

PLAIN GROVE TOWNSHIP ZONING ORDINANCE

Enacted September 11, 2023

PLAIN GROVE TOWNSHIP
LAWRENCE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-01

AN ORDINANCE TO ADOPT THE PLAIN GROVE TOWNSHIP ZONING ORDINANCE OF 2023 AND THE PLAIN GROVE TOWNSHIP ZONING MAP OF 2023.

WHEREAS, Plain Grove Township has authority under Article VI of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, as reenacted and amended by Act 170 of December 21, 1988, P.L. 1329, and as thereafter amended, 53 P.S. § 10601 *et al.*, to enact an ordinance to regulate land use within Plain Grove Township; and

WHEREAS, the Plain Grove Township Board of Supervisors has determined that the best interests of Plain Grove Township and its residents will be served by adopting the Plain Grove Township Zoning Ordinance of 2023 and the Plain Grove Zoning Map of 2023;

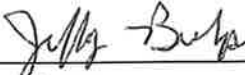
WHEREAS, the proposed zoning ordinance has been reviewed by the Board of Supervisors of Plain Grove Township, the Planning Commissions of Plain Grove Township and Lawrence County, and public hearings have been held for public comment.

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

1. *Adoption of Zoning Ordinance.* The Zoning Ordinance attached hereto, which is incorporated herein by reference, is hereby adopted and enacted as the Plain Grove Township Zoning Ordinance of 2023.
2. *Adoption of Zoning Map.* The Zoning Map attached hereto, which is incorporated herein by reference, is hereby adopted and enacted as the Plain Grove Township Zoning Map of 2023.
3. *Severability.* Should any section, part of provision of this Ordinance or the Zoning Ordinance hereby adopted be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts of the Zoning Ordinance shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment thereof.
4. *Repealer.* All ordinances and parts of ordinances inconsistent with the Ordinance hereby adopted shall be and are hereby repealed.
5. *Effective Date.* This Ordinance and the Plain Grove Township Zoning Ordinance hereby adopted shall be in effect five (5) days after enactment.

ORDAINED AND ENACTED by the Board of Supervisors of Plain Grove Township, Lawrence County, Pennsylvania, this 11th day of September, 2023.

PLAIN GROVE TOWNSHIP BOARD OF SUPERVISORS

By: 
Chairman

By: 
Supervisor

By: 
Supervisor

ATTEST:


Secretary



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ARTICLE I: PROVISIONS

Section 101: Short Title

101.1. This Ordinance and attached map shall be known as and may be cited as "The Plain Grove Township Comprehensive Zoning Ordinance of 2023 ".

Section 102: Purposes of the Ordinance

102.1. This Ordinance regulates the location and use of Buildings, Structures and land for residence, agriculture, commerce, industry, and institutions; controls the minimum size of Properties, and the height and placement of Buildings and other Structures; divides the Township into Zoning Districts of such size, shape, area and interrelationship as may be deemed best suited to serve the public interest; and establishes procedure for its administration, enforcement and Amendment.

102.2. The regulations and restrictions of this Ordinance are deemed necessary in order to:

1. Promote the public health, safety, morals, and general welfare;
2. Encourage orderly, coordinated, and compatible development and growth;
3. Conserve and stabilize Property values through the most appropriate uses of land in relation to one another;
4. Preserve forests, agricultural lands, Floodplains, Wetlands, and recreational areas;
5. Facilitate the economic provision of public utilities and facilities; and
6. Prevent overcrowding and Blighted Conditions, and congestion or dangerous conditions on roads.

Section 103: Community Development Objectives

103.1. In addition to the general purposes behind the adoption of this Ordinance as noted in Section 102, the following specific goals identified in the Plain Grove Township Comprehensive Plan of 2022 relative to community character, constraints on growth,

and a balanced development of the various Land Use classifications have been considered in designing the contents of this Ordinance:

1. Conserve and efficiently use natural resources. Direct Land Use development and redevelopment toward compatibility with the natural environment.
2. Provide a complete infrastructure system by planning for improvements and working with appropriate partners.
3. Provide services to meet the needs of current and future residents and develop outreach methods to inform the public about what is happening in the Township.
4. Continue to develop the reputation of the Township as an ideal environment in which to live, work and raise a Family.
5. Maintain a development pattern that will conserve natural amenities to sustain the existing character and rural/agricultural nature of the Township.

Section 104: Interpretation

- 104.1. In the event of conflicts between the provisions of this ordinance and any other ordinance or regulation, the more-restrictive provisions shall apply.
- 104.2. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.
- 104.3. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of 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.

Section 105: Applicability

- 105.1. The provisions, regulations, limitations, and restrictions of this Ordinance shall apply to all Structures, Buildings, uses, Signs and land and their accessory Structures, Buildings, uses and Signs. Nothing in this Ordinance shall require any change in plans or construction of a lawful use, the construction of which is lawfully started before the

effective date of this Ordinance, and which is completed within one year after the effective date of this Ordinance.

Section 106: Violations of Other Regulations

106.1. No use shall be permitted in any district which directly violates any Township ordinance. If the Zoning Officer has reason to believe that a use would violate a federal, state, Township regulation, the Zoning Officer may delay the issuance or suspend the issuance of a permit under this ordinance until the applicant proves compliance with such regulation.

Section 107: Severability

107.1. If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

107.2. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any Lot, Building, or other Structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decisions shall be limited to the person, Property, or situation immediately involved in the controversy, and the application of any such provision to other persons, Property or situations shall not be affected.

Section 108: Municipal Liability

108.1. The grant of a Building Permit in any Zoning District shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee of the Township of the practicality or safety of the use, Building or Structure covered by the permit, and shall create no liability upon the Township, its officials or employees.

ARTICLE II: DEFINITIONS

Section 201: General Rules

201.1. Words used in the present tense include the future tense; the particular controls the general; the singular includes the plural and the plural the singular; the words "person" or "Developer" include a firm, association, partnership, trust, company, or corporation as well as an individual; the masculine includes the feminine; the word "shall" is mandatory and the word "may" permissive; the words "used" or "occupied" include the words "intended, arranged, maintained or designed to be used or occupied;" and words used in this Ordinance and not otherwise defined in this Article shall have the same meaning as in a standard dictionary.

Section 202: Specific Definitions of Terms Used in This Ordinance

202.1. The following are terms defined for this Ordinance:

Abutting: touching along a common boundary line.

Accessory Use: a use of land or of a Building or portion thereof customarily incidental and subordinate to the principal use of the land or Building and located on the same Lot with the principal use.

Acre: 43,560 square feet

Adult Entertainment: The definition for this term and for all uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statutes are hereby included by reference, including but not limited to, the definitions for "Adult Theater," "Adult News Rack," "Adult Motion Picture Theater," "Adult Motion Picture Arcade," "Adult Mini Motion Picture Theater," "Adult Model Studio" and "Adult Establishment," "Adult Bookstore," and "Adult Cabaret."

Agricultural Business: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock,

livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Agritourism: Activities conducted on and accessory to a working farm and offered to the public or invited groups for the purpose of recreation, education, or active involvement in the farm operation. These activities must be directly related to agricultural or natural resources and incidental to the primary operation of the farm.

Amendment: Any addition, deletion or revision of the ordinance text or map officially adopted by the Board of Supervisors after Public Hearings.

Antenna: A system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any Structure.

Automobile and Truck Sales and Service: Any Building or land area devoted to the sales, repair, servicing, restoration, reconstruction and maintenance of vehicles, including the retail sale of motor oil, batteries and other similar vehicular accessories.

Automobile Service Station: An establishment servicing motor vehicles with fuel, supplies, accessories and minor repairs, but not including the storage, sale or major repair of motor vehicles such as, but not limited to, motor replacement, body and fender repair or spray painting.

Bed and Breakfast: A Single Family Detached Dwelling the owner of which accepts a limited number of overnight paying guests occupying existing Bedrooms in the Dwelling, and serves only breakfast to the guests.

Bedroom: Any room containing at least eighty (80) square feet of Floor Area and one (1) or more operable windows, used permanently or occasionally for sleeping purposes.

Blighted conditions: A combination of physical and environmental conditions that creates deterioration of a Property and discourages maintenance.

Board of Supervisors: The duly elected governing body of Plain Grove Township with final approval powers relative to this Ordinance.

Boarding House: A Single Family Detached Dwelling the owner of which accepts a limited number of permanent live-in persons not related to the Family occupying the Dwelling, such persons paying for their rooms, as well as meals if they are provided.

Building: A man-made Structure attached to or into the ground enclosing or covering a volume of space, and intended to shelter or contain people, animals, businesses and activities associated with any of them.

Building Permit: A document attesting that a proposal for development has been reviewed and approved in accordance with the requirements of this Ordinance and allowing the construction to commence.

Buffer Area: Areas so planned and/or zoned which act as a buffering or separation area between two (2) or more uses or Structures not compatible, due to design, function, use or operation.

Campground: The use of land and structures by campers for seasonal, recreational and temporary living purposes in cabins, tents or outdoor recreational vehicles. Does not include mobile home park or Recreational Vehicle Park.

Cemetery: A burial ground or graveyard.

Challenge, Procedural: An appeal brought against an ordinance or amendment, because the elected officials or an agency of the municipality failed to follow proper prescribed procedures in connection with the adoption of the ordinance or Amendment, including but not limited to required advertising, time limitations, notification or Public Hearings.

Challenge, Substantive: An appeal brought against an ordinance or amendment on the grounds that such ordinance or Amendment unfairly places a heavy burden on one or more private Property interests without compensation or sufficient protection or advance of the public health and safety.

Church/Religious Institution: A use located in a permanent building, providing regular organized religious worship and religious education incidental thereto, but except as permitted accessory uses, excluding private primary or secondary educational facilities, community recreational facilities, and day care facilities. A property tax exemption obtained pursuant to state law shall constitute prima facie evidence of religious assembly use.

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

Community Development Objectives: A statement attaching the Zoning Ordinance to the municipal Comprehensive Plan with reference to land use, density of population, and location and function of streets, utilities, and community facilities.

Comprehensive Plan: A document based on an analysis of past trends and current conditions in a municipality, projecting growth and change in population, economic conditions and Land Use, and recommending measures to improve Streets, utilities and community facilities, and allocate land to cope with such growth and change.

Conditional Use: A use that may be permitted on a particular lot at the discretion of the Board of Supervisors after receiving recommendations from the Planning Commission and after Public Hearing. Conditional Uses are listed for each Zoning District in this Ordinance. The Board's judgment is based on the lot's location and the potential impact of the use on surrounding development both existing and projected.

Constitutionality: The ability of a regulation affecting development to fairly balance the public health and safety and the rights and opportunities of private Property owners under the First and Fourteenth Articles of the Constitution.

Curative Amendment: An Amendment proposed by a property owner challenging the validity of zoning regulations as they apply to property in which he/she has an interest and requiring municipal action on his/her petition or a Municipal Curative Amendment, in which the Board of Supervisors declares a moratorium on specific parts of the Zoning Ordinance in order to cure alleged defects.

Day Care Center: A facility for the care of children or adults operated by a qualified individual or staff.

District Regulations: The group of standards, including Lot Size, Building Setback and coverage, and Land Use limitations that govern development in a particular Zoning District.

Density: The measure of the maximum permissible number of Dwelling Units per Acre of land area, or the minimum number of square feet of Lot area allowed for each Dwelling Unit.

Developer: An individual landowner, agent of such landowner, or tenant with the landowner's permission, who or which causes development to occur upon a Lot and who is responsible for compliance of such development with the terms of this Ordinance and other municipal regulations.

Development Plan: The written and graphic provisions describing a proposed development in sufficient detail so that its compliance with the requirements of this Ordinance may be conclusively judged.

Domestic Animal: Birds, cats, dogs, hamsters, and similar creatures normally kept within a Dwelling or residential Yard area. The definition may be expanded to include farm animals if kept on Lots of at least one (1) Acre as a hobby or food source for the resident Family and not for sale.

Drive Through: Any portion of a Building or Structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

Duplex: A Building containing two (2) Dwelling Units, attached side by side, or one above the other.

Dwelling: A group of connected rooms in a Building for the exclusive residential use of one (1) Family, containing its own private cooking, food storage, bathing and toilet facilities, and connected either directly or by a common hall and/or stairs to the outside.

Dwelling Unit: One of a group of Dwellings in a Building or group of Buildings.

Erosion: The removal of soil particles by action of wind, rain, freezing and thawing, and the movement of such particles downhill to be deposited on lower ground or in streams.

Essential Services: Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, Street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a Dwelling Unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally Structured relationship providing organization and stability.

Family Child Care - Home: A residential use, in which an individual or organization provides daytime care for six or fewer children not related by blood or marriage to, or not the legal wards or foster children of, the attendant adult.

Farm: A tract or parcel of land devoted primarily to agricultural uses for which the owner is required to complete a Schedule F Form for income purposes. The farm may contain a dwelling and/or other accessory uses.

Farm Building: Any Building or Structure that is used in connection with the operation of a farm.

Feed Lot: A Fenced-in land area upon which animals or fowl are raised in controlled conditions for sale to processing plants and Slaughterhouses, or the barn Yard of a farm operation, in any case operated with attention to surface run-off and manure management.

Fence: A structure designed for the purpose of enclosing space or separating parcels of land.

Finished Grade: The contour of the land at the conclusion of a development project.

Flood Hazard Area: An area of land in the vicinity of a stream or drainage way that will be submerged by a flood that can be predicted to occur once every one hundred (100) years, or that will be partially submerged by any lesser flood.

Flood Hazard Area Maps: Maps prepared by the Federal Emergency Management Agency (FEMA) depicting the extent of the one hundred (100) year flood and other information relative to flood levels and hazards in the Township.

Floodplain: The area of land shown on the FEMA Flood Hazard Area Maps that will be submerged by the one hundred (100) year flood.

Floor Area: The total Floor Area of a unit, such as a Dwelling, measured between the inside faces of walls describing the outer edges of the unit, and including interior partitions, interior hallways and utility areas.

Food or Grain Processing or Packaging: The transformation of agricultural products into food, or of one form of food into other forms. Food processing includes many forms of processing foods, from grinding grain to make raw flour to home cooking to complex industrial methods used to make convenience foods.

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.

Frontage of a Lot: The distance across the front of a Lot between side Lot Lines where they intersect the Street Right-of-Way line.

Front Lot Line: The line describing the edge of the Lot Abutting the Street to which the Lot has access and is oriented for purposes of development, except that where a Property extends to the center of a Street, the Front Lot Line shall be considered as being a minimum of sixteen and a half (16 1/2) feet inside the Property and parallel to the Street.

Front wall of a Building: The wall facing the Street to which the Lot containing the Building has its principal access.

Front Yard: The area of a Lot between the Front Lot Line and the front Setback Line and extending to the side Lot Lines.

General Retail Sales and Service: Retail sales of popular, everyday disposable products with limited choices, and available over a much wider time frame than usual retail sales outlets.

Grading: The rearrangement of the earth's surface to accommodate development and drainage patterns, including cutting into the surface and filling over the original surface.

Ground Water: Water that occurs naturally in rock formations below the ground surface and is regenerated by seepage through the ground as the result of precipitation.

Group Home or Transitional Dwelling (6 or fewer persons): A home-based facility providing 24-hour care in a protected living arrangement for not more than 6 residents. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for seniors and maternity homes. Requires licensing by the State of Pennsylvania. Does not include post-incarceration facilities or facilities for those who are a danger to themselves or others.

Hedge, Dense Evergreen: A linear arrangement of conifer plants so that they grow together to present, when viewed in elevation, a surface at least fifty (50) percent opaque from ground level to the top of the Hedge.

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

Home Occupation: A service type small business conducted within a single family detached dwelling by the residents, involving no exterior manifestation of the business or expansion of the dwelling to accommodate it, and not creating nuisance or congestion conditions in the neighborhood where it is located.

Kennel: Any place in which dogs, cats, or other animals over six (6) months of age are housed, bred, boarded or sold. This term shall not include the routine keeping of animals within a veterinary office/clinic while undergoing recuperation or a permitted retail pet store.

Landscape: The improvement and enhancement of an area of land with any combination and placement of plant material (trees, shrubs, vines, groundcover, turf, or flowers), natural elements (berms, rocks, stones, boulders, or water) and or structural features (not limited to walkways, walls, Fences, pools, fountains, outdoor artwork, or benches).

Land use: The principal activity or activities for which a lot of property and the buildings or structures on it are devoted.

Light Fabricating and Assembly: The assembly of parts or components to create a finished product, but not involving any heavy lifting, punching, or shaping equipment, or any molten materials, or procedures that create glare, odors, noise, vibration or smoke discernible off the Property containing the operation.

Lot: An area of contiguous land surface which abuts a Street, whose ownership and legal description are of record in the office of the Lawrence County Recorder of Deeds, and which is intended to contain one principal use. A Lot implies one of a number of similarly sized Properties in a plan, but may include any Property, tract or parcel of land regardless of size or configuration for the purposes of this Ordinance.

Lot Size or Area: The area of the total surface of a Lot expressed in Acres or square feet, based on deed description or registered surveyor's survey. One Acre equals 43,560 square feet.

Lot Line: Any of the lines describing the perimeter of a Lot.

Lot of Record: A Lot or Property duly recorded in the office of the Lawrence County Recorder of Deeds.

Lot Width: The distance across a Lot measured along the front set-back line between the side Lot Lines.

Machine Shop: A business whose principal product is the manufacture, repair or servicing of metal parts or components using powered machinery.

Major Road: For purposes of this Ordinance, the Major Roads are PA Route 108 and Plain Grove Road.

Maneuvering Aisle: The area within a Parking Lot that allows vehicles to enter and leave the individual parking spaces that abut the aisle.

Manufactured Housing Community: A site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured housing and that may include services and facilities for residents.

Medical Clinic: An establishment providing therapeutic, preventative, corrective, healing and health Building treatment services on an outpatient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and hospitals and outpatient medical laboratories.

Mineral Extraction: The removal of sand, gravel, Building stone or coal from either surface or underground mines in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.

Mobile Home: A transportable, single-Family Dwelling intended for permanent occupancy, contained in one unit, or in two or more units designated 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.

Motel/Hotel: Establishments offering lodging to transient patrons. These establishments may provide additional accessory services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming houses, Boarding Houses, or private residential clubs. The lengths of stays for the majority of guests at these facilities are for 30 days or less.

Multi-Family Dwelling: Housing arranged so that three (3) or more dwelling units share the same Building or are attached along common walls.

Municipal or Other Public Facility: Any building held, used or controlled exclusively for public purposes by any department or branch of government, state, county or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

Newspaper of General Local Circulation: The newspaper that is circulated to the largest number of subscribers in the Township.

Non-Conforming Lot: A lot whose area and/or width is less than the minimums established for the Zoning District in which the lot is located.

Non-Conforming Structure: A Building or Structure whose height, and/or placement on its Lot relative to Setback from Lot Lines, is in Violation of the maximum height limits and/or the minimum Setback distances for the Zoning District in which the Lot is located.

Non-Conforming Use: A use, whether of lands or Buildings or both, which is not a Principal Permitted Use in the Zoning District containing the Lot on which the use is located, but a use which is otherwise legal. Non-conformity may be created by adoption of the ordinance initially or by subsequent Amendment of the text or Zoning Map but in no other way.

Nursing or Retirement Home: A health establishment that provides nursing care under the direction of a Pennsylvania licensed physician to patients who, for reasons of illness or physical infirmities, are unable to care for themselves properly.

Occupancy permit: A certificate issued by the Building Code Officer attesting to the fact that the proposed use or reuse of premises is in accordance with the requirements of this Ordinance or with a legal previously issued Building Permit and may be legally occupied (see section 903).

Off-Street Parking Lot: Area set aside on a Lot for parking of at least five (5) vehicles entirely outside of a Street Right-of-Way.

Off-Street Parking Space: An area within a Parking Lot Abutting an access lane and of such dimensions, as specified by this Ordinance, to accommodate one (1) vehicle.

Oil and Gas Development: The well site preparation, well site construction, drilling, hydraulic fracturing and/or site restoration associated with an oil and/or gas well of any depth; water and other fluid storage, Impoundment located on the same parcel as a well site; and the installment and use of all associated equipment, including but not limited to tanks, meters and other equipment and Structures, whether permanent or temporary. This also includes the site preparation, construction, installation, maintenance and repair of other equipment and activities associated with the exploration for and production of oil and gas. This does not include oil and gas pipelines, compressor stations and/or natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities that are only authorized consistent with the Township Zoning Ordinance as a Conditional Use.

On-Lot Sewage Disposal System: An underground system that collects sanitary sewage and distributes it to a perforated tile field where it is absorbed into the ground below the Lot on which the system is located.

Parking Lot: A Lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges in money or other consideration.

Paved Surface: A surface, not part of a Building, that does not allow the passage of water through it.

Pennsylvania Municipalities Planning Code: Legislation adopted by the State in 1968 and amended on several occasions since, most recently by Act 170 of 1988, and further amended by Act 209 of 1990 and Act 131 of 1992, which provides a uniform procedure enabling municipalities to implement regulations, such as this Ordinance, to control the development and use of land.

Permitted use, Principal: A use allowed by right under the terms of this Ordinance to occur on a Lot because of the Lot's location in a particular Zoning District. Principal Permitted Uses are listed for each Zoning District and imply that all other activity on the Lot is, or will be, secondary to the principal use. Such uses may be approved directly by the Zoning Officer without reference to other review bodies.

Petition: A written request to the Board of Supervisors presented by Property owners of the Township asking for consideration of a change in a municipal regulation.

Planning Commission: The body duly appointed by the Board of Supervisors from residents of Plain Grove Township with specific duties in connection with this Ordinance.

Posting: The placement of a notice upon a signboard or upon a Building or Structure on a Property calling public attention to proposed changes in the zoning status of the Property, or to a request for a Variance, and indicating the date, time and place of the hearing at which the matter will be heard.

Principal Structure: The Building or Structure containing the Principal Permitted Use on the Lot, such use possibly occurring in more than one (1) Building or Structure.

Private Membership Facility: Land and improvements owned and operated by an organization made up of members which elect a board or directors, formed for the purpose of providing certain recreational opportunities for the benefit of the members and their guests, and not intended as a profit-making venture, to be open to the public or receive public support, or to be construed to include a Recreational Vehicle Campground or any permanent or temporary overnight accommodations except for the residence of a manager or caretaker.

Property: For purposes of this Ordinance, land whose boundary is clearly described and closes on itself, is in one ownership, and may include Structures and Buildings thereon.

Property Line: A line forming the front, rear or sides of lots or parcels of property as described in the recorded title.

Public and Private Schools: A publicly or privately funded facility that provides a curriculum of elementary and secondary academic instruction, including kindergarten, elementary school, junior high school and high school.

Public Hearing: An official meeting, advertised pursuant to Public Notice, called by the Board of Supervisors, Planning Commission, or Zoning Hearing Board, for the purpose of taking testimony on the matter being heard, as a basis for the calling body to make a later recommendation or decision.

Public Notice: An announcement published in the Newspaper of General Local Circulation, such announcement appearing once each week for two (2) consecutive weeks the first time not more than thirty (30) or less than seven (7) days before the hearing, stating the date, time, and place of the hearing and a description of the matter to be heard; also the Posting of a notice upon an affected Property with the same information.

Public Street: A Right-of-Way intended to be used for travel by the public, improved for such purpose and accepted by Plain Grove Township for continuing maintenance.

Public Utility: A system providing distribution of water, gas, electric, telephone, or cable TV services, or the collection and disposal of wastewater, such system operating as a municipal authority or under the rules and regulations of the State Public Utility Commission.

Public Utility Facility: Any Building housing equipment that intervenes in, or enhances the flow over a Public Utility line, but not including the actual transmission pipes or lines, or their supports.

Public Utility Right-of-Way: The cross-country leased strip of land within which a Public Utility transmission line is located, provided such utility line has neither origin nor destination in the Township.

Rear Lot: A Lot with no Frontage on a Street except for driveway access, but with area and width in accordance with the requirements of this Ordinance (see section 501.4).

Rear Yard: The area of a Lot between the Rear Lot Line and rear Building line and extending to the side Lot Lines. The Rear Yard line is the Lot Line connecting the ends of the two (2) side Lot Lines furthest from the Street to which the Lot has access.

Recreation Facility: An enterprise available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

Recreational Vehicle Park: A facility as defined and regulated through the Lawrence County, PA Subdivision and Land Development Ordinance.

Residential Garage and Parking Area: An accessory Building on a residential Lot attached to or detached from the Dwelling, or a room within the Dwelling, intended for the storage and maintenance of vehicles and equipment owned and operated by the residents of the Dwelling and not for repair of vehicles for profit.

Restaurant, Sit Down or Take Out: A Structure in which the principal use is the preparation and sale of food and beverages, where food sales constitute more than 80% of the gross sales receipts for food and beverages. Primary food service is via tableside ordering and/or consumption. Take-out service is permitted, but drive-through service is not permitted.

Right-of-Way: A strip of land dedicated to and/or improved for vehicular and/or pedestrian travel by the public.

Schedule of Fees: The list of charges adopted by resolution of the Board of Supervisors, and not a part of this Ordinance, to cover the costs of administering the review, decision and/or appeal processes required for this ordinance, paid in advance, and subject to periodic revision by the Board.

Screen: A planted or built buffer intended to protect residential Properties from Abutting commercial or other activity that would deteriorate the enjoyment or value of the residential Property.

Screening: A method of visually obscuring nearby Structures or Land Uses (i.e. parking, vehicle use areas, outdoor storage) from another Land Use by using one or a combination of fencing, walls, dense vegetation, and berming.

Setback: The minimum distance a Building or Structure must be removed from an adjacent Lot Line, as required by the Ordinance in the various Zoning Districts. Distance between Lot Line and Building shall be measured along a line at right angles to the Lot Line.

Setback Line: An imaginary line within a Lot describing the limits within which Building construction can occur, or any part of such line, as established by the front, side, and Rear Yard Depths for each Zoning District.

Sewage Enforcement Officer: An individual certified by the Commonwealth of Pennsylvania and retained by the Township to evaluate the ability of a lot proposed for development, but lacking public sewer connections, to absorb sewage effluent, and to decide on the appropriate type of disposal system, under the circumstances, to serve the lot.

Shed: An accessory building to a residential structure that is used to store equipment, furniture or other materials.

Side Yard: The area of a lot between the side lot Line and side building line, extending from the front yard to the rear yard, and comprising two (2) such areas on a lot. The side lot lines on each side of a lot connect the front and rear lot lines.

Signs: Any panel or any construction of interrelated parts projecting a message by words, symbols and/or pictures designed to be viewed by the public.

- Sign Area: The length times width of the panel or all the area enclosed by connecting the outer extremities of the sign's interrelated parts, except the structural members supporting the sign.
- Free-Standing Sign: Entirely supported by its own structure attached to the ground.
- Wall-Mounted Sign: Attached to and supported by a building wall and projecting no more than one (1) foot there from.
- Temporary Sign: Allowed to be in place for a limited time period.
- Billboard: Advertising products or services not available on the property where the Billboard is located.

Sight distance: The minimum distance the driver of a vehicle can see unencumbered by intervening Buildings, Structures, land forms or vegetation, to safely negotiate an intersection of Streets or a curve in the road, measured between three and a half (3 1/2) feet and eight (8) feet above the road surface.

Single Family Detached Dwelling: A Family Dwelling Unit surrounded on all sides and above by open space on its Lot, sharing the Lot with no other Dwellings and designed to be occupied by one Family only.

Site Development: The improvement of a Lot in accordance with an approved Site Plan, including construction of Buildings, Structures and Paved Surfaces, and the rearrangement of the land surface.

Site Disturbance: Any activity that changes the natural condition of the surface of a Property, including removal of trees or top-soil, Grading, Site Development, or mining of subsurface resources.

Site Plan: The proposed layout of a Lot showing on a scaled drawing all elements of the Site Development as well as utility and drainage lines, site Grading and existing Buildings and Structures to remain.

Slaughterhouse: A commercial venture established to receive and process live animals into meat and by-products for sale within applicable State and Federal regulations, but not including the occasional slaughtering carried on within a farm for the personal use of the farm Family.

Soil Survey: The "Soil Survey of Beaver and Lawrence Counties, Pennsylvania," prepared by the United States Department of Agriculture, Soil Conservation Service.

Street: An improved vehicular passage within a Right-of-Way which affords the primary means of access to Abutting Lots.

Structure: Any man-made construction in, on, or over the ground and attached thereto. The term Structure includes Buildings.

Structural Alterations: Revisions to a Building or Structure that change the dimensions of the exterior envelope or that change the interior components that support the Building or Structure.

Truck Servicing Area: A commercial facility which provides refueling, rest area, day or overnight truck parking, food, truck maintenance services and other services for the commercial freight and truck industry and associated drivers.

Variance: A grant by the Zoning Hearing Board permitting an owner to use a lot not wholly in accordance with the provisions of this Ordinance because the Board finds that strict conformance would be an unusual hardship not created by the owner but depriving him/her of reasonable use of the lot. Such a grant specifies a minimum deviation or deviations from the regulations intended to cure the hardship but not create detrimental conditions affecting abutting property owners or the public at large.

Veterinarian Clinic: Any premises where animals are brought for temporary care on site, where they may be groomed, trained, exercised, socialized or provided with veterinary medical care, dentistry or surgery but are not bred, sold or let for hire. Does not include animal boarding (see Kennel). Accessory uses may include the confinement of animals for medical reasons, grooming or destruction.

Violation: A deliberate deviation from the requirements of this Ordinance, when not approved by the grant of a Variance or not corrected after an order by the Zoning Officer.

Wetlands: Land areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support vegetation adapted to saturated soil conditions, including swamps, bogs and marshes.

Yard: The front, side or rear area of a lot between the lot line and the setback line, the depth of which is specified for each type of yard within each Zoning District by this Ordinance. Development within yard areas is restricted.

Yard Depth: The distance between the lot line and the adjacent parallel setback line on a lot, such distance varying for front, side, and rear yards and from one Zoning District to another.

Zoning Classification: The controls imposed by this Ordinance that define the uses of land and Buildings and the intensity of such uses that may occur within a Zoning District, such controls to be applied uniformly throughout the district.

Zoning District: A contiguous area of land on all parts of which the same uniform opportunities for development apply.

Zoning District Boundary: The perimeter line completely enclosing a Zoning District.

Zoning Hearing Board: A body appointed by the Board of Supervisors to examine and decide appeals for Variances or from decisions of the Zoning Officer, to hear testimony regarding the validity of municipal regulations upon development, and to decide other issues as specified in this Ordinance.

Zoning Map: The official plan of Zoning Districts in Plain Grove Township, a part of this Ordinance, showing precisely the boundaries and title of each district (sec section 30 I).

Zoning Officer: A person retained by and responsible to the Board of Supervisors to enforce the regulations of this Ordinance, with power to issue Zoning Permits or Zoning Certificates, to halt illegal construction, and to interpret literally the meaning of the various sections of this Ordinance, subject to appeal before the Zoning Hearing Board.

Zoning Ordinance: A body of legislation adopted by a municipality establishing districts throughout the municipality within each of which uniform Land Use regulations apply.

ARTICLE III: DISTRICT REGULATIONS

Section 301: Zoning Map

301.1. The Official Zoning Map is an integral part of the Ordinance. The Official Zoning Map shall be located in the office of the Township Secretary and on the Township's website, and shall be kept current as zone district boundaries are amended. No changes of any kind shall be made to the map except after Amendments adopted by the Board of Supervisors. The Zoning Officer shall be the authority as to the location of district boundaries that are contested. Appeal from his decision shall be to the Zoning Hearing Board. Boundaries that appear to follow Streets, streams or Lot Lines shall be construed to follow the centerlines of such Streets, streams or Lot Lines, or be a specific distance there from and parallel thereto as noted on the map.

Section 302: Application of District Regulations

302.1. The regulations within each zone district shall apply uniformly to every proposed development therein. No Building, Structure or land area shall, after adoption of this Ordinance, be erected, used or altered unless to conform with the regulations in the zone district containing the Property to be developed, or unless a Variance has been granted by the Zoning Hearing Board allowing specific modification of the regulations. No Yard or Lot area or Off-Street Parking Space required by one Building, Structure or Land Use shall be credited to another Building, Structure or use. No Yard or Lot shall be reduced in size or dimension so as to be less than the minimums prescribed for the zone district; nor shall Off-Street Parking Spaces be reduced in number to below the minimum required for the Land Use.

Section 303: Establishment of Zoning Districts

303.1. The Township is hereby divided into four (4) Zoning Classifications as shown on the Zoning Map. The regulations that apply in each classification are contained in this section. The four classifications are Agricultural, Conservation, Residential, and Business/Industrial.

303.2. Purpose of each Zoning District:

1. Agricultural District: The Agricultural District includes the prime farmlands as identified by the Soil Conservation Service Lawrence County Soil Survey as well as

other lands in agricultural use including pastures, croplands and woodlands. The intent of the district is to encourage the stability and continuity of the agricultural community while allowing investment in activities that support that community but do not impair the basic open Land Use and appearance of the area.

2. Conservation District: The Conservation District includes State Game Lands; privately owned conservation areas; large, identified Wetlands; and extensive areas of land subject to periodic flooding. The intent of the district is to encourage protection of these natural areas from the inroads of development by limiting activity permitted in them only to uses that will protect or enhance the qualities of these areas.
3. Residential District: The Residential District includes land on which a pattern of housing has begun to develop and where agricultural use has declined or is fragmented. The intent of the district is to provide the optimum locations in the Township for new residential growth to occur. Such locations include adequate soil absorption and Ground Water resources as well as easy access to important highways so as to support low-Density residential development and affordable housing for Township residents.
4. Business/Industrial District: The Business/Industrial District includes areas with exceptional road access where a variety of businesses and light manufacturing operations may locate when such activity will not interfere with agricultural production or create environmental problems.

303.3. Permitted, Conditional and Accessory Uses for each District:

1. Within each district, lands; Buildings; and Structures shall be used, and Buildings and Structures shall be erected, altered or enlarged only for any of the uses permitted by right in the particular district in which they are located. However, the Board of Supervisors may approve any of the Conditional Uses listed for each district for a specific site in accordance with the requirements of this Ordinance (Article VII Section 706).
2. Table 1 below lists by district all the principal and Accessory Uses and whether they are permitted by right or conditional. In the table the following abbreviations are used: P = permitted by right use; C = Conditional Use; Ag = Agricultural District, Con = Conservation District, Res = Residential District; Bus = Business/Industrial District.

Table 1					
Use	Ag	Con	Res	Bus	Supplemental Regs
<i>Agricultural</i>					
Agricultural Business	P	P	P	P	
Farm	P	P	P	P	
Feed Lot	P			C	501.12
Food or Grain Processing or Packaging	C			C	501.13
Forestry	P	P	P	P	
Slaughterhouse	P			C	501.31
<i>Institutional/Recreational</i>					
Cemetery	C		C		501.7
Church/Religious Institution	P	C	P	P	501.8
Essential Services	P	P	P	P	
Municipal or Other Public Facility	P		P	P	
Off-Street Parking Lot	C	C	C	C	501.24
Public and Private Schools	P	C	P		501.27
Public Utility Facility or Right-of-Way	C	C	C	C	Must comply with state & federal regulations
Recreation Facility	C	C		C	501.28
<i>Residential</i>					
Boarding House			C		501.5
Duplex	P		P		501.11
Group Home or Transitional Dwelling	C		C		501.15
Manufactured Housing Community	C				501.19
Mobile Home	P	P	P	P	
Multi-Family Dwelling			C		501.20
Nursing or Retirement Home	C		C		501.23
Single Family Detached Dwelling	P	P	P	P	
<i>Commercial</i>					
Adult Entertainment				C	501.1
Automobile and Truck Sales and Service	C	C		P	501.2
Automobile Service Station	C			P	501.3
Bed and Breakfast	C		C		501.4
Campground	C	C			501.6
Day Care Center	C		C		501.10
General Retail Sales and Service	C			P	501.14
Kennel	C	C		C	501.17

Table 1: Continued					
Use	Ag	Con	Res	Bus	Supplemental Regs
Medical Clinic			C	P	501.20
Motel/Hotel				P	
Private Membership Facility	C	C	C		501.26
Recreational Vehicle Park	C		C		501.29
Restaurant, Sit Down or Take Out	C		C	P	501.30
Veterinarian Clinic	P			P	501.32
<i>Industrial</i>					
Communication Towers	C	C		C	501.9
Light Fabricating and Assembly	C			P	501.18
Machine Shop				P	
Mineral Extraction	C	C	C	C	501.21
Oil and Gas Development	C	C	C	C	501.25
<i>Accessory</i>					
Agritourism	P				
Drive Through				P	
Family Child Care - Home	P		P	P	
Parking Lot	P			P	
Home Based Business, No-Impact	P	P	P	P	
Home Occupation	P	C	C	C	501.16
Shed	P	P	P	P	
Residential Garage and Parking Area	P	P	P	P	
Truck Servicing Area				P	
<i>Uses Not Specified</i>					
Uses not specifically listed in the ordinance	C	C	C	C	

303.4. Bulk and Dimensional Requirements:

1. Within each district, Buildings and Structures shall be erected or enlarged only in accordance with the following standards establishing minimum Lot size and width, minimum Setback of Buildings and Structures from Lot boundaries, and maximum Lot coverage by Buildings, Lot coverage by Buildings and Paved Surfaces, and Site Disturbance. Table 2 uses the following abbreviations: all dimensions ft.= feet; sf = square feet; % = percent; Ag= Agricultural District; Con = Conservation District; Res= Residential District; and Bus = Business/Industrial District.

Table 2

Dimensional Standards	Ag	Con	Res	Bus
Minimum Lot Size	40,000 sf	80,000 sf	40,000 sf	40,000 sf
Minimum Lot Width at Front Wall of principal Building	125 ft	125 ft	125 ft	150 ft
Minimum Lot Frontage on Street	50 ft	50 ft	100 ft	150 ft
Minimum Setbacks				
Building or Structure from Street	50 ft	50 ft	50 ft	50 ft
Building or Structure from side Lot Line	25 ft	25 ft	15 ft	15 ft
Building or Structure from side or Rear Lot Line	25 ft	15 ft	15 ft	10 ft
Accessory Building or Structure from side or Rear Lot Line	25 ft	15 ft	15 ft	10 ft
Building in the Bus District from a Lot in any other district	N/A	N/A	N/A	40 ft
Maximum coverage of Lot				
Total Buildings and Structures	N/A	N/A	10%	40%
Total Buildings, Structures and Paved Surfaces	N/A	N/A	15%	75%

ARTICLE IV: SUPPLEMENTAL REGULATIONS

Section 401: Lot Area, Width and Setback Exceptions

401.1. Lots of record with inadequate area or width:

1. Where an individual recorded Lot contains less Lot area, or has less Lot Width along the Front Yard Setback Line than is required by the dimensional standards for the Zoning District in which the Lot is located, such Lot may be developed provided:
 - A. Any Setback or coverage Variances needed to develop the Lot are secured from the Zoning Hearing Board; and
 - B. The Sewage Enforcement Officer certifies that the Lot has sufficient area to accommodate an On-Lot Sewage Disposal System.

401.2. Measurement of Lot area and width:

1. Lot area shall include all land within the boundaries of any Lot except parts that are within road rights-of-ways.
2. Lot Width shall be measured across the Lot on the front Building line, a distance of fifty (50) feet from and parallel to the Front Lot Line which abuts the Street to which the Lot has access. If the Lot Line is located in the center of the road, one-half (1/2) of the road right-of-way width shall be added to the fifty (50) foot Setback to establish the front Building line. (For example: if the road has a 33-foot Right-of-Way and the Property line is in the center, one half or 16 feet would be added to the 50 feet to create a 66-foot Setback from the center of the road).

401.3. Lot area governed by Sewage Enforcement Officer's ruling:

1. Where a Lot otherwise meeting the requirements of this Ordinance is to be served by an On-Lot Sewage Disposal System and the Sewage Enforcement Officer determines that the Lot area is insufficient to absorb the effluent, he may require that either the Lot area be increased to accommodate the proposed system, or that an alternate means of sewage disposal be installed.

401.4. Rear Lots:

1. A second Lot may be created at the rear of a Lot fronting on a Public Street provided:
 - A. Both Lots will meet the minimum area and width requirements for the Zoning District in which they are located;
 - B. The Rear Lot is connected to the Public Street by a Right-of-Way at least twenty (20) feet in width;
 - C. The area of the Right-of-Way is not included in the area of either Lot for determining minimum area or width;
 - D. The Right-of-Way will not be extended to serve additional Lots; and
 - E. Buildings on the two Lots shall be set back at least twenty-five (25) feet from the Lot Line common to both Lots.

401.5. Setback when Building wall not parallel to Lot Line:

1. The Setback determination shall be the average of the distances along the wall nearest and furthest from the Abutting Lot Line measured at right angles to the line, provided no part of the wall is less than ten (10) feet from the Lot Line.

Section 402: Occupancy of and Access to a Lot

402.1. Exception to the one use per Lot rule:

1. In most cases a Lot shall be occupied by only one principal permitted, or approved Conditional Use, plus Accessory Uses. However, a Farm may contain a Dwelling plus necessary Buildings for the farm operation. A Multi-Family Dwelling, a commercial development, or an industrial development may occupy several Buildings on the same Lot. And not more than two (2) Dwellings may occupy a Lot provided they are located so each has its own sewage disposal and water supply system and so if conforming as to area, width and Setbacks for the Zoning District in which the Lot is located, and each will have its own access to a public road.

402.2. Access to Lots:

1. Every Lot shall have direct access to a public road. No two (2) Lots shall share the same access unless one of the Lots directly abuts a public road for a distance of at least fifty (50) feet.

Section 403: Encroachments into Setback Areas

403.1. Surface encroachments:

1. Parking areas, access drives, uncovered patios at ground level or walkways may be located not less than five (5) feet from a side or Rear Yard Property line, but not forward of the Front Yard Setback Line.

403.2. Building encroachments:

1. Exterior stairways, chimneys not more than eight (8) feet wide, bay windows, roof eaves, and covered, but not enclosed, porches may extend up to eighteen (18) inches over the Setback Line in any front, side or Rear Yard of a Lot. A flagpole or any other free-standing Structure not attached to or supported by a Building shall not be closer to a Property line than the height of the pole or Structure.

Section 404: Accessory Buildings and Uses

404.1. When they can be built:

1. Any accessory Building or use may only be constructed concurrent with or later than the principal use it serves.

Section 405: Sign Regulations

405.1. Prohibited Signs:

1. No Signs illuminated by a flashing or pulsating source, no strings of bare bulbs, and no Signs lighted in such a manner as to create glare conditions on adjacent Streets or Properties shall be permitted. No Sign shall extend to more than thirty-five (35) feet above ground level. Nor shall any Sign be placed upon the roof of a Building or extend above the top of a wall of a flat roofed Building. No Sign shall obstruct Sight Distances or create confusion for motorists. No Sign shall project into a Public Street.

405.2. Permits Required:

1. A permit issued by the Zoning Officer shall be required for the erection of any permanent Sign exceeding eight (8) square feet in area. The permit application shall indicate the Property owner's name, address and telephone number, the Sign's location relative to Lot Lines, height, Sign Area and dimensions of the sign. Permit fees shall be established by resolution of the Board of Supervisors.

405.3. Signs Exempt from Permits:

1. The following types of Signs shall be exempt from permits: real estate sales Signs, Signs advertising a public, charitable or religious institution or event, Signs erected by an agency of any level of government, safety zone or "no hunting" Signs, and political Signs.

405.4. Wall Mounted Signs:

1. Such Signs may only be permitted on Properties occupied by businesses. Wall-Mounted Signs shall cover no more than ten (10) percent of the area of the wall (including doors and windows) on which they are placed. Such Signs may be lighted from within or from a source not visible beyond the Property on which the Sign is located. Signs may be placed on steeply sloping roof areas that are architectural features of a flat-roofed Building and may be in addition to any Free-Standing Signs.

405.5. Projecting and Temporary Signs:

1. A projecting Sign shall not exceed thirty (30) square feet each face and shall not project more than four (4) feet from the wall to which it is attached. Temporary Signs with or without wheels may be approved by the Zoning Officer for a period not to exceed thirty (30) days. If such Signs are to be lighted, the source shall be from inside the Sign or from a source not visible from outside the Property.

405.6. Illumination:

1. All permitted Signs may be backlit, internally lighted or indirectly lighted unless such lighting is specifically prohibited in this ordinance.
2. In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the Sign. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the Sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the Sign.
3. No Sign shall be permitted to have an illumination spread of more than 0.05-foot candle at the Lot Line, shine into on-coming traffic, affect highway safety or shine directly into a residence.
4. In no event shall the illumination of any Sign resulting from any internal or external artificial light source adversely affect surrounding Properties, cause offensive glare or create a traffic hazard.

405.7. Changing Copy:

1. Each message or image on an electronic message Sign shall remain fixed and unchanged for a minimum period of five (5) seconds. There shall be no appearance of flashing, blinking, movement, scrolling, dissolving or fading in which images or messages "move" or in which part of one (1) message or image appears simultaneously with any part of a second or subsequent one. The illumination intensity, contrast or coloration of the message text or image shall remain constant for each display period. The intensity/brightness of such sign, as measured by the difference between the off and solid-message measurements, shall not exceed the industry standard recommended 0.3 foot candles above ambient light. Such Signs shall be equipped with technology that automatically dims the electronic message illumination intensity commensurate with ambient light conditions (i.e. illumination intensity lower in low-light and nighttime conditions than in daylight).

405.8. Billboards:

1. The panel shall not exceed 250 square feet in area on one side.
2. No more than one panel (two sides) shall be permitted at one location.
3. A minimum of 750 feet distance shall be maintained between the proposed Billboard and any other proposed or existing Billboard. This minimum distance shall be measured radially from the furthest extension of any proposed or existing Billboard sign.
4. No Billboard Sign shall be located closer than 300 feet from the nearest Property line.
5. All Billboards shall be set a minimum distance of 30 feet back from the Street Right-of-Way line.
6. No Sign shall be more than 25 feet high above the grade of the existing road cartway.
7. If lighted, a nonglare lighting fixture designed for outdoor use shall be used.
8. If a Billboard or any portion thereof is a digital Sign or electronically changing message sign, the Sign shall be set back a minimum of 1,000 feet from any other off-premises digital Sign or electronically changing message Sign.

Section 406: Parking Regulations

406.1. Dimensional Requirements:

1. Each parking space shall be not less than nine and a half (9 1/2) feet in width and eighteen (18) feet in depth. Each space shall abut a Maneuvering Aisle along its short dimension not less than twenty-two (22) feet in width. No parking space shall be located to require users to back out onto a public road.

406.2. Surface:

1. Parking areas shall be covered with an all-weather dust and mud-free well-choked stone surface but not necessarily paved.

406.3. Minimum Parking Requirements:

Table 3 (note: sf = square footage; GFA = Gross Floor Area)	
Use	Required Number of Spaces
<i>Institutional</i>	
Church/Religious Institution	One (1) space for every 500 sf of GFA
Municipal or other Public Facility	One (1) space for each 500 sf of GFA
Public and Private Schools	One (1) space for every 500 sf of GFA
Recreation Facility	One (1) space for the first two (2) Acres and one (1) space for each additional Acre. Maximum spaces required would be twenty (20).
<i>Residential</i>	
Boarding House	One (1) space for every three (3) sleeping rooms, plus one (1) space per employee on largest shift
Duplex	Four (4) spaces
Group Home	One (1) space for every three (3) rooms, plus one (1) space per employee on largest shift
Multi-Family Dwelling	Two (2) spaces per Dwelling Unit, plus two (2) spaces for manager's unit, if provided
Nursing or Retirement Home	One (1) space for every 500 sf of GFA
Single-Family Detached Dwelling	Two (2) spaces
<i>Commercial</i>	
Automobile and Truck Sales and Service	One (1) space for every 180 sf of GFA
Automobile Service Station	One (1) space for each employee on duty during largest shift plus two (2) for each service bay plus one (1) space per 250 sf of GFA of convenience store, if applicable
Bed and Breakfast	One (1) space for every 500 sf of GFA
Day Care Center	One (1) space for every 500 sf of GFA
General Retail Sales and Services	One (1) space for every 500 sf of GFA
Kennel	One (1) space for every 500 sf of GFA

Home Occupation	One (1) space for every 300 sf of GFA, plus 1 space for each non-resident employee
Medical Clinic	One (1) space for every 500 sf of GFA
Motel/Hotel	One (1) space for every 500 sf of GFA
Private Membership Facility	One (1) space for every 500 sf of GFA
Restaurants	One (1) space for every 500 sf of GFA
<i>Industrial</i>	
Machine Shop	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 2,000 sf of GFA of warehouse, assembly, or storage space
Light Fabricating and Assembly	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,500 sf of GFA of warehouse, assembly, or storage space
Mineral Extraction	One space for each employee on the 2 largest shifts combined
Oil and Gas	One space for each employee on the 2 largest shifts combined
<i>Uses Not Specified</i>	
Uses Not Specifically listed in the Ordinance	One (1) space for each three (3) occupants at maximum permitted occupancy or one (1) space for each three hundred (300) sq. ft. of gross Floor Area whichever is greater

406.4. Accessible Parking Spaces:

1. Parking spaces for use by persons with disabilities shall meet the 2010 Americans with Disabilities Act (ADA), as amended, Standards for Accessible Design.
2. Such parking spaces shall be located as close as possible to ramps, walkways, entrances and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the Parking Lots located nearest to each primary Building entrance.
3. One (1) ADA parking space shall be required for every twenty-five (25) spaces in a Lot. Of these spaces, one must be large enough for a van.

ARTICLE V: SPECIFIC USE REGULATIONS

Section 501: Additional Regulations for Specific Uses

501.1. Adult Entertainment

1. No Adult Entertainment shall be located within 5,000 feet of any other Adult Entertainment establishment.
2. No such establishment shall be located within 1,000 feet of any parcel of land and which contains any one or more of the following specified Land Uses:
 - A. Dwelling
 - B. Amusement park
 - C. Camp (for minors' activities)
 - D. Child care facility
 - E. Church
 - F. Community Center
 - G. Museum
 - H. Park
 - I. Playground
 - J. School and school bus stops
 - K. Other lands where minors congregate
 - L. Library
 - M. School bus stop
3. The distance between any two (2) Adult Entertainment establishments shall be measured in a straight line, without regard to intervening Structures, from the closest point on the exterior parcel line of each establishment, and any Land Use specified in subparagraph (B) above shall be measured in a straight line, without regard to intervening Structures, from the closest point on the exterior parcel line of the Adult Entertainment establishment to the closest point on the Property line of said Land Use.
4. No person operating an Adult Entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified

sexual activities and/or specified anatomical areas as defined herein, to be viewed from the Street , sidewalk or highway.

5. Sign requirements for Adult Entertainment Establishments:

- A. All Signs shall be flat Signs.
- B. No more than one Sign shall be permitted with a maximum area of 20 square feet and a maximum height equal to the eave line.
- C. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window area or any area where they can be viewed from the sidewalk in front of the Building.
- D. Window areas shall not be covered or made opaque in any way. No Signs shall be place in any window.

501.2. Automobile and Truck Sales and Service

- 1. All work and repair shall be done inside an enclosed structure.
- 2. All storage of new, used, or discarded parts shall be within an enclosed structure or fenced area.
- 3. No derelict or unlicensed vehicles shall be stored outside on the premises for more than 48 hours.

501.3. Automobile Service Station

- 1. A Fence or Dense Evergreen Hedge shall be required when the station adjoins a residential use.
- 2. There shall be safe entrances and exits with adequate site distances on the Property.
- 3. If the station is also a quick stop retail sales outlet, circulation and parking patterns for the store and gas pumps shall be clearly differentiated.

501.4. Bed and Breakfast

- 1. Any Bed and Breakfast shall accommodate no more than eight (8) persons simultaneously and for a limited time.
- 2. The Bed and Breakfast shall provide only breakfast.
- 3. The owner shall reside on the premises.

501.5. Boarding House

1. A maximum of two (2) boarders shall be permitted with one (1) parking space for each.

501.6. Campground

1. Campgrounds shall have a minimum of one (1) acre.
2. Campgrounds shall be used for camping purposes only and not for long—term residency.
3. The campground shall remain in single ownership and not subdivided.
4. No individual campsite shall be closer than 100 feet to any property line or road right of way.
5. Storage, collection and disposal of refuse in the campground shall be stored in a watertight, rodent-proof container. Number and locations of containers shall be provided in accordance with PA Department of Environmental Protection (PA DEP) regulations. Refuse shall be collected and disposed of at a facility approved by PA DEP as frequently as necessary to avoid overflow.

501.7. Cemetery

1. Setbacks: Graves shall be set back five (5) feet from rear and side Property lines and ten (10) feet off of the right of way.
2. If multiple parcels are utilized by the Cemetery, they must be contiguous (may cross road boundaries) or contain at least five (5) Acres per parcel.

501.8. Church/Religious Institution

1. Rectories, Convents, Manses and Parsonages: All residential uses shall be accessory to the place of worship and must comply with all dimensional requirements imposed on other residential uses within the Lot's Zoning District.
2. Related Schools, Day Care Facilities or Recreational Facilities: shall be accessory to the place of worship, located on the same Lot or directly adjacent to the Lot and must comply with all dimensional requirements imposed on other residential uses within the Lot's Zoning District.

501.9. Communication Towers

1. Shared Use: Shared use of towers and towers sites shall be encouraged. If shared use of an existing or approved tower or on an existing or approved site is not proposed, the applicant shall demonstrate that the proposed equipment cannot be accommodated on an existing or approved tower or an existing or approved tower site.

2. Setbacks: The tower shall be set back from each Property line and any public road a distance equal to its height, but in no case shall any Structure be permitted to be located within any required minimum Setback.
3. Fencing: The area around the base of the tower, accessory Buildings and guide anchors on the ground shall be surrounded by a chain-link security Fence at least six (6) feet high.
4. Insurance: The tower's owner shall prove to the Board of Supervisors that he has continuing liability insurance holding the Township harmless during the tower's erection and thereafter by submitting proof thereof yearly. The tower shall be designed and erected under the supervision of a registered engineer.
5. Advertising: No communication tower shall carry any advertising.
6. Removal: The Developer or then current tower owner shall be responsible for the removal of the tower and the return of the site to its original condition within one (1) calendar year after the tower is abandoned or the equipment is no longer operational.
7. Change in Owner: Each tower owner shall inform the Township of any changes on ownership or responsibility for the tower immediately after the change occurs.
8. Licenses: The tower owner must be licensed by the Federal Communications Commission (FCC).
9. Lighting: No tower shall be artificially lighted except when required by the Federal Aviation Administration (FAA).

501.10. Day Care Center

1. The facility shall have state approval or approval pending prior to opening.
2. No overnight accommodation of clients is permitted.
3. There shall be ample areas on the Property for delivering and picking up clients.

501.11. Duplex

1. Each apartment or townhouse shall contain its own toilet and washing facilities in a separate room as well as a stove or cook-top, refrigerator and food preparation area, and an Off-Street Parking Space on the same Lot as the Building.
2. Sewer and Water Services: Each apartment or townhouse Building or group of Buildings on the same Lot shall be connected to a sewage treatment system and water supply system acceptable to the Pennsylvanian Department of

Environmental Protection (DEP). The Developer shall establish a Public Utility company to operate the systems.

3. Dwelling Size: Each townhouse shall contain at least six hundred (600) square feet of enclosed Floor Area.

501.12. Feed Lot

1. Setbacks: Any Feed Lot shall not be located within one hundred (100) feet any of any Property used principally for residential purposes, any farm dwelling in separate ownership, or from any roadway.
2. The method of storage and disposal of waste materials and nutrient management plan must meet applicable state regulations and be presented to Board of Supervisors.

501.13. Food or Grain Processing or Packaging

1. Setbacks: Any Food or Grain Processing or Packaging shall not be located within one hundred (100) feet any of any Property used principally for residential purposes, any farm dwelling in separate ownership, or from any roadway.
2. The method of storage and disposal of waste materials and nutrient management plan must meet applicable state regulations and be presented to Board of Supervisors.

501.14. General Retail Sales and Services

1. Buffers: A minimum of a 20 feet wide Buffer Area shall be maintained adjacent to a Lot Line of an existing Dwelling or any residential Zoning District.
2. Trash Storage: A trash storage area shall be provided which is Screened from the Street and adjacent Properties by an enclosed solid Fence and/or opaque vegetated buffer at least six (6) feet in height to prevent trash from blowing from the area and to serve as a visual Screen.

501.15. Group Home or Transitional Dwelling

1. Each shall be certified to operate by the Commonwealth of Pennsylvania or have certification in progress prior to opening.
2. Group, personal care or transitional Dwellings shall be for six (6) or fewer residents plus supervisor, and shall be in a Single Family Detached Dwelling.
3. No two (2) group homes or transitional Dwellings shall be within two thousand (2,000) feet of each other in a direct line.

4. Such Dwellings may be considered as Home Occupations if operated by the Dwelling owner.

501.16. Home Occupations

1. Where Permitted, Who may Operate: A Home Occupation may be conducted within a single-Family Dwelling by the owner-occupant, or by a renter-occupant with the owner's written permission. A Home Occupation will require a permit to operate issued by the Zoning Officer.
2. Floor Area Limitations: Not more than fifty (50) percent of the total Floor Area in the Dwelling may be utilized for the Home Occupation.
3. Additions and Modifications: No additions to the Dwelling or modifications to the exterior appearance of the Dwelling to accommodate the Home Occupation shall be permitted.
4. Non-Resident Employment: Not more than two (2) persons not residing in the Dwelling may be employed in the Home Occupation.
5. Sale of Dwelling Containing an Approved Home Occupation: When a Dwelling containing a Home Occupation is sold the buyer shall, if they choose to continue or change the Home Occupation, apply to the Zoning Officer for re-approval.
6. Signage: One Free-Standing Sign or a Sign attached to a lamp post not more than eight (8) square feet in area on any face may be placed in the Front Yard area of the Property to advertise the Home Occupation. No sign shall block the motorists line of sight.

501.17. Kennel

1. Compliance: The applicant shall present evidence that the proposed facility will comply with all applicable laws and regulations concerning the housing of animals, including but not limited to the Dog Law, 3 P.S. § 459-101 et seq. and the regulations of the Pennsylvania Department of Agriculture.
2. Lot Size: The minimum Lot area shall be 3 Acres.
3. Noise: The exterior walls of the Structure that house the animals shall sufficiently be soundproofed to prevent excess noise from leaving the Structure. Specifications of the soundproofing materials shall be submitted at the time of Conditional Use application.
4. Outdoor Areas: All outdoor running and play areas shall be enclosed with a minimum six-foot-tall Fence to prevent the escape of any animals. The fencing details should be submitted with the special exception application. The Fence shall

not be permitted to be a chain-link-type Fence, unless evergreen plantings equal in height to the Fence are proposed to fully Screen the Fence from view from neighboring Properties. All outdoor running and play areas shall be set back at least 50 feet from neighboring Properties.

5. Setback s: No animal shall be permitted to be permanently kept outside of an enclosed Structure. The enclosed Structures that house the animals shall be a minimum of 50 feet from neighboring Properties.
6. Waste: The applicant must provide a written plan or other evidence of the methods to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions.

501.18. Light Fabrication and Assembly

1. Activities: All activities shall take place indoors.
2. Safety: The facility shall be so designed and so constructed that there shall be no danger to the health, safety or welfare of Township residents or persons on adjoining Properties.
3. Ventilation: All ventilation systems shall be so designed that any smoke, fumes or odors shall not be directed towards Abutting Properties.

501.19. Manufactured Housing Community

1. Must comply with Mobile Home Park Regulations in the Lawrence County Subdivision and Land Development Ordinance.

501.20. Medical Clinic

1. Clinics shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent theft of controlled substances.
2. Clinics shall have safe access and sufficient parking.
3. A Fence or Dense Evergreen Hedge shall be required when the clinic adjoins a residential use.
4. Any facility dispensing medical marijuana must be legally registered in the commonwealth and possess a current valid permit from the Department of Health and must dispense medical marijuana in an indoor, enclosed, permanent, secure Building.

501.21. Mineral Extraction

The following conditions are intended to provide for the reasonable development of minerals while providing reasonable protection to the Township and to the

neighborhood in which the operation will occur. Where the requirements of this Article conflict with any state or for federal law or regulation, such state or federal law shall take precedence.

1. Water Wells: All water wells located on the Mineral Extraction site must be tested by an independent third party with an electronic copy of the results on file with the Township and a copy provided to the Property owner.
2. All Property owners or residents directly bordering the Mineral Extraction site must be given a twenty-four (24) hour telephone number for a contact for the Mineral Extraction operation.
3. The owner of the Mineral Extraction operation shall address any water that is affected by mining, directly with any Property owner in the area, as to quality or quantity within twenty-four (24) hours of the receipt of a complaint. It further will be assumed that the owner of the Mineral Extraction operation shall be responsible for the repair and/or replacement of water until it is proven that they have not caused the adverse affect of the quality or quantity of water to that Property. If the owner of the Mineral Extraction operation has caused the water change in quality or quantity, they will put in a new well and conditioners, if needed, or will provide a water source by other means equal to or better than the previous quality and quantity based on the water samples taken before operations began on the site.
4. Any required equipment and vehicle crossing roads in the Township shall be located at a site determined by the owner of the Mineral Extraction company and the Board of Supervisors based on the location that provides the greatest visibility and safety. There shall be no dirt or sand on roads at the designated crossing and the level of the road shall be maintained by the owner of the Mineral Extraction operation during the entire operation. The owner of the Mineral Extraction operation shall clean any crossing sites, three (3) times a day to ensure that no dirt, sand or the like is upon the same. The owner of the Mineral Extraction operation shall be responsible for ensuring that no dirt, sand or the like appears at any of the crossings or any of the Township roads at the end of each operational day.
5. The hours of operation shall be limited to Monday through Friday from 5:00 am to 9:00 pm and Saturday 5:00 am to 3:00 pm. The hours of operation are intended to limit the use of the sirens and lights utilized by the owner of the Mineral Extraction operation to the above designated timeframes, with the exception that all sirens and lights needed for safety and/or as required as a matter of law shall not be included in the restriction on the hours of operation. There shall be no operations authorized on Sundays, nor on the six main holidays of Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

6. Any shaker utilized by the owner of the Mineral Extraction operation must be within and behind the high wall. The high wall must be located between the shaker and the bordering residences so as to provide a barrier, except as required for safety and by law, the sirens and lights associated with the shaker must be pointed down and away from the direction of any residence.
7. When operations are within five hundred (500) feet of any occupied home and there is any complaint of dust leaving the site and coming to that home, the owner of the Mineral Extraction operation must address the concern that day by remedying the dust leaving their site. The owner of the Mineral Extraction operation must have a plan of operations for daily dust control.
8. Approvals: The owner or operator shall certify to the Township Board of Supervisors the proposed operation is obtaining or has obtained all permits and approvals required by state and federal laws, regulations, rules, enforcement orders and conditions for the proposed use. The owner or operator shall file with the Township Secretary, upon request, a copy of each state or federal application with supporting documentation, or permit, for the proposed use.
9. Plans for restoring and reclaiming all involved areas following discontinuance of the extractive activity shall be provided to the Township.
10. Bonding: Prior to beginning operation, the designated operator shall deposit a bond issued by a reputable bonding company in the amount specified by Township Supervisors for each and every mile of Township road proposed to be traversed for removing material from the site. The period designated for the bond shall start with the issuance date of the permit. Said bond shall be returned to the operator upon completion of the operation and reconstruction of any damaged roadway due to excess weight. Any failure to complete the reconstruction as required by this Ordinance shall result in the forfeiture of the required bond. Those portions of Townships roads which have been damaged shall be as determined by the Township Roadmaster and be reconstructed to Township specifications.

501.22. Multi-Family Dwelling

1. Each apartment or townhouse shall contain its own toilet and washing facilities in a separate room as well as a stove or cook-top, refrigerator and food preparation area, and an Off-Street Parking Space on the same Lot as the Building.
2. Sewer and Water Services: Each apartment on the same Lot shall be connected to a sewage treatment system and water supply system acceptable to the Pennsylvanian Department of Environmental Protection (DEP).

3. Dwelling Size: Each apartment shall contain at least the following enclosed Floor Area, not including common areas shared by several units, such as halls and stairways:
 - A. Efficiency apartment intended for single occupancy: 200 square feet
 - B. One-Bedroom apartment: 320 square feet
 - C. Two-Bedroom apartment: 450 square feet

501.23. Nursing or Retirement Home

1. Shall be licensed by appropriate agencies such as the PA Department of Social Services and the PA Department of Health.
2. The facility may include support services such as common leisure or recreational areas and common dining area.
3. Maximum dwelling unit density shall be 24 rooms per acre.

501.24. Off-Street Parking Lot

1. Off-street parking spaces shall be arranged so that no vehicle will back out an any public right-of-way or into an entrance driveway.
2. Stacked spaces are prohibited except for display vehicles.

501.25. Oil and Gas Development

1. Minimum Lot Size: The minimum Lot size for an Oil and Gas Development shall be twenty (20) Acres. Contiguous Properties can be combined to meet the minimum Acreage requirements if the Properties being combined are adjoining each other.
2. Setback: The following Setbacks shall apply for Oil and Gas Development unless specifically stated otherwise:
 - A. Unconventional Wellhead:
 - 1) One thousand (1,000) feet from the edge of the well production pad to an occupied Building;
 - 2) Three hundred (300) feet from the well bore/well head to any solid blue-lined stream, spring or body of water as identified on the most current seven and one-half (7 ½) minute topographic quadrangle map of the United States Geological Survey;

- 3) Three hundred (300) feet from an unconventional well bore/well head to Wetlands greater than one (1) Acre in area;
 - 4) One thousand (1,000) feet from the edge of the well production pad to any protected Structure.
 - B. Conventional Wellhead: Conventional Wellhead: One thousand (1,000) feet from the edge of the well production pad to an occupied Structure; and Two hundred (200) feet from the well bore/well head to any solid blue-lined stream, spring or body of water as identified on the most current seven one-half (7-½) minute topographic quadrangle map of the United States Geological Survey.
 - C. Owner Waiver: Applicant must meet the Setbacks listed herein unless the owner of a Property, occupied and/or protected Structure located within the Setback limits provide written consent to the proposed use.
3. Sound: A sound study shall be conducted by the Operator prior to any activity beginning on the site to set a baseline sound level or, if necessary, to determine that sound will not exceed the permitted decibel levels for the applicable Zoning District as set by Township Ordinance or the applicable standard imposed by State or Federal law, whichever is more stringent.
- A. In Agricultural and Residence Districts: Not to exceed sixty (60) dBA, over a seventy-two (72) hour period, at the nearest Property line.
 - B. In Business/Industrial Districts: Not to exceed sixty (60) dBA, over a seventy-two (72) hour period, at the nearest Property line.
 - C. In the event of multiple Zoning District(s) within the Township, the more restrictive sound level standards shall govern. In the event that contiguous Properties are combined for the Oil and Gas Development, the permitted decibel levels shall apply at the exterior boundary line of the combined parcel area. In the event that the Operator is unable to comply with the stated standards, the Operator must put in place measures that may include, but shall not be limited to:
 - 1) Sound Walls / Noise Barriers: The erection of sound walls/noise barriers to bring the dBA within acceptable levels;

- 2) Enclosure: Enclosure of sound-generating equipment in a sound reduction Structure that conforms to the character of the zone in which it exists. All applicable Development Plans, permits and regulations shall apply to the enclosure. During normal operations, the Structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress;
 - 3) Mufflers: Equipment with an internal combustion engine or a compressor with an exhaust muffler or an exhaust box. Said combustion engine and/or muffler/box shall be constructed of noncombustible material designed and installed to suppress sound and disruptive vibrations; and
 - 4) Obtain a release waiver of the applicable noise requirements from the owners of the impacted Property and adjoining Properties and/or adjoining Properties.
4. Lighting: Operator shall place lights, to the extent practicable and taking into account safety considerations, at locations so as to avoid shine directed at public roads, protected Structures and adjacent Dwellings and Buildings. The Township has the right to mitigate any obtrusive lighting so as not to affect the health, safety and welfare of its residents.
5. Security Measures: Adequate security measures shall be in place at all times to protect well sites during active operations.
6. Access Roads: Access to any Oil and Gas Development shall be designed to ensure safety and reduce inconvenience to adjacent Properties. The following shall also apply:
 - A. The access road to the well site, beginning with its intersection with a paved Township road, shall be paved for the first one hundred (100) feet and the remainder constructed with materials that reasonably minimize water, sediment or debris carried onto any public road and/or adjoining Properties; and
 - B. All access roads shall be constructed and maintained to prevent dust and mud to the surrounding area. The Township, at its sole discretion, shall require the Operator to implement reasonable dust abatement measures, during dry weather conditions and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement to the Township's sole satisfaction.
7. Truck Routes:

- A. The Applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like, the estimated weights of those trucks and the estimated number of trucks entering and exiting the well site on a daily basis. In conjunction with the Township, the Applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided to the satisfaction of the Township; and
 - B. The Operator shall also coordinate its truck route with the local school bus schedules, which shall be provided to the Township by the Operator.
- 8. Signage; Site Identification: The well site signage shall comply with Act of February 2, 2012 (P.L. 67, No. 9) (Act 9), codified at 35 Pa.C.S. §7321 (relating to unconventional well 911 emergency response information). as amended.
- 9. Operating Times: All site preparation and preproduction activities on the well site, as well as access road maintenance, site reclamation activity and other ongoing ancillary activities, shall be permissible Monday through Friday from 5:00 am to 9:00 pm and Saturday 5:00 am to 3:00 pm.. Movement of any drilling rig, the active drilling phase and completions (hydraulic fracturing) are exempt from this subsection as well as operations necessary to ensure the health and safety of residents, workers and the environment.
- 10. Impoundments; The Operator will provide the following information to the Township where an Operator constructs an impoundment within the Township:
 - A. A copy of the DEP Impoundment Permit, if applicable, must be provided at the time of application or when available;
 - B. Chain-link fencing must be installed around any Impoundment and shall be at least eight (8) feet in height;
 - C. Thirty (30) day advance written notice must be provided when transitioning from freshwater to re-use water storage and the Applicant must provide a copy of the revised DEP Permit when available;
 - D. The Applicant shall provide a copy of the Notice of Termination to the Township upon reclamation of the Impoundment;
 - E. Any storage of hazardous waste at the Impoundment will require signage in accordance with Federal law; and
 - F. Any DEP-reportable spills must be reported to the Township within twenty-four (24) hours of the incident;

- G. The projected time necessary for the completion of the Impoundment; and
 - H. A statement that the Operator shall fully restore the site upon termination of the proposed activity.
- 11. Water Storage: In the event that a Certified Water Storage Facility or MLVTs shall be placed on the well site, it shall be subject to the provisions contained herein in the applicable section of this Ordinance. Separate Conditional Use approval shall not be required for a certified Water Storage Facility located on the well site and used as an accessory to an Oil and Gas Development. This water storage shall only be applicable to the development of this well site only and water storage on this site shall not be utilized for development of oil and gas on non-contiguous well sites unless authorized by the Board in writing.
 - 12. Engine and Motor Enclosures: All engines and motors not involved in the active drilling/fracturing phase but used to facilitate the movement of gas or regulate the pressure of gas, must be enclosed. They must also have remote/local shutdowns.
 - 13. On-Site Trailers: Operator must identify the number of temporary trailers at the well site that accommodate rest and meals for essential personnel during the drilling phase of operations. Such temporary trailers are subject to applicable Permit fees. Temporary trailers used to store equipment and used as office space at the well site are not subject to permit fees.
 - 14. Pipeline Information: Any oil or gas pipelines running from the well site shall be subject to the provisions contained within this Ordinance.
 - 15. State and Federal Compliance: The Operator shall comply with all applicable State and Federal regulations. The Operator shall notify the Township immediately of any suspension or revocation of the required State and/or Federal permits associated with the well site.
 - 16. Supplemental Regulations; The facility must meet all of the supplemental regulations of this Ordinance and any other applicable Township Ordinance(s). Any and all uses categorized as Conditional Uses, in addition to the specific conditions set forth herein, shall also be subject to the general standards contained in the applicable Zoning District(s); and may be further subject to additional conditions and safeguards as deemed necessary and appropriate by the Township to protect the health, safety and welfare of the Township and its residents.
 - 17. Pipelines and Temporary Water Pipelines

A. Notice: A company desiring to construct oil and gas pipelines or temporary water pipelines that are regulated by State or Federal agencies are allowed to do so as a Permitted Use in the Township, subject to submitting to the Township copies showing evidence that the company has obtained and maintains in good standing all required State and/or Federal Permits, including proof of bonding to operated pipelines, when such bonding is required. In addition to the required permitting documents, Applicant must also submit:

- 1) The origin point and destination of the pipeline to be constructed in the Township, including time frame for activities;
- 2) A description of the substance to be transported through the pipeline and a copy of the material safety data sheet (MSDS);
- 3) Any site reclamation plans and timeframe;
- 4) Location of any pressure relief devices;
- 5) Geographic Information System (GIS) Drawings; and
- 6) Statement concerning method of operation.

501.26. Private Membership Facility

1. Development should involve as little earth movement and removal of trees as possible.
2. The development should include only a clubhouse, outdoor recreation facilities and maintenance facilities, intended for the use of bona fide members and their guests only.
3. A residence of a caretaker or manager shall be the only Dwelling on the site.

501.27. Public and Private Schools

1. Passenger drop-off and pick up areas shall be designed to prevent traffic congestion on public roads.
2. Outdoor play areas shall be set back at least 25 feet from any adjoining land within a residential district or lot that is available for residential use. The play area shall be appropriately fenced or otherwise screened to prevent errant objects from leaving the site.

501.28. Recreation Facility

1. Generally, such facility may include a golf course, golf driving range, fishing lake, dog training facility, picnic grove or nature preserve.

2. Development should involve as little earth movement and removal of trees as possible.
3. Only a residence of the owner or caretaker shall be permitted.

501.29. Recreation Vehicle Park

1. Must comply with Recreational Vehicle Park Regulations in the Lawrence County Subdivision and Land Development Ordinance.

501.30. Restaurant, Sit Down or Takeout

1. There shall be adequate stacking lanes for vehicles awaiting take-out orders.
2. There shall be sufficient containers for garbage and a method for keeping the Property clean.
3. A Fence or Dense Evergreen Hedge shall be required when the restaurant adjoins a residential use.

501.31. Slaughterhouse

1. Setbacks: Any Slaughterhouse shall not be located within one hundred (100) feet of any Property used principally for residential purposes, any Farm Building in separate ownership, or from any roadway.
2. Drainage: Any drainage must be away from the site and not pollute local waterways
3. Storage: The method of storage and disposal of waste materials must be presented to and accepted by Board of Supervisors.

501.32. Veterinary Clinic

1. No disposal of dead animals or animal parts shall occur on the premises.
2. The clinic shall have safe access and sufficient parking.
3. Holding pens for overnight stays shall be indoors.
4. Any outdoor areas or runs shall be adequately Fenced.
5. A Fence or Dense Evergreen Hedge shall be required when the clinic adjoins a residential use.

ARTICLE VI: NONCONFORMITIES

Section 601: Applicability

601.1. This Article shall apply to all Non-Conforming Uses, Structures and Lots, as defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, Building, Structure or part thereof for which official approval and permits, if required, have been granted prior to the effective date of this Ordinance or any Amendment thereto.

Section 602: Non-Conforming Uses of Lands and Structures

602.1. Continuation and Sale: Where a Structure and/or its premises existed lawfully prior to adoption or Amendment of this Ordinance, and becomes Non-Conforming as a result of passage of this Ordinance or Amendment, it may remain in the same use provided the following conditions are applied. Such a use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Article.

602.2. Enlargement or Expansion: The enlargement or expansion of a Non-Conforming Use may be permitted as a Conditional Use in accordance with the following criteria and limitations:

1. Expansion of the Non-Conforming Use shall be limited to a distance of 250 feet in any direction from the existing area of the Non-Conforming Use or to an area equal to 50% of the total usable Floor Area (or land area if not enclosed within a Building) of the existing Non-Conforming Use, whichever is the lesser amount.
2. Expansion of the Non-Conforming Use shall be limited to the Lot upon which the Non-Conforming Use was located at the time it became Non-Conforming.
3. The limits set forth herein constitute the total permitted expansion of a Non-Conforming Use. For example, if an applicant receives permission to expand to an area equal to 40% of the total usable Floor Area when the use became Non-Conforming, in the future the use will only be able to expand to an area equal to 10% of the total usable Floor Area when the use became Non-Conforming.

602.3. Change of Use:

1. A Non-Conforming Use shall not be changed to any use other than a conforming use, except as permitted by Conditional Use in accordance with the following standards:

- A. The new use will more closely correspond to the uses authorized in the Zoning District.
- B. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing Non-Conforming Use.
- C. When a Non-Conforming Use is changed to a conforming use, the use thereafter shall not be changed to a Non-Conforming Use. Any change from one Non-Conforming Use to another shall comply with the parking requirements of this ordinance for the new use and shall be subject to the area, bulk and Buffer Area regulations for such use in the Zoning District where such use is authorized as a Permitted Use or Conditional Use.
- D. Where a Non-Conforming Use exists on a Lot, a conforming use shall not be established on the same Lot unless the Non-Conforming Use is discontinued.

602.4. Abandonment:

- 1. When a Non-Conforming Use of a Structure and/or Lot is discontinued or abandoned for twelve (12) consecutive months, the Structure and/or Lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.
- 2. Abandonment does not apply to Properties wherein the owner can provide proof on a quarterly basis to the Zoning Officer that a new tenant or owner is actively being sought.
- 3. Abandonment does not apply to Properties when the owner has health issues preventing use of Property.

602.5. In the event that a Non-Conforming Use in any district is destroyed or partially destroyed by fire, flood, explosion or other casualty, such Non-Conforming Use shall be to be rebuilt or restored, provided it meets the following requirements:

- 1. The Structure shall be properly secured after the damage or destruction,
- 2. A Building Permit shall be obtained within six (6) months of the date of casualty, unless the Zoning Hearing Board by special exception grants a time extension for good cause,
- 3. Work is completed within twelve (12) months from when the Building Permit is granted. The Zoning Hearing Board, in its sole discretion, may extend this time period upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.

Section 603: Non-Conforming Structures

- 603.1. Structural Alteration: A Non-Conforming Structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required Yard than the existing Non-Conforming Structure does and, further provided that no new non-conformities are created.
- 603.2. Damage or Destruction: A Non-Conforming Structure which is partially damaged or entirely destroyed may be rebuilt or repaired on its existing foundation even though such foundation may violate the Setback requirements for the Zoning District in which the Structure is located, provided that a Building Permit is obtained within six (6) months of the date of casualty and work is completed within twelve (12) months from when the Building Permit is granted.
- 603.3. Moving: Should a Non-Conforming Structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the Zoning District to which it is relocated.
- 603.4. Signs:
1. Non-Conforming Signs may be repaired or reconstructed, provided that no Structural Alterations are made which increase the gross surface area of the sign; however, Non-Conforming Signs which are damaged or destroyed to an extent of more than fifty percent (50%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.
 2. Non-Conforming Signs shall not be enlarged, added to or replaced by another Non-Conforming sign, use or Structure, except that the interchange of poster panels shall be permitted.
- 603.5. Repair or Maintenance: Nothing in this Ordinance shall be deemed to prevent the Strengthening or restoring to a safe condition of any Structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Section are met.

Section 604 Non-Conforming Lots

- 604.1. Any Lot of record existing at the effective date of this Ordinance and held in separate ownership different from that of the adjacent Lots may be developed in accordance with the requirements of the Zoning District of a Lot of Record.
- 604.2. Where two or more adjacent Lots of record with continuous Frontage have less than the required area and width and are held by one owner, the Lots shall be considered to be

an undivided Lot for the purpose of complying with this Article. No division of any Lot shall be made which does not comply with the requirements of this Article. Any change in Lot Lines necessary to meet the minimum requirements of this Article shall constitute a revision to the recorded plan and shall meet all applicable requirements of the Subdivision and Land Development Ordinance.

- 604.3. Where Structures exist on adjacent Non-Conforming Lots of record which have Front Yards less than the minimum depth required, the minimum Front Yard shall be the average depth of the Front Yards on the adjacent Non-Conforming Lots.

ARTICLE VII: ADMINISTRATION AND ENFORCEMENT

Section 701: Purpose

701.1. The purpose of this Article is to describe the procedures for administration and enforcement of this Ordinance and the duties and responsibilities of the Zoning Officer and Zoning Hearing Board as they pertain to this Ordinance.

Section 702: Zoning Officer

702.1. A Zoning Officer shall be appointed by the Board of Supervisors to administer and enforce this Zoning Ordinance. The Zoning Officer shall not hold any elective office in the Township and shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning.

702.2. Official Record. An official record shall be kept of all business of the Zoning Officer and shall be open to the public at official business hours.

702.3. Compensation. The compensation of the Zoning Officer shall be the responsibility of the Township.

702.4. Powers and Duties. It shall be the duty of the Zoning Officer to administer this Zoning Ordinance within the Township, in accordance with its literal terms and to enforce the provisions of this Ordinance and the Amendments thereto. The Zoning Officer shall not have the power to permit any construction or any use or any change of use which does not conform to the Zoning Ordinance. He or she shall have such duties and powers as are conferred on him or her by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

1. The Zoning Officer shall literally interpret and enforce all the provisions of the Zoning Ordinance and shall have such duties and powers as are conferred on him or her by the Zoning Ordinance and are reasonably implied for that purpose.
2. Receive and act upon applications for Zoning Permits to authorize the erection, reconstruction, alteration, or repair of and additions to Buildings and Structures or changes of use and other matters addressed in this ordinance; and enforce compliance with the provisions of this Ordinance. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.

3. Examine, or cause to be examined, all Structures and/or land for which an application has been filed for a Zoning Permit and conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance. In carrying out such surveys, the Zoning Officer or his or her representative may enter upon any land or Building and shall carry proper identification.
4. The Zoning Officer shall monthly submit a report of all permits, notices, and orders issued to The Township Board of Supervisors.
5. Receive and refer to the Zoning Hearing Board all applications for Variances.
6. Participate in all proceedings before the Zoning Hearing Board, presenting facts and information to assist the Board in reaching a decision that shall be compatible with this Ordinance.
7. Receive and refer to the Township Board of Supervisors all applications for Conditional Use.
8. Receive and refer to the Planning Commission and the Township Board of Supervisors all Petitions requesting rezoning of Properties.
9. Post written notice of Public Hearings on affected tract of land at least one (1) week prior to hearing.
10. Approve and issue a permit only when all requirements for its issuance have been met.
11. Where all requirements for a permit have not been met, deny such application, in writing, stating the reason(s) for such denial.
12. Where a permit has been issued in reliance upon information submitted by the applicant, which is later found to be materially untrue, or has been issued improvidently, revoke such issued permit. Such revocation shall be in writing and state the reason(s) for revocation and shall be sent to the person to whom the permit was issued via U.S. certified mail.
13. Issue all stop work orders which may be necessary in event of Violations of this Ordinance or of any issued permit.
14. Issue all notices and prosecute all actions necessary to enforce this Ordinance and permits as issued.
15. Receive and process all requests for reasonable accommodation under the Fair Housing Act Amendments and the Americans with Disabilities Act (ADA).

Section 703: Zoning Hearing Board

703.1. Appointment and Membership: The membership of the Board shall consist of three (3) persons, all residents of Plain Grove Township who shall be appointed by resolution of the Board of Supervisors and may succeed themselves. Members of the Board shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. The Board shall promptly notify the Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

703.2. Alternate Members:

1. The Township Board of Supervisors may appoint by Resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to this Ordinance.
2. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

703.3. Removal of Members: A member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for just cause by a majority vote of the Board of Supervisors. Such member shall be given 15 days' advance notice of the Board of Supervisors' intent to take such a vote. A Hearing shall be held in connection with the vote if the member shall request it in writing.

703.4. Organization of the Board:

1. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

2. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board except when member(s) of the Zoning Hearing Board are disqualified to act in a particular matter, alternate members shall be appointed to provide a quorum.
3. The Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board and accept the findings or decision of the Hearing Officer as final.
4. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of the Township, Municipalities Planning Code of 1968, and the laws of the Commonwealth of Pennsylvania.
5. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Township Board of Supervisors once a year.

703.5. Powers and Duties:

1. The Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of Section 909.1 (a) of the PA Municipalities Planning Code, as amended, and shall have the following powers.
2. To Hear and Decide Appeals
 - A. The Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease-and-desist order, or the registration or refusal to register any Non-Conforming Use, Structure or Lot.
 - B. The Board shall hear and decide appeals from a determination of the Zoning Officer or Township Engineer in the administration of any Land Use ordinance or provision thereof with reference to sedimentation and Erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or Planned Residential Development contained in Articles V and VI1 of the PA Municipalities Planning Code, as amended.
 - C. The Board shall hear and decide appeals from a determination by the Zoning Officer or Township Engineer with reference to the administration of any

Floodplain or flood hazard ordinance or such provisions within a Land Use ordinance.

- D. The Board shall hear and decide upon appeals from a determination of the Zoning Officer, any questions involving the interpretation of any provision of this Ordinance including determination of the exact location of any district boundary where there is uncertainty with respect thereto.
- 3. To Hear and Decide Challenges to the Validity of any Land Use Ordinance. The Board shall hear and decide Substantive Challenges to the validity of any Land Use ordinance, except those for Landowner Curative Amendments, which shall be brought before the Township pursuant to Sections 609.1 and 916.1(a)(2) of the PA Municipalities Planning Code, as amended.
 - 4. To Hear and Decide Requests for Variances.
 - A. The Zoning Hearing Board shall hear requests for Variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, or shallow Lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or Building involved, but in no other case. The sole purpose of any Variance shall be to prevent discrimination and not granting a special privilege not shared by other Property owners in the same vicinity and district and under the same conditions.
 - B. The Board's decision to approve a Variance request shall be made only after Public Notice and Public Hearing. No Variance in the strict application of any provisions of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:
 - 1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of Lot size or shape or exceptional topographical or other physical conditions peculiar to the particular Property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the Property is located;
 - 2) That because of such physical circumstances or conditions there is no possibility that the Property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a Variance is therefore necessary to enable the reasonable use of the Property.

- 3) That such unnecessary hardship has not been created by the appellant;
 - 4) That the Variance, if authorized, will not alter the essential character of the neighborhood or district in which the Property is located, nor substantially or permanently impair the appropriate use or development of adjacent Property, nor be detrimental to the public welfare; and,
 - 5) That the Variance, if authorized will represent the minimum Variance that will afford relief and will represent the least modification possible of the regulation in issue.
- C. In granting any Variance, the Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
5. To Hear and Decide Requests for Special Exceptions. If, in the future, the Township has any special exceptions, it will be the Zoning Hearing Board's responsibility to hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approve an application for a use by special exception unless and until:
- A. A written application for approval of a use by special exception is submitted to the Zoning Officer. The application shall indicate the Section of this Ordinance under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - 1) A current Property survey indicating all existing and proposed Structures and all proposed construction, additions, or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 - B. A written recommendation is received from the Planning Commission or 45 days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
 - C. A Public Hearing pursuant to Public Notice is conducted by the Zoning Hearing Board within 60 days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by §703.6 of this Ordinance.
 - D. In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this Ordinance rest upon the applicant. The burden of persuading the Zoning Hearing Board that the proposed use will not offend

general public interest such as the health, safety, and welfare of the neighborhood rests upon the applicant.

- E. In reviewing requests for Special Exceptions, the Zoning Hearing Board shall take into account the comments received from the Planning Commission and the following requirements:
 - 1) That the use is so designed, located, and proposed to be operated that the public health, safety, welfare and convenience will be protected;
 - 2) That the use will not cause substantial injury to the value of other Property in the neighborhood where it is to be located;
 - 3) That the use will be compatible with adjoining development and the proposed character of the Zoning District where it is to be located;
 - 4) That adequate Landscaping and Screening will be provided as required by this Ordinance;
 - 5) That adequate off-Street parking and loading areas will be provided and ingress and egress will be designed to cause minimum interference with traffic on Abutting Streets; and,
 - 6) That the use conforms with all applicable regulations governing the district where it is to be located, except as may otherwise be determined for large-scale developments.
- F. In approving a Special Exception request, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it deems necessary in order to ensure that the proposed development is consistent with the purposes of this Ordinance.
- G. Approval of a use by special exception shall expire automatically without written notice to the applicant, if no application for a Land Development Plan, a Building Permit or an Occupancy Permit to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.

703.6. Hearing Procedures:

- 1. Parties Appellant before Zoning Hearing Board: Appeals from a decision of the Zoning Officer and proceedings to Challenge the validity of the Ordinance may be

filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township. Requests for a Variance must be filed with the Board by any landowner or an authorized agent of such landowner or by any person aggrieved.

2. Time Limitations: No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, whether preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.
3. Applications Required: All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the Variance that is applied for, in addition to the following information:
 - A. The name and address of the applicant or appellant;
 - B. The name and address of the owner or the parcel to be affected by such proposed change or appeal
 - C. A brief description and location of the parcel to be affected by such proposed change or appeal;
 - D. A statement of the present Zoning Classification of the parcel in question, the improvements thereon and the present use thereof; and,
 - E. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the Property to be affected, indicating the location and size of the Lot and size of improvements thereon and those proposed to be erected thereon.
4. Procedure for Zoning Officer:
 - A. The notice of appeal in any case where a Zoning Permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the Permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from

which the appealed action was taken or in lieu thereof, certified copies of said papers.

- B. It shall be acceptable for the Zoning Officer to recommend to the Board a modification or reversal of his action where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.
5. Hearings Required and Notice of Hearings: The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, Variance, Challenge, or other matter requiring the Board's decision or other official action. Upon the filing of any appeal or application request with the Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a Public Hearing thereon, giving notice as follows:
- A. Give Public Notice in accordance with the definition of "Public Notice" in Article II of this Ordinance.
 - B. Post in a conspicuous place on the Property involved a written notice of the pending hearing; such notice shall take place at least seven (7) days prior to the Public Hearing;
 - C. Give written notice to the applicant, the Zoning Officer, the applicable Township Secretary, Chairman of the Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing, and,
 - D. In the case of an appeal or a request for a Variance, all adjacent Property owners, including those located across the Street or within 250 feet of the nearest line of the Property for which the Variance is sought shall be given written notice at least seven (7) days prior to the hearing.
6. Decisions: The Zoning Hearing Board shall render a written decision or, when no decision is called for; make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a Variance shall be construed as limitations of the power of the Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance. In exercising their powers, the Zoning Hearing Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order; requirement, decision or determination appealed and may make such

order, requirement, decision or determination as it feels appropriate. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. All other persons interested in the result, who filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, shall be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

7. Expiration of Appeal Decision: Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Building/Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.
8. Required Interval for Hearings on Applications and Appeals after Denial: Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Ordinance, denies the same, the Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or as Sign for a period of one (1) year, except and unless the Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.
9. Failure to Hold Required Hearing or Render Decision: If the Zoning Hearing Board fails to hold the required hearing or fails to render a decision within the prescribed time period, decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing or on the record to an extension of time. When a decision is rendered in favor of the applicant due to a Violation of the established time requirements, the Zoning Hearing Board must give Public Notice of this decision within ten (10) days from the last day it could have met to render a timely decision. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so.
10. Stay of Proceedings: An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or Property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on Petition, after notice to the Zoning Officer and any other appropriate agency.

11. Appeals: Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Lawrence County, or as may otherwise be set forth in Article X-A of the Pennsylvania Municipalities Planning Code, or as may hereafter be amended.

Section 704: Zoning Permits

704.1. Requirements for a Zoning Permit: No use shall be established or changed, no Structure shall be erected, constructed, reconstructed, or altered, and no Building or Property used or occupied, changed in use, or changed in occupancy or tenant, until a Zoning Permit has been secured from the Zoning Officer. In addition, a Zoning Permit shall be required prior to any of the following:

1. Use of any Building or other Structure, or portion thereof, hereinafter erected, reconstructed, changed, improved, enlarged, or otherwise altered regardless of requirements for issuance of a Building Permit, including placement of a Mobile Home on a Property.
2. Change in use or occupancy of any Building or Structure, or portion thereof.
3. Use of land or change in the use thereof, except the placing of vacant land under cultivation shall not require a permit.
4. Change in use or expansion of a Non-Conforming Structure, or portion thereof.
5. Change in intensity of use, or extending or displacing the use of any Building, Structure, and/or land.

704.2. Application Requirements: An application for a Zoning Permit shall include the following in duplicate on forms provided by the Zoning Officer to ascertain compliance with this Ordinance along with such plans, documents and fees as may be required.

1. Whenever the use involves a new Building or Structure or alterations to an existing Building or Structure, an application for a Zoning Permit shall be made prior to application for a Building Permit.
2. When no construction is involved, application for a Zoning Permit and an Occupancy Permit, pursuant to the Pennsylvania Uniform Construction Code, as amended, may be made simultaneously at any time prior to the use or occupancy of the land, Building or Structure.

704.3. Exemptions. No permit shall be required for an accessory Structure that has up to and including two hundred (200) square feet of Floor Area.

704.4. Action on Zoning Permit Application. A Zoning Permit shall be acted on within 90 days of submission except when the application involved a subdivision or land development, in which case the time limit for action on an application for a Zoning Permit shall be the same as that provided for plan review by the MPC.

704.5. Zoning Permit Expiration. Zoning permits issued for the purpose of permitting construction, reconstruction, alterations, repairs, use, or the like shall automatically expire six (6) months from the date of issue.

1. Prior to the continuance of the activity, use or change for which the original permit was used, a new Zoning Permit must be obtained.
2. If, however, the construction, alteration, reconstruction, repairing, use or the like has been proceeding in a constant and regular manner and that, due to the extent and size of the subject project, it is impossible for the applicant to complete said process prior to the expiration of six (6) months or because of an act of nature, no new permit must be obtained.
3. However, the applicant must advise the Zoning Officer of said expiration and provide the reason for the failure to complete within the specified time period. In the event that said applicant fails to notify the Zoning Officer of said failure to complete, then said permit shall immediately expire and no further activity may take place unless a new permit is obtained.
4. A copy of the Zoning Permit shall be posted on the premises for public inspection during the prosecution of the work and until completion of the same.

704.6. Permit for a Temporary Structure.

1. Permits for temporary Structures related to construction work authorized under a valid Building Permit may be issued by the Zoning Officer only for the time that construction work is in progress and for a period not to exceed six months.
2. The permit may be renewed for an additional six (6) month period upon demonstration of continued need for the Structures; however, all temporary Structures shall be removed upon completion of construction.

Section 705: Occupancy Permits

705.1. Requirements for an Occupancy Permit: It shall be unlawful for any person to occupy any Building, Structure or land, or portion thereof, under any of the conditions listed below until the Building Code Official, pursuant to the Pennsylvania Uniform

Construction Code, as amended, has issued an Occupancy Permit. An Occupancy Permit shall be required under the following circumstances:

1. Initial occupancy of any Building or Structure, or portion thereof, intended for occupancy hereinafter erected, altered, or enlarged for which a Building Permit is required.
2. Change in use, ownership or occupancy of any non-residential Building or Structure, or portion thereof. The commencement of a Home Occupation also constitutes a change in use.
3. Change in use or expansion of a Non-Conforming Use or Structure, or portion thereof.
4. Use of land or change in use thereof, except that the placing of vacant land under cultivation shall not require an Occupancy Permit.
5. An Occupancy Permit for a new use within an existing Structure or for a use not specified on the Building Permit application requires the signature of the Zoning Officer.

705.2. Application Requirements:

1. All applications for Occupancy Permits shall be made to the Code Official in writing on forms furnished by the Township and shall include all information necessary to enable the Code Official to ascertain compliance with the Pennsylvania Uniform Construction Code, as amended.
2. Written request to the Zoning Officer shall be processed within one (1) week of receipt of the request of the proposed use, provided that the use is in conformity with the provisions of this Ordinance and other effective and applicable ordinances.
3. The Zoning Permit and Occupancy Permit may be combined for the administrated convenience of the Township as a Zoning and Occupancy Permit.
4. The Zoning Officer's refusal to issue an Occupancy Permit shall include a written statement to the applicant containing reasons for such denial.

705.3. Occupancy permits shall state that the Building or the proposed use of a Building or land complies with all provisions of this Ordinance and are deemed to authorize both initial and continued occupancy and use of the Building and land so long as such Building and use are in full conformity with the provisions of this Ordinance.

705.4. No Occupancy Permit shall be issued until such time as the applicant has applied for the same and has paid the application fee, which shall be included as part of the Zoning

Permit fee, and the premises have been inspected by the Zoning Officer or his delegate and, thereafter, a determination has been made that the premises is in compliance with this Ordinance.

- 705.5. No Occupancy Permit shall be granted until the subject project has been completed or the Zoning Officer has determined the same to be fit for the use intended by the applicant. If the applicant desires to make use of the premises or project prior to its completion, the same is strictly prohibited until such time as an application has been made for an Occupancy Permit and all rules and regulations pertaining thereto and as contained herein have been determined by the Zoning Officer to have been met.
- 705.6. No premises, Structure, swimming pool or the like shall be used until such time as an Occupancy Permit has been granted.
- 705.7. If the project has not been completed and a partial use or occupation of the premises is desired by the applicant, the applicant must first make application to the Zoning Officer, pay a fee equal to the amount of the original cost of the permit, and thereafter, once the same has been examined by the Zoning Officer and has been determined by him to be fit for the limited or partial use intended, said applicant may use and/or occupy the premises; however, nothing contained in this subsection shall be interpreted or used as an excuse or viewed as a waiver of any of the other terms contained hereinabove pertaining to the expiration of any and all permits for purposes of completion of the original project.

Section 706: Conditional Uses

- 706.1. Procedure for Approval. The Township Board of Supervisors shall hear and decide requests for Conditional Uses; however, the Board of Supervisors shall not approve a Conditional Use unless and until:
1. A written application for Conditional Use approval is submitted to the Zoning Officer no less than ten (10) working days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Ordinance under which Conditional Use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - A. A preliminary land Development Plan, if required by the Lawrence County Subdivision and Land Development Ordinance, or if a land Development Plan is not required, a current Property survey indicating all existing and proposed Structures and all proposed construction, additions, or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.

- B. A written statement showing compliance with the applicable standards and criteria of this Ordinance for the proposed use.
 - C. The application fee as set by resolution of the Township Board of Supervisors.
- 2. A written recommendation is received from the Planning Commission or 45 days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
- 3. A Public Hearing is conducted by the Board of Supervisors pursuant to Public Notice and said hearing is scheduled no more than 60 days following the date of submission of a complete and properly filed application.
- 4. The Board of Supervisors shall render a written decision within 45 days after the last Public Hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this Ordinance, or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- 5. Standards and Criteria for Approval: In deciding all applications for Conditional Uses, the Board of Supervisors shall be guided by the following standards and criteria:
 - A. The proposed use conforms to the applicable regulations of the district.
 - B. The proposed use should not cause undue noise, glare, or pollution of the surrounding areas, upon recommendation by the Township Engineer and Planning Commission.
 - C. Anticipated levels of traffic congestion, noise, glare, and pollution created by the proposed use will be similar to the levels created by the uses permitted in that district.
 - D. Any visual or functional conflicts between the proposed use and surrounding existing uses shall be kept to a minimum. Increased Setbacks, planted buffers, wooden Fences or other measures may be required by the Township to minimize potential conflicts, or to reduce anticipated levels of noise. Visual and functional conflicts include, but are not limited to, loading docks, Parking Lots, service driveways, or large nonresidential Buildings adjacent to residential neighborhoods or open space areas, without adequate buffering.
 - E. In granting a Conditional Use, the Township may attach such reasonable conditions and safeguards, which conditions may include, but are not

limited to, harmonious design of Buildings, plantings and its maintenance as a sight or sound Screen, the minimizing of noxious, offensive, or hazardous elements, adequate standards of parking, and sanitation, as it may deem necessary to implement the purpose of this Ordinance.

6. Conditional use approval shall expire automatically without written notice to the applicant, if no application for a Building Permit or an Occupancy Permit to undertake the construction or authorize the occupancy described in the application for Conditional Use approval is submitted within 12 months of said approval, unless the Board of Supervisors, in its sole discretion, extends Conditional Use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.
7. Any affected party or any person having a legal interest in the Property may, within thirty (30) days following such order having been issued, appeal the same to the Lawrence County Court of Common Pleas, in accord with the Municipal Planning Code, Act 247 of 1968, as reenacted and amended.

Section 707. Coordination with Other Township Requirements and Permits, State and Federal Requirements and Permits

707.1. Applications for Permits: In all cases, any application for a permit of any of the types described in this Ordinance shall be decided not only on the basis of compliance with this Ordinance, but also, on the basis of compliance with all other applicable Township ordinances and all other applicable rules and regulations of the various Township authorities and agencies which might be concerned, as well as State and Federal requirements and permits.

707.2. Reasonable Accommodation Procedure and Criteria:

1. Persons with a claim for a reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit their request in writing to the Zoning Officer on an application form which shall require that the following information, and such other information as may be reasonably needed to process the request, be provided:
 - A. Specific citation of the provision of this Ordinance from which reasonable accommodation is requested.
 - B. The name and address of the applicants.
 - C. The specific description of the reasonable accommodation sought and the particulars, including exact dimensions of any proposed structural or locational accommodation.

- D. The condition of the applicants for which reasonable accommodation is sought.
 - E. A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested.
 - F. A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why applicants have rejected such alternatives.
 - G. A statement describing why the requested accommodation is necessary to afford the applicants an opportunity equal to a nonhandicapped or nondisabled person to use and enjoy the Dwelling in question.
 - H. A description of the manner in which the accommodation, if granted, will be terminated, or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons.
 - I. A statement of any facts indicating whether or not nonhandicapped or nondisabled persons would be permitted to utilize the Property in question in a manner similar sought by applicants.
- 2. The Zoning Officer may hold any meetings and/or hearings necessary in his discretion to elicit information or argument pertinent to the request for accommodation.
 - 3. The Zoning Officer's decision shall be in writing and shall state the reasons for the decision.
 - 4. The Zoning Officer shall issue his written decision to the applicants and the Township within 30 days of filing of the request for accommodation.
 - 5. A request for reasonable accommodation should be directed in the first instance, to the Zoning Officer. In considering a request for reasonable accommodation, the Zoning Officer shall, with the advice and counsel of the Township Solicitor, apply the following criteria:
 - A. Whether the applicants are handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
 - B. The degree to which the accommodation sought is related to the handicap or disability of the applicants.
 - C. A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested.

- D. The extent to which the requested accommodation is necessary to afford the applicants an opportunity equal to a nonhandicapped or nondisabled person to use and enjoy the Dwelling in question.
- E. The extent to which the proposed accommodation may impact other Property owners in immediate vicinity.
- F. The extent to which the requested accommodation may be consistent with or contrary to the zoning purposes promoted by this Ordinance, the Comprehensive Plan and the Community Development Objectives set forth in this Ordinance.
- G. The extent to which the requested accommodation would impose financial and administrative burdens upon the Township.
- H. The extent to which the requested accommodation would impose an undue hardship upon the Township.
- I. The extent to which the requested accommodation would require a fundamental alteration in the nature of the Township's regulatory policies, objectives, and regulations.
- J. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to nonhandicapped or disabled persons.
- K. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated, or discontinued when no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the Dwelling in question.
- L. The extent to which the requested accommodation will increase the value of the Property during and after its occupancy by applicants.

Section 708 Amendments

- 708.1. The Township Board of Supervisors may introduce and/or consider Amendments to this Ordinance and to the Zoning District Map, as proposed by the Township Board of Supervisors or by the Planning Commission or by a Petition of landowners of Property within the Township.
- 708.2. Petitions for Amendments shall be filed with the Planning Commission at least 15 calendar days prior to the meeting at which the Petition is to be heard. In the case of a Petition for reclassification of Property, the Petitioners, upon such filing, shall submit a legal description of the Property proposed to be rezoned. All Petitions shall include a statement justifying the request and documenting consistency with the Comprehensive

Plan and a filing fee, in accordance with the fee schedule fixed by resolution of The Township Board of Supervisors. The Planning Commission shall review the proposed Amendment and report its findings and recommendations in writing to the Township Board of Supervisors.

- 708.3. Any proposed Amendment presented to the Township Board of Supervisors without written findings and recommendations from the Planning Commission and the Lawrence County Planning Commission shall be referred to these agencies for review at least 30 days prior to the Public Hearing of The Township Board of Supervisors. The Township Board of Supervisors shall not hold a Public Hearing upon such Amendments until the required reviews are received or the expiration of 30 days from the date of referral, whichever comes first.
- 708.4. If the proposed Amendment involves a change to the Zoning District Map, notice of the Public Hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens at least seven (7) days prior to the date of the Public Hearing.
- 708.5. Before acting on a proposed amendment, the Township Board of Supervisors shall hold a Public Hearing thereon. Public Notice, as defined by this Ordinance, shall be given containing a brief summary of the proposed Amendment and reference to the place where copies of the same may be examined.
- 708.6. If after any Public Hearing is held upon a proposed Amendment, the amendment is substantially changed or revised to include land not previously affected by the Amendment, the Township Board of Supervisors shall hold another Public Hearing, pursuant to Public Notice, before proceeding to vote on the Amendment.
- 708.7. Proposed Amendments shall not be enacted unless the Township Board of Supervisors gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the proposed Amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
- 708.8. The Township Board of Supervisors shall publish the proposed Amendment once in a Newspaper of General Local Circulation in the Township not more than 30 nor less than 7 days prior to passage. Publication of the proposed Amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:
1. A copy thereof shall be provided to the newspaper.
 2. An attested copy of the proposed ordinance shall be filed in the County Law Library.

708.9. Within 90 days of the date when the Public Hearing on the proposed Amendment is officially closed, The Township Board of Supervisors shall vote on the proposed Amendment. In the event substantial Amendments are made in the proposed Amendment, The Township Board of Supervisors shall re-advertise in one Newspaper of General Local Circulation in the Township a brief summary of the Amendments at least 10 days prior to enactment.

708.10. Within 30 days after enactment, a copy of the Amendment to this Ordinance shall be forwarded to Lawrence County Planning Commission.

Section 709 Procedure for Municipal Curative Amendment

709.1. If the Township determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

1. The Board of Supervisors shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a Curative Amendment. Within thirty (30) days following such declaration the Township shall:
 - A. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance with may include references to specific uses which are either not permitted or not permitted in sufficient quantity; reference to a class of use or uses which require revisions; or reference to the entire ordinance which requires revisions.
 - B. Begin to prepare and consider a Curative Amendment to the Zoning Ordinance to correct the declared invalidity.
2. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative Amendment to validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by the Pennsylvania Municipalities Planning Code, Section 609 in order to cure the declared invalidity of the Zoning Ordinance.
3. Upon the initiation of these procedures, the Township shall not be required to entertain or consider any landowner's Curative Amendment filed under the Pennsylvania Municipalities Planning Code section 609.1, nor shall the zoning hearing board be required to give a report requested under the Pennsylvania Municipalities Planning Code section 909.1 or 916.1 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution adopted by the Township. Upon completion of the procedures as set forth in subsections 1 and 2 above, no rights to a cure pursuant to the provisions of the Pennsylvania Municipalities Planning Code sections 609.1 and 916.1 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning

Ordinance for which there has been a Curative Amendment pursuant to this section.

4. The Township, having utilized the procedures as set forth in subsections 1 and 2, may not again, utilize said procedure for a thirty-six (36) month period following the date of the enactment of a Curative Amendment or reaffirmation of the validity of this Zoning Ordinance pursuant to subsection 2; 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 a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this section to prepare a Curative Amendment to this Ordinance to fulfill said duty or obligation.

Section 710 Landowner-Proposed Curative Amendments

710.1. Any landowner in the Township may submit a written proposal, on the form provided by the Township, requesting an Amendment of this Ordinance or Zoning Map as they relate to the landowner's Property, and shall pay the fee fixed by the Township for such a submission.

710.2. Applications for amendment of this Ordinance shall be presented or postmarked to Township on the same day and shall contain the materials specified below unless the applicant is proceeding for Curative Amendment or appeal within this Ordinance. In the latter cases, the applicant shall be bound by the requirements contained therein.

1. The applicant's name and address and his representative and the interest of every person represented in the application;
2. A fee as specified by the participating municipal fee schedule charged to any person or persons desiring to amend this Ordinance;
3. A plan showing the extent of the area to be rezoned; Streets bounding and intersecting the area; the Land Use and zone classifications of Abutting districts, and photographs of the area to be rezoned and Abutting areas;
4. A statement of the circumstances in the proposed district and the Abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning;
5. The approximate time schedule for the beginning and completion of development in the area;
6. A Site Plan to scale, indicating the location of Structures, uses, and areas for off-Street parking and loading.

710.3. The Township shall commence a hearing thereon within 60 days of the request.

- 710.4. The Curative Amendment and Challenge shall be referred to the Planning Commission and the Lawrence County Planning Commission for review and commentary. The Township shall also advertise the proposed Amendment as required by the Municipalities Planning Code and, if the proposal involves any change to the Zoning Map, any affected Property shall be posted.
- 710.5. If the Township determines that a validity Challenge has merit, the Township may accept a landowner's Curative Amendment, with or without revision, or may adopt an alternative Amendment that will cure the Challenged defects. The Township shall consider the Curative Amendments, plans, and explanatory material submitted by the landowner and shall also consider:
1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities
 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the Challenged provisions of this Ordinance or Map.
 3. 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.
 4. The impact of the proposed 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.
 5. The impact of the proposal on the preservation of agriculture and other Land Uses which are essential to public health and welfare.
- 710.6. If the Township does not accept a landowner's Curative Amendment brought in accordance with this subsection and a court subsequently rules that the Challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and map, but only for those provisions which specifically relate to the landowner's Curative Amendment and Challenge.

Section 711 Interpretation; Conflict with Other Provisions

- 711.1. The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare.
- 711.2. This Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township, provided that where this Ordinance imposes a greater restriction upon the use of Buildings or' premises or upon the height of a Building or requires larger open spaces than are imposed by other such rules, regulations or ordinances, the provisions of this Ordinance shall prevail.

Section 712. Violations and Penalties

- 712.1. Any person, partnership, or corporation who or which has violated or permitted the Violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof.
- 712.2. No judgment shall commence or be imposed, levied or payable until the date of the determination of a Violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- 712.3. Each day that a Violation continues shall constitute a separate Violation, unless the District Justice, determining that there has been a Violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such Violation, in which event there shall be deemed to have been only one (1) such Violation until the fifth day following the date of the determination of a Violation by the District Justice, and thereafter each day that Violation continues shall constitute a separate Violation.
- 712.4. All judgment costs and reasonable attorney's fees collected for the Violation of this Zoning Ordinance shall be paid over to the Township.
- 712.5. When written notice of the Violation of any of the provisions of this Ordinance shall have been served, by registered mail or otherwise, by the Zoning Officer on the owner, agent or occupant, contractor or builder involved, such Violation shall be discontinued within thirty (30) days. However, if in the opinion of the Zoning Officer the Violation creates an imminent danger to life and Property or is willful and deliberate, the violator shall be ordered to discontinue such Violation immediately. The giving of notice of a Violation as herein provided shall not be interpreted to supersede or deny the Zoning Officer and the Township the right and duty to prosecute a violator for a Violation of each respective provision of this Ordinance.

- 712.6. Written notice of a Violation shall be given to the owner of record of the parcel on which the Violation has occurred, any person who has filed a written request to receive enforcement notices regarding that parcel and any other person requested, in writing, by the owner of record. The enforcement notice shall state at least the following:
1. The name of the owner of record and any other person against whom the Township intends to take action.
 2. The location of the Property in Violation.
 3. The specific Violation with a description of requirements that have not been met, citing in each instance the applicable provisions of this Ordinance.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a Violation, with possible sanctions clearly described.
- 712.6. In case any Building, Structure, Landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in Violation of this Ordinance, the Township, or with the approval of the Township, an officer of the Township or an aggrieved owner or tenant of real Property who shows that his Property or person will be substantially affected by the alleged Violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such Building, Structure, Landscaping or land or to prevent, in or about such premises, any act, conduct, business or use constituting a Violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township. No such action may be maintained until such notice has been given.

Section 713. Fees and Compensation

713.1. Fees:

1. The Township shall determine a Schedule of Fees, to be adopted by resolution, as well as a collection procedure for permits and applications for Variances, Amendments, and other matters pertaining to this Ordinance.

2. The Township shall re-evaluate the fee schedule from time to time and make the necessary changes. These changes shall not be considered an Amendment to this Ordinance and may be adopted at a public meeting by resolution.
3. All fees shall be paid to the Township. Conditional Uses, Variances and Amendments shall be acted upon only after the required fees have been paid in full and the Zoning Hearing Board shall not take any action on appeals until the necessary charges have been paid in full.
4. The Township may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
5. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

713.2. Compensation.

1. Members of the Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by the Township, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township. Alternate members may receive similar compensation when designated to participate in hearings.
2. The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel as the need arises. The legal counsel shall be an attorney other than the municipal solicitor.
3. The Board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary.
4. The compensation of legal counsel, experts, and staff and the sums expended for service shall not exceed the amount appropriated by the Township for this use.