	P	P
Oil & Gas Metering/Gathering Stations		P	P	P
Oil & Gas Processing Facilities		C	C	C
Oil & Gas Wastewater Liquid Impoundments (accessory use to approved principal use)				P
Oil & Gas Well Sites (meeting setbacks)		P	P	P
Oil & Gas Well Sites (not meeting setbacks)		C	C	C
Organic/Non-Organic Material Storage		S		S
Patio	P	P	P	P
Pavilion	P	P	P	P
Personal Care Home	S	S	S	
Pet Store & Pet Supplies		S	P	
Planned Development	S	S	S	S
Plumbing Shop		S	P	P
Porch	P	P	P	P
Professional Office	S	S	P	

<b>Description</b>	<b>R-U</b>	<b>R-A</b>	<b>C-H</b>	<b>I</b>
Public Parks & Playgrounds	P	P	P	
Public Utility Structure with restriction	S	S	S	S
Public/Private Amusement Uses		S	P	
Race Track		S		
Recycling/Solid Waste Facility		S	S	S
Residential Use	P	P	S	
Riding Academy		S		
School	P	P	S	
Sheet Metal Shop		S	S	P
Shopping Center		S	P	
Short-Term Rental	P	P		
Signs - In accord with Subsection 5.22	P	P	P	P
Sporting Goods		S	P	
Stock Raising		P		
Stock Raising - Large Poultry or Hog Farm		S		
Stone Crushing				S
Stoop	P	P	P	P
Storage - Self Service		S	P	
Supermarket		S	P	
Swimming Pool & Spa Tub - Private	P	P	P	
Swimming Pool & Spa - Commercial		S	P	
Taxidermy Services		S	P	
Theaters/Movie Houses/Amphitheaters		S	S	
Towers/Antennas/Dish TV/ CB - Private	P	P	P	P
Towers/Antennas/TV/CB - Commercial		S	S	S
Vehicle - Auto Body Shop		S	S	
Vehicle Sales		S	P	
Vehicle Service Station		S	P	
Warehousing		S	P	
Welding Shop		S	S	P
Wholesaling		S	S	P

**ENACTMENT**

This Ordinance shall become effective five (5) days after final approval by the governing body, and it shall remain in force until modified, amended or rescinded by the Ridgway Township Board of Supervisors.

This Ordinance consistent with Section 1.02(6) thereof shall produce comprehensive rezoning in the Township of Ridgway by repealing in its entirety prior Zoning Ordinance No. 43, replacing that Ordinance with the present revised Ordinance, restating and affirming all relevant contents prior to Township Ordinance No. 111 (relating to provisions for exploration and extraction of oil and gas), and otherwise addressing those matters generally identified at Section 1.02(6) hereof.

Enacted at duly advertised public meeting held pursuant to public notice this 31 day of January 2019.

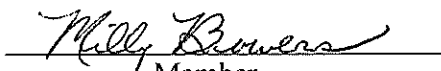
Township of Ridgway

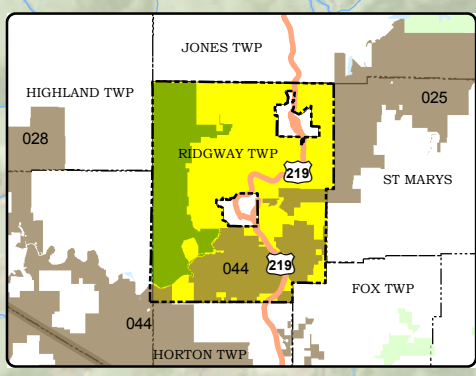
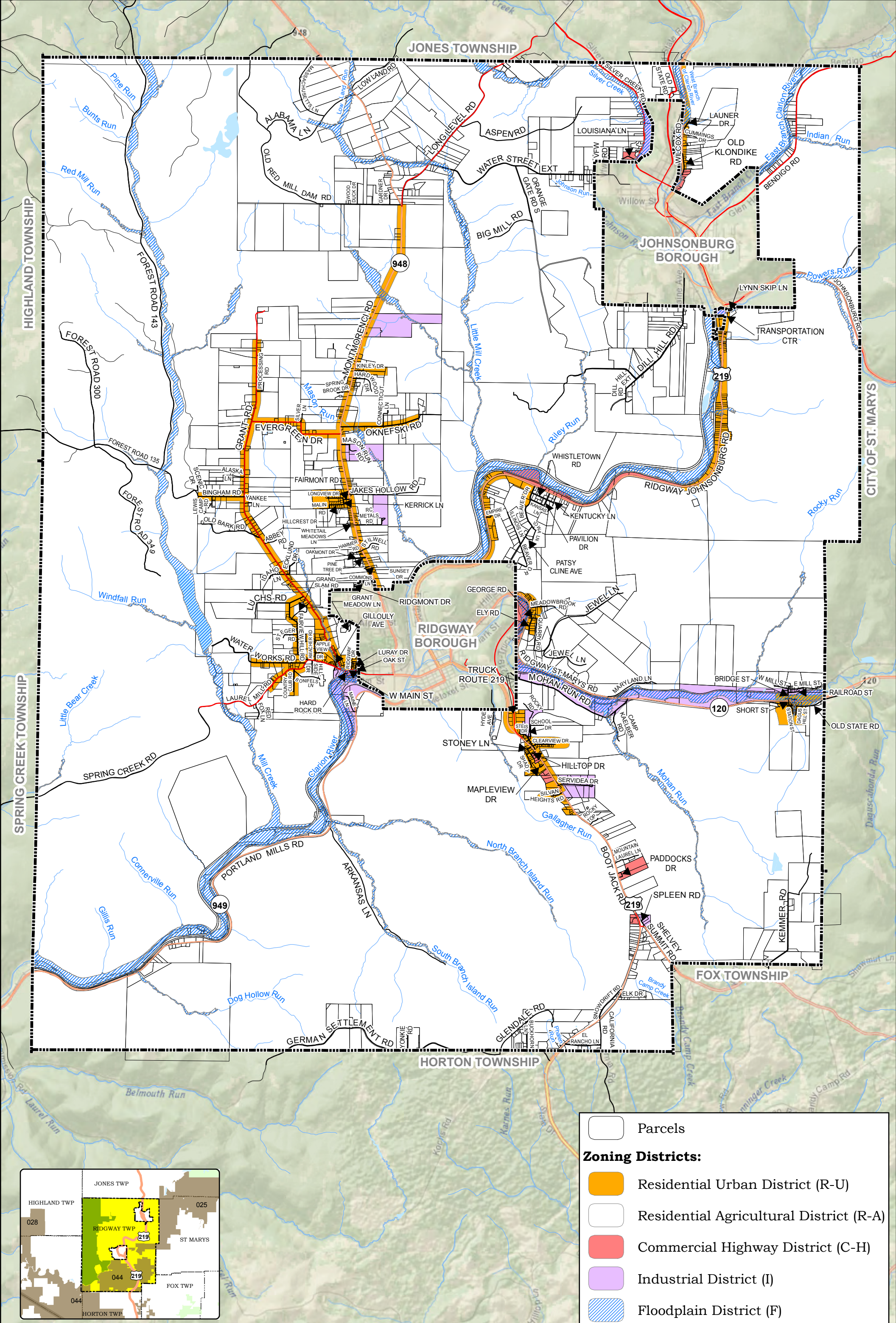
By:   
Chairperson

ATTEST:

  
Secretary

Abstain  
Vice Chairperson, MICHAEL B BEAVER

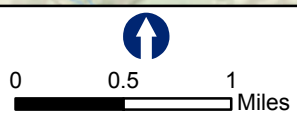
  
Member



**Parcels**

**Zoning Districts:**

- Residential Urban District (R-U)
- Residential Agricultural District (R-A)
- Commercial Highway District (C-H)
- Industrial District (I)
- Floodplain District (F)



# RIDGWAY TOWNSHIP ZONING MAP