ZONING ORDINANCE

HARMAR TOWNSHIP

ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 331
ADOPTED NOVEMBER 17, 1999

PREPARED BY:
MALCOLM STRACHAN, PLANNING CONSULTANT
AND THE HARMAR TOWNSHIP
PLANNING COMMISSION

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ZONING ORDINANCE
HARMAR TOWNSHIP
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 331 OF 1999

An Ordinance establishing the boundaries of zoning districts within each of which uniform land use and dimensional regulations apply; specifying minimum lot area, width and depth, and setback from lot lines in each district as well as maximum building height and coverage of the lot; requiring minimum standards for off-street parking, signage and buffering to protect residential areas; addressing reasonable exceptions, variances and non-conformities in particular cases; setting forth the powers and duties of the Zoning Hearing Board and of the Zoning Officer; and providing for the administration, enforcement and amendment of the ordinance, all in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, Act 170 of 1988, and as amended.

WHEREAS the Pennsylvania Municipalities Planning Code empowers the Township to enact and amend a Zoning Ordinance in accordance with the Code's stipulations; and

WHEREAS the Board of Supervisors has found it necessary, for the purpose of protecting the public health, safety and welfare of the residents and property owners of Harmar Township, to reconsider its current Zoning Ordinance; and

WHEREAS, the Board has requested the Township Planning Commission to recommend adjustments to the boundaries of the various zoning districts and appropriate revised regulations to be enforced therein; and

WHEREAS, the Planning Commission has given reasonable consideration among other things to the character of the districts and their peculiar suitability for particular uses with a view to conserving the value of land and encouraging the most appropriate use of land throughout the Township; and

WHEREAS, the Planning Commission has prepared the draft of a zoning ordinance and a zoning map, has held a public meeting to secure public comment, and has submitted the proposed revised zoning ordinance and map, together with recommendations and explanatory materials to the Board of Supervisors; and

WHEREAS, the Board has given due public notice of a hearing to explain the Ordinance and to receive public comment, and has held such public hearing; and

WHEREAS, all requirements of the Pennsylvania Municipalities Planning code, as amended, with regard to the preparation and content of a zoning ordinance and the subsequent public hearings and adoption by the Board of Supervisors have been met;

NOW THEREFORE, HARMAR TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA, HEREBY ADOPTS AND EXERCISES ALL OF THE POWERS SET FORTH IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AND DOES HEREBY ESTABLISH AND ENACT THIS COMPREHENSIVE ZONING ORDINANCE FOR THE TOWNSHIP AS FOLLOWS:

Article 1: PRELIMINARY PROVISIONS

1.100 Short Title, Authority and Scope of Ordinance

1.110 This Ordinance and attached zoning map shall be known as, and may be cited as "The Harmar Township Zoning Ordinance of 1999."

1.120 The authority of the Township to enact and apply zoning regulations comes from the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and Act 165 of 1996, and as may be further amended from time to time in the future.

1.130 This Ordinance

1.131 regulates the location and use of buildings and land for residence, commerce, business and institutions;

1.132 specifies the minimum size of properties, and the height and placement of buildings and other structures on their lots;

1.133 divides the Township into zone districts of such size, shape, area and interrelationship as to provide the most harmonious and mutually compatible arrangement to serve the public interest; and

1.134 establishes concise and timely procedures for the administration, enforcement and amendment of this Ordinance.

1.200 Interpretation

1.210 The regulations contained in this Ordinance shall be held to be the minimum required to uphold the public health, safety, morals and general welfare.

1.220 The language of this Ordinance shall be interpreted, where doubt exists as to the intended meaning as written and enacted, in favor of the property owner or applicant and against any implied extension of a restriction.

1.300 Purposes of the Ordinance

The provisions of this Ordinance are deemed necessary to:

1.310 Uphold the public health, safety, morals and general welfare;

1.320 Promote orderly development by protecting the character and maintaining the stability of residential and business areas;

1.330 Conserve property values through the most appropriate and efficient uses of land and arrangement of zone districts;

1.340 Prevent overcrowded and blighting conditions, encroachment into flood plains, and congestion and dangerous conditions on streets;

1.350 Encourage provision and efficient placement of community services such as sanitary sewer, water and storm drainage systems, schools, recreation parks, off-street parking and business servicing;

1.360 Establish reasonable open spaces on each lot consistent with the land use to allow the passage of light and air and prevent the spread of fire;

1.370 Prevent incompatible uses from intermingling with the predominant uses in a zone district and encourage the gradual voluntary phasing out of non-conforming uses.

1.380 Safeguard steep hillsides, flood plains and wetlands from encroachment of development.

1.400 Community Development Objectives

In addition to the general purposes which are the foundation of this Ordinance (Section 1.300 above), the following specific Community Development Objectives are the basis for designing the contents of this Ordinance. These objectives were identified in the 1997 Updated Harmar Township master plan, with respect to land use relationships, density of population, commercial and business requirements and an adequate and efficient arrangement of streets and public utilities.

1.410 The current character of the Township should be maintained. That character can be described by steep, wooded slopes, narrow valleys and high plateaus, communities of small house lots, with the natural setting providing a clear separation between residential and business activity.

1.420 The supply of housing is generally older, modest in size and well maintained. Property maintenance should be encouraged and housing protected from encroachment by other uses. Dilapidated housing should be removed and new housing encouraged to fill vacant lots and on plateau locations.

1.430 A variety of housing should be available, including single family dwellings, mobile homes, townhouses, garden apartments, group homes and retirement communities.

1.440 Natural barriers often provide strong separations between conflicting uses. This policy should continue and intrusions across such barriers should be discouraged.

1.450 A strong business community has been established along Freeport Road the length of the Township, part small properties serving neighborhood needs and part regional commercial on large properties dominated by parking and catering to the regional and traveling public. While the nature of the road network suggests that commercial development will be centered in the Freeport Road corridor, additional commercial growth can be accommodated along Route 910, where substantial earth movement, highway renovation and drainage relocation will be necessary, and along Russellton Road (Little Deer Creek Road) for the neighborhood needs of the Harmar Heights area.

1.460 Each new development should have safe access to the highway network, as well as adequate off-street parking, interior circulation and stormwater control. Each new major development should be prepared to submit traffic impact and mitigation studies to assure that the highway system can carry the increased load, or if not, that improvements provided by the developer will overcome any deficiencies.

1.470 Environmental values should be protected - particularly flood plains, riverside wetland areas and steep slopes.

1.500 <u>Conflict and Severability</u>

1.510 <u>Conflict</u> - where conflicts exist between this Ordinance and other regulations of the Township, or of a higher level of government, or with legal restrictive covenants applied by landowners to the development of their property, the Ordinance, regulation or covenant establishing the highest standard shall prevail. All ordinances or parts thereof in conflict with this Zoning Ordinance, inconsistent with its provisions, or less restrictive are hereby overridden to the extent necessary to give this Ordinance full force and effect. This section shall not imply that the Township has any power to enforce restrictive

covenants. However, any restrictive covenant provisions that are less restrictive than the corresponding provisions of this Ordinance shall be superseded by this Ordinance.

1.520 Severability - If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a competent court of law, such decision shall not affect the validity and constitutionality of the remainder of the Ordinance, which shall remain in full force and effect. The various provisions of this Ordinance are severable and are hereby declared to stand alone under constitutional scrutiny.

1.600 Municipal Liability

1.610 Municipal Liability - The grant of a building permit to undertake a land development in accordance with the terms of this Ordinance shall not constitute a representation, guarantee or warranty of any kind by Harmar Township or by any of its officials or employees concerning the practicality, safety, or economic success of the use, building or structure covered by the permit, and shall create no liability upon the Township, its officials or employees.

1.700 Duties of Public Officials Under the Terms of This Ordinance

While the Pennsylvania Municipalities Planning Code may from time to time in the future assign new duties to local officials or withdraw and reassign duties, the lists below represent the current (1997) assignments stipulated in the Code.

1.710 The Board of Supervisors shall be responsible for:

1.711 convening public hearings to take testimony on amendments of this Ordinance and conditional uses;

1.712 appointing the members of the Planning Commission and of the Zoning Hearing Board and the Zoning Officer; making appointments to fill unexpired terms of members who have resigned, or to fill vacancies, or reappoint members at the end of expired terms; removing members of the Zoning Hearing Board or Planning Commission after investigation and positive findings of malfeasance, misfeasance and nonfeasance while in office;

1.713 deciding applications for conditional uses after receiving Planning Commission recommendations and holding public hearings; and

1.714 referring amendment requests for review and comment to the Planning Commission and County Planning Commission before public hearing and decision.

1.715 deciding proposals to continue, restore or change non-conforming uses, when time limitations are expiring, after receiving Planning Commission recommendations.

1.720 The Planning Commission shall be responsible for:

1.721 initiating proposed amendments to this Ordinance or reviewing proposals made by citizen petition or by the Board of Supervisors, and providing recommendations on each such amendment proposal to the Board;

1.722 reviewing requests for conditional uses and referring each proposal to the Board of Supervisors with comments;

1.723 reviewing proposals to continue, restore or change non-conforming uses, when time limitations are expiring, and recommending action to the Board of Supervisors;

1.724 examining proposed land subdivisions and land developments relative to conformance with the terms of this Ordinance, and approving or denying such proposals, with or without conditions attached to approval; and

1.725 periodically reviewing this Ordinance text and map to determine if they remain relevant to development trends and planning concerns that are current.

1.730 The Zoning Hearing Board shall be responsible for:

1.731 calling and holding public hearings in a timely manner to take testimony on all matters brought before it, and arranging for preparation of a stenographic record of each hearing.

1.732 evaluating testimony and making a decision on each contested issue, commencing and concluding each matter within the mandated time constraints;

1.733 communicating decisions to applicants in a timely manner;

1.734 hearing and deciding appeals from decisions of the Zoning Officer;

1.735 hearing and deciding substantive challenges to the validity of this Ordinance or any parts thereof;

1.736 hearing and deciding requests for variances from strict application of the terms of this Ordinance because an alleged hardship to the applicant exists;

1.737 hearing and deciding requests for modifications of the Township flood hazard area regulations as they affect specific properties.

1.740 The Zoning Officer shall be responsible for:

1.741 administering this Ordinance in accordance with its literal terms, without judgments that might slant meanings;

1.742 issuing building and occupancy permits after assurance that the permitted development is fully in accordance with the requirements of this Ordinance, and then following up to make certain that construction and use of building and land concurs with the permit;

1.743 making initial determinations on transfer of ownership of non-conforming uses;

1.744 defending his/her actions, if challenged, before the Zoning Hearing Board or in court; and

1.745 providing information to the public on this Ordinance, keeping records of his/her actions, and providing periodic reports to the Board of Supervisors.

Article 2: DEFINITIONS

2.100 General Rules

The following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future tense; the singular includes the plural and the plural the singular; the words "person" or "developer" includes a firm, association, partnership, trust, company or corporation as well as an individual; the masculine includes the feminine; the word "shall" is mandatory and not optional and the word "may" is permissive; the words "used" or "occupied" include the words "arranged, designed, constructed, altered, converted, rented, leased, maintained, or intended 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.

2.200 Specific Definitions of Terms Used in this Ordinance

Abutting - touching along a common boundary line including directly across an intervening street.

Access aisle - an unobstructed vehicular passage in a parking lot, directly abutting a row of parking spaces and connecting to other aisles and to public streets, designed to provide maneuvering space for drivers entering and leaving the parking spaces.

Accessory use/building - an activity or use that is incidental to, and generally found in connection with the principal use on the lot. An accessory building contains an accessory use (see section 5.400).

Allowed by right - permitted without review beyond the zoning officer because the proposed use is a permitted use in the zone district where the property is located, assuming all bulk and dimensional and off-street parking requirements are complied with.

Amendment - any addition, deletion or revision of the Ordinance text or map officially adopted by the Board of Supervisors after public hearing (see section 12.500).

Amusement enterprise - a leisure activity or recreation, usually in a confined area, for which a charge is assessed for the use of the facility and/or equipment.

Apartment - a dwelling unit within a building containing at least three (3) similar units, access to which is directly to the outside at grade or via common hallways and stairs to the outside at grade.

Appeal - a petition made to the next higher level of

authority by a party wishing to pursue or protest a development issue that has been denied or approved at a lower level or by a public official, asking for reversal of the earlier decision.

Appellant - a party with the legal standing to file a petition to appeal an official action of a public body.

Attached dwelling - a single family dwelling that abuts directly along one or two (2) walls of similar dwellings.

Attic - the uppermost floor level in a building under a sloped roof where at least one half (1/2) the floor area provides a height of six (6) feet from floor to ceiling or less.

Auto service station a business facility that provides fuel and oil for vehicles and may sell auto accessories and traveller convenience goods and provide minor auto service and maintenance, but does not offer collision repair or painting or the storage of damaged or abandoned vehicles. Minor service shall be limited to spark plug, battery and tire repair and servicing; replacement of mufflers, tailpipes, hoses, belts, fluids, bulbs, windshield wipers and minor fittings; radiator cleaning and flushing; washing, polishing and lubrication, brake adjustment or installation; carburetor, fuel pump and fuel line replacement or servicing; minor engine tuning; and emergency starting services.

Awning - a retractable and flexible covering attached to a wall that provides shade for doors and windows and that may be removed and replaced easily.

Back-office operations - business activities in an office setting that do not allow face-to-face contact with clients or customers, usually involving record keeping, billing, telemarketing, bookkeeping and similar operations.

Balcony - a platform without enclosing walls attached to a building along one or more edges, but with no supporting connection to the ground.

Basement - the story within a building whose elevation is not more than one-half the height below the average finished grade of the outside ground level, and has vertical windows opening in to it, not in window wells, on at least one wall.

Bay window - a projection from the wall of a building containing windows and supported only by the wall.

Blighting conditions - a combination of physical and environmental conditions that creates deterioration of a property and eventually the neighborhood, and discourages maintenance.

Buffering - natural plantings, fences and/or walls placed along the perimeter of a property to protect residential development from abutting commercial or other activity that would deteriorate the enjoyment or value of the residential property (see section 5.520).

Building - any man-made structure attached to or into the ground and having a roof supported by columns or walls used for the shelter or enclosure of persons, businesses or other enterprises and activities associated with any of them.

Building or setback line - a line, or part of such line, that describes the limits of building construction within a lot, set back from lot lines the depths of front, side and rear yards for each property, depending upon which zone district the lot is located in.

Building lot - a ground surface of sufficient area, width and frontage to allow development in accord with the requirements for the zone district in which the lot is located.

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.

Building, principal - the building in which is conducted the principal use of the lot on which it is located. A dwelling shall be considered the principal building on a residential lot. In some business or multi-family dwelling developments there may be several principal buildings containing the same use.

Canopy - a permanent, not retractable device attached only to the wall of a building to protect and/or mark an entrance, made of lightweight materials, and capable of supporting only its own weight.

Canopy tree - a deciduous tree with umbrella-like upper branch systems that creates shade on the ground and allows pedestrian circulation around the trunk of the tree when mature.

Cellar - the lowest floor in a building where all exterior enclosing walls are more than one-half below finished grade.

Challenge, procedural - an appeal challenging the actions taken by elected officials or appointed bodies of the Township for failing to follow prescribed procedures in the adoption of an ordinance or amendment, scheduling or holding a public hearing, or enforcement of the Ordinance.

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 advance of the public health and safety.

Church - the building, containing as the central room, the sanctuary and meeting place of a religious congregation, including no dwelling in the same building.

Clear sight areas - a visual area kept free of obstructions that allows vehicle drivers approaching an intersection to see one another and thus avoid a potential collision.

Commercial kennel or stable - a facility designed to house, care for, breed, show and/or train dogs or horses as a profit-making business.

Commercial recreation - leisure activity available to the public at a charge intended to earn a profit for the owner. Such recreation may include, but is not limited to, bowling alleys, dance, reception or bingo halls, golf courses, miniature golf, pitch and putt golf, fishing lakes, video game arcades, amusement rides and petting zoos.

Common hallway - a passage within a building providing the connection between individual dwelling units and stairs leading to the outside of the building.

Common open space - areas within a plan that are held and maintained jointly by all the owners of property in the plan for their mutual benefit.

Communications tower - a structure supporting equipment capable of sending and receiving telecommunications signals to and from other similarly situated equipment.

Community development objectives - a series of statements summarizing the recommendations of the Township's comprehensive plan expressing achievable goals for land development management, population change, and improvement of roads, utilities, community facilities and environmental protection.

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 land use that may be approved by the Board of Supervisors provided that the proposed use is listed as a conditional use for the zone district containing the property to receive the use, and the Board finds, after receiving recommendations from the Planning commission and holding a public hearing, that the use is appropriate for the site and will not significantly degrade the neighborhood.

Condominium - one of a group of dwelling units in a plan, available for sale as an individual unit, ownership of which requires financial support of the maintenance of land and facilities owned in common by all the dwelling unit owners.

Conference center - a building or buildings for use as the headquarters, meeting hall, club or lodge facility for an organization, limited to offices, meeting rooms, enclosed auditorium facility for cultural, civic, social and recreational meeting and educational functions, as well as kitchen, dining and banquet facilities, storage for the organization's private use and accessory uses.

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.

Convalescent home - a facility that accommodates patients recuperating from injury or illness when intensive hospital care is not needed.

Convenience sales - retail sales of popular everyday disposable products with limited choices, and available over a much wider time frame than usual retail sales outlets, including gasoline sales from pump islands.

Conversion apartment - a dwelling unit created from within a single family detached dwelling (see section 5.702).

Corner lot - a property abutting two (2) streets which intersect at one corner of the property (see section 5.140).

Coverage - the extent to which a building occupies the lot on which the building is located, expressed as a percentage of the building's area on the lot to the total lot area.

Curative amendment - an amendment proposed by a property owner challenging the validity of zoning regulations as they apply to property in which he has an interest and requiring municipal action on his 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 (see section 12.600).

Day care center - a facility for the daytime care of dependent persons, operated by a qualified staff, and certified by the State (see section 5.802).

Deck - an open platform without permanent roof or walls raised above ground level and usually attached along one or more edges to a building.

Density - the minimum number of square feet of lot area required for each dwelling unit in an apartment or townhouse development.

Depth of yard - the horizontal distance between a lot or property line and the parallel setback line, measured at right angles to the property line, such distance determined by the type of yard (front, side or rear) and the zone district in which the property is located.

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 Township regulations.

Development - the erection, expansion or alteration of a building or structure; the altering of the land surface to receive construction; the subdividing of land in anticipation of its receiving construction or the offering of land for such purpose; or any man-made change to improved or unimproved property within a flood hazard area, including but not limited to paving, placing of utilities, filling, grading, or excavating.

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.

District regulations - the group of standards, including lot size, building setback and coverage, and land use opportunities that govern development in a particular zone district.

Drainageway - a depression across the ground surface that collects water run-off from surrounding higher land and carries it to a larger stream or river.

Driveway - the private vehicular entrance to a property connecting to the adjacent public street.

Drive-through services - an arrangement which permits customers to transact business without leaving their cars.

Dwelling - a group of connecting 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 connecting either directly or by a common hall and/or stairs to the outside, but not including hotels, dormitories, or nursing convalescent homes.

a. Dwelling, single-family detached - a building containing only one dwelling and no other principal uses, surrounded on all sides and above by open space.

b. Dwelling, two-family or duplex - a detached building, surrounded by outside space on all sides and above containing only two (2) dwellings, situated side by side and separated by a common wall, or one above the other separated by a common horizontal element serving as the floor of the upper dwelling and ceiling of the lower dwelling, such element free of openings except for utility lines, chimney stacks, and stairways connecting the upper dwelling to the ground level. Each dwelling shall be independent of the other in terms of access, except that the two units may have a common foyer entrance, porch, driveway and/or common utility entrance, and may have common use and access to a cellar or basement.

c. Dwelling, multiple family - a building containing at least three (3) dwelling units with either separate access to the outside from each unit, or with common access via halls, stairways and/or elevators to the outside, or with each unit having direct access to the outside.

d. Dwelling unit - one of a group of dwellings in a building or group of buildings.

Easement - a right-of-way granted by the property owner across his/her land for placing of public utility lines or for drainageways.

Elderly Apartment Residence - an apartment building designed for use by independent elderly residents but including in the same building or building complex common dining and social facilities and personal services.

End Wall - the wall of a residential apartment building that contains not more than one half the windows opening into any individual apartment.

Family - an individual or two (2) or more persons related by blood, marriage, adoption or foster placement, or not more than five (5) unrelated individuals, occupying a dwelling unit. Blood relationship for purposes of this definition shall not extend beyond first cousins.

Floor Area - the total horizontal interior area that is owned or leased as a unit except for storage areas, restrooms, receiving, shipping and merchandise repair and alteration areas, utility rooms, corridors not open to the public, and display windows.

Foster care home - a single family detached dwelling occupied by a family responsible to, and accredited by a recognized social service agency which places in the home not more than five (5) minor individuals who are wards of the Courts or who are assigned by the social service agency.

Front setback line - a line parallel to the property or lot line abutting the street on which the property or lot fronts that establishes the minimum distance from the street a building may be erected on the property or lot.

Garage, private - 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, or a garage on a business property as an accessory use to serve only the parking needs of employees and customers. A group garage provides storage of vehicles owned by the occupants of a number of dwellings or other units in buildings on the same property as the garage but not including repair of vehicles for profit.

General farming - the planting and harvesting of field or orchard crops, the keeping and maintaining of livestock and fowl, but not including cattle feed lot operations or commercial slaughterhouses.

Group home - a single family detached dwelling which provides room and board, personal care, rehabilitation and 24-hour supervision in a family environment for not more than five (5) developmentally disabled or physically

handicapped persons who are placed in the home by a recognized social service agency which has long-term responsibility for the residents' welfare.

Home occupation - a service type small business conducted within a single family detached dwelling by the residents of the dwelling, involving no exterior manifestation of the business, except for a sign (see section 5.210), or expansion of the dwelling to accommodate it, and not creating nuisance or congestion conditions in the neighborhood where it is located (see section 4.810).

Incompatible uses - a group of land uses which in close proximity to a second group of uses is degraded by the proximity and is unable to develop to full potential or full value.

Landowner - the individual, corporation or other entity whose name appears on the current deed for a property as the owner of record, or the holder of a contract or option to purchase the property, or a lessee, if authorized by the owner.

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

Literal meaning - interpretation of the contents of this Ordinance to the letter without judgment or opinion that would shade or slant the meaning of any section, clause, phrase or word.

Long wall - wall of a residential apartment building that contains all the windows of any individual apartment.

Lot - an area of contiguous land surface which abuts a street, whose ownership and legal description are of record in the office of the 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.

a. Lot area - the total horizontal surface area within the lot boundary lines, measured in square feet or acres and determined by deed or survey.

b. Lot depth - the dimension between the center of the front lot line and the center of the rear lot line.

c. Lot frontage - the distance across the front of a lot between side lot lines where they intersect the right-of-way line of the street to which the lot is oriented and which carries its street address.

d. Lot line - any of the lines describing the perimeter of a lot.

e. Lot line, front - the line abutting the street to which the lot is oriented.

f. Lot line, rear - the line most distant from the front lot line.

g. Lot line, side - the lines on either side of a lot connecting the front and rear lot lines, and called an interior lot line when abutting another lot or a secondary street lot line when abutting a secondary street in the case of a corner lot.

h. Lot of record - a lot duly recorded in the office of the Allegheny County Recorder of Deeds.

i. Lot, through or double frontage - a lot whose front and rear lines abut street rights-of-way.

j. Lot width - the distance across a lot measured along the front setback line between the side lot lines.

Maneuvering space - the portion of a servicing area set aside to allow trucks to enter and leave a property moving in a forward direction.

Marquee - a permanent structure of rigid materials attached only to the wall of a building, intended to provide shelter and/or mark the building entrance.

Mixed-use building - a building that is occupied by business or other non-residential uses on the first floor and by apartments on the upper floor or floors.

Mobile home - a transportable, single family dwelling intended for permanent occupancy, contained in one integral unit, or in two (2) or more units designed to be joined into one integral unit capable of later being separated and towed on its own chassis and wheels to another site. Such mobile home arrives ready for occupancy except for utility connections and minor assembly operations and could be used without a foundation since its chassis is part of its structure.

Mobile home park - a property or group of contiguous properties under one ownership which has been developed for at least two (2) mobile home sites or lots, each with its own utility connections and off-street parking space, and each intended for lease and the placement of one (1) mobile home for non-transient use thereon.

Municipal buildings and facilities - any building or structure owned and operated by the Township, or an authority of which the Township is a member, or by a volunteer emergency services provider, for the public benefit.

Non-conforming lot - a lot whose area and/or width are less than the minimum dimensions established by this Ordinance for the zone district in which the lot is located.

Non-conforming building - a building or structure whose height and/or placement on its lot relative to setback from one or more property lines is in violation of the minimum setback and/or maximum heights established by this Ordinance for the zone district in which the lot is located. A building or group of buildings that cover more area on their lot than permitted by this Ordinance would also be non-conforming buildings.

Non-conforming use - a use of land or buildings or both which is not listed as a permitted use in Article 4 of this Ordinance for the zone district in which the lot containing the use is located. Such uses are otherwise lawfully in existence but have become non-conforming either by the initial adoption of this Ordinance or by subsequent amendments.

Nursing home - an establishment where persons are lodged and furnished with meals and appropriate support, licensed for operation by the Commonwealth. The term "nursing home" includes an extended care facility where skilled nursing care is provided to bed-ridden or convalescent individuals, or a hospice, where terminally ill individuals are provided supporting and specialty skilled care.

Occupancy permit - a certificate issued by the Zoning Officer attesting that all requirements of this Ordinance and other applicable regulations have been met and the building for which the permit applies may be occupied by its owners.

Off-street parking - parking spaces located entirely outside of any public right-of-way.

Parking lot, private - a group of off-street parking spaces that are not available for use by the general public, but may be leased by the owner and usually serve the use on the same property.

Parking, required - the minimum number of parking spaces specified in this Ordinance for each of the various land use categories.

Parking space - an area within a parking lot or garage of sufficient width and depth to accommodate one (1) vehicle, abutting an access aisle.

Patio - a paved outdoor area at, or in close proximity to, the surrounding ground level, which may be protected by a covering but not a permanent roof.

Paved surface - any area on a lot that does not permit passage of water through it.

Pennsylvania Municipalities Planning Code - legislation adopted by the State in 1968, and amended on several occasions since, 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 zone 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.

Personal care home - a single family detached dwelling which provides meals, shelter and personal assistance or supervision for not more than five (5) ambulatory adults, not relatives of the live-in operator, when such adults require help with dressing, bathing, diet or dispensing of medication prescribed for self-administration.

Porch - an outdoor attachment to a building raised above the surrounding ground level, which may have a permanent roof but is not enclosed. An open porch implies no covering.

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.

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. A lot is a property.

Property line - the legal boundary, or a part, that defines the edge of a property.

Public health, safety, and general welfare - the protection of these values is the legal basis for zoning and implies that zoning is needed to prevent the spread of fire, disease and blighting conditions, and to prevent the encouragement of hazards and the development of land uses and land use relationships that would reduce property values and/or interfere with the normal enjoyment and enhancement of private property.

Public hearing - an official meeting, properly advertised in advance, 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 legal section of the principal newspaper serving the Harmar Township area, such announcement appearing once each week for two consecutive weeks, the first time not more than thirty (30) days and the second time not 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 vehicular and/or pedestrian right-of-way which has been adopted for maintenance by either the Township, the Commonwealth of Pennsylvania or the Turnpike Authority.

Public utility - a system providing distribution of potable water, gas, electric, telecommunications, or cable TV services, or the collection, treatment, and disposal of wastewater.

Residentially-related use - a land use that is compatible with, supported by, and generally found within or in close proximity to residential areas.

Restrictive covenant - an agreement between a developer and purchasers of lots or units in a plan, such agreement restricting the use of the lots or units but applying uniformally to all the lots or units, recorded with the plan, applicable for a specific time period, and modified only upon approval of the agreement signers, and not enforceable by the Township.

Retaining wall - an engineered structure designed to hold back earth behind it (see section 5.514).

Retirement home - housing for persons generally aged 65 and over not requiring constant medical supervision, in a communal setting which may include dining facilities and meeting rooms, as well as individual apartments.

Right-of-way - a strip of land dedicated to, and usually improved for vehicular and/or pedestrian travel by the public, as opposed to an easement, which is a strip of land dedicated for one or more public utilities or for private access and is not open to the public.

Satellite dish - a parabolic ground-based reflector, together with its pedestal and any other attachments and parts thereof, to receive radio or electromagnetic waves from an overhead satellite.

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 a development proposal, such costs to be borne by the developer, paid in advance, and subject to periodic revision by the Board.

Screening - see buffering.

Servicing area - an area on a business lot set aside to maneuver and position trucks to load and unload products required or made by the business.

Setback - the minimum distance a building or structure must be removed from an adjacent lot line, as required by this Ordinance in the various zone districts. Distance between lot line and building shall be measured along a line at right angles to the lot line.

Sign - any device, placard or structure affixed to a building, structure or to the ground that uses any graphics, symbols or writing to visually communicate a message to the public. An animated sign relies on flashing lights or movement of some element of the sign to attract attention. An identification sign carries only the name and address of the property owner, and the types of home occupation on the premises and phone number, if applicable.

Single family detached dwelling - see Dwelling.

Site - the location of a land use, whether an entire lot or property or a part that is developed for the use.

Social hall, club or lodge - an establishment operated for social, fraternal, recreational and/or educational purposes, open only to members and their guests.

Special exception use - a land use that may be approved by the Zoning Hearing Board (see Article 9). Special exception uses are site specific and require added consideration because they have, in the wrong location, the potential to create conditions that could degrade adjoining properties and/or the surrounding neighborhood. Special exception uses are listed in section 4.210 of this Ordinance.

Stenographic record - a verbatim transcription of testimony taken at a public hearing by a professional stenographer.

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.

Town or row house - one of at least three (3) but not more than eight (8) attached dwelling units, each unit with at least two (2) means of egress directly to the outside, and with no part of one unit above or below another unit. A town house group is the connected units in one building surrounded by open space.

Township engineer - an individual or firm with expertise in civil engineering hired by the Township to advise on matters of land development and represent the Township's interests without conflicts created by other client relationships.

Unrelated individual - a person who is not related by blood, marriage or adoption to other persons all of whom are occupying the same dwelling unit.

Variance - a grant by the Zoning Hearing Board allowing an owner to use a lot for a permitted use but not wholly in accord with the provisions of this Ordinance because the Board finds that strict conformance would result in a hardship not created by the owner but depriving him of reasonable development of the lot. A variance is a minimum deviation from the regulations intended to cure the hardship but not cause detrimental conditions for abutting property owners or the public at large.

Walk-up apartment - an apartment whose access to the outside is via stairs when an elevator is generally not available.

Yard - the open space along the front, sides and rear of a lot, between the lot lines and adjacent setback or building lines, the width of which is specified for each type of yard within each zoning district by this Ordinance. Development within yard areas is restricted.

a. Yard, front - the area of a lot between the front lot line and front setback line the full width of the lot between the side lot lines.

b. Yard, rear - the area of a lot between the rear lot line and rear setback line the full width of the lot between the side lot lines.

c. Yard, side - the area of a lot between the side lot line and side setback line extending from the front to the rear yards.

d. Yard depth - the distance between the lot line and adjacent parallel setback line, measured at right angles to the lot line.

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 requests for special exception uses and appeals for variances or from decisions of the Zoning Officer, to hear testimony regarding the validity of this Ordinance upon development, and to decide other issues specified in this Ordinance.

Zoning map - the plan of zoning districts for Harmar Township as initially adopted and subsequently amended. The official zoning map (see section 3.100), located in the Township Office, shows the current zoning district boundaries and supersedes all other zoning maps.

Zoning officer - a person appointed by and responsible to Board of Supervisors to enforce the regulations of this Ordinance in accordance with its literal terms, and to carry out other duties as specified by this Ordinance (see section 12.100).

Article 3: ZONING DISTRICTS

3.100: Official Zoning Map

3.110 The Zoning Map, which shows graphically the edges of all the zoning districts and identifies each by name, is an integral part of this Ordinance. Copies may not represent the current status of all Zoning boundaries or districts.

3.120 The Official Zoning Map shall be kept in the Township Office and shall be updated by the Township Secretary immediately after any amendment affecting zoning boundaries or districts has been adopted by vote of the Board of Supervisors in accordance with the requirements of this Ordinance. The Official Zoning Map shall supersede any copies of the Zoning map when disputes arise over boundaries or districts.

3.130 The Official Zoning Map shall bear the signatures of the Chairman of the Board of Supervisors and Secretary of the Township, as well as the date of adoption and ordinance number.

3.140 The Zoning Map shall only be amended by official action of the Board of Supervisors at an advertised meeting, after public hearing. Any revisions to the map not following Board action shall be a violation of this Ordinance and a civil offense (see section 12.400).

3.150 The Zoning Map shows district boundaries as accurately as possible considering the map's scale. Boundaries that appear to follow roads, streams, railroads or property lines shall be construed to follow the center lines of such features or be coterminous with a property line. Where zone district boundaries are dimensioned by reference to a road, stream, railroad or property line, they shall be construed as dimensioned from the feature centerline or property line.

3.160 Where disputes arise over the exact location of a zoning boundary, the Zoning Officer shall make the initial determination, using the rules outlined above and a field visit to the location in question. If either or both parties to the dispute disagree with the Zoning Officer's ruling, it may be appealed to the Zoning Hearing Board.

3.200 Application of District Regulations

3.210 The regulations governing development in a zone district shall apply uniformly to every proposed development in that zone district.

3.220 No building, structure or land area shall, after the adoption of this Ordinance, be erected, used or altered unless in conformance with the regulations of the zone district containing the property to be developed unless a variance has been granted by the Zoning Hearing Board allowing specific modifications of the regulations for the proposed development.

3.230 No yard or lot area shall be reduced in size or dimension so as to be less than the minimums prescribed for the zone district where such yard or lot is located. No yard or lot area or off-street parking space required by one building, structure or land use shall be claimed by another building, structure or land use.

3.240 Within each zone 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 zone district in which such buildings, structures, and lands are located.

3.250 When a use that is not specifically listed in any zone district is proposed for a particular location, the developer may either:

3.251 allege that the use is covered within the definition of a permitted conditional or special exception use already included for the zone district where he/she hopes to build and ask the Zoning Officer for a decision appealable to the Zoning Hearing Board, or

3.252 propose an amendment to this Ordinance for action by the Planning Commission and Board of Supervisors that would add the use in question to those that are permitted by right or by conditional or special exception use in the zone district where the development is proposed.

3.260 Zoning of land annexed by the Township

3.261 Any land annexed by the Township after the adoption of this Ordinance shall be placed, from the date of annexation, in the R-1 residential zone district.

3.262 Within a reasonable time after annexation, the Planning Commission shall prepare and submit to the Board of Supervisors, a report of its recommendations for the most appropriate zoning classification of the annexed land.

3.263 The Board shall submit the report to the County Planning Commission for review and comment and shall schedule a public hearing, following the same procedures as for any other amendment of this Ordinance.

3.300 Purpose of Each Zone District

3.310 Harmar Township is hereby divided into seven (7) zone districts as follows:

3.311 R-1 Low Density Single-Family Residential District;
3.312 R-2 Medium Density Single-Family Residential District;
3.313 R-3 High Density Single-Family and Multi-Family Residential District;
3.314 C-1 Neighborhood Commercial District;
3.315 C-2 Regional Commercial District;
3.316 C-3 Regional Commercial District;
3.317 I-1 General Industrial District;

3.320 Description of each zone district

3.321 R-1 Residential Zone - Within the R-1 zone district lie most of the steep slopes rising from the stream valleys in the rugged western half of the Township. There are developable plateaus at the top of these slopes, but access to them is difficult. The terrain and access suggest low density and planned residential development. Certain uses requiring large tracts, such as cemeteries and nursery plant raising, are also appropriate in this district.

3.322 R-2 Residential Zone - The boundaries of the R-2 zone district enclose a large area in the northeast corner of the Township which is partly developed within medium sized lots. The area has good road access to the Route 28 Expressway and to Freeport Road via Little Deer Creek Road, and public utilities are available. Quarter acre lots, some institutions and planned residential developments are compatible in this zone.

3.323 R-3 Residential Zone - The R-3 zone district comprises the three almost fully developed and dense communities of Acmetonia, Chapel Downs and Denny Camp. Lots are small (some less than 5,000

square feet), homes are older (except for Chapel Downs, they predate World War II) and there is a strong sense of community and containment. Community facilities occur in this zone as well as a variety of housing types, but predominantly single family dwellings. All utilities are available throughout the R-3 Zones which are close to major highways. Multi-family housing is appropriate for available sites in this zone district.

3.324 C-1 Neighborhood Commercial Zone - The majority of C-1 zone district is characterized by businesses on small lots along the eastern and western segments of Freeport Road, which is Harmar's Main street. A wide range of small businesses serve and are handy to the neighborhood shopping and service needs of Harmar residents. Another neighborhood zone serves Harmar Heights and two others, largely undeveloped, are located on the northern part of Route 910.

3.325 C-2 Regional Commercial Zone - The C-2 zone district is the regional business center of the lower Allegheny Valley, lying between the Turnpike, the Route 28 Expressway and Freeport Road. Heavy traffic interchanging these routes and going to and from the various major destinations that front Freeport Road characterize the district. The properties are large, with buildings set within parking areas that may account for two-thirds of each property. A variety of retail, service, entertainment, transportation and traveler facilities are found in the area, which is well insulated by hillsides, railroads and major transportation arteries from residential development.

3.326 C-3 Regional Commercial Zone - The C-3 zone district is an adjunct to the C-2 zone that takes advantage of its proximity to the interchange of the Route 28 Expressway and Route 910. The commercial and business uses permitted in C-3 are nearly identical to those allowed in C-2. Development within C-3, however, will require extensive earth movement to create building sites because of the steep slopes prevalent in the zone. Some properties might be developed as a group of sites at different elevations to reduce grading and maximize land utilization. Stormwater management and traffic circulation to and within the sites are of critical importance.

3.327 <u>I-1 General Industrial Use</u> - The I-1 zone is the largest in the Township but includes substantial areas of wetlands in the Deer Creek Valley. The industrial parks between Little Deer Creek Road and the Bessemer and Lake Erie Railroad, the three large corporate research centers and land between the Turnpike and Route 910 in the northern part of the township are all zoned I-1. Good rail and truck access are available at the Little Deer Creek Road sites and good truck access at the other locations.

Article 4: PROVISIONS THAT APPLY IN EACH ZONE DISTRICT

4.100 Table of Permitted, Accessory and Conditional Uses in the Residential Zone Districts

P = Permitted use C = Conditional use
A = Accessory use

4.110 Permitted Uses

Use	Zone District R-1	R-2	R-3
Single family detached dwelling	P	P	P
Two-family detached dwelling		P	P
Attached single family dwelling			P
Walk-up apartment building			P
Group home or personal care home	P	P	P
Churches and other places of worship, including educational and community buildings, parish house and parking	P	P	P
Schools accredited by the Commonwealth, but not vocational or trade schools	P	P	P
Municipal buildings and facilities	P	P	P
Public utility rights-of-way and service structures, not including offices, garages and storage yards	P	P	P
Nursery or agricultural field operations, including greenhouses and building for sale of trees and crops grown on the same property.	P		
General farming, including the raising of livestock, if on at least ten (10) acres.			
Commercial kennels on at least two (2) acres or five thousand (5,000) square feet per dog, whichever is greater, provided dogs are kept indoors overnight.	P		
Commercial stables on at least two (2) acres or twenty thousand (20,000) square feet per horse, whichever is greater.	P		

4.120 Accessory Uses

Use	Zone District R-1	R-2	R-3
Private garages and parking areas	A	A	A
Group garages			A
Private or institutional swimming pool	A	A	A
Home occupation	A	A	A
Private garden and similar minor residentially-related structures	A	A	A

4.130 Conditional Uses

Use	Zone District R-1	R-2	R-3
Cemeteries, including administration and maintenance buildings, chapel, and mausoleums, but not including crematorium	C		
Outdoor commercial recreation, including golf courses, golf driving ranges, miniature golf, fishing lakes, swimming and/or tennis clubs, and drive-in theaters	C		
Mobile home parks (see Article _____ of the Township Subdivision and Land Development Ordinance)	C		
Day care center	C		
Extraction of minerals and soil (See Section 5.910)	C		
Nursing, retirement or convalescent home licensed by the Commonwealth.			
Minimum of three (3) acres for forty (40) residents or patients, plus twenty (20) residents or patients for each additional acre.	C		
Minimum of two (2) acres for forty (40) residents or patients plus twenty-five (25) residents or patients for each additional acre.		C	
Planned residential development (see Article 10 of this Ordinance)	C	C	C
Any other residential or residentially supporting use not listed in the particular zone district but similar to and compatible with the listed permitted uses	C	C	C

4.200 Table of Permitted, Accessory, Special Exception and Conditional Uses in the Commercial Zone Districts

P = Permitted use C = Conditional use
A = Accessory use

4.210 Permitted Uses

Use	Zone District C-1	C-2	C-3
Antiques sales	P	P	P
Apartments on the second or higher floors of a building, the first floor of which is commercial, provided there is at least two thousand five hundred (2,500) square feet of lot area per apartment.	P		
Automotive parts sales, new	P	P	P
Automotive sales and service, new and/or used vehicles		P	P
Auto service station, including sale of fuel, auto washing, sale and installation of tires, batteries and accessories, and trailer rental but not including collision repair or painting	P	P	P
Auto tire sales and installation or glass replacement		P	P
Auto washing and/or auto rental	P	P	P
Back-office operations without walk-in customer services		P	P
Bakery		P	P
Bakery with all product sold on the premises at retail price	P	P	P
Bank, savings and loan, or credit union, walk-in only	P		
Bank, savings and loan or credit union, with drive-through windows		P	P
Barber shop or beauty salon	P	P	P
Beverage distributorship	P	P	P
Bicycle sales, accessories and service	P	P	P
Blueprinting and/or photocopying	P	P	P
Books, magazines, newspapers and stationery supplies	P	P	P
Boat and other watercraft sales, accessories and service		P	P
Brewery, mini, with all product sold at retail on premises		P	P
Building materials sales, including lumber supply yards, and yards and facilities for contractors, but not including storage of scrap materials outside.		P	P

4.210 Permitted Uses-Cont'd:

Use	Zone District C-1	C-2	C-3
Business school		P	P
Catering business, including rental hall		P	P
Catalog store, limited sales	P	P	P
Churches and other places of worship, including educational facility and/or social hall	P		
Clothing sales, including shoes	P	P	P
Computing equipment software and instruction/service	P	P	P
Convenience sales, including gasoline sales	P	P	P
Day care center	P	P	P
Department or variety store	P	P	P
Drug store	P	P	P
Dry cleaning, dyeing and pressing	P	P	P
Floor covering and/or carpet sales		P	P
Florist	P	P	P
Food sales, including supermarket, delicatessen and specialty foods	P	P	P
Funeral home	P		
Furniture sales		P	P
Gift and card sales	P	P	P
Hardware sales	P	P	P
Home improvement center		P	P
Hotel or motel		P	P
Household appliance sales	P	P	P
Integrated development in one building of several store fronts for uses permitted by right in this section 4.210 provided the total enclosed floor space does not exceed three thousand (3,000) square feet and parking shared by all the businesses is located on the same property.	P		
Interior decorating services and sales	P	P	P
Jewelry, watches, china and silverware sales and repair	P	P	P
Laundromat and/or dry cleaning pick-up station	P	P	P
Lawn and garden supplies, including nursery stock and greenhouses		P	P
Leather goods and luggage sales	P	P	P
Locksmith	P	P	P
Mailing services	P	P	P
Medical, dental, chiropractic or optician office, laboratory or clinic	P	P	P
Music, musical recording, television and musical instrument sales	P	P	P
Office supplies and business machine sales and service		P	P
Office: business, professional, institutional or governmental	P	P	P
Package liquor store	P	P	P

4.210 Permitted Uses-Cont'd:

Use	Zone District C-1	C-2	C-3
Parking lots and garages, public or private		P	P
Pet shop and supplies		P	P
Photographic studios and supplies and film developing	P	P	P
Public utility rights-of-way and service structures	P	P	P
Radio, television and/or recording studio		P	P
Recreation vehicle, farm equipment and motorcycle sales and service		P	P
Repair services for household appliances, electric, electronic and computing and business machines	P	P	P
Restaurant without drive-through window	P	P	P
Restaurant with drive-through window		P	P
Rental of videos and party goods and apparel	P	P	P
Social hall, lodge, fraternal organization or club	P		
Sporting goods store	P	P	P
Tailor and/or dressmaker	P	P	P
Tavern	P	P	P
Taxidermist, but not including dressing, cutting or packaging meat	P		
Theater, indoor		P	P
Trade or technical school		P	
Upholstering services and sales	P	P	P
Used merchandise sales from within an enclosed building	P	P	P
Warehousing, storage, cold storage and mini self-storage		P	P
Wholesale sales entirely within an enclosed building		P	P

4.220 Accessory Uses

Use	Zone District C-1	C-2	C-3
Parking lots and/or garages, public or private, and service areas	A	A	A
Office in connection with, and on the same premises as, a permitted use		A	A
Signs	A	A	A
Utility service structure	A	A	A
Automatic teller machine		A	A

4.230 Conditional Uses

Use	Zone District C-1	C-2	C-3
Amusement enterprise, including pool, billiards bowling, roller skating and electronic games		C	C
Retail sales or personal/business service use not listed as permitted in the particular zone district where proposed, but which is similar to and compatible with the uses allowed by right in that district	C	C	C
Shopping center or mall as an integrated plan on one property of at least five (5) acres for occupancy by any permitted use in section 4.210.		C	C
Truck transportation or public transport terminal or storage garage, including repair and maintenance within an enclosed building, and transfer facilities.		C	C
Waste disposal, treatment or transfer facility		C	
Adult business		C	
Nursing home or personal care residence or a combination for not more than forty (40) residents on at least two (2) acres of property plus one (1) additional acre for each twenty-five (25) additional residents or fraction thereof.	C		

4.300 Permitted, Accessory and Conditional Uses in the I-1, General Industrial Zone Districts.

4.310 Permitted Uses

Automobile, truck or construction equipment repair, including collision repair and painting.
Bakery
Boat manufacturing, servicing and repair
Bottling works
Brewery
Building materials and construction equipment sales
Business park, including branch financial institution within the park
Cabinet making, custom carpentry and millwork
Clothing, carpet, drapery, footwear and luggage manufacturing
Conference center
Contractor's office and equipment and material storage
Dry cleaning and/or commercial laundry
Electrical machinery and electrical goods manufacture and assembling
Food products processing and packaging, except for meat, fish, dog or cat food processing.
Furniture and/or building components manufacture

4.310 Permitted Uses - Continued:

Hardware manufacture
Jewelry, time piece, optical or musical instrument manufacture
Machine tools, dies and jigs, pattern making and machiner manufacture
Manufacture, assembling and/or packaging of finished or semi-finished products or components from parts, or previously prepared materials, produced elsewhere.
Printing, publishing, engraving, job printing and photo engraving.
Public transportation system garage and repair facility
Public utility buildings, garages and storage yards
Rental of tools and equipment for construction and landscaping work.
Research laboratory
Truck, tractor, trailer, mobile home, recreation vehicle, farm equipment and motorcycle sales and service.
Used and scrap materials sales when conducted entirely from within an enclosed building with no disposal on site.
Warehousing, storage and packaging
Wholesale business selling to other businesses

4.320 Accessory Uses

Day care center
Office in connection with and on the same premises as the business use it serves
Employee and visitor parking
Truck servicing and maneuvering areas
Signs

4.330 Conditional Uses

Extraction of minerals and soils (see Section 5.910)
Manufacturing process involving stamping, grinding, coating, welding, polishing, forging, stripping, or vulcanizing.
Manufacturing or business use not listed as permitted in the I-1 zone district but which is similar to and compatible with the uses allowed by right.
Used and scrap materials sales and storage when conducted wholly or partly outside.
Waste disposal, treatment or transfer facility.
Any other business, light manufacturing or transportation related use not listed in the zone district but similar to an compatible with the listed permitted use

4.400 Table of Bulk and Dimensional Standards in Each Zone District

	Zone District						
Minimum	R-1	R-2	R-3	C-1	C-2	C-3	I
Lot size in square feet							
w/public sewer & water	20,000	10,000	6,000	10,000	30,000	30,000	30,000
w/o either or both	40,000	-	-	-	40,000	40,000	40,000
Lot width in feet, measured at front building line	100	75	40	75	125	125	125
Front yard setback in feet	50	30	20	45*	65	65	50
Side yard setback in feet							
total of both sides	40	20	15	10	25	25	40
one side	20	8	5	0	10	10	20
Rear yard setback of principal building on the lot in feet	40	35	30	10+	20	20	20
Rear or side yard setback of commercial, business or industrial building abutting residential zone in feet	-	-	-	20	40	40	50
Rear or side yard setback of accessory buildings in feet	10	5	2	5	10	10	10
Maximum							
Lot coverage by buildings as a percent of lot area	10	25	40	35	35	35	50
Building height in feet	35	35	35	35	50	50	50
Building height of accessory buildings in feet	15	15	15	15	15	15	15
Store front floor area in feet	-	-	-	3,000	-	-	-

* Build not closer than ten (10) feet from sidewalk if parking access is from rear or side street and parking is behind the building.

\+ Assumes parking is in front or to side of building

4.500 Table of Bulk and Dimensional Standards for Two Family (Duplex) Dwellings, Individual Townhouses, Townhouse Groups and Garden or Walk-up Apartment Buildings on Their Own Lots

Minimum	Duplex R-2	Duplex R-3	Single Townhouse	Townhouse Group	Apt. Building
Lot size in square ft.	15,000	10,000	2,000	10,000	18,000
Lot width in feet measured at front building line	90	70	20	100	100
Front yard setback in feet	30	20	20	20	20
Side yard setback in feet					
total of both sides	20	15	0	20	20
one side	8	5	0	10	10
Rear yard setback in feet	35	30	20	20	20
Rear or side yard setback of accessory buildings	2	2	2	2	5
Number of square feet of lot area per apartment					1,500
Number of square feet of lot area per apartment					1,500
Maximum					
Lot coverage by buildings as a percent of lot area	25	35	40	35	30
Building height in feet	35	35	35	35	35
Building height of accessory buildings in feet	15	15	15	15	15

4.600 Special Stipulations That Apply in the C-3 Zone Only

4.610 Within an integrated development plan on a site whose gross area is at least forty (40) acres, designed, approved and developed as a whole project, the following standards may apply:

4.611 No building may exceed eight (8) stories, provided the building height (see section 5.210) is not greater than ninety (90) feet. The fire safety and fire suppression system designs of any building over fifty (50) feet in height shall meet the State Department of Labor and Industry and latest BOCA Code standards, and shall be reviewed by the Township Fire Department and approved by the Board of Supervisors.

4.612 A reciprocal easement agreement providing for ingress, egress and regress into and across all lots within an integrated development plan shall be filed as part of the recorded plan, and shall be noted on the deeds of all lots to be sold.

4.613 Within an integrated development plan, where lot boundary lines are not also public street rights-of-way lines, buildings may be located relative to such lot boundary lines without regard for the setbacks normally required in the C-3 zone. Buildings on adjacent lots may abut along a common side or rear property line. Where buildings do not abut, they shall be separated by at least twenty (20) feet.

4.614 When a lot in an integrated development plan is designed so that the number of parking spaces is more than the minimum number required to serve the use on that lot, developers of adjacent lots may claim the excess spaces to make up a deficiency on their lots, provided that over the group of lots, the total parking available is not less than that required for the uses on the several lots with excess and deficient numbers of spaces combined. Owners or lessees shall not prevent customers of a business on another lot from using parking spaces on the owner's or lessee's lot.

4.615 For each forty (40) acres of gross site area in an integrated development plan, fractions of area excluded, one (1) free-standing or pylon sign may be erected abutting a public street, each such sign not more than six hundred (600) square feet of area on each of two (2) faces. The distance between finished grade and the top of the sign shall not exceed fifty (50) feet. Any outparcel lot may have a monument sign (see section 7.341) but no free-standing signs.

4.616 One (1) auto service station (see definition in Article 2) may be located within an integrated development plan for each one hundred (100) acres of gross site area, fractions of area excluded.

4.617 The developers of an integrated development plan shall create a property owners' association to maintain parking areas, interior driveways and walkways, landscaping, slope areas, stormwater drainage systems and wetlands. Each property owner shall be required to join the association and to share in the association's responsibilities and expenses. No association will be required if no lots within the plan are sold. In lieu of an association, the developers may create an Operations and Easement Agreement, if such an arrangement is acceptable to the Board of Supervisors.

Article 5: SUPPLEMENTARY REGULATIONS

5.100 Lot Area Exceptions

5.110 Existing lots of record with inadequate area and/or width.

5.111 The Zoning Officer may, without referral to the Zoning Hearing Board, issue a building permit, if no variances are requested, to the owner of a lot with inadequate area and/or width recorded prior to September 1, 1963 and located in a residential zone district, for the erection of a single family dwelling on the lot, provided the stipulations of sections 5.112 through 5.114 are met.

5.112 The owner of the lot does not also own adjoining property which when combined with the undersized lot would create a conforming lot without leaving a non-conforming lot of the property remaining.

5.113 Any setback, coverage or other variance requested by the developer is acted upon favorably by the Zoning Hearing Board whose decision shall be based on hardship.

5.114 The lot is connected to both public sewer and public water lines, or the Allegheny County Department of Health certifies that the lot has sufficient area and soil absorption capacity to accommodate an on-lot sewage disposal system and that, if public water is not available, a well, with sufficient separation from the on-lot sewage disposal system, according to the department's requirements, is installed.

5.120 Connection to public water and sewerage systems

Every lot containing a building which is attached to a potable water supply shall be connected to a public waste water collection system, unless the lot owner can convince the Zoning Hearing Board that either or both public sewer and public water connection cannot be made within the requirements of the Allegheny County Department of Health.

5.130 Lot width and frontage

5.131 The width of a lot shall be measured along the front setback line between side lot lines. The front setback line and front lot line (abutting the street to which the lot has its principal access) shall be parallel whether such lines are tangents or arcs.

5.132 Lot area shall include all land within the boundaries of the lot including easements but not including public road rights-of-way partially or wholly within the lot.

5.133 When the Sewage Enforcement Officer determines that a lot not to be connected to public sewer is insufficient to absorb waste water effluent because of conditions on the lot, he/she may require that either the lot area be increased to successfully handle on-lot disposal, or an alternate method of sewage disposal be installed. Sand mounds and holding tanks shall not be encouraged; increase in lot area will be encouraged.

5.140 Corner lots

5.141 When a lot abuts two (2) streets intersecting at one corner of the lot, the side yard setback depth adjacent to the side street (the street on which the lot does not front) shall be:

a. twice the minimum required for a side yard not abutting a street but not less than ten (10) feet if the lot was recorded prior to September 1, 1963; or
b. not less than the depth of the front yard for the zone district in which the lot is located, unless development on adjacent lots has established a lesser setback line (see Section 5.330).

5.142 A clear sight area shall be maintained at all street intersections as a public safety measure to aid drivers approaching the intersection. No obstruction shall be placed within a "sight triangle" whose sides shall be lot lines which intersect at the corner of the lot abutting the intersection. At points twenty (20) feet along each lot line measured from the intersection of the lines, a third line connecting such points shall be drawn to enclose the sight triangle. Within the triangle no obstruction shall be placed that exceeds thirty (30) inches in height; nor shall existing obstructions except tree trunks be increased in size or moved to further reduce driver sight distances.

5.150 Occupancy of and access to a lot

5.151 Any recorded lot may be occupied by one principal use allowed by right or permitted as a conditional or special exception use. On a residential house lot only one dwelling building shall be permitted as well as accessory buildings including a private garage. On a lot occupied by business uses several buildings may contain the principal use and in a plan of multiple dwelling buildings (apartments) several such buildings may occupy the same lot.

5.152 All lots created shall directly abut a public street, or a street constructed according to Township specifications, except that a private lane may provide access to only one (1) single family detached dwelling.

5.153 A "rear lot", for the erection thereon of a single family detached dwelling, may be created if the following stipulations are met:

a. The connection between a public street and the building lot is at least twenty (20) feet wide and is part of the lot but not included in lot area for purposes of establishing minimum lot area;
b. There is no possibility that such connection will be extended to provide access to other lots or properties;
c. Any building on the rear lot will be set back at least twenty-five (25) feet from the front lot; and
d. No two (2) lot access connections shall occur within three hundred (300) feet of one another on the same side of a public street.

5.200 <u>Height Measurement</u>

5.210 Measurement
Height shall be measured as the vertical distance between the average elevation at grade of all the building walls and the top of the highest wall, or half-way between the eave and ridge line on a gable-roofed building.

5.220 Height exceptions
The height limitations imposed by this Ordinance (see Sections 4.400 and 4.500) shall not apply to church spires or belfries, cupolas or domes, monuments, water towers, chimneys, flag poles, air handling or other mechanical equipment necessary for the normal functioning of a building and erected thereon; and parapet walls surrounding a flat roof, which may extend to four (4) feet above the permitted maximum height.

5.300 Setback Variations and Yard Encroachments

5.310 Building wall not parallel to property line. Where the side and/or rear walls of a building are not parallel to the adjacent side and/or rear property lines, the average of the points on the wall nearest and furthest from the adjacent property line measured at right angles to the property line shall be not less than the minimum required for the yard depth, whether side or rear, in the zone district where the property is located, provided no part of the wall which is not parallel to the property line is less than one-half the required setback distance from the adjacent property line. All parts of a front wall, however, shall be behind the front setback line, except as modified by the following sections.

5.320 Extension of a non-conforming wall
Where a wall on any building erected prior to September 1, 1963 is parallel or nearly parallel to an adjacent side lot line but less than the minimum permitted distance from the lot line, such a wall may be extended once along its established line provided:

5.321 such extension does not exceed the length of the existing wall or twenty (20) feet, whichever is less;

5.322 the extension is no higher than the existing wall;

5.323 the extension does not violate minimum setbacks in other required yards on the property; and

5.324 the building addition of which the wall is a part does not violate the maximum lot coverage that applies in the zone district.

5.330 Front yard depth exception

Where an undeveloped lot abuts lots on one or both sides that contain principal buildings which are closer to the abutting street than the minimum permitted front yard setback, construction of a principal building on the undeveloped lot may be set back not less than the average of the buildings on either side, or the average of one building and the minimum permitted setback if one adjacent lot is vacant or one building on an adjacent lot is set back a greater distance than the minimum setback.

5.340 Permitted projections into minimum yard areas

5.341 Building projections

a. Cornices, canopies, eaves and other architectural features may project not more than two (2) feet into the minimum front, side or rear yard areas.

b. Bay windows, balconies, open porches, decks, chimneys and uncovered exterior stairways may project up to two (2) feet into the minimum required yard area provided that the total of all such projections on any wall extending into the minimum yard area does not exceed one third (1/3) of the length of the building wall on which they are located. Fire escapes that are not enclosed may project not more than four feet six inches (4'-6") into the setback area up to the property line.

5.342 Ground level projections

Paved areas, including patios, driveways, walkways and parking areas may extend up to three (3) feet from any side or rear property line. By written agreement between neighboring property owners, filed with the Township, paved areas may extend to the common property line. Only a driveway, not more than eighteen (18) feet wide, and/or walkway may cross a front yard, or side yard abutting a street. Paved parking areas may abut a secondary access street with a right-of-way width not more than twenty-five (25) feet at the rear or side of a property.

5.350 Additional setbacks on lots in the Commercial and Industrial zones abutting any Residential zone

Developers of lots in any Commercial or Industrial zone district that abut the side and/or rear lines of properties in a Residential zone shall set back buildings along such common lines twice the setback distance required for side or rear yards, as the case may be, in the abutting residential zone.

5.400 <u>Accessory Structures</u>

5.410 Location and coverage on the lot

5.411 An accessory structure shall be set back from streets abutting the lot on which it is located as required for principal buildings.

5.412 A garage may be erected not less than ten (10) feet from a street abutting the rear or side line of a lot, provided the street has a right-of-way width of not more than twenty-five (25) feet.

5.413 An accessory structure, if not attached to the principal building on the lot, shall be separated from it by at least ten (10) feet. A covered but open-sided structure may connect the principal and an accessory building.

5.414 An accessory structure, if attached to a principal building on the same lot, along at least one (1) wall shall be considered a part of the principal building and shall be set back from property lines as required for principal buildings.

5.415 Accessory structures on a lot in a Residential zone district shall not occupy more than ten (10) percent of the lot area. Lot coverage of accessory structures shall be included in measuring maximum lot coverage (see section 4.400).

5.416 No dwelling unit shall be locatd in an accessory building.

5.420 Accessory structures may be erected at the same time as, or later than the principal building on the lot but not before.

5.430 Swimming pools

5.431 A swimming pool shall be considered any vessel capable of containing water to a depth of at least one and a half (1 1/2) feet, having a minimum surface area of seventy-five (75) square feet, and a minimum dimension across the pool in any direction of ten (10) feet. Only the water surface area need be counted toward maximum lot coverage.

5.432 A pool shall be located in the rear or a side yard of the lot but not closer to a street than the front or side wall of the principal building on the lot, and shall be set back from side and/or rear lot lines as required for accessory structures, including any deck or paved surface surrounding the pool. Such deck or surface may extend to the principal building on the lot.

5.433 The pool area shall be completely surrounded by a solid surface or metal chain-link fence at least four (4) feet high, access through which shall be controlled by a gate capable of being locked on both sides. A wall of the

building with a lockable opening or no opening to the pool may serve in lieu of part of the fence.

5.434 Lighting of the pool area shall be directed away from neighboring properties and streets. Light sources shall not be visible from outside the property containing the pool.

5.435 If the pool is owned by an institution or commercial business other than a motel or hotel, the operator shall provide separate male and female dressing rooms, toilets and showers.

5.436 The placement of a pool shall require a building permit, and a plan indicating how the pool will be filled and drained, so as not to interfere with water supply to neighbors or create flooding of neighboring properties.

5.440 Temporary and mobile accessory uses

5.441 A temporary building for use as an office or for storage may be erected on a construction site while the property is under development, but for a period not to exceed one (1) year, without the need for a building permit.

5.442 A temporary building or structure for a civic event may be approved by the Board of supervisors for a specific limited time without a building permit being required.

5.443 If stored outside, boats, boat trailers, campers, and similar recreational vehilcles shall be placed to the side or to the rear of the principal building on the lot. The same shall apply to vehicles not in working order.

5.450 Satellite dishes

5.451 Dishes shall be permitted in any zone district, set back from property lines as required for accessory uses.

5.452 Dishes shall be sited so as to be as unobtrusive as possible, but with a clear sight line to the satellite.

5.453 Dishes shall be landscaped and/or painted to blend with surrounding landscaping and/or buildings. Open mesh type dishes shall be used.

5.454 Roof-mounted dishes shall be set back from the edges of roofs to minimize their visibility from adjacent streets and properties.

5.500 Hedges, Fences and Walls

5.510 Optional perimeter planting, fences and walls

5.511 No fence or wall erected, or perimeter hedge planted at any point within five (5) feet of any rear property line or behind the front setback line along side lot liens shall exceed eight (8) feet in height. No fence or wall erected, or perimeter hedge planted at any point within five (5) feet of any front property line, side property line abutting a street with a right-of-way width exceeding twenty-five (25) feet, or along side lot lines forward of the front setback line, shall exceed four (4) feet in height. Hedges shall be maintained at not higher than the permitted maximums. Trees are exempt from height restrictions. Whenever growth from a hedge or tree row along a property line extends into a neighboring lot, the neighbor may, at his/her discretion, trim all or a portion growing over the line, provided the abutting neighbors agree on the line's location.

5.512 A fence or wall may be built along a property line but all parts of the wall or fence including foundations shall be on the property of the wall or fence owner unless adjacent owners agree in writing filed with the Township, that the wall or fence may straddle the common property line. Any hedge plantings along property lines shall be installed entirely within the property of the owner installing the plant materials unless adjacent owners agree in writing to plantings on the common property line.

5.513 The bottom rail of any fence shall be held at least six (6) inches but not more than twelve (12) inches off the ground, and the fence supports shall be not more than eight (8) feet apart.

5.514 Retaining walls shall be designed to withstand soil pressures from behind and shall have adequate foundations to avoid overturning, as well as a drainage system to remove water collecting behind the wall. Any retaining walls whose exposed face is over five (5) feet high shall be designed or approved by a registered professional engineer. A building permit shall be required for the erecting of such a wall.

5.515 At the intersection of two (2) public streets, fences, walls and hedges shall be held back to create a clear sight area as stipulated by section 5.143.

5.520 Required fencing and perimeter planting

5.521 If expansion of a commercial or industrial development abutting a Residential zone occurs next to or across a street from that zone, or expansion of a non-conforming commercial or industrial use occurs in a Residential zone, the developer shall install buffering at the time of such expansion.

5.522 Such buffering shall be installed by the developer or his/her property at his/her expense and maintained thereafter by him/her and successors in good condition. In the case of a fence, the decorative or finished side shall face the residential zone. No advertising shall be placed on the fence.

5.523 Fences, if used, shall be not less than four (4) feet nor more than eight (8) feet in height. When viewed from outside the property on which the fence is located, the fence shall allow no visual penetration into the property. A commercial or industrial property owner may extend the height of his/her fence using chain-link components if such added height is necessary for security. The bottom rail of a fence shall be held between six (6) and twelve (12) inches off the ground level and supports, carried at least two (2) feet into the ground shall be set not more then eight (8) feet apart. Wood fencing structural members shall be pressure-treated lumber.

5.524 Perimeter planting, when selected instead of, or in combination with fencing, shall be placed in a strip of land not less than ten (10) feet wide along the property line or lines abutting and/or directly across the street from any residential zone. All hedge materials used shall be maintained when mature at a height of not less than four (4) feet or more than six (6) feet. Within the planting strip the following shall be placed for each one hundred (100) feet of strip length;

a. three (3) canopy shade trees;
b. five (5) understory or ornamental trees; and
c. nine (9) shrubs

5.525 Planting materials specifications

a. Canopy or shade trees shall be planted with a minimum trunk diameter four (4) feet above ground level of not less than two and a half inches (2 1/2"). Appropriate trees include maples, beech, ash, honeylocust, oaks, hornbeams and zelkovas.

b. Understory, or ornamental trees shall be planted with a minimum trunk diameter four (4) feet above ground level of not less than one and a half inches (1 1/2") or a height of eight (8) feet. Appropriate trees include, but are not limited to, serviceberry, dogwoods, hawthorns, redbud or crabapples.
c. Shrubs shall be planted with a minimum height of two (2) feet. Appropriate varieties include, but are not limited to, rhododendron, shrub evergreens, forsythia, privet or azalea.
d. Two (2) evergreen trees may be substituted for one (1) canopy tree. Appropriate evergreen trees include, but are not limited to, white fir, Canadian hemlock, eastern white or Austrian pine, and white or Norway spruce. They shall be planted with a height of not less than five (5) feet above ground level.
e. The planting materials listed above as appropriate are those that are most likely to survive in the environment of Western Pennsylvania. The listed plantings are recommended but developers are not limited to using them.

5.600 <u>Development of Land Subject to Flooding</u>

5.610 General provisions

5.611 Applicability: the provisions of this section shall apply to all lands and buildings within the boundaries of areas designated as floodway, floodway fringe, or general floodplain on the Flood Boundary and Floodway map for Harmar Township, prepared by the Federal Insurance Administration and dated July 2, 1980.

5.612 Compliance: No structure or land shall be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered if in the areas described in sub-section 5.611 above unless in full compliance with the terms and provisions of this section.

5.613 Purpose: The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

a. Regulating uses, activities and development which, acting alone or in combination with

other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.

b. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.

c. Requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage, and

d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

5.614 Warning and disclaimer of liability

a. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside the flood plain districts or that land uses permitted within such districts will be free from flooding or flood damages.

b. These regulations shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

5.620 Establishment of flood plain districts

5.621 Basis of districts

a. The various Flood Plain Districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis of the delineation of these districts shall be the Flood Insurance Study for Harmar Township prepared by the Federal Insurance Administration dated January, 1980, and the accompanying Flood Boundary and Floodway Map and Flood Insurance Rate Map.

b. The FW (Floodway District) includes the floodway and that portion of the floodway fringe that must be kept free of encroachment in order that the one hundred (100) year flood can be carried without an increase in flood heights at any point exceeding one (1) foot.

c. The FF (Floodway Fringe District) comprises the area of the one hundred (100) year floodplain not included in the floodway. The basis for the outermost boundary of this district is the table of flood profiles at the rear of the Flood Insurance Study.

d. The FA (General Floodplain District) includes that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the Flood Insurance Rate Map and as "approximated 100-year flood plain" on the Flood Boundary and Floodway map. Flood elevations in approximated flood plain areas may be determined by survey, by data compiled by the Corps of Engineers, U.S. Geological Survey or Soil Conservation Service, or by known high water marks from past floods.

5.622 Overlay concept: The flood plain districts described in subsection 5.621 shall be considered an overlay upon the zoning map and shall serve as a supplement to the provisions of the zoning districts. Where conflicts occur, the more restrictive provision shall prevail. The Flood Boundary and Floodway Map and the Flood Insurance Study are hereby declared to be a part of this Ordinance.

5.623 Interpretation of district boundaries: Initial interpretation of boundaries shall be made by the Zoning Officer. If an applicant for a building permit contests the Zoning Officer's decision, he/she may appeal it to the Zoning Hearing Board for a determination.

5.624 Changes in the boundaries of districts: The Board of Supervisors may revise or modify boundaries of the areas described in subsection 5.621 where studies or information provided by an agency or registered engineer specializing in hydrological work documents the need for such revision. Prior to approval of any changes, the Board shall submit the proposal to the Federal Emergency Management Agency (FEMA) which may decide that approval should be denied.

5.625 Modifications or permitted uses:

a. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system. In addition, all such uses, activities and development shall be undertaken only in compliance with Federal or State Laws including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

b. In the various Flood Plain Districts the development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district.

c. In the Flood Way District (FW) no development shall be permitted except where any rise in flood heights caused by the proposed development will be fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities.

5.630 Standards - new construction

5.631 Residential structures: within any Flood Plain District, the lowest floor, including basement, of all residential structures shall be constructed at least one and a half (1 1/2) feet above the one hundred (100) year flood elevation.

5.632 Non-residential structures

a. Within any Flood Plain District the lowest floor, including basement of all non-residential structures shall be constructed at least one and a half (1 1/2) feet above the one hundred year flood elevation, or such structures shall be designed and constructed so that space enclosed shall remain either completely or essentially dry during any flood up to that height.

b. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

5.633 Drainage facilities: Adequate storm drainage shall be provided for development within any Flood Plain District. Storm drainage shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure drainage at all points along streets, and provide positive drainage away from the buildings. The system shall also be designed to prevent the discharge of excess flood waters onto adjacent properties.

5.634 Sanitary sewer and water supply facilities:

a. All new or replacement sanitary sewer facilities, on site sewage systems, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters.

b. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such system. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

c. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

5.635 Other utilities: All utilities such as gas lines, electrical and telephone systems placed in flood-prone areas shall be located and constructed to minimize the chance of impairment during a flood.

5.636 Anchoring: Within any Flood Plain District all buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

5.637 Special requirements for manufactured homes:

a. Within any FW (Floodway District), manufactured homes shall be prohibited.

b. Within any FA (General Floodplain District), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

c. Where permitted within any floodplain district, all manufactured homes, and any additions thereto, shall be:

1. placed on a permanent foundation;
2. elevated so that the lowest floor of the manufactured home is one and one-half (1 1/2) feet or more above the elevation of the one hundred (100) year flood; and
3. anchored to resist flotation, collapse, or lateral movement.

5.638 Enclosed spaces prohibited: Within any identified Floodplain district, fully enclosed spaces below the lowest floor of any new or substantially improved structure shall be prohibited.

5.639 Protection of critical equipment: All electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.640 Existing structures

5.641 Structures existing in any designated flood plain district prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain subject to the following subsections.

5.642 Existing structures located in a designated Floodway District (FW) shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

5.643 Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this section.

5.650 Development which may endanger human life.

5.651 In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any <u>new</u> or <u>substantially improved</u> structure which:

a. will be used for the <u>production</u> or <u>storage</u> of any of the following dangerous materials or substances; or,

b. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

c. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

Acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, Hydrocyanic acid, magnesium, nitric acid and oxides of nitrogen, petroleum products (gasoline, fuel oil, etc.) phosphorus, potassium, sodium, sulphur and sulphur products,

pesticides (including insecticides, fungicides and rodenticides) and radioactive substances, insofar as such substances are not otherwise regulated.

5.652 Within any Floodway District (FW) any structure of the kind described in section 5.651 above, shall be prohibited.
Where permitted within any Floodway Fringe District (FF) or approximated Floodplain District (FA), any structure of the kind described in section 5.651 above, shall be:

a. Elevated or designed and constructed to remain completely dry, up to at least one and one half (1-1/2) feet above the one-hundred year flood, and
b. Designed to prevent pollution from the structure or activity during the course of a one-hundred (100) year flood.

5.653 Any structure described in section 5.651, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972), or with some other equivalent water-tight standard.

5.654 Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this subsection.

5.660 Activities requiring special permits

5.661 Identification of activities requiring a special permit: In accordance with the Pennsylvania Flood Plain Management Act (Act 166 of 1978) and regulations adopted by the Department of Community and Economic Development as required by the Act, the following uses are prohibited in the FW Floodway District and are permitted only by Special Permit if located partially or entirely within the FF Floodway Fringe or FA General Floodplain Districts:

a. hospitals, nursing homes, jails or prisons;
b. new manufactured home park or manufactured home subdivision, or substantial improvement to an existing such park or subdivision.

5.662 Application requirements: the applicant shall provide five (5) copies of the following written and drawn documents to the Township Secretary:

a. request for review and completed building permit;
b. a small scale map showing landmarks in the vicinity of the site;

c. a plan of the entire area to be developed or disturbed at a scale of one (1) inch to one hundred (100) feet or less showing:
   i. north arrow, scale and date;
   ii. existing contours at two (2) foot intervals within area to be developed;
   iii. property boundary lines showing bearings and distances and property area in acres;
   iv. right-of-way and paved width of all existing streets within or abutting the site and location and surfacing of parking areas;
   v. location of existing streams, drainageways and wetlands;
   vi. location of existing buildings and railroad tracks in the property or within fifty (50) feet of it;
   vii. location of sewer, water and other utility lines or easements within the property or within fifty (50) feet of it, including pump stations, transformers, etc.;
   viii. the edge of the floodway, floodway fringe, and/or general floodway districts within the property, and if a river or stream abuts or is within the site, the direction and velocity of flow.

d. A plan, combined with the information required by subparagraph C above, showing all proposed buildings, structures and other improvements at the same scale used for subparagraph C, as follows:
   i. floor plans of proposed buildings showing elevation of the lowest floor, including basement;
   ii. proposed site grading and drainage on two (2) foot contours;
   iii. proposed subdivision within the property, if any, showing bearings and distances of proposed lot lines;
   iv. revised location of edges of floodway, floodway fringe and/or general floodway districts within and outside the property as a result of the development, including any increases in the one hundred (100) year flood depth at several locations;
   v. details showing any proposed floodproofing measures of the buildings and other structures;
   vi. profiles along centerlines of all proposed streets, drives and parking areas, and cross-sections to illustrate paved width and construction details;

vii. plans and profiles of all proposed sanitary and storm sewers and location of water lines, as well as structures such as hydrants and manholes along such lines, and means to prevent infiltration of flood water into the sanitary sewers and water lines; and

viii. erosion and sedimentation control plan in accordance with the requirements of the State Department of Environmental Protection (DEP).

e. Certification and statements

i. certification of the applicant that he/she owns property on which development is to occur;

ii. certification from a registered engineer, architect or landscape architect that the proposed construction has been designed to adequately protect against damage from the one hundred (100) year flood;

iii. a statement, certified by a registered engineer, architect or landscape architect which contains an accurate description of:

(a) the nature and extent of pollution that could occur during a one hundred (100) year flood as well as the effects of such pollution on human life;

(b) the effects the proposed development will have on one hundred (100) year flood elevations and flows; and

(c) the kinds and amounts of loose buoyant materials or debris that may be located on the property below the one hundred (100) year flood elevation and the effects such materials or debris may have on flood elevations and flows.

iv. a written plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

5.663 Application review

a. Upon receipt by the Township of an application for a Special Permit, the Township Secretary shall immediately send one (1) copy to the Township Engineer for review as to conformance with this section.

b. If the Engineer determines that the application is incomplete or not in conformance, he shall inform the applicant of the specific deficiencies within thirty (30) days of receiving the application. The applicant may then submit a revised document.

c. When complete and in conformance, the application shall be sent to the Allegheny County Department of Development for comment and to the Township Planning Commission for review and recommendation to the Board of Supervisors.
d. The Board may approve, disapprove or approve the application with specific conditions, informing the developer of the decision and sections of this Ordinance relied upon if approval is denied.
e. Before authorizing the Special Permit, the Board shall send a copy of the application to the Department of Community and Economic Development. If after forty (40) days from the date of mailing, the Department does not respond, the Township may issue the Special Permit.
f. If the Department decides to disapprove an application, it shall notify the Township and the applicant in writing of the reasons for disapproval, and the Township shall not issue the Special Permit.

5.664 Technical requirements

a. No special permit shall be approved unless the Township Engineer determines and the Board of Supervisors concurs that buildings are structures for which the Special Permit applies will be located, constructed and maintained so that:
   i. the health and safety of the general public and building occupants are fully protected as evidenced by the facts that:
      (a) the buildings and structures will survive inundation by the one hundred (100) year flood without lateral movement or damage to the building or structure or any contents or equipment below the one hundred (100) year flood elevation;
      (b) the lowest flood elevation including basement will be at least one and a half (1 1/2) feet above the one hundred year flood elevation, and
      (c) the building occupants can remain inside indefinitely and be safely rescued at any time during the one hundred (100) year flood.
   ii. there is little possibility of pollution, increased flood flows or levels or debris endangering life and property.

b. All hydrologic and hydraulic analyses shall be undertaken only by persons of demonstrated qualifications, who shall certify that

methods used reflect current technical concepts. All studies, analyses and computations shall be provided to allow a thorough technical review by the Township Engineer and the Department of Community and Economic Development.

5.670 Administration

5.671 Permits required: A building permit shall be required for all construction and land development in any floodplain district, including alteration, repair or remodeling of existing structures, filling, grading, excavating, mining, dredging or drilling operations. The permit shall provide in addition to requirements of section 12.200 of this Ordinance:

a. a site plan showing existing and proposed contours at two (2) foot intervals in areas to be disturbed;
b. the edges of the one hundred (100) year flood plain and the lowest floor elevation of any building;
c. if a proposed non-residential building is to be floodproofed, certification by a registered engineer or architect that the design will be adequate to withstand flood depths, pressures, velocities, impacts and uplifts forces; and
d. if the proposed development will be located in a floodway district, certification by a registered engineer that the development will not cause any increase in the one hundred (100) year flood elevation.

5.672 Other permit requirements: Before a building permit may be issued, the Zoning Officer shall determine that permits required by other government agencies have been approved, including those under Act 537, the Pennsylvania Sewage Facilities Act; the Pennsylvania Water Obstruction Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, U.S. Code 1334.

5.673 Watercourse alterations

a. Prior to altering or relocating any watercourse, a developer proposing such modification shall obtain a permit from the Pennsylvania Department of Environmental Protection, Bureau of Dam Safety, Obstructions and Storm Water Management. Also, the developer shall notify the Pennsylvania Department of Community and Economic Development, as well as municipalities upstream and downstream of the alteration prior to the work, providing the

Harmar Zoning Officer and the Federal Insurance Administration with copies of such notices.

5.680 Variances

5.681 Requests for variances in any flood plain district shall be considered by the Zoning Hearing Board in accordance with the procedures of Article 11 of this Ordinance.

5.682 No variances shall be granted for any construction, development, use or activity within any designated Floodway (FW) District that would cause any increase in the one hundred (100) year elevation.

5.683 Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

a. The granting of the variance may result in increased premium rates for flood insurance.

b. Such variances may increase the risks to life and property.

5.684 The Zoning Hearing Board shall file an annual report with the Federal Insurance Administration, detailing each variance granted during the previous year within any flood plain district.

5.685 No variance shall be granted that might jeopardize the capability of a building to resist hydrostatic and/or hydrodynamic loads and pressures and effects of buoyancy during the one hundred (100) year flood.

5.690 Definitions used in this section

5.691 Dry Space

a. Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

b. Essentially dry space - a space which will remain dry during flooding except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

5.692 Construction - the construction, reconstruction, renovation, repair extension, alteration, or relocation of a building or structure, including the placement of manufactured homes.

5.693 Designated flood plain districts - those flood plain districts specifically designated in the Zoning Ordinance as being inundated primarily by the one hundred (100) year flood. Included are areas identified as Floodway District (FW), Flood-Fringe District (FF), and the Approximated Flood Plain District (FA).

5.694 Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land.

5.695 Floodproofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

5.696 Manufactured homes and parks

a. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than 180 consecutive days.

b. Manufactured home park - a parcel (or contiguous parcels) of land which has been planned and improved for the placement of two or more manufactured homes.

5.697 One Hundred Year Flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

5.700 <u>Special Residential Uses</u>

5.701 Individual mobile home on its own lot

a. A mobile home shall be considered a single family detached dwelling, subject to all the minimum lot area, frontage, setback, lot coverage and parking requirements that apply to single-family detached dwellings in the zone district where the mobile home is to be located. An individual mobile home implies that it is not in a mobile home park, but is on its own lot as the principal permitted use.

b. Foundations, skirting, tie-downs: A mobile home shall be placed on its permanent foundation within thirty (30) days of arrival on its lot. Wheels shall be removed. The foundation shall be either at least two (2) masonry piers or a masonry peripheral wall matching the dimensions of the home to be supported, in either case set on concrete footers the bottom of which shall be at least three (3) feet below finished grade. A mobile home shall be securely tied to its foundation by over-the-top or built-in steel straps sufficient to hold the mobile home to its

foundation against wind blowing horizontally up to one hundred (100) miles an hour from any direction. The space between the mobile home's floor and ground below shall be well ventilated and enclosed by a continuous masonry wall or vinyl skirting maintained in good condition.

c. Permits required: Placement of a mobile home upon a lot shall require a building permit. Before a mobile home can be occupied, the Zoning Officer shall inspect the premises and shall determine that the sewage disposal and water supply systems have been installed and are in working order before issuing an occupancy permit.

d. Additions: Any enclosed additions added later to a mobile home, or not part of the original construction, shall require a building permit and shall be subject to all setback and coverage requirements of the zone district.

e. Removal of a mobile home: Before a mobile home is removed from its lot, the owner shall present to the Zoning Officer receipts showing that all Township, County and School District taxes, past and present, have been paid in full. When a mobile home has been removed, and a second mobile home will not immediately replace it on the same foundation, the lot owner shall backfill the site to the original grade within sixty (60) days after removal of the home.

f. Compliance with codes: Any mobile home brought into the Township after the date of the adoption of this Ordinance shall display evidence that it complies with the National Manufactured Housing Construction and Safety Standards Act and amendments thereto.

5.702 Conversion of a house to one or more apartments

a. An existing single family dwelling in the R-2 zone district may be converted to a two-family dwelling provided the following criteria can be met, and an existing dwelling building in the R-3 zone district may be converted to two (2) or more dwelling units if the following criteria can be met.

b. Each dwelling unit shall contain at least four hundred (400) square feet of floor area not counting access halls or stairs, and the lot area shall be not less than ten thousand (10,000) square feet if in the R-2 zone, or two thousand (2,000) square feet per dwelling unit if in R-3.

c. Each dwelling unit shall contain a separate and fully equipped bathroom, cooking and food storage facilities, as well as two (2) separate means of egress to the outside, or via a common hallway and stairs, but not through another dwelling.

d. Two (2) off-street parking spaces shall be provided on the lot for each dwelling unit.
e. Heat capable of maintaining seventy (70) degrees Fahrenheit temperature while the outside temperature is zero (0) degrees shall be present throughout the dwelling unit;
f. Ventilation shall be supplied in each apartment capable of a complete air change twice per hour continuously, or the operable sash area of windows in the apartment unit shall equal or exceed in area one twentieth (1/20) of the dwelling floor area.
g. Artificial lighting shall be supplied in each apartment equivalent to ten (10) foot candles evenly distributed throughout the dwelling at a height of thirty (30) inches above the floor.

5.703 Multi-family housing, new construction

a. Walk-up apartment buildings and attached single family dwellings (townhouses) are permitted in the R-3 zone district only, and apartments on the second and third floors of a building with commercial uses on the first floor are permitted in the C-1 zone district only.
b. Each apartment or attached dwelling shall contain, for the exclusive use of its occupants, its own complete bathroom (toilet, lavatory and shower or tub) in a separate room, as well as stove or cooktop, refrigerator and food preparation area.
c. An apartment shall be considered a dwelling unit within a building containing at least three (3) such units, each independent of the others and each with access to a common hall leading to the outside or with access directly to the outside. An attached dwelling shall be considered a dwelling within a building containing at least three (3) but not more than eight (8) such dwellings, each occupying at least two (2) floors with not less than forty (40) percent of the floor area on the first floor and each with at least two (2) separate entrances directly to the outside. No part of one townhouse dwelling shall be located above or below another dwelling.
d. Each apartment unit or attached dwelling shall contain, exclusive of common stairs, hallways, utility or storage rooms and integral garages, at least the following minimum floor areas:
   i. one (1) person occupancy unit: two hundred (200) square feet;
   ii. one (1) bedroom apartment: three hundred twenty (320) square feet;
   iii. two (2) bedroom unit: four hundred fifty (450) square feet;

iv. attached dwelling: six hundred (600) square feet;

e. One and a half (1 1/2) off-street parking spaces shall be provided on the lot for each dwelling unit.

f. In the event that the dwellings are to be sold to create condominiums, the owner of the building or buildings shall establish an association of condominium purchasers, to which all purchasers must belong, to succeed in the owner's interests. The association shall have the power to annually levy and collect assessments from the purchasers to operate the services and common areas formerly the owner's responsibility. The association's by-laws shall be submitted to the Township.

5.704 Apartments in mixed use buildings

a. Apartment dwellings may be located on the second, or second and third floors of a building in the C-1 zone district if the first floor is devoted to retail and service uses permitted in that zone.

b. Each apartment shall have access via a common hallway and stairway to the outside.

c. Each apartment shall contain a sink, toilet and shower in a separate room, cooking and food storage area, and have at least three hundred twenty (320) square feet of floor area.

d. There shall be at least fifteen hundred (1,500) square feet of lot area for each apartment.

e. One and a half (1 1/2) parking spaces shall be provided on the lot for the exclusive use of each apartment.

5.705 Nursing home and/or elderly apartment residence

a. Such facilities shall be located in the C-1, R-1 or R-2 zone districts as a conditional use.

b. The facility may be a free-standing nursing home or elderly apartment residence, or a combination of both on the same site.

c. Regardless of the nature of the facility, the property on which it is located shall contain not less than two (2) acres if located in the C-1 or R-2 zone districts, or not less than three (3) acres if in R-1. Such minimum areas shall accommodate not more than forty (40) residents. For each additional whole acre on the property, up to twenty-five (25) more residents may be added in the C-1 or R-2 zones, or up to twenty (20) more residents in the R-1 zone.

d. The property shall include required off-street parking (see section 6.424 and 6.425 and truck servicing areas (see section 6.600).

e. The entire perimeter of the property shall be planted to create a buffer as required by section 5.560, except at driveway or sidewalk entrances,

or where woods already on the perimeter are equivalent to the required buffer and will remain, or where a change of elevation of at least thirty (30) feet exists between the property and developed or developable areas on adjacent land.

5.706 Group home, personal care home or foster care home.

a. Such homes are permitted in any residential zone district.
b. Any group or personal care home shall be licensed to operate under the laws of the Commonwealth prior to opening.
c. Each such home shall accommodate not more than five (5) residents plus supervising person or persons.
d. Residents of a group home or foster care home shall be placed by court order or by a recognized social service agency.
e. No group home shall house persons on prison work release or those recovering from drug or alcohol abuse.
f. No two (2) group homes shall be located on the same street frontage within five hundred (500) feet of one another.
g. Parking shall be provided on the same lot to include one (1) space for each staff person on the largest shift, plus one (1) space for any vehicle operated by the facility, and one (1) space for visitors. Foster care homes are exempt from this requirement.

5.707 Dwelling in commercial or industrial zone districts.

a. Except for apartments over businesses in the C-1 zone, no dwellings shall be built in any commercial or industrial zone district with the following exclusion.
b. If a lot recorded before September 1, 1963 is too small and/or too narrow or too steep to reasonably support any use permitted by right or conditionally in the commercial or industrial zone where the lot is located, it may be developed for one (1) only single family detached dwelling, provided the Zoning Hearing Board determines that factors created by the lot make it completely unsuited for uses permitted in the zone district.
c. If the immediate area surrounding or abutting the lot is predominantly already residential, the Zoning Hearing Board may allow the lot to be developed for one (1) only single family detached dwelling.

5.800 Special Residentially-Related Uses

5.801 Home occupation

a. Where Permitted: Home occupations may be permitted within a single family dwelling, limited to one (1) per dwelling, only if operated by the family residing there, employing not more than two (2) additional persons.

b. Evidence of use: No indication of the home occupation shall be visible outside the dwelling except that one (1) sign in accordance with Section 7.214 is permitted, attached to the dwelling, to a fence, to a personal lamp post or free-standing.

c. Extent of use: The home occupation shall occupy no more than twenty (20) percent of the total floor area of the dwelling, not including the area of attics, cellars or integral garages.

d. Outside activity: No activity in connection with the home occupation shall occur outside the dwelling except for off-street parking at the rate of one (1) space for each three hundred (300) square feet of floor area devoted to the home occupation, plus one (1) for each non-resident employee, such parking located in side or rear yards of the property only.

e. Permit required: A home occupation shall require a permit to operate issued by the Zoning Officer.

f. Types of uses: service uses shall be encouraged, particularly those provided to individuals on an appointment basis, or businesses conducted entirely by phone, mail or electronic communication. Individual contractors shall not keep materials and equipment stored outside on the property but may park one (1) company vehicle with not more than (2) axles on site. Foster family care for four (4) or fewer individuals, day care services for four (4) or less individuals and rooming and boarding of not more than two (2) individuals shall be considered home occupations. Musical instrument or singing instruction shall only be offered to individuals, and only between the hours of 9:00 a.m. and 9:00 p.m.

5.802 Day care center

a. Day care may be provided as a home occupation in any residential zone district (see Section 5.801f), or as an institutional or business venture in the R-1 or any commercial zone district.

b. A drop-off/pick-up location on the property shall be provided with traffic moving in one direction through the area. If space is not available, a permanent curb-side location shall be maintained adjacent to the property.
c. Parking shall be provided on the property for each staff member on the largest shift.
d. There shall be no overnight accommodations.
e. The facility shall be approved for operation by the Department of Public Welfare prior to opening.
f. The facility may be a separate free-standing building on its own lot or within an institution or commercial building.

5.803 Municipal and public utility building and/or facility.

a. Buildings or structures required for the efficient collection or distribution of a public utility may be located in any zone district and on lots less in area and/or width than normally required. However, above ground buildings or structures shall be set back from property lines as required for the zone district in which the property is located.

b. Public emergency services buildings may be located in any zone district as long as the lot dimensions and building setbacks required for the zone district are respected.
c. Offices of a utility company shall be in any commercial or industrial zone district, but garages, warehouses and storage yards shall be permitted only in the industrial zone, as long as the lot dimensions and building setbacks required for the zone district are respected.
d. This section shall not effect the location of overhead or underground distribution or transmission lines, or stormwater management areas.

5.900 <u>Special Non-Residential Uses</u>

5.901 Service Station

a. Service stations are permitted in any commercial zone district.
b. Access driveways shall be as remote as possible from street intersections.
c. All repair services, except adding of fluids, shall occur within a building on the property where the services are provided.
d. Pump islands shall be in yard areas abutting a street but no part of an island shall be closer to a property line than eight (8) feet.

e. A canopy covering a pump island shall not extend over any property line and shall not be higher at the top of the roof than twenty (20) feet.
f. No signs shall be placed on top or hung under a canopy. Not more than twenty (20) percent of the edge of a canopy may be used for signage, extending neither above nor below the top and bottom edges of the canopy.

5.902 Drive-through services and convenience sales

a. A driveway not less than eight (8) feet wide and at least sixty (60) feet long shall be provided on the property for the exclusive use of traffic approaching each drive-through window or stall.
b. If the drive-through facility shares the property with off-street parking, traffic using the drive-through window and traffic entering and leaving the parking spaces shall be clearly segregated.
c. On a property containing a convenience sales building and gasoline sales, the vehicle circulation patterns approaching and leaving the pump islands and the patterns maneuvering in and out of parking serving the building shall be separated and clearly marked.

5.903 Amusement enterprise

a. Indoor amusement enterprises, but not including adult businesses (see section 5.907), are permitted in any commercial zone district. Outdoor amusement is permitted only in C-2 and C-3 zone districts.
b. Where the enterprise includes coin-operated arcade machines, such devices shall be separated from one another by at least three (3) feet, and no machine shall block or partially block any exit from the building containing the machines.
c. Outdoor recreation facilities within or abutting any residential zone district shall be set back from all property lines by at least twenty (20) feet. An opaque fence and/or evergreen plantings erected and maintained at a height of six (6) feet shall be located along the side and rear property lines when such lines abut or are within any residential zone.
d. Outdoor lighting shall be of the cut-off luminaire type with no fixture mounted more than eight (8) feet off the ground, and the pool of light cast by any fixture shall be contained entirely within the property on which the fixture is located.

5.904 Business park

a. Business parks shall be permitted in the I, Industrial, zone.
b. Business parks shall be considered an integrated arrangement of lands and buildings on at least two (2) acres, occupied by light manufacturing, service businesses, offices, research and development activities and/or other related enterprises, sharing common facilities and services. Any waste materials within such a park that are deemed hazardous by the Federal E.P.A. shall be removed from the Township by licensed haulers.
c. Business parks may include, as principal uses in a park, one or more business, professional, medical or dental office or personal service outlets, or financial institutions.

5.905 Communications tower

a. Communications towers shall be considered as a conditional use in the C-2 and C-3, Commercial, and I, Industrial, zones, provided the following criteria are met. Antennae and supporting structures used solely for private, non-commercial and amateur purposes, including but not limited to ham radios and citizen band radios, are not subject to this section.
b. The minimum site area required shall be as follows:

i. Minimum site area	40,000 square feet
ii. Minimum site area for towers exceeding 100 feet in height.	area sufficient so that the distance between the tower base and nearest property line or street right of way line is at least the height of the tower.

c. Any existing or proposed tower site shall not be located within two thousand (2,000) feet of any other existing or proposed tower site, measured from nearest property line to nearest property line.
d. Shared use of towers and tower sites shall be encouraged. If shared use of an existing or approved tower or an existing or approved tower 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 for the following reasons:
   i. The proposed equipment would exceed the structural capacity of the existing or approved towers and reinforcement of the existing or approved towers cannot be accomplished at a reasonable cost.

ii. The proposed equipment will cause RF (Radio Frequency) interference with other existing or proposed equipment for that tower, or that existing or approved tower site and the interference cannot be prevented at a reasonable cost.

iii. Existing or approved towers or the existing or approved tower site do not have adequate space to accommodate the proposed equipment.

iv. Addition of the proposed equipment would result in NIER (Nonionizing Electromagnetic Radiation) levels which exceed any adopted local, Federal or State emission standards.

v. There are other valid reasons that make it impractical to place the proposed equipment on any existing or proposed tower or any existing or approved tower site.

e. Communication towers and their associated structures may exceed the height limitations of the zoning district, provided they shall be set back as required by section "b" above.

f. No communication tower shall be located within five hundred (500) feet of any residential structure.

g. Unless the communication tower is located on a building, the tower structure shall be completely enclosed by a six (6) foot high chain link or similar fence with self-latching gate to limit accessibility to the general public, unless the entire property is secured by such a fence.

h. All guy wires and all guyed towers shall be clearly marked so as to be visible at all times. All guy wires shall be located a minimum of twenty (20) feet from any property line.

i. The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice.

j. The tower shall be subject to any applicable Federal Aviation Administration (FAA), Pennsylvania Bureau of Aviation and airport zoning regulations.

k. No sign or other structure shall be mounted on the tower, except as may be required or approved by the FAA, Federal Communications Commission, Pennsylvania Bureau of Aviation or other applicable governmental agency.

l. All lighting shining on the property where the tower is located shall be shielded and reflected away from adjoining properties.

m. A minimum of two (2) off street parking spaces shall be provided on the tower site, plus one (1) off street parking space for each on-site personnel.
n. Existing vegetation on the site shall be preserved to the maximum extent possible.
o. A minimum twenty (20) foot easement or right-of-way for access shall be provided to the tower, improved with a dust-free, all-weather surface. The right-of-way or easement shall be maintained by the landowner or lessee.
p. Even if a tower site is leased, a subdivision plan shall be prepared to show the site to receive the tower described by bearings and distances within the property from which the site has been leased or sold. In addition, a scaled site development plan shall be prepared to show precisely the location of the tower in its site, support buildings on the ground, guy anchors, access to the site and parking areas. Such plans shall be reviewed and decided as required by the Township Subdivision and Land Development Ordinance.
q. The applicant shall submit proof that it has guaranteed removal of any tower which becomes obsolete or abandoned and that adequate financial security has been posted to cover the cost of such removal.
r. Each tower owner shall inform the Township of any changes in ownership or responsibility for a tower immediately after the change occurs.
s. The applicant shall have both the duty of initial presentation of evidence and the burden of persuasion with respect to the criteria above and the burden of persuasion only with respect to the criteria applicable to conditional use approval.
t. An antenna shall be considered a pole device attached to a building or structure designed to elevate equipment that transmits and/or receives broadcast signals for ham radio, citizens band or municipal services communication purposes.

    i. Antennas shall be permitted in all zone districts as an accessory use if attached to a building or structure already in place and set back from lot lines as required in the zone district where located.
    ii. The top point of an antenna shall not protrude more than fifteen (15) feet above the roof of the building or structure to which attached.
    iii. Anyone proposing to erect an antenna shall provide the zoning officer the certificates from a registered engineer attesting that the antennae and any equipment it will support can be safely attached to the

building or structure, considering wind and ice loading, and from the FCC approving installation, considering radio frequency emissions, and a drawing showing the method of attachment to, and location on the building or structure.

5.906 Waste disposal, treatment or transfer facility

a. Such facilities shall be permitted in the C-2 and C-3 Commercial and the I Industrial zones.

b. A waste disposal, treatment or transfer facility shall be considered any operation, including but not limited to landfills, for the collection, disposal, treatment, or transfer of any kind of garbage, rubbish, waste or refuse, including but not limited to "hazardous waste", "residual waste", "coal ash" or "solid waste" as those terms are used in Act 97, as amended, the "Solid Waste Management Act." A landfill shall be considered the deposit of clean fill, consisting of earth or stone, and not consisting in any part of garbage, waste, rubbish or refuse, or of "hazardous waste", "residual waste", "coal ash" or "solid waste" as those terms are used in Act 97, as amended, the "Solid Waste Management Act.

c. Such Facility shall be entirely owned and operated by Harmar Township or a municipal authority established wholly or in part by Harmar Township.
Such Facility shall be located at least five hundred (500) feet from any dwelling, church, school or other building used primarily for housing persons, and shall be located at least two hundred (200) feet from the boundaries of all adjoining properties.

d. Applications for such conditional uses shall be accompanied by a certificate, licenses, approvals, or other documents required by any governmental unit or agency having jurisdiction to issue same when it is possible to obtain those instruments prior to conditional use approval. However, if such certificates, licenses or approvals are not available prior to consideration of the conditional use application, the grant of a conditional use shall be conditioned upon all necessary certificates, licenses, approvals, or other documents being granted.

5.907 Adult business

a. Adult businesses may be established only in the C-2 commercial district.

b. Persons or owners who intend to open an adult business must obtain from Harmar Township a license to operate such an enterprise and must pay a $500 investigation fee to Harmar Township. In addition, such persons or owners must supply to the Township detailed information as to the ownership and financing as required on the licensing application form. This form can be obtained at the office of the Township Secretary and applies to all new owners or operators.

c. No adult business can be located within 500 feet of a pre-existing residence, school, hospital, nursing home, sanitarium, retirement or convalescent home, group home, personal care home, public park, church, establishment which is licensed to and does sell alcoholic beverages or other adult business.

d. No adult business can be located within 1,000 feet of an area zoned residential.

e. An adult business shall be initially licensed, where it has met all ordinance requirements, through December 31st of the year in which the license is issued. For each year thereafter that the adult business intends to continue its business as an adult commercial enterprise, it must seek from the office of the Secretary of Harmar Township a renewal of this license. The application for renewal is due in the Secretary's office no later than November 1st of the year preceding the year for which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the Township to deny or revoke an Occupancy Permit to an adult bookstore, adult movie theater, or similar adult commercial enterprise or other adult establishment. The annual license fee shall be set by resolution of the Board of Supervisors.

f. The following definitions shall apply to specific terms used in this section.

   i. Adult bookstore: any commercial establishment in which is offered for sale any book or publication, film or medium which depicts nudity or sexual conduct.

   ii. Adult business: an adult bookstore, movie theater or movie house, or other adult entertainment as defined herein. In the event that a use includes activities which constitute an adult bookstore, adult movie theater or movie

house or adult entertainment as defined herein then such use shall be considered ad adult business and shall be subject to all provisions in this section applicable to adult business uses, even if such activities are not the only activities conducted upon the premises.

iii. Adult entertainment: an establishment providing, either as a sole use or in conjunction with or in addition to other uses, entertainment consisting of the use of live dancing, posing, displaying, acting, or other live presentation or use of persons whose actions are distinguished or characterized by emphasis on use of the human body in a manner intended to or result in arousal of sexual excitation or sexual titillation of a prurient interest, or intended to or resulting in producing lustful emotions.

iv. Adult movie theater or movie house: (Including Adult Mini-theaters) Any movie theater which on a regular continuing basis shows films rated "X" by the Motion Picture Coding Association of America, or any movie theater which presents for public viewing on a regular, continuing basis so-called "adult films" depicting sexual conduct, as defined by this Ordinance.

v. Nudity: the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of nipple, or the depiction of covered male genitals in a discernibly turgid state.

vi. Sexual conduct: patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breast.

5.908 Private commercial helipad

a. Such a facility shall be considered a conditional use in the C-2, Regional Commercial, zone district.
b. A private commercial helipad is defined as a helicopter landing area including one or more appurtenant helicopter parking spaces, but excluding refueling facilities, maintenance or repair facilities, a terminal building or enclosed waiting area, or aircraft or aircraft part sales, such helipad being restricted in use to the owner or operator of the helipad or to persons authorized by prior permission from the owner or operator in accordance with licensing requirements of the Pennsylvania Department of Aviation.
c. The helipad shall be rated to accept only aircraft with a maximum take-off weight not exceeding seven thousand five hundred (7,500) pounds.
d. The helipad shall be at all times licensed by the Commonwealth of Pennsylvania and/or the FAA.
e. The helipad shall permit access by public emergency helicopters;
f. The Harmar township Volunteer Fire Department shall be provided with, on a current and updated basis, material safety data sheets and a list of any on-site flammable materials.
g. The helipad shall be in compliance with all applicable local and State fire codes and FAA regulations.
h. No fuel, other than that in a helicopter itself, shall be stored on site.
i. No major maintenance or repair work on helicopters shall be done at the helipad site.
j. The approach/departure flight paths associated with the helipad shall not extend over a public or private school, a school stadium, school playground, school or public sports field, church, hospital, nursing home, hotel, motel, commercial recreation facility or place of public accommodation with permitted occupancy of fifty (50) or more persons unless that portion of the flight path is at least nine hundred (900) feet from the landing area and there is no feasible alternative flight path.
k. The center of the helipad shall be located: (1) at least one hundred (100) feet from any building on the same property as the helipad and from property lines; (2) at least two hundred fifty (250) feet from any public street; (3) at least three hundred (300) feet from any property containing dwellings; and at least four hundred (400) feet from any school.

l. The helipad shall be clearly marked with the insignia commonly recognized to indicate a private commercial helipad, as well as the limitation on maximum take-off weight.
m. Lighting shall be shielded so as to prevent glare upon adjacent properties and streets.
n. The helipad shall be spaced at least two thousand (2,000) feet from any other helicopter landing area.
o. The helipad shall be the only use conducted on the lot or the leased portion of the lot designated for the helipad unless the helipad is owned by and operated for the business that occupies the lot.

5.909 Outdoor sales, uses and storage

a. Outdoor sales shall be limited to the display of vehicles and mechanized equipment in the drive-away condition.
b. No outdoor sales or display shall occur on a public right-of-way, and such outdoor sales area, where it abuts a residential zone, shall be set back from front, side and rear property lines at least the minimum distances required in the abutting residential zone. Where outdoor sales or display occur on a commercially-zoned lot not abutting a residential zone, they shall be set back as required for a building in the commercial zone.
c. All outdoor storage areas, except those displaying vehicles and mechanized equipment in drive-away condition, shall be enclosed behind a fence erected on the property containing the outdoor area, such fence not less than six (6) feet in height above ground level and with a surface not less than fifty percent (50%) opaque. Where the fence abuts a residential zone, a five (5) foot wide strip on the commercial property outside the fence shall be planted with evergreen hedges, planted fifteen (15) feet on centers and maintained when mature at a height of six (6) feet. A building on the property may serve in place of a fence to partly enclose an outdoor storage area.
d. All stored materials that could be blown or washed away from the property on which stored, or might attract animals, rodents or insects, or produce metallic, chemical or putrefying odors shall be tightly sealed in waterproof containers that will not rust or deteriorate. Waste materials shall be disposed of off the property by a licensed refuse hauler.

5.910 Extraction of minerals and soils

a. The operator of any proposed project to remove minerals or soils or to deposit soils or to expand any such project beyond the limits previously permitted when such a project is not part of an approved land development, shall prepare and present to the Planning Commission a completed application in conformance with section 106 of Ordinance no. 302 of Harmar Township.

b. The request for approval of the project shall follow the procedures for a conditional use application. The request for an excavation permit shall be processed and monitored as required by section 106 of Ordinance no. 302.

c. The excavation shall be operated as follows:

i. Before work commences the operator shall have a valid DEP permit if the project involves removal of minerals.

ii. Vehicular access to the site shall be controlled through one (1) point.

iii. The operator shall post the edges of the area of the site being worked, noting that a dangerous condition exists and warning trespassers away.

iv. If a steep slope or high wall temporarily will exist, the top of such a slope or wall shall be fenced and posted.

v. The operator shall be responsible that trucks leaving the site are not overloaded and that any spilled materials are removed from adjacent public roads at the end of each working day but in no case less frequently than once every twenty-four (24) hours while operations are in progress.

vi. Any contaminated water created by an excavation shall be treated prior to release to any drainageway.

vii. Where the area to be excavated or filled exceeds five (5) acres and/or involves more than five thousand (5,000) cubic yards of materials, the site shall be divided into segments, each one to be excavated or filled and brought to finished grade before the operator moves to the next segment. If any segment of an excavation or fill is left dormant for a period of at least ninety (90) days, that portion of the site shall be brought to finished grade.

viii. The Zoning Officer may report any suspected violations he finds or are reported to him to the DEP for action.

ix. The Board of Supervisors may require the operator to post a bond to cover the cost of repair to Township-maintained roads used as access to the site.

Article 6: MINIMUM OFF-STREET PARKING AND SERVICING REQUIREMENTS

6.100 General Requirements

6.110 The provisions of this Article shall apply in all zone districts and are intended to establish minimum standards in order to avoid congestion in the streets, to protect property values and to promote the public health and safety.

6.120 In all districts, there shall be provided in connection with any business, institutional, recreational, residential or other use, off-street parking in accordance with the requirements of this Article at the time the use is erected, enlarged or increased in capacity. When several businesses or other uses share the same property, a common parking area may be created, provided the total number of spaces in the common parking area is no less than required for all uses served taken together. No parking space required for one use shall be claimed as meeting the needs for a second use unless the Planning Commission recommends, after reviewing an application for shared use of a parking lot, and the Board of Supervisors approves two uses sharing all or a part of the same parking lot because the two have substantially different times of parking demand.

6.130 On a single family, two-family or townhouse lot, a garage and the access drive to it may be counted in determining the minimum number of required parking spaces. When dwelling units share parking and/or garage space, required parking assigned for one dwelling unit shall not block required parking of other dwelling units.

6.140 Parking to serve multiple family buildings shall be located so that no required space is more than two hundred (200) feet from the main entrance of the building the parking serves. In the case of a non-residential use, no required space shall be more than six hundred (600) feet from the main entrance of the building the parking serves.

6.150 Nothing in this Article shall be construed to require uses existing prior to the passage of this ordinance, or passage of amendments that change the number of required spaces or other aspects of this Article, to comply with the requirements of this Article, except that any additions to such uses shall provide off-street parking to accommodate the additions.

6.200 Dimensional Standards for Parking Spaces

6.210 Each parking space shall be not less than nine (9) feet wide and eighteen (18) feet long, and shall contain at least one hundred eighty (180) square feet.

6.220 The layout of parking lots shall be made in conformance with the current standards of the Americans with Disabilities Act (ADA).

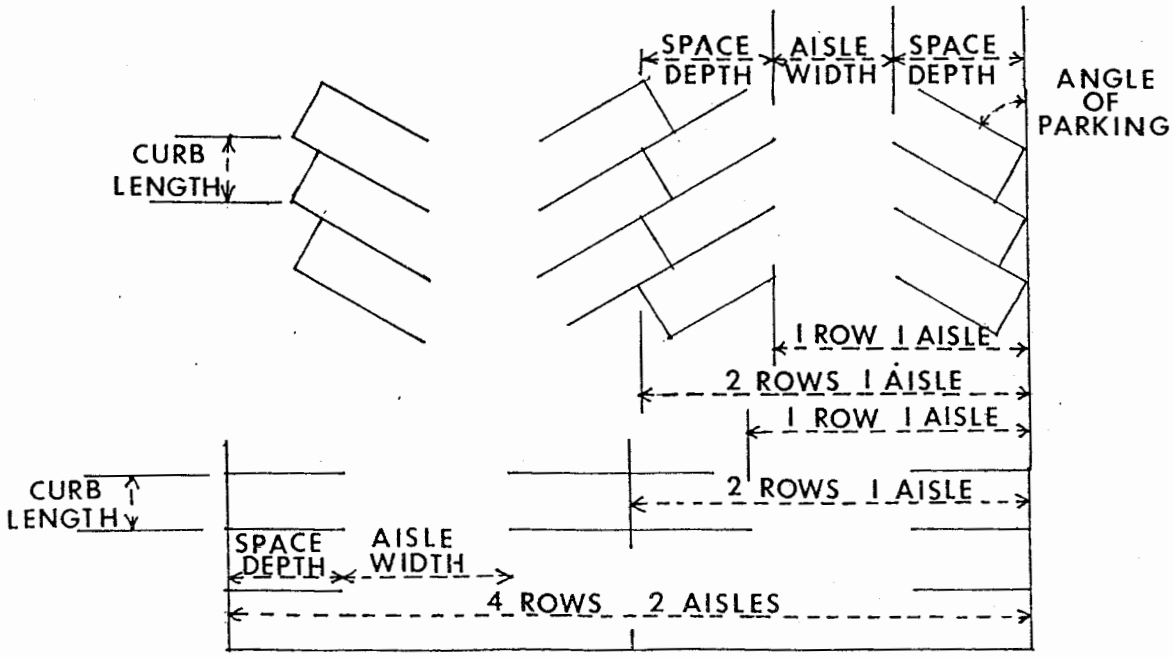
6.230 Each parking space in a parking lot intened to serve a business, institutional or multi-family residential use shall abut an access aisle. No spaces shall be accessible directly from a public street unless the street right-of-way is not more than twenty-five (25) feet wide and the depth of the parking area on private property, measured at right angles to the street is not less than twenty (20) feet.

6.240 Parking lots shall be laid out in accordance with the following table and diagram:

Angle of parking	Curb length	Space depth	Aisle width	1 row 1 aisle	2 rows 1 aisle	3 rows 2 aisles	4 rows 2 aisles
curb	23′	9′	12′	21′	30′	51′	60′
30	18′	17′-4"	11′	28′-4"	45′-8"	66′-2"	83′-6"
45	12′-9"	19′-10"	13′	32′-10′	52′-8"	79′	98′-10"
60	10′-5"	21′	18′	39′	60′	95′	116′
90	9′	18′	24′	43′	62′	105′	124′

Angle of parking - angle in degrees relative to curb
Curb length - length of space along curb in feet
Space depth - depth at right angles to curb in feet
Aisle width - width of aisle providing access to spaces in feet
1 row, 1 aisle - width of one row of spaces plus the access aisle that abuts them in feet

PARKING LOT LAYOUT:



6.250 No parking spaces shall occur in the public street right-of-way if they are required to meet minimum off-street standards, and spaces shall be set back sufficiently on any property to allow drivers approaching and leaving the parking lot entrance a full view in all directions of traffic along the public street. Parking lots in residential zones shall be set back from property lines and streets by at least six (6) feet with a planted buffer provided in the six-foot strip.

6.300 Surfacing, Lighting and Screening

6.310 Any off-street parking or servicing area accessory to a business, institutional or multi-family residential use shall be surfaced with an asphaltic or cement binder pavement, graded to assure drainage of all areas toward a stormwater sewer, and designed to meet the Township stormwater control standards, if the parking area will cover or partly cover an area formerly undeveloped or with a grass or vegetative surface.

6.320 Parking lots shall have a non-shifting, well-choked, all-weather surface. Where lots are designed to have twenty (20) or more spaces, they shall be paved with at least four and a half inches (4 1/2") crushed stone well choked and rolled, topped by one and a half inches (1 1/2") asphalt wearing course. Surfaces shall slope not more than six percent (6%) in any direction or less than one percent (1%). All stormwater falling on the paved surface shall be directed to a stormwater management system meeting the Township's requirements specified in the Subdivision and Land Development Ordinance.

6.330 Off-street parking areas for more than twenty (20) vehicles and off-street servicing areas shall be screened from view by observers on adjacent residentially zoned lots, including those directly across an intervening street. Screening may be a fence or hedging or a combination of each across the full width of the edge of the lot abutting the residential lot or street. A fence may be masonry, wood or metal, but shall be completely opaque, with any decorative side facing toward the abutting property or street.

6.340 Lighting of parking lots and truck servicing areas is optional, but if lighting is used, it shall be the cut-off lumenaire type, allowing minimum light trespass into the sky and mounted no more than thirty-five (35) feet off the pavement below. Lighting shall be focused so that little or no light shines on surfaces not in

the parking lot or servicing areas or access driveways. Globes covering light sources shall be translucent.

6.400 Number of parking spaces required, by use

6.410 Where square footage is used as a measure for the minimum number of required parking spaces in the standards below, dimensions of buildings shall be measured between the outside lines of walls. No deduction shall be given for areas inside any building used for circulation, inventory storage, shipping areas, or utility or rest rooms.

6.420 Residential uses

6.421 Single family dwelling, two-family dwelling or townhouse: two (2) spaces per dwelling unit;

6.422 Apartment in a multi-family building: one and a half (1 1/2) spaces per apartment;

6.423 Boarding or lodging house: one (1) space per lodging room plus resident family spaces;

6.424 Convalescent or nursing home: one (1) space for each four (4) beds;

6.425 Retirement home: one (1) space for each two (2) dwelling units.

6.430 Institutional uses

6.431 Hospital: one (1) space for each bed plus one (1) space for each two hundred (200) square feet of floor area in an out-patient clinic;

6.432 Church and similar place of enclosed assembly: one (1) space for each fifty (50) square feet of floor area in the main assembly hall;

6.433 School, non-resident: one and a half (1 1/2) spaces for each classroom, plus one (1) space for each two (2) students projected age 17 and older;

6.434 School, business or trade: two (2) spaces for each three (3) students and faculty members anticipated to be on the premises at the peak period;

6.435 Stadiums, sports arena and similar places of open assembly: one (1) space for each four (4) seats and/or one (1) space for each one hundred (100) square feet of assembly space without fixed seats;

6.436 Library or museum: one (1) space for each six hundred (600) square feet of floor area;

6.437 Club, lodge, or social hall: one (1) space for each two hundred (200) square feet of floor area in the bar, dining room, and assembly room combined.

6.440 Recreational uses

6.441 Theater: one (1) space for each three (3) seats;

6.442 Dance hall: one (1) space for each one hundred (100) square feet of floor area of room containing dance floor;

6.443 Bowling alley: six (6) spaces for each lane;

6.444 Billiard hall: two (2) spaces for each table;

6.445 Bingo hall: one (1) space for each three (3) persons at allowed maximum capacity;

6.446 Swim club: one (1) space for each one hundred (100) square feet of water surface in the pool;

6.447 Tennis club: two (2) spaces for each court;

6.448 Health or fitness club: one (1) space for each two hundred (200) square feet of floor area;

6.449 Indoor amusement center: one (1) space for each two hundred (200) square feet of floor area;

6.450 Office uses

6.451 Medical, dental or chiropractic office or clinic: one (1) space for each two hundred (200) square feet of floor area;

6.452 Office with walk-in customer services, including banks, insurance sales, etc.: one (1) space for each three hundred (300) square feet of floor area;

6.453 Office not providing customer walk-in services: one (1) space for each six hundred (600) square feet of floor area.

6.460 Retail sales and services

6.461 Retail sales and personal services store without drive-through facilities: one (1) space for each two hundred (200) square feet of floor area;

6.462 Retail sales outdoors, including auto sales: one (1) space for each six hundred (600) square feet of enclosed floor area plus one (1) space for each two thousand (2,000) square feet of outdoor display area;

6.463 Drive-through bank, carry away food, beer distributorship or car wash: five (5) spaces approaching the service bays plus one (1) space for each employee on the largest shift, plus spaces for walk-in sales (see 6.464);

6.464 Convenience or take-out establishment: one (1) space for each two hundred (200) square feet of floor area;

6.465 Restaurant or tavern:
two (2) spaces for each five (5) persons who can be seated simultaneously;

6.466 Motel, hotel or bed and breakfast:
one (1) space for each sleeping room;

6.467 Funeral home:
ten (10) spaces for each reception parlor;

6.468 Automobile service station:
three (3) spaces for each side of each service bay plus five (5) spaces for customer and employee use.

6.470 Business and manufacturing

6.471 Manufacturing, wholesale, warehousing or storage business, freight terminal, or research and development facility:
two (2) spaces for each three (3) employees on the largest shift when company reaches peak employment plus one (1) space for each company vehicle normally stored on the property.

6.472 Building materials sales or contractor's yard:
one (1) space for each four hundred (400) square feet of floor area in sales building, plus one (1) space for each one thousand (1,000) square feet of area in the materials storage area, plus one (1) space for each company vehicle normally stored on the property.

6.473 Public utility:
One (1) space for each four hundred (400) square feet of office space plus one (1) space for each company vehicle normally stored on the property.

6.480 The Zoning Officer may, when considering off-street parking needs for a use not addressed by sections 6.420 through 6.470, make a reasonable determination based on square footage, vehicle dependence and similarity to a use for which parking standards are stated.

6.500 <u>Off-Street Servicing</u>

6.510 In connection with the development of any property for a retail sales, manufacturing or distribution business, where the building contains at least five thousand (5,000) square feet, or any expansion of a building so that its floor area exceeds five thousand (5,000) square feet, there shall be provided off-street loading or servicing areas in accordance with this section.

6.520 Such servicing areas shall not contain any required off-street parking spaces and shall not be less than ten (10) feet wide, by thirty-five (35) feet long, by fourteen (14) feet high. Loading areas shall be adjacent to the use or building served. Maneuvering space shall be provided adjacent to the servicing area so that vehicles may change direction and leave as well as enter the area moving in a forward direction.

6.530 All the requirements for surfacing, lighting and screening contained in section 6.300 shall apply to servicing areas.

6.540 Access to a servicing area shall be via a driveway at least twelve (12) feet in width for one-way traffic or twenty-two (22) feet wide for two-way use, with a clearance the entire length of at least fourteen feet six inches (14'-6").

6.550 One (1) servicing space shall be provided for each business containing at least five thousand (5,000) square feet of floor area up to twenty-five thousand (25,000) square feet. For each additional twenty thousand (20,000) square feet of floor area or fraction thereof one (1) additional servicing space shall be provided.

6.560 Where several business buildings share the same property, servicing may occur at one location, provided the square footage of all the buildings is used to determine the number of servicing spaces required.

6.600 <u>Review and approval</u>

6.610 Any proposal to provide new parking or servicing areas or to expand existing areas, whether a separate project, or as part of new development or expansion of an existing development, shall be submitted to the Zoning Officer. Proposals for single family or two-family dwellings are excluded.

6.620 The Zoning Officer, in addition to satisfying himself that a sufficient number of spaces of adequate dimensions are provided, shall also determine that safe access into and out of the parking lot to the public highway is available and that the requirements of this Article have been met.

6.630 The application shall show the layout of the parking area including each parking space, stop bars or curbing, access drives to the public street, lighting, sidewalks, proposed grading at two (2) foot contour intervals, stormwater

management system (inlets, stormwater pipes and detention facility), buildings on the property, location of servicing areas, and description or section through the surfacing showing thickness of construction and materials.

6.640 The Zoning Officer shall inspect the site during and upon completion of construction to assure that the project is finished in accordance with the approved plans, subject to the penalties contained in section 12.400 or this Ordinance.

Article 7: SIGNS

7.100 General Requirements

7.110 The provisions of this Article shall apply in all zone districts and are intended to establish minimum standards that will discourage roadside clutter, but will permit reasonably sized and located signage to draw attention to goods and services in the public interest.

7.120 All new signs shall be located upon the lot containing the activity, use or manufacturing process for which the sign is to be erected, except for off-site directional signs and billboards.

7.130 Sign structures of any type already legally in place at the date of adoption of this Ordinance may remain in place as non-conforming signs if they do not meet the requirements of this Article. However, signs that would not be permitted under the terms of this Article may not be increased in size or relocated although the sign's message may be changed. Once such a sign structure has been removed, it may not be replaced, enlarged or relocated except in conformance with this Article.

7.140 This section shall not apply to the display of patriotic flags or banners; or to "no hunting" or "no trespassing" signs; or to Christmas or other holiday decorations placed on a temporary basis; or to street address numbers.

7.150 No sign shall be permitted to be placed upon the roof of any structure or to project above the parapet wall of a flat-roofed building or above the gutter line of a sloped roofed building. A sign integrated into a sloped roof or attached to a wall hiding roof-mounted mechanical equipment, as part of the building's original design, may be permitted.

7.160 No animated signs, no signs illuminated by a flashing, pulsating or intermittent source, no strings of bare bulbs except holiday decorations, and no signs lighted in such a manner as to create glare conditions on adjacent or nearby properties or streets, or to be capable of causing confusion with traffic control devices shall be permitted.

7.170 All signs shall be located so that sight lines for drivers entering a public street are not compromised. Signs and sign structure, except for projecting signs, shall not extend into a public right-of-way and in any case no part of a sign or structure shall be closer than ten (10) feet to a street pavement. The Zoning Officer may require a greater setback if the street in the vicinity of the sign makes more setback necessary, such as when the road curves around the sign.

7.180 Signs shall be removed not more than sixty (60) days after the use or activity on the same property that they advertise has been removed. If the building that housed the use or activity remains, the sign structure may also remain.

7.190 For purposes of determining sign size for conformance with this section, the sign area shall be the vertical height times the horizontal width of the signboard, including borders around the sign edges. For irregularly shaped signs, the actual area including borders shall be computed, using a grid of one (1) foot squares covering the surface of the sign to reach an acceptable approximate figure. Sign area sizes given in this section are for one side of a sign. A reverse side of the same size or less is permitted. For signs with more than two (2) sides, the total area of all sides shall be not more than twice the maximum permitted area for one side. Sign supports below the sign shall not be included in computing sign area if they carry or support no advertising.

7.200 <u>Signs in the Residential Zone Districts (R-1, R-2 and R-3)</u>

7.210 Identification signs

7.211 Types of signs - signs may be attached flat to a building wall or a fence, or hung from a private post but shall not project into a public right-of-way.

7.212 Location - Such signs shall be placed in the front yard area between the principal building and front lot line but not less than five (5) feet from a side lot line, or may be placed on the front wall of the building or a fence facing a street.

7.213 Number of signs permitted - One (1) such sign may be placed in each yard area abutting a street, but on lots abutting two (2) or more streets, one (1) sign may be placed in any yard abutting a street, but not more than a total of two (2) signs.

7.214 Maximum size of signs -
a. Property identification or advertisement of a home occupation: two (2) square feet;
b. Identification of a multi-family building: six (6) square feet.

7.215 Height of Signs - Not more than ten (10) feet measured from average ground level below the sign to the top of the sign.

7.216 Illumination - no sign regulated by this subsection (7.210) shall be lighted except by a porch light or lamp post light.

7.220 For sale or rent, development or artisan signs

7.221 Such signs shall indicate only the name, address and phone number of the developer, real estate agent or artisan and the name and type of development or type of work or service performed.

7.222 Types of signs - Signs shall be free-standing or may be attached to a fence or building if no yard area on the property provides a view from the adjacent street.

7.223 Location - Such signs shall be placed in the front yard area between the principal building and front lot line, or may be placed on the front wall of a building or a fence facing a street if no yard area provides a view from the street.

7.224 Number of signs permitted - One (1) for sale or rent sign or one (1) development sign indicating impending use of a property, and not more than two (2) artisan signs advertising contractors at work on the property shall be permitted in any yard abutting a street but in not more than two (2) yards on any property abutting streets.

7.225 Maximum size of signs - ten (10) square feet

7.226 Height of signs - Not more than ten (10) feet measured from average ground level below the sign to the top of the sign.

7.227 Illumination - No signs regulated by this subsection (7.220) shall be lighted.

7.228 Removal - Signs regulated by this subsection shall be removed immediately upon completion of a sale or rental agreement or completion of work carried out by an artisan.

7.230 Institutional signs

7.231 Such signs shall be those identifying the properties of a public, religious or private non-profit community facility on the property occupied by such facility.

7.232 Types of signs - Signs may be free-standing or may be attached to the principal building. Monument type signs (see section 7.341) are preferred, with a maximum height of five (5) feet and area of fifty (50) square feet.

7.233 Location - such signs shall be placed in the front yard area between the principal building and front lot line not less than ten (10) feet from a side lot line, or may be placed on the front wall of the building.

7.234 Number of signs permitted - One (1) such sign may be placed in each yard area abutting a street, but no more than two (2) on any property that abuts two (2) or more streets, only one (1) in each yard.

7.235 Maximum size of signs - Thirty (30) square feet for free-standing or wall signs.

7.236 Height of signs - Not more than ten (10) feet measured from average ground level below the sign to the top of the sign.

7.237 Illumination - Such signs may be lighted from within or by a source hidden from view by those on adjacent properties or streets.

7.240 Temporary Signs

7.241 Such signs shall include porch, garage or yard sale signs, and signs calling attention to a community event promoted by a public or institutional body.

7.242 Signs may be attached to fences, buildings or poles, or on their own support, but may be placed only with the approval of the property owner.

7.243 Location and time limits - signs may be placed only in yards abutting streets and not in any street right-of-way, and shall be posted not more than thirty (30) days before the event promoted. Signs shall be removed not later than ten (10) days after the event.

7.244 Number of signs permitted - not more than three (3) off-premise signs, plus two (2) signs on the property where the event is to occur may be placed. Signs shall require permits and fees as stipulated by Section 7.420 of this Article. Special banners or flags to promote a public or institutional event, including those in or over a street, may be approved by the Board of Supervisors.

7.245 Maximum size of signs - thirty-two (32) square feet.

7.246 Height of signs - not more than ten (10) feet from the top of the sign to the ground level below.

7.247 Illumination - no sign regulated by this subsection (7.240) shall be lighted except from incidental light used primarily for other purposes.

7.250 Incidental Signs

7.251 Such signs shall be those identifying the entrances and exits of parking lots, parking lot ownership and use, private driveways and lots requesting no trespassing.

7.252 Types of Signs - Signs shall be free-standing or may be attached to a building wall or fence.

7.253 Location - Signs may be at the appropriate places to provide needed information but not within the public right-of-way.

7.254 Number of signs permitted - One (1) sign may be located at each access to a parking lot, at one (1) place in the lot to provide information about the lot, and one (1) at each private driveway entrance.

7.255 Maximum size of signs - two (2) square feet except for parking lot information signs which may be as large as ten (10) square feet.

7.256 Height of signs - Not more than four (4) feet except for parking lot information signs which may be mounted no higher than eight (8) feet to the top of the sign.

7.257 Illumination - signs may be lighted provided the light source is within the sign, or directed from a shielded source invisible from any adjacent street or property and no glare is created upon any adjacent street or property.

7.300 <u>Signs in the Commercial and Industrial Districts (C-1, C-2, C-3 and I)</u>

7.310 Free-standing Signs

7.311 Such signs shall be supported on their own structures independent of any building and no part of such a sign shall extend into the public right-of-way.

7.312 Location - Signs shall be placed between the principal building on the lot and the street abutting the lot, but not closer to a side lot line than ten (10) feet if abutting a commercially or industrially zoned property or twenty (20) feet if abutting a residentially zoned property.

7.313 Number of signs permitted - One such sign may be located along each street frontage

abutting the lot, but not more than two (2) such signs may be placed on any lot abutting two (2) or more streets, not more than one facing the same street.

7.314 Maximum size of signs - Signs in the C-1 zone shall not exceed one hundred (100) square feet in area each face. Signs in the C-2, C-3 and I zones shall not exceed two hundred (200) square feet in area each face.

7.315 Maximum height - No part of a sign shall extend to a height greater than thirty-five (35) feet measured from the average grade below the sign. Where a pedestrian way passes below the sign, the bottom of the signboard shall be not less than eight (8) feet above grade. Where a vehicular drive is located below a projecting part of a sign, the bottom of the signboard shall be not less than fourteen (14) feet above grade.

7.316 When the floor area of a business exceeds fifty thousand (50,000) square feet, or when several or many businesses share the same premises and their total floor area exceeds fifty thousand (50,000) square feet, the toal area of the free-standing sign may be two-hundred (200) square feet plus one (1) square foot for each one thousand (1,000) square feet of floor area or fraction thereof that the floor square footage exceeds fifty thousand (50,000) up to a maximum sign square footage of five hundred (500) square feet, assuming no other free-standing signs are placed on the premises. When several businesses share the same property or are integrated into one building or complex regardless of property divisions, only one (1) free-standing sign, to serve such a group of businesses, shall be permitted. The top of signs regulated by this subsection may not exceed fifty (50) feet of height above ground level.

7.317 Free-standing signs covered by this section shall be designed by either a registered professional engineer or the company providing the sign, as attested on the drawings submitted for the permit (see section 7.421). Sign construction shall follow the guidelines of section 7.411.

7.318 Free-standing signs shall be lighted from within, or from a ground level source or shielded source above the sign, in either case hidden from view by anyone on adjacent streets or properties. Illuminated message rather than background will be preferred.

7.320 Wall-mounted signs

7.321 Such signs shall be attached on one side to a building wall, with no part extending above or beyond the wall edges, and projecting not more than one (1) foot from the wall surface, even if into the public right-of-way.

7.322 Location - Wall-mounted signs shall be placed on the area of the wall above the street or ground floor windows and below the top of the wall. In addition, a building directory sign, not more than eight (8) square feet in area, may be placed flat on the wall next to the main entrance of the building.

7.323 Number of signs permitted - One (1) sign board is permitted on each lot facing the abutting street. Where a lot contains more than one (1) business, each business may have a separate sign applied flat to the wall, or two (2) such signs on a corner lot, but not more than one (1) on any wall facing a street. Where several businesses occupy the ground floor of a building, each business shall be entitled to a sign not to exceed in area an amount proportionate to the width of the building frontage occupied by each business.

7.324 Maximum size of signs - Wall signs shall not exceed ten percent (10%) of the total surface area of the wall on which mounted, or sixty (60) square feet, whichever is greater. The area of windows and doors in the wall may be included in determining the wall area.

7.325 Wall-mounted signs shall be lighted from within or from a shielded source mounted above the sign. Illuminated message rather than background will be preferred.

7.330 Projecting Signs

7.331 Such signs shall be attached on one edge to a building or may be hung from a beam anchored into a building wall.

7.332 Location - Projecting signs shall be placed so that the lowest edge is at least eight (8) feet above the ground below, or at least fourteen (14) feet above a driveway.

7.333 Number of signs permitted - One (1) such sign may be placed on a property, except that if the property abuts two (2) or more streets, one (1) sign may be located on each of two (2) sides of the building facing streets.

7.334 Maximum size of signs - A projecting sign shall not extend more than three (3) feet from the wall to which it is attached. Signs

in the C-1 zone shall not be greater in area than twenty (20) square feet, or not greater than forty (40) square feet in the C-2, C-3 or I zones.

7.335 Maximum height - No part of a sign shall extend to a height greater than twenty-five (25) feet, measured from the grade below the sign.

7.336 Projecting signs shall be lighted from within or from a shielded source mounted above the sign. Illuminated message rather than background will be preferred.

7.340 Other types of signs

7.341 Monument signs - Such signs shall be attached along their lower edge to a foundation carried into the ground. They shall be located in the area between the principal building and abutting street and a second such sign may be installed, where the lot abuts two or more streets, abutting a second street. Monument signs shall be no greater in area than one hundred (100) square feet each face and the top of the sign shall be no more than eight (8) feet above average ground level below. Such signs shall be located so as not to interfere with driver sight lines on abutting or nearby streets or driveways. Monument signs may be used in place of, but not in addition to, free-standing signs regulated by section 7.310. Monument signs may be lighted by a source inside the sign behind a translucent panel or by a source that is not visible from adjacent streets or properties.

7.342 Portable signs - Such signs are on a chassis, are capable of being easily moved on their own wheels from site to site, and generally use changeable letters. The sign area shall not exceed thirty-two (32) square feet. Portable signs shall be located between the principal building on the lot and the abutting street right-of-way, shall be placed so as not to interfere with driver sight lines, shall be permitted for a period not to exceed six (6) months on the property, and may be illuminated only from within.

7.343 Marquee, canopy and awning signs - Such signs may be painted or applied to the vertical or sloping surfaces of marquees, canopies or awnings but shall not occupy more than ten percent (10%) of the total of such surfaces on any marquee, canopy or awning. Signs shall not be mounted on top, or extend above, below or beyond the end or edges of a

marquee, canopy or awning. Signs may be attached to the underside of a marquee or canopy, provided the bottom edge of such a sign is not less than eight (8) feet above the ground level below, the sign is not larger than eight (8) feet in area each face, not more than one (1) such sign is attached to any marquee or canopy for any one (1) business, and the sign does not extend beyond the edges of the marquee or canopy. Marquees, canopies and awnings may be located over public sidewalks for a distance not to exceed six (6) feet and shall be supported only by the wall to which they are attached.

7.344 Billboards shall be considered any sign that advertises a commercial or institutional product or service that is not available on the property where the billboard is located. Any such signboard in place at the time of adoption of this ordinance may remain and its message may be changed indefinitely. If a billboard and its structure are removed, it shall not be replaced except in conformance with this section. New billboards may be located only in the I Industrial zone district, shall not exceed three hundred (300) square feet of area each side, or a height of thirty-five (35) feet above ground level, and shall be placed so that no part of the billboard is less than one hundred (100) feet from a street right-of-way. A billboard shall be the only stucture or building on the lot, which shall meet at least the minimum requirements for a lot in the I zone.

7.345 For sale or rent signs, artisan signs, institutional signs and temporary signs - such signs shall adhere to the standards contained in sections 7.220, 7.230 and 7.240, except that for sale and for rent signs may have an area not to exceed fifty (50) square feet and height above ground of not over twenty (20) feet.

7.346 Incidental and directional signs - These signs shall provide information and directions but no advertising, except the name of the lot owner. Such signs shall adhere to the standards contained in section 7.250 of this Ordinance.

7.400 Maintenance and Permitting

7.410 Maintenance

7.411 Signs, except for temporary signs, shall be constructed of durable materials not subject to rapid deterioration, shall be securely and permanently attached into the ground or supporting structure, and shall be maintained, over the life of the sign, in good repair. Signs with an area exceeding sixty (60) square feet shall be constructed of non-combustible materials. Sign structure foundations shall extend at least three (3) feet below finished grade. Wood members shall be pressure treated for outdoor use.

7.412 The Zoning Officer may require the owner of a sign to repair, replace or remove it, if in the Officer's opinion, it has become deteriorated, dilapidated, or poses a threat to the public safety.

7.413 Reasons for requiring action may be structural deterioration or damage, obliteration of all or part of the sign message, or the purpose for the sign ceasing to exist.

7.414 If after thirty (30) days from the date of written notice to repair, replace or remove the sign has been sent no action occurs, the Zoning Officer may order the sign removed within a period of thirty (30) additional days, subject to the penalties provided in section 12.400. Nothing shall prevent the Zoning Officer to order a sign to be repaired or removed immediately, or cause to have it removed, if it threatens the public safety.

7.415 This subsection may be applied retroactively to signs erected prior to the adoption of this Ordinance.

7.420 Review procedure

7.421 Anyone wishing to erect a sign or signs to be in place for at least sixty (60) days regardless of type or size, shall apply to the Zoning Officer, submitting a plan of the lot showing the location of the sign, dimensions to property lines and buildings; the length, width and height of the sign and distance between the top of the sign and ground below as depicted on an elevation view of the sign; and construction details indicating materials to be used and method of attachment to a building or the ground, including guying.

7.422 If all requirements of this section that apply to the application are met, the Zoning Officer shall issue a sign permit.

7.423 Permits shall be required for all signs over six (6) square feet in area, which shall be valid for the life of the sign. A schedule of fees shall be established by resolution of the Board of Supervisors.

Article 8: NON-CONFORMING USES AND STRUCTURES

8.100 Application and Continuance

8.110 The provisions of this Article apply to buildings, structures and uses which become non-conforming as the result of the application of this Ordinance to them or the application of any subsequent amendments.

8.120 The use of a property, structure or building lawfully in existence prior to April 3, 1972 but made non-conforming as the result of the adoption of this Ordinance or later amendments, and maintained lawfully since becoming non-conforming, may be continued indefinitely as provided for in this Article.

8.200 Non-conforming lots of record

8.210 Any lot recorded prior to April 3, 1972, lacking sufficient area and/or width to meet the minimum requirements of the zone district in which the lot is located, may be developed as for any other lot in the zone district provided such a lot does not abut another lot or other lots of record in the same ownership.

8.220 If a block of two (2) or more abutting undeveloped lots in one ownership was recorded prior to April 3, 1972, and one or more of the lots has less area and/or frontage than the minimums required, the subdivision of lots shall be redrawn as necessary so that any lot to be sold and/or developed meets at least the minimum area and lot width standards that apply in the zone district where the lots are located.

8.300 Expansion and Displacement

8.310 A non-conforming use may be expanded by right to utilize any portion of the property that has been an integral part of the non-conforming use since prior to April 3, 1972. This may include storage yards, parking lots and similar areas, but such expansion shall not violate any required setbacks from property lines, lot coverage, maximum building height limits, or landscape buffering regulations.

8.320 If one or more additional stories are to be added to a building containing a non-conforming use, the total floor area within the building shall not be increased more than one hundred (100) percent, provided the maximum height for

buildings in the zone district where the property is located is not exceeded.

8.330 A non-conforming use shall not be extended to displace or diminish a conforming use.

8.400 Discontinuance

8.410 If a non-conforming use is discontinued or abandoned for a period of at least one (1) year for any reason, use of the property thereafter shall be in conformance with the regulations of this Ordinance.

8.420 Closing of a business, shutting off of utilities, or removal of stock-in-trade, furnishings and/or equipment used in the non-conforming operation shall be evidence of discontinuance. A good faith active effort backed by written documentation on the part of the owner to sell the non-conforming use in the same location shall indicate an intent not to abandon. However, no active attempt to sell, or lack of documentation, shall indicate an attempt to abandon.

8.430 The property owner may petition the Planning Commission for an extension of up to one (1) additional year if he/she can prove illness or financial crisis has created a hardship preventing reopening of the non-conforming use within the first year after discontinuance. the Commission shall refer its recommendation on the matter to the Board of Supervisors for a final decision.

8.500 Change of use

8.510 Persons proposing to change a non-conforming use to a second non-conforming use may submit an application to the Planning Commission requesting the second use and describing in detail the nature of such use. If the Commission determines that the second use will have a less detrimental effect on the neighborhood than the previous use, the Commission shall recommend to the Board of Supervisors approval of the second use. The Board shall make the final decision and may attach conditions to approval intended to protect adjacent and nearby conforming uses and the public health and safety.

8.520 If a non-conforming use is changed to a conforming use, it may not thereafter be changed back to a non-conforming use.

8.530 Once a non-conforming use has been converted to a less non-conforming use, as approved by the Zoning Hearing Board, it may not be changed to a more non-conforming use.

8.540 When a non-conforming use of a building or structure and outside area of the same property exist in combination, the removal of the building or structure shall terminate the non-conforming use of the premises unless the owner files notice with the Zoning Officer that he/she intends to replace the building or structure within one (1) year of the date of removal.

8.600 Transfer of Ownership

8.610 A non-conforming use may be sold, leased or bequeathed by one owner to another party.

8.620 Each succeeding owner of a business non-conforming use shall request approval from the Zoning Officer before commencing operations, to assure that the use will be carried on in the same manner as formerly. If any doubt exists, the Zoning Officer shall refer the owner to the Planning Commission which shall consider if a change of use will be occurring, and if so will proceed as required by section 8.510.

8.700 Restoration

Any non-conforming building or structure which is accidentally damaged or destroyed, or is in a dilapidated condition, may be restored or rebuilt to be used as before provided that the restoration or rebuilding does not make the building or structure more non-conforming than previously as to its height or setback from property lines, and provided further that the restoration or rebuilding is completed within one (1) year of the date the damage or destruction occurred or the date of insurance settlement, unless the Planning Commission recommends and the Board of Supervisors grants an additional year to complete the work because a hardship is created for the owner by the one-year limit.

8.800 Repair and Maintenance

8.810 Normal maintenance and repair, and incidental alteration of a building or structure containing a non-conforming use is permitted, provided it does not extend the land or floor areas or volume of space occupied by the non-conforming use.

8.820 A building containing residential non-conforming uses may be altered in any way to improve interior livability and/or safety, provided no structural alterations are proposed which would increase the number of dwelling units or number of occupants to more than are permitted by right.

8.830 If a property owner secures a permit for a building to contain a use that is permitted in the zone district where the property is located, he/she may commence and complete the construction within six (6) months of getting the permit, and may apply for permit renewals, even though the Ordinance may be amended after the permit is issued to make the use and/or building non-conforming.

8.900 Record of non-conforming uses, structures and lots

8.910 The Board of Supervisors may, at its discretion, direct the Zoning Officer to identify and register all non-conforming uses, structures and lots within Harmar Township and the reason why each is a non-conforming use, structure or lot.

Article 9: CONDITIONAL USES

9.100 Jurisdiction

9.110 Conditional uses are listed specifically in Article 4 of this Ordinance for each zone district.

9.120 Conditional uses shall be reviewed first by the Planning Commission, which shall provide recommendations to the Board of Supervisors. The Board shall call and hold a public hearing and thereafter shall decide to approve or reject the proposed conditional use as presented, or approve it with specific conditions.

9.200 Application contents

9.210 Applications for conditional uses shall be submitted to the Township Secretary who shall send them to the Township Engineer to determine if they are complete in accordance with the requirements for the written statement and site plan described below.

9.220 The written statement shall demonstrate, where applicable considering the site, that the following concerns will be addressed:

9.221 The applicant is the owner of record of the property for which the conditional use is sought;

9.222 A detailed description of the property is provided as a basis for determining if it is a bonafide conditional use;

9.223 The proposed use will not endanger the public health and safety if located where proposed, and will not deteriorate the environment or generate nuisance conditions;

9.224 The use is compatible with, or will support the existing and projected development in the neighborhood of the site;

9.225 The use can be accommodated on the site within the lot area, setback and coverage requirements of the zone district with no variances needed, or at worst minor variances;

9.226 The use will have access to public sanitary sewer and water lines and will drain to a storm sewer or established drainageway;

9.227 The use will not generate excessive traffic congestion or dangerous conditions on streets abutting the property, unless such congestion will be overcome by off-site improvements provided by the developer;

9.228 Areas of the property to be disturbed but not covered by buildings, driveways or parking will be landscaped and maintained; and

9.229 Driveways to the property will be located as remote as possible from street intersections, and adequate sight distances will be available at access points for entering and departing vehicles as well as for through traffic on abutting roads.

9.230 The accurately drawn and scaled illustrative site plan shall show the arrangement of the proposed use on the site, including:

9.231 Property lines around the periphery of the site, indicating bearings and straight line and arc distances in feet; and area of the property in square feet;

9.232 Land and/or building use on adjacent properties and across an intervening street;

9.233 Abutting public streets, including paved and right-of-way widths;

9.234 Existing and proposed buildings and structures on the site by use, number of stories and distance of building walls along edges of the property from nearest property line;

9.235 Land surface elevations sufficient to indicate grading that will be necessary to provide for the proposed use and its access to a public street;

9.236 Driveway or driveways into the property from abutting streets, internal driveways, and parking area layout with each parking space delineated.

9.237 Signs to remain or proposed, indicating sign width and height, location relative to property lines and distance from top of sign to ground below;

9.238 Plan for collecting and disposing of storm water; and

9.239 Proposed landscaping where required by this Ordinance; site lighting within parking lots, for security or for building wall washers, showing height above ground and lighting fixture proposed; as well as other pertinent information to illustrate the proposal.

9.300 Criteria for review

9.310 All conditional uses are site specific; that is, the particular use must be compatible with the proposed site and its neighborhood.

9.320 In reviewing the written statement and site plan described above, the Planning Commission and Board of Supervisors, shall consider the following factors, depending on the nature of the proposal:

9.321 The amount of traffic that could be potentially generated by the use;
9.322 The extent of earthmoving on the site to accommodate the use;
9.233 The types of uses that are located adjacent to or across the street from the proposal;
9.234 The safety of vehicular entrances to the proposed use in terms of sight distances and congestion at the access point;
9.235 The extent of variances from the requirements of this Ordinance requested to accommodate the proposal;
9.236 The impact of the size and scale of the proposal upon surrounding properties, as well as the effect of lighting, night operations, and signage; and
9.237 The adequacy of on-site parking and circulation into and out of the parking areas, as well as pedestrian circulation.

9.400 Processing of conditional use applications

9.410 The Township Engineer, having received the application, shall review it for completeness and adherence to the regulations of this Article. In the event that the applicant requests a public hearing at the time that he/she makes the application, the Township Secretary, or the Zoning Officer in the Secretary's absence, shall advise the Engineer that he must complete his review and report by the time of the next Planning Commission meeting, the date of which shall be the starting date for purposes of scheduling the public hearing.

9.420 The Township Engineer may contact the person who prepared the application to make him/her aware of deficiencies or omissions the Engineer has uncovered during the review. The Engineer shall provide his review comments to the Planning Commission which shall place the application on the agenda of its next Planning Commission meeting.

9.430 The Planning Commission shall review the application together with the Township Engineer's report, and shall send its recommendations to The Board of Supervisors in writing. The Commission may recommend approval of the application as presented, approval conditioned on certain specific revisions, or denial, based on clear reasons derived from Section 9.300 above, and/or deviations from particular stipulations of this Article.

9.440 The Board of Supervisors shall call and hold a public hearing no later than sixty (60) days after the applicant has made a request in writing for the hearing. The public notice (see definition) shall include a description of the proposed conditional use and the location of the site. The applicant shall be informed of the date, time and place of the hearing at least fourteen (14) days prior to the date, and the affected property shall be posted in at least one (1) conspicuous location at least seven (7) days before the hearing with the same information as in the public notice.

9.450 Within forty-five (45) days after the conclusion of the hearing, the Board shall render a written decision on the application and shall inform the applicant of it personally or by mail no later than the day after the date of the decision. When the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based on them, together with reasons for the conclusions. Conclusions based on any provisions of this Article, any other township ordinance or regulation, or the State Planning Code shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

9.460 Failure of The Board of Supervisors to render its decision within forty-five (45) days after the hearing, or to commence the hearing within sixty (60) days of the applicant's request for it shall result in a deemed approval of the application as submitted, unless the applicant has agreed in writing or on the hearing record to an extension of time.

9.470 If the applicant fails to accept all of the conditions attached to approval, the approval shall be considered denied. The applicant shall inform the Zoning Officer within thirty (30) days after the decision of his/her agreement to accept the conditions.

9.480 Acceptance by the applicant of all attached conditions shall serve as an authorization for the Zoning Officer to issue a building or occupancy permit, which shall depict any conditions attached to approval. Failure of the applicant to apply for a building, or occupancy permit if no building permit is required, within one (1) year from the date of the Board's decision, shall render the approval void.

9.500 Expansion of approved conditional uses

9.510 When approving a conditional use, the Board of Supervisors, shall be specific about exactly what is approved. Approval may include future expansion if requested by the applicant and agreed to by the Board, but only for specific expansions on land already owned, or under option to be purchased by the applicant.

9.520 Any expansion proposed after the initial specific approval shall require reapplication to the Planning Commission for recommendation and the Board of Supervisors for decision.

9.530 Any property in a use which is listed as a conditional use in Article 4 of this Ordinance for the zone district where the property is located at the time of adoption of this Ordinance or subsequent amendment affecting the property, may continue to operate as usual, but if expansion is proposed, application shall be made as required by Section 9.200 of this Article.

Article 10: PLANNED RESIDENTIAL DEVELOPMENT

10.100 Scope

10.110 Definition - a planned residential development is a large area of land controlled by one landowner (individual, group or corporation), to be developed as an integrated whole for residential and non-residential supporting uses, utilizing a greater density and latitude of building types and arrangement than would be permitted by the terms of this Ordinance in the residential zone district where proposed and by the Harmar Township subdivision regulations. A planned residential development presumes a significant area of the land is set aside for permanently open space, either under the control of the property owners in the plan, or as an extension of publicly owned park land, and also presumes parts of the site would be difficult or impossible to develop using conventional means because of steep slopes, flood plains or wetlands.

10.120 Purposes of a planned residential development

10.121 To foster innovation in residential development and renewal which will produce a variety in type, design and layout of buildings, circulation systems and open space;

10.122 To encourage a more creative and efficient use of open space, land and community services;

10.123 To provide a framework within which uses other than residential, but in support of the basic residential use, can be considered;

10.124 To establish a procedure to relate the proposed development to the particular site and particular demand for housing consistent with preservation of property values on the site and in the neighborhood; and

10.125 To put in place a procedure for the uniform and rapid disposition for planned residential development proposals.

10.130 Grant of power

10.131 The Board of Supervisors shall have final authority on all planned residential developments and shall call and hold a public hearing pursuant to public notice before making a final decision.

10.132 The Planning Commission shall review all planned residential development proposals, utilizing the report of the Township Engineer, and shall submit written recommendations to the Board of Supervisors at the preliminary plan stage.

10.140 Location and Criteria

10.141 Planned residential developments shall be considered a conditional use, and may be proposed for sites in the R-1, R-2 or R-3 zone districts.

10.142 The planned residential development plan is intended to be a reasonable departure from conventional development regulations and to allow the fitting of construction to the site with minimal rearrangement of the site surface and disturbance of the natural cover, including trees.

10.143 A planned residential development shall be encouraged where steep slopes, flood hazard areas, wetlands or significant woods might be destroyed or seriously impacted by conventional subdivision, or where an existing park may be expanded or substantial new usable park, recreation or conservation area may be created.

10.144 A planned residential development should not be encouraged where the site has no natural barriers to full development and will not add to the inventory of usable open spaces in the Township.

10.200 Development standards

10.210 Uses permitted within a planned residential development, by zone district.

	R-1	R-2	R-3
Single family Detached Dwelling	X	X	X
Two-family Detached Dwelling		X	X
Attached single family dwelling		X	X
Garden apartment building			X
Churches and other places of worship		X	X
Schools accredited by the Commonwealth	X	X	X
Municipal and public utility structure and/or facility	X	X	X
Personal care or retirement home	X	X	X
Day care center	X	X	X
Community/recreation center to serve the planned development	X	X	X
Private or group parking facility		X	X
Retail sales and service business		X	X

10.220 Notes on above permitted uses

10.221 Attached single family dwellings or townhouses shall be limited to no more than eight (8) attached in a group, with the length of the group not exceeding one hundred seventy-five (175) feet.

10.222 Churches includes education facilities, social hall and parking lot.

10.223 Schools includes public and private schools from kindergarten through grade 12 but does not include commercial or trade schools.

10.224 Municipal and public utility structures and facilities include equipment within a public water or sewer system, storm water facility, or gas, electric, cable TV or telecommunication network, as well as a public park or playground but does not include an office, warehouse, storage yard or parking lot.

10.225 Personal care or retirement home shall not include a facility for mentally or physically challenged or for those under treatment for alcohol or drug abuse or in transition from a jail term.

10.226 Community/recreation center may include one or more buildings, playfields, playgrounds, tennis/basketball courts and/or swimming pool.

10.227 Retail sales and service business may include a delicatessen, dry cleaning and/or laundry pick-up, office of an individual professional practitioner, such as a doctor, dentist, chiropractor, lawyer, architect or engineer, pharmacy, barber and/or beauty shop, provided no establishment has a floor area exceeding two thousand (2,000) square feet, plus off-street parking.

10.230 Bulk and dimensional standards by zone district

	R-1	R-2	R-3
Minimum site size in acres	20	5	3
Maximum number of dwellings per acre, using entire site	3	6	9
Maximum building coverage of site, as a percent of total area	8%	15%	20%
Maximum percent of total area that may be occupied by retail or service businesses and parking	-	8%	10%
Maximum percent of total area that may be occupied by personal care and retirement homes	8%	12%	15%

10.240 Notes on above dimensional standards

10.241 Site size shall include the entire area of the property to be occupied by the planned residential development except for existing public street rights-of-way.

10.242 Maximum building coverage shall mean the total area occupied by all buildings, both existing and to be erected on the site.

10.243 Maximum percent of total area that may be occupied by retail or service business shall mean all that area that is leased or sold for retail and/or service business use, including parking lots.

10.244 Maximum percent of total area that may be occupied by personal care and retirement homes shall mean all that area that is leased or sold for construction of buildings containing at least three (3) apartments each for personal care or retirement use.

10.250 Lot size, setbacks and building separation

10.251 Minimum lot size and minimum setbacks for one and two-family detached dwelling lots

	R-1	R-2	R-3
Lot size in square feet	7,500	5,000	3,200
Front yard depth in feet	20	20	20
Side yard depth in feet	10	7	5
Rear yard depth in feet	20	15	10

10.252 Minimum separation of attached dwellings and townhouses

a. Front or rear long walls of two buildings face each other: fifty (50) feet;
b. Front or rear long wall of one building faces end wall of a second building: thirty-five (35 feet);
c. End walls of two buildings, with at least one wall containing windows opening into one or more apartments: thirty-five (35) feet;
d. end walls of two buildings, with neither wall containing any windows opening into an apartment: twenty (20) feet;
e. Walls of adjacent buildings shall be considered as facing each other if they are parallel or form an angle of not more than forty-five (45) degrees.
f. If long walls would overlap by ten (10) feet or less if extended along planes at right angles to such walls to intercept, such walls may be separated by not less than twenty (20) feet;

g. When building walls are not parallel to each other, the average distance between them, measured at right angles to one of the walls, shall be not less than the required minimum distance if the walls were parallel.

h. In no case shall two buildings be separated by less than twenty (20) feet;

i. Minimum distances shall be construed as the shortest dimension between two buildings, including projecting balconies;

j. The above dimensional standards assume a rectangular structure with most or all windows opening into dwellings on front and back long walls. When structures are irregularly shaped, an average separation distance may be used or a compromise distance agreed upon at the Planning Commission's discretion.

10.253 Setbacks along property lines or boundaries of use areas.

a. Single family detached dwelling or two-family dwelling lot abutting site property line, in feet:

	R-1	R-2	R-3
Side yard	20	15	10
Rear yard	50	40	30

b. Townhouse or garden apartment building abutting site property line, in feet:

	R-1	R-2	R-3
Long wall faces property line	50	40	30
End wall faces property line	30	25	20

c. Townhouse or garden apartment building abutting a single family detached or two-family dwelling lot within the planned residential development, in feet:

	R-1	R-2	R-3
Long wall faces property line	40	35	30
End wall faces property line	20	20	20

10.260 Recreation requirements

10.261 An area or areas totalling at least five thousand (5,000) square feet in area but no less than to provide two hundred (200) square feet for each dwelling unit shall be set aside by the developer in the plan convenient to the residents for recreation purposes.

10.262 Such areas shall be located on land that does not slope at any place more than six (6) percent and shall be provided with appropriate play equipment, benches and walkways.

10.263 Such areas may be located in the common open space provided no trees over six (6) inch caliper are removed and only minimal grading is required.

10.264 The developer may provide a swimming pool, court game areas or other recreational facilities whose area may count toward the minimum required under 10.261 above.

10.270 Miscellaneous development standards

10.271 The alignment and construction of streets within any planned residential development shall be in accordance with the Township's street construction standards, whether or not such streets are to become public streets.

10.272 All structures in a development that are attached to a water supply shall be connected to public sewage disposal and water supply systems.

10.273 All electric, telephone, cable TV and telecommunications lines shall be placed underground, but equipment may be pad-mounted if screened by landscaping.

10.274 Each dwelling unit shall be provided with off-street parking spaces within two hundred (200) feet of the entrance of the dwelling building served. Every single family detached dwelling, each unit in a two-family building or townhouse shall have two (2) spaces. Each dwelling in a garden apartment building shall require one and a half (1 1/2) spaces. All parking spaces shall be at least nine (9) feet wide by at least eighteen (18) feet long and placed on a dust-free stabilized surface.

10.275 All areas of the site not covered by buildings or paved surfaces shall be either planted in natural materials or left in the state existing prior to development, except that poisonous or irritating plants shall be removed from the site.

10.276 Sidewalks, storm drainage systems and site grading shall be designed and constructed in accordance with standards in the Township's Subdivision/Land Development Ordinance.

10.300 Common Open Space

10.310 Common open space shall include land whose slope exceeds twenty-five (25) percent, flood plains as indicated on the Township's flood hazard boundary maps, wetlands, rock outcrops, dense areas of mature trees, stormwater management facilities, parks and playgrounds and inaccessible areas of the site.

10.320 To the extent possible within the plan, common open space areas shall be connected or may be one large area, and no separate area shall be less than an acre in size. Common open space areas shall have at least one (1) vehicular and one (1) pedestrian access way from a street. Vehicular access shall be for maintenance only.

10.330 Common open space areas shall be indicated as a separate property or properties on the site development and subdivision plans, and designated thereon as "common open space."

10.340 The landowner/developer may offer all or a part of the common open space at no cost to the Township for purposes of expanding an existing recreation park or conservation area or creating a new such facility.

10.350 Areas designated "common open space" shall be held by the landowner until deeded to an association of homeowners made up of all the property owners in the plan. The by-laws shall include the voting power of the residents, the methods to apply assessments, the election of officers and the mechanism that will bind the association to perpetual maintenance of the common open space.

10.360 The association shall be responsible for the maintenance of improvements in the plan, including the open space, that are not under the jurisdiction of a public body. Expenses may also include administrative, legal, auditing and insurance. The association may develop recreation facilities within the common open space for the residents of the plan, but may not deed or sell any portion of the common open space except to the Township, School District or a public authority.

10.370 If the association fails to maintain the common open space, the Board of Supervisors may serve written notice upon the association, or, if it no longer functions, the plan residents, noting the deficiencies in maintenance and requiring their correction within thirty (30) days. The notice shall also state that a hearing will be held before the Board within fourteen (14) days after the date of the notice. At the hearing the association or residents may state why maintenance has not occurred and the Board may modify the terms of the notice and/or extend the time to make corrections.

10.380 If the deficiencies are not corrected within sixty (60) days after the hearing, the Township may enter the common open space and maintain it for a period of one (1) year, at the end of which the Board shall call a second hearing, with notice to the association or residents, at which the association or residents shall show why the Township should cease maintenance based on the ability of the association or residents to again provide adequate maintenance. The process may be repeated annually until the Township is satisfied its involvement is no longer needed.

10.390 The Township's entrance into the common open space shall not constitute a taking of land and shall not entitle the public to use the common open space. The cost of maintenance by the Township shall be assessed equally by the Township against the properties within the planned residential development and shall be a lien on such properties, to be filed by the Township with the Allegheny County Prothonotary at the time of the Township's commencement of maintenance.

10.400 <u>Processing of plans for tentative approval</u>

10.410 The application for tentative approval shall be submitted by the landowner to the Township Engineer, and shall include all the materials required by section 10.500 below at least twenty eight (28) days prior to the next regular meeting of the Planning Commission, at which the application will be considered. The Engineer shall review the application for completeness and may advise the preparer of the application of deficiencies or omissions so that these may be corrected prior to the Commission meeting. The Engineer may report to the Commission any problems he foresees regarding the plan.

10.420 The applicant shall provide five (5) copies of the application, updated after the Engineer's review, to the Planning Commission at its next meeting. The Commission shall review the application and the Engineer's comments and shall recommend to the Board of Supervisors that the application be approved as submitted, approved with certain specific changes, or denied.

10.430 The date of filing of the application shall be the date of the Planning Commission meeting. Within sixty (60) days after the filing, the Board of Supervisors shall call and hold a public hearing on the application, pursuant to public notice. The hearing may be continued to a later date or dates but shall be concluded not later than sixty (60) days after first being convened. Notice of the hearing shall appear twice, once in each of two (2) consecutive weeks in a newspaper of general circulation in the Township, the second time not less than seven (7) days before the hearing, and shall announce the date, time, place, and purpose of the hearing and the times and place when and where the application may be examined prior to the hearing. In addition, the property on which the planned residential development is proposed shall be posted in at least one prominent place with the same information contained in the notice at least seven (7) days before the hearing.

10.440 The Board shall conduct the hearing. The Chairman may administer oaths and compel the attendance of witnesses. All testimony shall be given under oath and every party of record shall have the right to cross examine adverse witnesses. A verbatim record shall be made but costs of copying shall be borne by those requesting copies. All exhibits accepted in evidence shall be identified and preserved until the conclusion of the hearing.

10.450 Not later than sixty (60) days after the conclusion of the last hearing, the Board shall officially notify the landowner in writing that the Board has either:

10.451 granted tentative approval of the plan as submitted;

10.452 granted tentative approval subject to specified conditions not addressed or insufficiently addressed in the submitted plan; or

10.453 denied tentative approval of the plan.

10.460 If conditions are attached to approval, the applicant may either:

10.461 notify the Board within thirty (30) days that he cannot accept all of them, in which case tentative approval shall be deemed to have been denied; or

10.462 do nothing within thirty (30) days, in which case tentative approval with the attached conditions shall be presumed granted.

10.470 The official written grant or denial of tentative approval shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for approval or denial and any attached conditions to approval, as well as specific reasons why the plan would or would not be in the public interest on the proposed site, including but not limited to the following:

10.471 in those respects in which the development plan is or is not consistent with the comprehensive plan for Harmar Township;

10.472 the extent to which the development plan departs from zoning and/or subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departure is or is not deemed to be in the public interest;

10.473 the purpose, location, and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;

10.474 the physical design of the development plan and the manner in which the design does or does not make adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, and visual enjoyment;

10.475 the relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and

10.476 in the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

10.480 Upon receiving tentative approval, the applicant shall, not less than three (3) months thereafter, file an application for final approval of the first or only phase of the plan. The second phase shall not be submitted until at least one (1) year but not more than five (5) years after the first phase final plan, and later phases not less than one (1) year nor more than five (5) years after the previous phase.

10.490 The official written communication detailed in section 10.470 shall be filed by the Secretary of the Township. A certified copy shall be mailed to the landowner. When tentative approval has been granted, this action shall be immediately recorded on the official Harmar Township Zoning Map outlining the site and designating it "PRD."

10.500 <u>Contents of tentative approval application</u>

10.510 A written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan for the development of Harmar Township.

10.520 A site plan with supporting documentation showing at least the following:

10.521 the location of the site relative to major streets and landmarks on an inset map; the total size of the site in acres to the nearest hundredth of an acre with the length and bearing of each tangent and arc of the site boundary in feet taken from the deed description or a survey; and existing topography in two (2) foot contour intervals;

10.522 the division of the property into development areas, and the number of dwelling units, acres, and dwelling units per acre in each area;

10.523 the location of all parts of the common open space, the area of each part in acres, the total acreage, and an outline of the by-laws of the homeowners' association and its duties regarding the common open space and other commonly held assets;

10.524 the location, and dimensions and height in feet, as well as the proposed use of each existing to remain and new building on the site;

10.525 the approximate location of existing and proposed sanitary sewer and water lines to serve the site; the location of the drainage lines and stormwater management system; and assurances from the suppliers of water and sewage disposal that the plan as fully developed can be accommodated;

10.526 the location of easements within the site for the use of public utilities or other purposes; and restrictions to be imposed on any lands or buildings in the development;

10.527 the location of public and/or private streets within and abutting the site, noting name, right-of-way and pavement width; parking lots for use by other than one or two family dwellings, indicating circulation within the lot and the number of spaces to be provided in each lot;

10.528 the general location of landscaping on the site in terms of existing tree groups to remain and proposed mass plantings to screen or enhance the site.

10.530 In the case of plans which call for development over a period of years, a schedule shall be provided showing the proposed times within which applications for final approval of each section of the planned residential development is intended to be filed, such schedule to be updated annually, on the anniversary of its approval, until the full development is completed and accepted.

10.540 The Planning Commission may, at its discretion, require a traffic study to be prepared at the expense of the land-owner or applicant if it is clear the project will have a significant impact on roads adjacent to and near the project. Such study shall address existing traffic volumes and volumes generated by the project, particularly with reference to intersections providing access to the project, and shall recommend specific improvements to alleviate congestion at intersections and on adjacent roads.

10.600 <u>Status of the plan after tentative approval</u>

10.610 Tentative approval of a development plan shall not qualify the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions acceptable to the landowner, shall not be modified or revoked nor otherwise impaired by action of Harmar Township

pending an application or applications for final approval without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in sub-paragraph 10.480 above.

10.620 If a development plan is given tentative approval, and thereafter, but prior to final approval, the landowner elects to abandon the development plan and so notifies Harmar Township in writing, or in the event the landowner shall fail to file an application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to the zoning regulations that applied prior to tentative approval of the development plan, or as they may have been amended from time to time, and the same shall be noted on the Township zoning map and in the records of Harmar Township.

10.700 Processing of plans for final approval

10.710 An application for final approval may be for all the land included in a development plan, or, to the extent set forth in the tentative approval, for a section thereof. The application shall be made to the Township Secretary within the time or times specified by the official written communication granting tentative approval. The application shall include the documents required by Section 10.800 as well as any covenants, easements, performance bonds and conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

10.720 The application for final approval shall be forwarded immediately by the Secretary to the Township Engineer who shall determine if there are any deviations from the plan that was given tentative approval and if all conditions of tentative approval have been incorporated into the final plan. The Engineer may advise the plan preparer of any deviations or omissions he finds

so these may be corrected prior to submission to the Board of Supervisors.

10.730 The applicant shall provide (5) copies of the final plan application together with the Engineer's review comments at the Board's next regular meeting, which shall be considered the date of filing.

10.740 In the event the application for final approval has been filed together with all drawings, specifications and other documents in support thereof, and as required by this ordinance and the official written communications of tentative approval, the Board of Supervisors shall, within forty-five (45) days of such filing, grant such development plan final approval and authorize the issuance of building permits.

10.750 In the event the final plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors shall refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth the reasons why one or more of the variations are not in the public interest. In the event of such refusal, the landowner may either:

10.751 refile his application for final approval without the objectionable variations, or

10.752 file a written request with the Board that it hold a public hearing on his application for final approval.

10.760 If the landowner wishes to take either such alternate action he may do so within thirty (30) additional days after being informed of the Board's action. In the event the landowner shall fail to take either of these alternate actions within the specified time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in section 10.440 above. Within thirty (30) days after the conclusion of the hearing, the Board shall by official written communication either grant final approval to the development plan or deny final approval.

10.770 A development plan, or any part thereof, which has been given final approval shall be so certified

without delay by the Board and shall be filed immediately in the office of the Allegheny County Recorder of Deeds before any development shall take place. Upon filing the development plan, the zoning and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply. Pending completion within a reasonable time of the planned residential development or of any approved part, as the case may be, no modification of the provisions of the development plan or part thereof as finally approved, shall be made by the Township except with the consent of the landowner.

10.780 In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner abandons such plan or the section thereof that has been finally approved, and shall so notify the Board of Supervisors in writing or, in the event the landowner shall fail to commence and carry out the planned residential development within the time limitations contained in the tentative approval, no further development shall take place on the property included in the development plan until after the property is re-subdivided and is reclassified by enactment of an amendment to the Harmar Township Zoning Ordinance, unless written request for an extension of the time period is granted by the Board of Supervisors to the landowner.

10.800 <u>Contents of final approval application</u>

10.810 Graphic presentation including maps showing:

10.811 the location of the site relative to major landmarks; outline of the area to be considered for final approval within area given tentative approval, and location of later areas indicating approximate dates when each later area will be submitted for final approval;

10.812 the name and address of the landowner, the developer and the preparer of the application documents, including the latter's professional seal; the names of owners of record of abutting land and land directly across an intervening street; name of the proposed planned residential development; scale of each plan, profile or other drawing; north arrow, and date plans were prepared and dates of later revisions;

10.813 the location of permanent monuments marking corners of the plan and street right-of-way edges;

10.814 the location and alignment of existing streets abutting the development and new streets to be created in the plan, indicating name of street, right-of-way width and pavement width, sidewalks with width and location; cross section of new streets showing thickness and width of materials, sidewalks, slopes, drainage swales, etc;

10.815 the location of each lot, including those to be dedicated to the homeowners' association or to a public body, each such lot numbered consecutively for each segment of the plan to be developed, with lot area, boundary bearings and distances, street setback line, use of the lot including number of dwelling units, and the approximate location of buildings other than one or two-family homes;

10.816 the location of public utilities as follows:

a. sanitary sewers, showing sewers to serve each lot, size of each sewer line, entrance point or points of the system in the development into existing sewer lines, manholes numbered to correspond with profiles, pump stations and force mains, if any, and direction of flow in each sewer line;

b. potable water, showing lines to serve each lot, entrance point or points connecting to existing water lines, size of each water line, and water storage vessels, if any;

c. storm drainage, showing each storm sewer line by size and direction of flow, entrance to existing storm sewer, storm inlets numbered to correspond with profiles, detention basin or basins, including cross-sections, details to illustrate design, and calculations used to size the facility;

d. equipment pad-mounted or in vaults to serve electric, telephone, cable TV, etc., indicating location and size of facility;

e. easements for public utilities or access to common open space, indicating width, location and purpose of each.

10.817 Profiles of street, sanitary sewer and storm drainage sewer centerlines, showing the finished grade, depth of each sewer line, manholes and inlets numbered to correspond with plans, slope of each street segment and sewer lines, with transition curves noted on streets, length of each sewer line between manholes or inlets and station points along road segments to correspond with plan.

10.818 Site grading showing existing contours to remain and new contours to accommodate the land at two (2) foot intervals throughout the site.

10.819 Parking lots to serve garden apartments, townhouses, retail and service business development and community uses, showing each parking space, circulation into and within the parking lot, and sidewalks leading to entrances of buildings served by the parking.

10.820 Written documentation attesting to the following:

10.821 Copy of property deed showing that applicant is the landowner, including any mortgage holder;

10.822 Statement by owner dedicating streets, rights-of-way and sites for public uses;

10.823 Letters from public bodies supplying water and removing sanitary sewage that they will permit access to their systems;

10.824 Bond or escrow account in favor of Harmar Township guaranteeing construction of streets, storm sewers and other improvements to become public as well as storm water detention facilities and common open space improvements; and

10.825 Approval from PennDOT for curb cuts to access a State highway if one or more abut the site.

10.900 <u>Enforcement and modification of provisions of the plan</u>

10.910 The provisions of the development plan relating to the use, bulk and location of buildings and structures, the quantity and location of open space, and the intensity of use and/or the density of residential dwelling units shall run in favor of Harmar Township and shall be enforceable in law or equity by the Township.

10.920 the residents of the plan may also enforce the terms of the development plan at law or equity, but only to the extent expressly provided for, and in accordance with the development plan. The residents may act individually, jointly or as a homeowners' association, but only if the development plan, or the portion subject to the legal action, has been finally approved and recorded.

10.930 Any provision of the development plan over which the Board of Supervisors has authority (see section 10.910 above) may be modified, removed or

released except for grants or easements relating to the service or equipment of a public utility, provided:

10.931 the rights of the plan residents to maintain and enforce the plan's provisions are not abrogated; and

10.932 the Board, after holding a public hearing in accordance with sections 10.430, 10.440 and 10.450 above finds that:

a. the modification, removal or release is consistent with the efficient development and preservation of the entire plan.

b. does not adversely affect properties abutting the plan or across a street from it; and

c. will not be granted solely to confer a special benefit upon any person.

10.940 If the residents of the plan modify, remove or release their rights to enforce the plan's provisions, this action shall not affect the right of the Township to enforce provisions over which it has authority.

Article 11: ZONING HEARING BOARD

11.100 Operation and organization of the Board

11.110 Membership of the Zoning Hearing Board

11.111 The membership of the Board shall be three (3) persons, all residents of Harmar Township, who shall be appointed by resolution of the Board of Supervisors and may be reappointed at the conclusion of a term of office.

11.112 Members of the Zoning Hearing Board shall hold no other office in Harmar Township, either elective or appointed.

11.120 Term of Office

11.121 Members of the Board shall be appointed for three (3) year staggered terms, with one (1) appointment each year to refill a completed term.

11.122 Appointments to fill vacancies shall be made by the Board of Supervisors for the unexpired portion of a term only. The Zoning Hearing Board shall promptly notify the Board of Supervisors when a vacancy occurs.

11.130 Alternate members

11.131 The Board of Supervisors may appoint by resolution one (1), two (2) or three (3) persons who are residents of Harmar Township as alternate members of the Zoning Hearing Board for three (3) year terms. Alternate members shall hold no other office in the Township, either elective or appointed.

11.132 An alternate member may, at the direction of the Chairman of the Zoning Hearing Board, replace a regular member who is unable to participate in a proceeding before the Board because of a conflict of interest, illness or previously planned absence from the Township.

11.133 The alternate member shall have the full authority of a regular Board member throughout the proceeding.

11.134 Alternate members shall be appointed to replace regular members on a case by case basis in rotation beginning with the first alternate appointed.

11.135 Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote unless designated as a voting replacement member.

11.140 Removal of members

11.141 Any Board member may be removed for malfeasance, misfeasance or non-feasance in office or for other just cause by a majority vote of all members of the Board of Supervisors, taken after the Zoning Board member has received at least fifteen (15) days notice such vote will be taken.

11.142 Malfeasance implies a deliberate illegal act; misfeasance means acting mistakenly when there is a clearly correct way to act; and nonfeasance means failure to act when an act is required. Generally a pattern of misfeasance of nonfeasance could result in Board of Supervisors action, but one alleged act of malfeasance would be sufficient for Supervisor investigation.

11.143 The Zoning Board member thus accused may request by written communication to the Township Secretary no later than seven (7) days prior to the meeting of the Board of Supervisors at which the vote for removal is to be taken, a hearing before the Supervisors after which the Supervisors, at their discretion, may take a vote for removal of the Zoning Board member.

11.150 Organization of the Zoning Hearing Board

11.151 The Board shall elect officers from its regular membership annually at its first meeting of each year, to include a chairman, vice-chairman and secretary. Board members may succeed themselves in their positions.

11.152 For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board.

11.153 If a quorum of regular members is not available to hear a particular proceeding, the Board shall either appoint a hearing officer from its membership to conduct the hearing on the Board's behalf, or designate one (1) or more alternate members, if they exist, to complete the quorum.

11.154 The Board may make, alter and rescind rules and forms for its procedures consistent with this and other ordinances of Harmar Township and the laws of the Commonwealth.

11.155 The Board shall keep full public records of its business, which shall be the property of the Township, and shall submit an annual report of its activities to the Board of Supervisors not later than sixty (60) days after the start of the next year.

11.156 All applications for matters to be heard shall be sent to the Secretary of the Board, who, in consultation with the Chairman, shall establish a date and time for the hearing, and arrange for the appropriate public and letter notices, and for the public stenographer.

11.157 The Secretary shall keep minutes of the Board's meetings, noting the vote of each member on every motion, and shall distribute the Board's decisions and copies of the hearing record requested by the parties.

11.160 Expenditures for services

11.161 Within the limits of its annual budget, the Zoning Board may employ secretarial, legal, technical, or other consulting services to assist it in carrying out its duties.

11.162 In setting fees for public hearings, the Supervisors may not include the costs of legal services for the Zoning Board or expenses for technical consultants or expert witnesses.

11.163 The attorney retained by the Board of Supervisors shall not also provide legal services for the Zoning Hearing Board.

11.200 <u>Functions of the Board</u>

11.210 Appeals from decisions of the Zoning Officer

11.211 The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misrepresented or misapplied any provision of this or any other ordinance governing land development adopted by Harmar Township.

11.212 Appeals may include, but are not limited to, the granting or denial of a permit or failure to act on the application therefor; the issuance or failure to administer, or improper administration of, the flood hazard area regulations.

11.220 Variances

11.221 The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant.

11.222 Variance from the terms of this Ordinance shall not be granted by the Board unless a written application for a variance is submitted in advance of the hearing to the Secretary of the Board demonstrating all of the following findings where relevant:

a. That there are unique physical circumstances or conditions including but not limited to irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood in which the property is located;

b. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

c. That such unnecessary hardship has not been created by the appellant; and

d. That the variance, if authorized, will not alter the essential character of the neighborhood in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public health and welfare.

11.223 If authorized, the variance shall represent the least deviation from the regulations that will afford relief and will represent the least modification possible of the regulation in question.

11.224 In granting a variance the Board may attach appropriate conditions necessary to protect the intent of this Ordinance, the comprehensive plan of Harmar Township, and the public health and safety.

11.225 The Board shall not grant a variance to approve a use that is not listed as permitted in the zone district where such use is proposed to be located.

11.230 Challenges to the validity of a land development ordinance, including this Ordinance.

11.231 The Board shall hear substantive challenges to the validity of any land use ordinance, except those brought as curative amendments, which shall be considered by The Board of Supervisors; and challenges raising procedural questions on alleged defects in the process of enactment or adoption of an ordinance or an amendment, provided such challenge is brought to the Board within thirty (30) days after the effective date of the ordinance, amendment, or final approval.

11.232 A substantive challenge may be brought by a landowner who contends that any part of a land development ordinance prohibits or restricts the proposed use or development of his/her land, or by persons aggrieved by a use or development permitted on lands of another party by any part of such an ordinance.

11.233 The appellant shall file a written request with the Secretary of the Board for a hearing on his/her challenge. Such a request shall include the reasons for the challenge, the use or development proposed in lieu of that permitted by the challenged section of the ordinance, and other relevant materials in support of the challenge.

11.234 In making its decision on a substantive challenge, the Board shall consider, in addition to the filed statement, evidence of the impact of the proposed use or development on municipal services and facilities; the extent to which the use or development provides low and/or moderate income housing units if it is a residential plan; the suitability of the site for the proposed intensity of the use; and the effect of the development or use upon soils, slopes, woodlands, drainage, floodplains, aquifers, and natural features.

11.235 If the Board finds the challenge has merit, the Board's decision shall include recommended amendments to the challenged Ordinance which will cure the defects found.

11.236 The public notice on a hearing for a challenge shall state that the validity of the Ordinance is challenged and shall specify the part of the particular Ordinance whose validity is in question. The notice shall also indicate where and when plans, documents and/or proposed amendments may be examined prior to the hearing.

11.237 The challenge shall be deemed to have been denied if the Board fails to commence the hearing within sixty (60) days of receiving the request, or the Board fails to act on the request within forty-five (45) days after the end of the hearing.

11.300 Hearings, Preliminary Activities

11.310 An appeal, challenge, or request for a variance or other action may be filed in writing with the Zoning Officer by, or on behalf of, any owner of land in the Township, by any tenant wishing a variance with the permission of his/her landowner, by any officer or agency of the Township, or by any aggrieved person.

11.320 When a request for a hearing is received by the Secretary of the Zoning Hearing Board, the Board shall schedule and commence the hearing within sixty (60) days, unless the applicant has agreed in writing to an extension.

11.330 Hearings shall be conducted by the Board or by a Hearing Officer member, whose decision, or findings where no decision is required, may be considered final by the parties prior to the decision, requiring no further action by the Board.

11.340 The parties to a hearing shall be the Township, the appellant, and anyone affected by the application and/or any civic or community organization who or which requests in writing the opportunity to appear prior to the hearing, or on appearance forms provided at the hearing.

11.350 Notice of a hearing shall be mailed to all parties of the hearing, and in addition to the Zoning Officer, Board of Supervisors, owners of properties abutting and directly across an intervening street from the boundary of the property or properties affected by the hearing, and others who have filed a timely request to receive notice.

11.360 Public notice shall be placed twice in a newspaper of general local circulation, once in each of two (2) consecutive weeks, the first not more than thirty (30) days and the second notice not less than seven (7) days before the hearing. In addition, if a variance or special exception approval or hearing of a substantive challenge is sought, or an appeal requested, notice shall be placed conspicuously on the affected property and posted at the Township Building at least seven (7) days before the hearing.

11.370 Newspaper and letter notices shall indicate the date, time, and place of the hearing and the nature of the matter to be heard.

11.400 Hearings, Conduct

11.410 The Chairman, member of the Board designated as Chairman, the Hearing Officer, or the Solicitor appointed as Chairman, shall conduct the hearing and shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and the production of relevant documents, including those witnesses and documents requested by the parties. Hearings may be continued over two (2) or more sessions if agreeable to the parties without the need for advertisement.

11.420 The parties shall have the right to be represented by counsel and shall have the opportunity to respond and present evidence and arguments, and to cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply but irrelevant, immaterial or unduly repetitious evidence may be excluded.

11.430 The Board shall cause to have kept a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid for by the Board if the Board requests it, or by the appellant if contesting a decision of the Board. Any other transcript of the proceedings and/or copies of graphic or written material received in evidence shall be made available to any party at cost to that party.

11.440 The Board, or the Hearing Officer, shall not communicate, directly or indirectly, with any party and/or representatives of any party in connection with any issue relevant to the hearing, except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports or other materials, except advice from the Board's solicitor, unless all parties are afforded an opportunity to contest the material so noticed; and shall not inspect any site or its surroundings with any party and/or representative of any party after the start of hearings unless all parties are given an opportunity to be present.

11.450 The Board or Hearing Officer shall render a written decision, or, when no decision is required, written findings on the application within forty-five (45) days after the conclusion of the hearing before the Board or Hearing Officer. When the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based on them together with the reasons therefor. The Board or Hearing Officer may attach reasonable conditions to approval intended to protect the neighborhood and the public health, safety and welfare.

11.460 If the hearing is conducted by a Hearing Officer and there has been no stipulation that the Hearing Officer's decision or findings are final, the Board shall make the Officer's report and recommendations available within forty-five (45) days after the hearing to the parties who shall be entitled to make written representations thereon to the Board which shall convene as a whole and render a final decision and entry of findings not later than thirty (30) days after the Hearing Officer's decision.

11.470 A copy of the final decision, or the findings if no decision is required, shall be mailed to the applicant no later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a brief summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

11.480 When the Board or Hearing Officer fails to render a decision and notify the applicant within forty-five (45) days after hearing the application, or fails to hold the public hearing within sixty (60) days of receiving the request for one, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant and Board have agreed in writing to a specific time extension. If the Board fails to schedule a hearing or render a decision within the prescribed time limits, the Board shall place a public notice in a newspaper of general local circulation within ten (10) days of the expiration of the period for commencing the hearing or making the decision, indicating that the request or appeal has been decided in favor of the applicant. In addition, the affected property shall be posted with this information, and those who have requested written notice shall be mailed the same information within the ten (10) day period.

11.500 Zoning Appeals

11.510 Once the Zoning Officer has acted on a development proposal pursuant to the regulations of this Ordinance, any party may appeal the decision to the Zoning Hearing Board not later than thirty (30) days after the Zoning Officer has issued a permit, unless the appealing party can prove he/she had no knowledge of the decision within the thirty (30) day period. A second party succeeding in interest shall be bound by the first party's knowledge.

11.520 Upon the filing of an appeal to overturn or limit an approved action, and while an appeal is pending before the Board, any development affected by the appeal shall be halted unless the Zoning Officer certifies to the Board that suspension would cause imminent peril to life and property. In this case, suspension will occur only by a restraining order granted by the Board or Allegheny County Court. When an application for development has been duly approved, and proceedings intended to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant shall have the right to petition the Court to require the appealing party to post a bond as a condition of continuing the appeal, the amount to be determined by the Court. The Court shall hear the petition, determine whether the appeal is frivolous, and if so, may require the posting of the bond.

11.530 Appeals from decision of the Board, or upon reports of the Board in proceedings to challenge the validity of any ordinance, shall be filed within thirty (30) days of the decision with the Allegheny County Court of Common Pleas.

Article 12: ADMINISTRATION

12.100 Duties of the Zoning Officer

12.110 A Zoning Officer shall administer, enforce, and interpret this Ordinance in accordance with its literal terms. He/she shall be appointed by and be responsible to the Board of Supervisors, shall demonstrate to the satisfaction of the Board a working knowledge of municipal zoning, and shall hold no elective office in the Township. The Zoning Officer need not be a resident of Harmar Township, and compensation for the position shall be at the discretion of the Board.

12.120 The Zoning Officer shall receive and process applications for building permits and permission to occupy in accordance with this Ordinance, and shall not permit any construction or any use or change of use which does not conform to this Ordinance.

12.130 The Zoning Officer shall investigate alleged violations and take action in accordance with Section 12.400 of this Ordinance. He shall also testify before the Zoning Hearing Board on contested decisions he has made or when otherwise called to testify.

12.140 All questions of interpretation of this Ordinance shall be first presented to the Zoning Officer, who shall make a decision thereon based on literal interpretation. The decision may be appealed to the Zoning Hearing Board. In addition, the Zoning Officer may represent the Township at hearings before the District Magistrate (see section 12.440), maintain public files of all permits issued and applications processed, may examine permitted work in progress (see section 12.250), shall attend meetings of the Board at its request to provide reports of his/her activities (see section 12.290), and may perform other activities requested by the Board of Supervisors.

12.200 Building Permits

12.210 No person, agency or business shall erect, move, structurally alter, remove, extend or convert any structure or building or any part thereof, nor change the use of any land until a building permit has been issued by the Zoning Officer. Failure to acquire a permit prior to commencing construction shall result in the permit fee being doubled.

12.220 An application for a building permit shall be made in duplicate on forms provided by the Zoning Officer. Permits shall be required for the erection or removal of any building or structure and any additions to a building or structure that increases its volume or includes structural alterations. A permit shall also be required for any concrete or asphalt paving on private property, for any fence or wall, for the placement or removal of a mobile home, and for most signage. Permits shall not be required for painting, re-siding, masonry maintenance, interior renovations not involving structural changes, or for the installation of awnings or similar weather control devices.

12.221 A site plan drawn to scale showing:

a. the entire property to receive the proposed improvements;
b. existing buildings on the property and within fifty (50) feet on adjacent lots;
c. The location, dimensions, height and use of existing and proposed buildings and/or structures;
d. The setback distances of proposed buildings and structures from lot lines and adjacent streets;
e. the location of driveway entrances, signs, and off-street parking areas showing the arrangement of number of spaces;
f. public sewer and water lines abutting the property and/or in easements crossing the property;
g. method of collecting and draining storm water; and
h. any site grading required.

12.222 A written statement describing:

a. the proposed use of the buildings, structures and land in more detail than simply residential, commercial or industrial;
b. the number of dwelling units, whether for sale or rent, and/or business units that the building is designed to accommodate;
c. if a business venture, the total floor area of all the buildings and outdoor areas, except customer and employee parking and loading areas, that will be utilized by the business;
d. evidence that required approvals, such as from the Department of Labor and Industry, and/or Department of Public Welfare, have been received, or are in process, if required;

e. guarantee that proposed buildings will be served by public sewer and water services;
f. access to abutting street, if a State Highway, has been approved by PennDOT, including method of maintaining flow line along edge of street where driveway intersects it; and
g. affidavit of the applicant that all information provided is true and correct to the best of his/her knowledge.

12.223 The Zoning Officer may, to satisfy requirements of other Township development regulations, expand the application form to secure additional information to assure conformance with these regulations, and may alert the applicant to State and/or Federal agency regulations that could impact his/her project.

12.230 It shall be the resonsibility of the property owner to locate proposed edges of construction and adjacent property lines, but the Zoning Officer may recommend that the owner have a registered surveyor stake the property line and edge of a proposed building if the Zoning Officer believes that the bulding might violate minimum setback requirements.

12.240 If the application is not satisfactory, the Zoning Officer shall return one (1) copy of the application indicating the specific reasons why the application cannot be approved, citing relevant sections of this Ordinance, or of other township regulations.

12.250 The Zoning Officer shall from time to time visit the property whereon the approved construction is taking place in order to assure himself that the work is proceeding in accordance with the building permit. The Zoning Officer shall not be denied access to the property during normal working hours in order to inspect the construction in progress, and may order the work corrected to conform to the permit or halted pending appeal to the Zoning Hearing Board.

12.260 If an applicant wishes to amend the use, arrangement or construction of his building from that shown on the permit after the permit is approved, he shall file with the Zoning Officer an application for an amended building permit.

12.270 A building permit shall become void, if after six (6) months from the date of issue, construction has not commenced. The life of a building permit

shall be one (1) year from the date of issue. Permits may be extended for not more than one (1) additional year on large projects or where the applicant can prove to the Zoning Officer a hardship exists making it impossible to complete the project in one (1) year. Once a permit has become void, a replacement permit may be obtained in the same manner as for the original permit. The replacement permit shall be for the uncompleted part of the project. No work shall be done after a permit has become void and before a replacement permit has been issued.

12.280 A permit shall be required for the removal of any building or structure or part thereof on a permanent foundation, except for sheds and minor accessory buildings set at grade. The applicant shall be responsible for back-filling any excavation created by the razing and for the removal from the lot of all debris within sixty (60) days after the issuance of the permit.

12.290 The Zoning Officer shall keep records of all applications either approved or disapproved, including one (1) copy of each permit issued, shall maintain a journal of his activities, and shall submit an annual summation report to the Board of Supervisors detailing building activity in the Township during the preceding year.

12.300 <u>Occupancy Permits</u>

12.310 For new construction

12.311 Upon completion of a building or structure for which a building permit has been issued, the owner of such building or structure shall apply to the Zoning Officer for an occupancy permit. Such permits shall not be required for accessory buildings or structures on residential lots. For multiple occupancy buildings, the permit shall indicate the maximum number of unrelated persons who may occupy each dwelling unit.

12.312 The Zoning Officer shall inspect the premises and if satisfied that all conditions of the building permit have been met, shall issue an occupancy permit certifying that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth on the building permit.

12.313 The occupancy permit shall be revoked when the Zoning Officer determines that the occupancy is not in compliance with every condition

imposed by the issuance of the permit. The person to whom the permit was issued may appeal the revocation to the Zoning Hearing Board and continue to occupy the premises until the Board has made a decision on the appeal, or he/she may change the occupancy within thirty (30) days to conform to the permit.

12.320 For change of existing use.

12.321 If a property owner wishes to change the use of any building or structure or the property he owns, even though a building permit is not /required, he shall apply to the Zoning Officer for an occupancy permit.

12.322 A change of use shall include, but may not be limited to, the placement of one or more new dwellings in an existing structure, the opening of a home occupation, or the change of a commercial or industrial occupancy to a second commercial or industrial occupancy, including expansion of the original to include additional commercial or industrial activities.

12.323 If the Zoning officer is satisfied that such change does not violate any requirements of this Ordinance or of other development ordinances of Harmar Township, he shall issue an occupancy permit.

12.330 For change of ownership or tenant.

12.331 In the event of a contemplated change of the ownership of a building or structure, the new owner shall apply for an occupancy permit prior to actually moving in to the premises.

12.332 In the event of a contemplated change of occupancy of a building or structure by a new tenant, the owner of the premises on behalf of the new tenant shall apply for an occupancy permit prior to actually moving in to the premises.

12.333 If the Zoning Officer is satisfied that the intended use of the premises is in accordance with the provisions of this Ordinance and the application is properly filed, an occupancy permit shall be issued.

12.400 <u>Enforcement and Penalties</u>

12.410 If the Zoning Officer finds any provisions of this Ordinance are being violated, such as the operation of an illegal use or the locating of a structure illegally on a lot, he shall notify the

owner of record of the property upon which the alleged violation is occurring by mail or hand-delivered notice, with a copy to the Township Secretary and to others requested by the property owner.

12.420 The enforcement notice shall state:

12.421 the owner's name and that of any other person against whom the Township intends to take action;

12.422 the location of the property in violation;

12.423 the specific violation with a description of the requirements that have not been met, citing applicable provisions of this Ordinance;

12.424 the dates before which the steps for compliance must be commenced and completed;

12.425 a statement that the recipient may appeal the notice to the Zoning Hearing Board within thirty (30) days of the notice's date; and

12.426 a statement that failure to comply with the notice constitutes a violation subject to Section 12.450 of this Ordinance.

12.430 The Zoning Officer shall allow the owner of a property upon which a violation of this Ordinance has been noted thirty (30) days to carry out the required action. The thirty (30) day period shall commence on the day the notice is mailed.

12.440 At the end of the thirty (30) day period, the Zoning Officer shall inspect the property to determine if the violation has been removed. If the violation has not been corrected and the owner has not appealed to the Zoning Hearing Board to reverse the Zoning Officer's decision, modify it, or grant a time extension, the Zoning Officer shall take the owner before the District Justice, who, if he finds the owner guilty, shall assess penalties and/or order appropriate action in accord with section 12.450 below.

12.450 Continuation of a violation beyond the period within which it is to be corrected without an appeal having been filed, shall constitute a civil offense. While an appeal is in process, development shall not continue on the contested portion of the project. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars ($500.00) plus all court costs,

including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall be imposed or payable until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation. The District Justice shall determine on which day the violation actually commenced. All judgments, costs and reasonable attorney fees collected for a violation shall be paid over to the Township.

12.460 The owner or tenant of any structure, premises, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may each be found guilty of a separate offense and suffer the penalties herein provided.

12.470 Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation or to bring action to enjoin any violation of this Ordinance.

12.500 <u>Amendment of this Ordinance</u>

12.510 An amendment of this Ordinance may be initiated by the Planning Commission, by the Board of Supervisors or by petition presented to the Planning Commission by a property owner or owners, or by a person or corporation who or which has an option to purchase a property in the Township. The proposed amendment or petition shall be written as proposed to be adopted. Revisions to the zoning map shall be specified in writing citing particular boundaries. Spot zoning shall be prohibited unless backed by a Planning Commission recommendation on the future land use of the neighborhood within which the proposed zoning is located, supporting the amendment.

12.520 The Planning Commission shall review an amendment petition or a proposal by The Board of Supervisors and prepare recommendations to the Board not later than the Commission's second regular meeting after receiving the proposal. The Commission may recommend approval of the proposal as presented, approval with specific changes, or rejection. If the proposal is made by the Supervisors, the Board shall allow the Commission at least thirty (30) days to review and comment on the proposal before taking action.

12.530 The Board of Supervisors, if it finds the amendment proposal has merit, shall call and hold a public hearing after reviewing the Commission's recommendations. In addition, the board shall send the proposal to the Allegheny County Planning Commission for review and comment at least thirty (30) days before the hearing.

12.540 The Board of Supervisors shall hold the hearing, keeping a written or sound record of the testimony, and shall make a decision by majority vote of all members of the Board to adopt or reject the amendment within ninety (90) days after the vote. The Board, if taking a favorable vote, shall submit a copy of the adopted ordinance to the County Planning Commission, indicating the date of adoption and the numerical vote favoring adoption.

12.550 At least seven (7) days but not more than sixty (60) days before adoption of an amendment, The Board shall advertise once in a newspaper of general local circulation a notice of its intention to adopt the amendment. The notice shall include the date, time and place of the meeting at which adoption will be considered, and reference to a place in the Township, and times and dates where and when the amendment may be examined prior to adoption. The notice shall either contain the full text of the amendment or a brief summary prepared by the Township Solicitor. If the full text is not used, a copy of the full text shall be provided to the newspaper running the notice, and an attested copy of the full text shall be filed in the County Law Library.

12.560 If an amendment is substantially revised before the vote to adopt, The Board shall, at least ten (10) days prior to adoption readvertise, noting a brief summary of the amendment and specifying the final changes proposed. Appeal from a decision by the Board on an Amendment proposal shall be to the Allegheny County Court of Common Pleas.

12.600 Curative Amendment

12.610 Landowner curative amendments

12.611 An owner of land in the Township who wishes to challenge on substantive grounds the validity of any part of this Ordinance or map which prohibits or restricts the use or development of his/her land may submit a curative amendment to The Board of Supervisors with a written request that the challenge and proposed amendment be heard and decided.

12.612 The Board shall commence the hearing after public notice within sixty (60) days of receiving the request. The hearing shall be conducted in accordance with Section 11.400 of this Ordinance but the words "Board of Supervisors" shall be substituted for "Zoning Hearing Board." The Supervisors, at least thirty (30) days before the hearing, shall refer the amendment proposal to both the Township and Allegheny County Planning Commissions for recommendations.

12.613 The Supervisors may accept a landowner curative amendment with or without revision, or may adopt an alternate amendment to cure the challenge which may not be acceptable to the applicant. In making its decision, the Board shall consider the factors contained in section 11.244. Within forty-five (45) days after the conclusion of the hearing, the Board shall render its decision and immediately notify the landowner.

12.614 The curative amendment will be deemed to have been denied if the Board of Supervisors fails to commence the hearing within sixty (60) days, notifies the landowner it will not adopt the amendment, adopts an amendment unacceptable to the landowner, or fails to act on the request within forty-five (45) days after the end of the hearing.

12.615 If the curative amendment is accepted, the landowner shall file for a building permit based on such acceptance within one (1) year of the decision, or if land development or subdivision plans are required a two (year) lapse shall be permitted. In either case, during these periods, no amendment to this Ordinance or any land development ordinance shall be applied to adversely affect the owner's rights as granted by the curative amendment.

12.620 Township curative amendments

12.621 If the Board of Supervisors determines that this Ordinance or any specific part, including the map or a part thereof, is substantially invalid, the Board shall so declare, and propose to prepare amendments to cure the invalidities.

12.622 Within thirty (30) days after the declaration, the Board shall by resolution make findings specifying the invalidities which it proposes to cure, referring to uses which are not permitted or not permitted in sufficient quantity, classes of uses which require revision, or to the entire Ordinance.

12.623 Within one hundred eighty (180) days of the declaration, the Board shall enact a curative amendment to cure the invalidity or reaffirm the Ordinance as it stood prior to the declaration.

12.624 From the date of the declaration, neither the Board of Supervisors nor the Zoning Hearing Board shall be required to receive curative amendments or substantive challenges until either the amendment under consideration has been adopted or the Ordinance has been reaffirmed. The Board shall not declare a second municipal curative amendment until at least three (3) years after disposing of a previous amendment, unless changes in the State Planning Code or a Court decision in the interim require amendment of the Ordinance.

12.700 Schedule of Fees

12.710 The Board of Supervisors shall establish by resolution a schedule of fees to cover the cost of permits, special use approvals, petitions to amend the Ordinance, or any action brought before the Zoning Hearing Board.

12.720 The current fee schedule shall be available at the Township office and may be amended only by official resolution of the Board of Supervisors.

12.730 No permit shall be issued nor any action taken on proceedings before Board of Supervisors or the Zoning Hearing Board until the appropriate fees have been paid in full.

12.800 Enactment

12.810 This Ordinance is required for the immediate protection of the public health, safety, and welfare and shall be effective upon its passage and signing by the Chairman of the Board of Supervisors and the Township Secretary.

12.820 This Ordinance has been duly presented after public hearings and adopted at a regular meeting of the Board of Supervisors of Harmar Township, Allegheny County, Pennsylvania, held on the 17th day of November, 19 99.

ATTEST:

Ronald L. Wise
Chairman, Board of Supervisors

Michael Silvestri
Secretary, Harmar Township