

ZONING ORDINANCE
LEIDY TOWNSHIP, PENNSYLVANIA

LEIDY TOWNSHIP SUPERVISORS
LEIDY TOWNSHIP PLANNING COMMISSION

LEIDY TOWNSHIP ZONING ORDINANCE

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ORDINANCE NO.

LEIDY TOWNSHIP ZONING ORDINANCE

101 Title

AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND TO BE OCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; CREATING THE OFFICE OF ZONING OFFICER; CREATING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

ORDAINING CLAUSE

This ordinance is enacted by the Supervisors of the Township of Leidy, County of Clinton, by authority of and pursuant to the provisions of Articles VI through X of Act No. 247, of the PA General Assembly, known and cited as the "Pennsylvania Municipalities Planning Code", as amended.

ARTICLE I - GENERAL ASSEMBLY

102 Short Title

This ordinance shall be known and may be cited as the "Leidy Township Zoning Ordinance".

103 Purpose

This ordinance is adopted in order:

- A. To promote public health, safety, and the general welfare;
- B. To encourage the most appropriate use of land;
- C. To conserve and stabilize the value of property;
- D. To provide adequate open space light and area; and to prevent the spread of fire;

1.1
General Provisions

E. To prevent undue concentration of population.

F. To lessen congestion on streets and roads.

104 Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of health, safety, and the general welfare of the Township and its citizens. The intent of this Ordinance is not to interfere with or annul any easements, covenants, building restrictions, or other agreements between parties. When this Ordinance, however, imposes a greater restriction upon the use of the land, the provisions of this Ordinance shall prevail.

105 Uses Not Provided For

Whenever, in any District established by this Ordinance, a use is neither specifically permitted nor denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance.

106 Effective Date

This Ordinance shall take effect on *February 16* 1992.

ARTICLE II - COMMUNITY DEVELOPMENT OBJECTIVES

201 Community Development Objectives

This Zoning Ordinance is deemed necessary to achieve the following purposes:

1. Promote Orderly Development

To protect the character and maintain the stability of residential, forest, and agricultural areas within the Township and to promote the orderly and beneficial development of such areas.

2. Limit Highway Congestion

To limit congestion in the public streets and to protect the public health, safety, convenience, and the general welfare by providing for off-street parking of motor vehicles.

3. Protect Against Hazards

To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of public health, safety, comfort, and the general welfare.

4. Regulate Intensity of Use

To regulate the intensity of use of land, and to determine the area of open spaces surrounding buildings. These spaces are necessary to provide adequate light and air, privacy and convenience of access to property.

5. Provide Adequate Facilities

To facilitate the adequate provision of transportation, water, and on-lot sewage disposal.

6. Prohibit Incompatible Uses

To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.

7. Establish Standards of Development

To fix reasonable standards to which buildings or structures shall conform.

8. Regulate Alterations of Existing Buildings

To prevent such additions to, and alterations, or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed by this Ordinance.

ARTICLE III DEFINITIONS

301. Application and Interpretation

It is not intended that these definitions include only words used or referred to in this Ordinance. The words are included in order to aid in the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning indicated as follows:

- A. Words used in the present tense include the future tense.
- B. The word "person" includes a profit or non-profit corporation, company, partnership, or individual.
- C. The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged", or "designed" to be used or occupied.
- D. The word "building" includes structure.
- E. The word "lot" includes plot or parcel.
- F. The word "Shall" is always mandatory.

302. Definition of Terms

For the purposes of this Ordinance, the following words, terms, and phrases have the meaning herein indicated:

Accessory Building: A subordinate building or portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

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

Act 247: The Pennsylvania Municipalities Planning Code, as amended. The law, passed July 31, 1968, as amended, is the enabling legislation which permits municipalities in Pennsylvania to prepare and enact comprehensive development plans, zoning ordinances and other land use controls.

Board: Any Body Granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Conditional Use: A use permitted in a particular zoning district by the Board of Supervisors pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10601 et seq.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township of Leidy lies.

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. The Board of Supervisors;
2. The Zoning Hearing Board; or
3. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Family: One (1) or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage, or adoption.

Flood Hazard Area: The Flood Hazard Area is defined and established to the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow, and defined by the Federal Emergency Management Administration.

Garage, Private: An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

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

Home Occupation: Any use customarily conducted entirely within a dwelling or in an accessory building, and carried on by the dwelling residents, providing that the use is clearly incidental and secondary to the use of the dwelling for living purposes. No more than fifty (50) percent of the building floor area can be used; the exterior appearance of the structure or premises must be constructed and maintained as a residential dwelling, and no goods can be publicly displayed on the exterior premises other than signs as provided by the Ordinance.

Hotel: A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests and where only kitchens and dining rooms are provided within the building or in any accessory building.

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

Lighting

Diffused: That form of lighting where the light passes from the source through a translucent cover or shade.

Direct or Flood: That form of lighting where the source is visible and the light is distributed from it to the object to be illuminated.

Indirect: That form of lighting where the light source is entirely hidden and the light is projected to a suitable reflector from which it is reflected to the object to be illuminated.

Line, Street: The dividing line between the street and the lot.

Lot - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

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

Lot, Interior: A lot other than a corner lot.

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

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereof of mobilehomes.

Nonconforming Structure: A structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include , but are not limited to, nonconforming signs.

Nonconforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation.

On-Site Sewer Service: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

Open Pit Mining: Open pit mining shall include all activity which removes from the surface or beneath the surface, of the land some material mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or

is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

Open Space: A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Chapter.

A Planned Residential Development may include and shall be limited to: (1) dwelling units in detached, semi-detached, attached, or multi-storied structures, or any combination thereof; and (2) those non-residential uses deemed to be appropriate for incorporation in the design of the Planned Residential Development.

Planning Commission: The Planning Commission of the Township of Leidy.

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

Porch: A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side, or rear door.

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

Property Line: A recorded boundary of a lot. However, any property line which abuts a "street" or other public or quasi-public way shall be measured from the full right-of-way.

Public Grounds: Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

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

Public Meeting: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. Sections 271 et seq.

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

Report: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

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

Road-Center Line: The center of the surveyed road right-of-way, or where not surveyed, the center of the traveled cartway.

Road Grade: The officially established grade of the road upon which a lot fronts or in its absence the established grade of other roads upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the road at such mid-point shall be taken as the road grade.

Road Right-of-Way Line: The line dividing a lot from the full road right-of-way, not just the cartway.

Road Classification: Setback distances in this Ordinance shall be in accordance with the type of roadway abutting the properties. For the purpose of this Ordinance the following definitions are employed.

Minor Arterial: A road whose function is to provide for the movement of high volumes of through traffic and direct access to abutting properties; subject to necessary control of entrances, exits, and curb use.

Major Collector: A road, or street, which provides for the movement of large volumes of traffic between arterials and local roads and direct access to abutting property.

Local: A road whose function is to provide for local traffic movement and direct access to abutting properties.

Sanitary Landfill: A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities, and approved by the PA Department of Environmental Resources. The operation of a sanitary landfill normally consists of: 1) depositing the discarded material in a planned controlled manner; 2) compacting the discarded material in thin layers to reduce its volume; 3) covering the discarded material with a layer of earth; and 4) compacting the earth cover.

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

Seasonal Residence: See Camp.

Services, Essential: Uses, not enclosed within a building, necessary for the preservation of the public health and safety including, but not limited to, the erection, construction, alteration or maintenance of public utilities, underground or overhead transmission systems, poles, wires, poles, cables, fire alarm boxes, hydrants, or other similar equipment.

Service Station: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for servicing such motor vehicles.

Setback Line: The line within a property defining the required minimum distance between any building to be erected and the adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

Sign: Any device for visual communication that is used for the purpose of bringing the subject to the attention of the public, but not including any flag, badge, or insignia or any government or government agency, or of any civic, charitable, religious, patriotic, or similar organization.

Special Exception: A use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. Sections 10601 et seq., 10901 et seq.

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

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

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

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

3.8
Definitions

Supervisors: The Leidy Township Board of Supervisors.

Travel Trailer: A vehicle that is a portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer on the trailer. Unoccupied travel trailers do not constitute mobile homes, as used in this Ordinance. All travel trailers shall display a current PA Vehicle Inspection sticker and vehicle registration plates.

Travel Trailer Park: A tract of land:

Where two (2) or more trailers are parked;

Which is used or held out for the purpose of supplying to the public a parking space for two (2) or more trailers.

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

Variance: Relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101 et seq.

Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township of Leidy.

Yard; An unoccupied space open to the sky, on the same lot with a building or structure.

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

Yard, Rear: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

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

Zoning Map: The official Zoning Map of the Township of Leidy.

Zoning Ordinance: The Leidy Township Zoning Ordinance, as amended.

ADDENDUM

Permanent Foundation: In reference to mobile homes; either a continuous masonry foundation under the mobile home or masonry pilings with skirting around the entire perimeter of the mobile home with said use to be located not less than one hundred fifty (150) feet from State Forest Grounds, Township Roadways and State Highways.

ARTICLE IV - DESIGNATION OF DISTRICTS

401 General Districts

For the purposes of this Ordinance, the Township is divided into four (4) types of Districts which shall be designated as follows:

A	Agricultural	I	Industrial
R	Residential	W	Watershed
C	Commercial		
FP	Flood Plain		

402 Zoning Map

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

403 District Boundaries

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

1. District boundary lines are intended to follow or be parallel to the center line of streets, streams, and railroads; and lot or property lines as they exist on a recorded deed or plan or record in the Clinton County Recorder of Deeds' office at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where a District boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

3. In unsubdivided land or where a District boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.

404 Interpretation of Boundaries

In case of any uncertainty, the Zoning Hearing Board shall interpret District boundaries.

ARTICLE V - DISTRICT REGULATIONS

501 A - Agricultural District

The purpose of the A District is to (1) identify those areas where agricultural activities should be encouraged or preserved; (2) provide for the preservation of natural areas, preservation of open space, and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives, such as recreational and low density residential uses.

501.1 Permitted Uses

1. Agricultural uses related to the tilling of the land, the raising of farm products, the raising and keeping of horses, cattle and other livestock, and the raising of poultry and poultry products.
2. Horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers, and other vegetative material.
3. Structures:
 - a. Single-family detached dwellings including mobile homes, provided that the mobile home is placed on a permanent foundation which shall be of poured concrete or cement block with skirting.
 - b. Recreational homes, such as hunting camps, lodges, and cabins.
 - c. Barns, silos, corncribs, poultry houses, and other similar structures necessary to the proper operation of agricultural activities.
 - d. Stables, dog kennels, and greenhouses.
 - e. Home occupations, meeting the requirements of the "Home Occupation" definition in Article III.
 - f. Accessory buildings & uses customarily incidental to the above uses.
4. Natural gas production and/or storage facilities.

5.1
Agricultural District

501.2 Conditional Uses

1. Camp grounds, travel trailer parks, resort facilities, golf courses, and country clubs.
2. Appropriate public uses and essential services.
3. Natural resource uses such as: excavating, quarrying, mining, and the processing of topsoil, sand, gravel, clay, shale, or other natural formation.
4. Junk yards.
5. Restaurants or taverns.

501.3 Area & Bulk

1. The lot area, densities, and lot widths for single-family detached dwellings, including individual mobile homes and recreational residences, shall not be less than the following:

Minimum Lot Size

- a. 43,560 sq. ft. (one acre) - with either on-lot water & sewage service (provided the lot meets all applicable DER on-lot sewage disposal permitting requirements).
2. Minimum Lot Width at Setback - 150 ft.
3. Minimum Lot Depth - 150 ft.

501.4 Coverage

Lot Coverage - All buildings, including accessory buildings, shall cover not more than forty (40) percent of the lot.

501.5 Setback

1. Front yard - Principal Building: Minimum of thirty-five (35) feet from the right-of-way line. Corner lots shall be construed to have two front yards.
2. Side yards - Principal Buildings: Each lot shall have two (2) side yards, neither of which shall be less than fifteen (15) feet.

Accessory Buildings: All accessory buildings shall be a minimum of eight (8) feet from any side lot line.

3. Rear Yard - Principal Building: Minimum twenty-five (25) feet.

Accessory Buildings: All accessory buildings shall be a minimum of eight (8) feet from any side lot line.

4. Buildings housing livestock (including dog kennels) or poultry shall not be closer than fifty (50) feet to any public right-of-way nor two hundred (200) feet to a residential district.

501.6 Height

1. Buildings devoted to farm use shall be exempt from height regulations.
2. The maximum building height for a single family detached dwelling shall be two and one-half (2½) stories or thirty (30) feet, whichever is the lesser.

502 R - Residential District

The purpose of the Residential District is to provide for the orderly expansion of low-density residential development and to exclude uses not compatible with such low-density residential development.

502.1 Permitted Uses

1. Single-family detached dwellings, including mobile homes, provided that the mobile home is placed on a permanent foundation.
2. Home occupations meeting the requirements of the "Home Occupations" definition of Article III.
3. Accessory buildings and areas customarily incidental to the above.
4. Duplexes.

502.2 Conditional Uses

1. Appropriate public uses and essential services.
2. Public or privately owned parks and recreational areas.
3. Churches and other places of worship.
4. Recreational uses.

502.3 Area and Bulk

1. Minimum Lot Size

a. The regulation for single and two-family dwellings and other buildings not specified are as follows:

- a. 43,560 sq. ft. - with either on-lot water and sewerage service (provided the lot meets all applicable DER on-lot sewage disposal permitting requirements).

2. Minimum Lot Width at Setback - 100 ft.

3. Minimum Lot Depth - 125 ft.

502.4 Coverage

Lot Coverage - All buildings, including accessory buildings, shall cover not more than fifty (50) percent of the lot.

502.5 Setbacks

1. Front Yard: Minimum of twenty-five (25) feet from the right-of-way line. Corner lots shall be construed to have two front yards.

2. Side Yards: Each lot shall have two (2) side yards, neither of which shall be less than ten (10) feet.

Accessory Building: All accessory buildings shall be a minimum of eight (8) feet from any side lot line.

3. Rear Yard - Principal Building: Minimum of twenty (20) feet in depth.

Accessory Building: All accessory buildings shall be a minimum of eight (8) feet from any side lot line.

502.6 Height

The maximum building height for all buildings shall be two and one-half (2½) stories or thirty (30) feet, whichever is the lesser.

505 LI - Light Industrial

The purpose of the LI Light Industrial District is to provide sufficient space, in appropriate locations to meet the anticipated future needs for limited industrial activity with due allowance for the needs for a choice of sites. It is further intended that limited industrial operations will be compatible with surrounding residential or farm areas.

505.1 Review Procedures

505.1.a In order to assure the satisfactory development of the Light Industrial District, it shall be required that development plans be submitted to the municipality under the procedures established in this Ordinance for a Conditional Use.

505.1.b A development plan shall be prepared and submitted to the municipality showing the overall development scheme including proposed site layout, existing zoning, parking facilities, all adjacent highways, streets and alleys with traffic flow patterns, and a list of the kind of establishments to be located on the site and their floor areas. Also, preliminary architectural sketches, elevations, engineering plans showing proposed methods of water run-off control, type of sewage treatment, and source of water supply.

505.2 Special Exception Uses

1. Appropriate public uses and essential services.

505.3 Conditional Uses

A lot or parcel may be used and a building or structure may be erected for any of the following purposes:

1. Research, engineering or testing laboratories; administrative activities and offices; assembly from components including the assembly of radios, television, and similar electronic products; fabrication of models or test equipment used in research; pharmaceutical research, and production; plastics assembly; optical instrument systems development; radio or television transmitter, including such as an accessory use, if it is of any type requiring licensing by the Federal Communications Commission; textiles and clothing manufacture; completely enclosed (interior) storage of raw materials products or waste materials of the above uses; warehouses, distribution centers, and truck and bus terminals; and accessory buildings and uses customarily incidental to the above uses such as a restaurant, cafeteria or recreational facility.

505. Light Industrial

505.4 Performance Standards

505.4.a The research and development and light industrial activities shall be such that they: Emit no obnoxious, toxic or corrosive dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals or vegetation or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission; discharge no smoke of a consistency which will restrict the passage of sunlight; emit no odor perceptible at the lot boundaries; produce no heat or glare perceptible at or beyond the lot boundaries; produce no physical vibrations perceptible at or beyond the lot boundaries; produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation (electromagnetic radiation or radioactive emissions shall not be of any intensity that interferes with the use of any other property); discharge of no untreated potentially dangerous effluent from plant operations into local surface or subsurface drainage courses.

505.5 Areas and Lot Width Regulations

505.5.a No minimum lot size or lot width shall be required for the permitted uses.

505.6 Coverage Regulations

505.6.a Lot Coverage: All buildings, including accessory buildings shall not cover more than thirty (30) percent of the total lot area.

505.7 Yard Regulations

505.7.a Front Yard: The following front yard setbacks and road classifications shall conform to the Transportation Plan of the adopted Comprehensive Plan for the municipality:

1. Major Arterial - Sixty (60) foot minimum
2. Minor Arterial - Sixty (60) foot minimum
3. Major Collector - Fifty (50) foot minimum
4. Local - Fifty (50) foot minimum

505.7.b.Side Yards: Minimum of fifty (50) feet each side.

505.7.c.Rear Yard: Minimum of fifty (50) feet in depth.

505. Light Industrial

505.7.d Exceptions: No building or structure shall be located within two hundred (200) feet of an existing residential building. This restriction can be waived by a written agreement, signed by the existing residence owner, which is approved by the Township Solicitor and accepted by the Board of Supervisors.

505.8 Height Regulations

505.8.a The maximum building height shall be three (3) stories or thirty-six (36) feet maximum.

505. Light Industrial

503 C - Commerical District

The purpose of the Commerical District is to provide for the orderly development of those uses necessary to meet the community needs for goods and services.

503.1 Permitted Uses

1. Stores and personal service shops for the conducting of general merchandise and retail business.
2. Boarding and lodging houses.
3. Hotels and motels.
4. Restaurants, cafes, fast-food restaurants, and other places serving food and beverages.
5. Fraternal clubs, lodges, social clubs, recreational clubs, and youth clubs.
6. Automobile service stations and repair garages.
7. Junk yards, including automobile wrecking yards will be allowed in the commercial district, which comply with Section 705 of this Ordinance.

503.2 Conditional Uses

Appropriate public uses and essential services. All other commerical uses not enumerated in Section 503.1.

503.3 Area and Bulk

1. Minimum Lot Size - 10,000 sq. ft.
2. Minimum Lot Width at Setback - 100 ft.
3. Minimum Lot Depth - 75 ft.

503.4 Coverage

All buildings, including accessory buildings, shall cover not more than sixty (60) percent of the lot area.

503.5 Setbacks

1. Front Yard - Minimum of twenty (20) ft. from the right-of-way line. Corner lots shall be construed as having two front yards.
2. Side Yard - ten (10) ft.
3. Rear Yard - twenty (20) ft.

503.6 Height

Maximum height for all buildings shall be two and one-half (2½) stories or thirty (30) ft., whichever is the lesser.

504 FP Flood Plain District

All proposed structures and uses located in a Flood Hazard area as defined by the Federal Insurance Administration maps shall be governed by the Leidy Township Flood Plain Management Ordinance enacted on October 1, 1981. Where the Flood Plain Management Ordinance provisions differ from those contained in this ordinance, the Flood Plain Management Ordinance shall govern.

ARTICLE VI WATERSHED CONSERVATION DISTRICT

601 Purpose

601.1 The purpose of the Water Conservation District is to preserve and protect the Paddy's Run watershed by restricting encroachment by human development including:

- (1) Limiting use of watershed lands and Drurys Run Watershed.
- (2) Limiting the density of said uses.
- (3) Where development is allowed, taking extraordinary steps to regulate such development in an effort to minimize the adverse impact on the Paddy's Run watershed.

602 Permitted Uses

602.1 Single family residences, including mobile homes, provided that the mobile home is placed on a permanent foundation which shall be poured concrete or cement blocks and properly anchored and skirted.

602.2 Recreational homes such as hunting camps, lodges, and cabins.

602.3 Accessory buildings and uses customarily incidental to the above uses.

602.4 Select timbering operations removing not ^{more} less than fifty (50) percent of the total canopy and trees not smaller than eight (8) inches DBH, and involving a total land area of not more than five (5) acres, subject to all applicable State regulations concerning timbering operations.

603 Timbering Operations

603.1 Special Exceptions: Timbering involving land area of five (5) acres or greater provided an approved Soil Conservation Service Plan for Soil Erosion and Sedimentation Control is provided to the Township and the Township does not identify slope or other erosion factors which could cause a direct impact upon the watershed area.

604 Area and Bulk Regulations

604.1 The minimum lot size for development within the watershed area for additional lots to be subdivided shall be a minimum of ten (10) acres provided the lot meets all applicable DER on-lot sewage disposal permit requirements.

6.1
Watershed Conservation District

- 604.2 Minimum lot width at set-back two hundred (200) feet. Lot depth not to be more than two times the width.
- 604.3 Minimum lot depth at set-back two hundred fifty (250) feet.
- 604.4 Lot Coverage: All buildings shall cover not more than fifteen (15) percent of the total lot.
- 604.5 All buildings shall be set-back a minimum of fifty (50) feet from all adjoining boundaries.
- 604.6 Height: The maximum building height shall be twenty-five (25) feet, consisting of no more than two (2) stories.
- 604.7 Limitation on further sub-division of existing lots:
- (1) All further sub-division of lots within the Paddy's Run and Drury's Run Watershed Conservation District shall comply with the following requirements:
 - (a) The area in bulk regulations set forth herein shall be applicable to all further sub-division.
 - (b) All erosion and sediment pollution control plans shall be reviewed and commented upon by the Conservation District before final plan is approved by the Planning Commission.
 - (c) Compliance with all Pennsylvania Environmental Resources on-lot septic regulations where applicable.
 - (d) All such plans shall be reviewed by the Township Engineer or other applicable expert at the sole cost of the applicant, and such submissions must be acceptable to the Township Engineer before granting of a sub-division.

ARTICLE VII SUPPLEMENTAL REGULATIONS

701 Signs

701.1 Erection and Maintenance of Signs

Signs may be erected and maintained only when in compliance with the provisions of this Article.

701.2 Signs in the Residential District

Signs in the Residential District shall conform with the following regulations.

1. Signs advertising home occupations and camp sites shall not be larger than twenty-four (24) inches by thirty-six (36) inches.
2. Signs necessary for the identification, operation or protection of public utility facilities and municipal uses shall be permitted; however, all General Regulations, Section 701.4 shall apply to such signs.

701.3 Business Identification Signs

The size of business identification signs shall not exceed forty (40) square feet of surface area and not more than twenty (20) square feet on each side. Each business property shall have a maximum of three signs.

701.4 General Regulations for All Signs

The following regulations shall apply to all permitted sign uses in all districts.

1. Signs must be constructed of durable material, maintained in good condition, and not allowed to become dilapidated.
2. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.
3. No sign, other than an official traffic sign, shall be erected within the right-of-way lines of any street, unless authorized by the Township Supervisors for a special purpose.
4. No sign shall exceed twenty (20) feet in height.
5. A permit shall be required from the Zoning Officer for the erection of business identification signs.

7.1
Supplemental Regulations

6. In all districts, only those signs referring directly to materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise noted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected.
7. Temporary signs advertising a sale or event sponsored by a civic or religious group, is permitted provided that such signs shall not be displayed in excess of one (1) month and shall be removed promptly after the event.

701.5 Prohibited Uses and Signs

The following is not permitted in any districts.

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

701.6 General Regulation for Sign Lighting

All lighting shall be shielded and designed so that it does not reflect or beam onto adjacent properties or roadways.

701.7 Sign Variance

The Township Supervisors may grant reasonable variances from the sign regulations if the granting of such a variance will not adversely affect the surrounding neighborhood or the intent of this Ordinance.

702 Conditional Uses

Where the Board of Supervisors, in this Chapter, has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101 et seq. The following criteria shall be used as a guide in evaluating a proposed conditional use.

1. The presence of adjoining similar uses.
2. An adjoining zone district in which the use is permitted.

3. Sufficient area to effectively screen the conditional use from adjacent different areas.
4. The use will not detract from the permitted uses of the District.
5. Conditions are such that there are several potential sites for the particular use, but not sufficient need to establish a permitting zone district or to leave the district open to the indiscriminate placement of such use.
6. Sufficient safeguards such as parking, traffic control, screening, and setbacks can be included to remove any potential adverse influences the use may have on adjoining uses.

703 Intersection Clearance - Visual Obstruction

No wall, fence, sign, or other obstruction shall be erected or altered and no hedge, trees, shrubs, crops, etc., shall be maintained which may cause a hazard to pedestrians or traffic.

704 Nonconforming Use

704.1 Registration

Nonconforming uses shall be registered within six (6) months of the effective date of this Ordinance. The Zoning Officer shall identify, register and certify the registration of all nonconforming uses and nonconforming structures.

704.2 Continuation

Any lawful use of a structure or land existing at the effective date of this Ordinance, may be continued although the use may not conform to the provisions of this Ordinance.

704.3 Extensions

1. A nonconforming use of a building may be extended throughout the building if no structural alterations are made to the building; provided that such extension may include structural alterations when authorized as a special exception where the Zoning Hearing Board finds that such structural alterations will not adversely affect adjoining properties.
2. A nonconforming use or a nonconforming structure may be extended on the lot after this ordinance's enactment, but

not in violation of the area and yard requirements of the district in which such structure or premises are located, or in violation of the use regulations which would apply to the nonconforming use or structure if the same were located in an area permitting the use, the more restrictive yard requirement shall apply.

3. A nonconforming use may be extended upon a lot occupied where held in single and/or separate ownership at the effective date of this Ordinance; provided that such extension does not replace a conforming use, does not violate the yard and coverage requirements of the zone in which the nonconforming use exists, and, regardless of changes in lot coverage, a proposed expansion shall not exceed fifty percent (50%).

704.4 Nonconforming Lot of Record

1. In any district, in which single-family houses are permitted, a single-family house and customary accessory buildings may be erected on any lot of record in existence at the effective date of the Ordinance.
2. These provisions shall apply even though such lot fails to meet requirements of side, front, or rear yards or the minimum lot area requirements applicable in the district in which the lot is located.

704.5 Repairs

1. Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations not extending the nonconforming use, except as otherwise provided below.
2. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.
3. Any nonconforming building or structure damaged, destroyed by fire, explosion, act of God or any other cause not within the control of the owner, may be restored, reconstructed or used as before, provided that the volume of such use, building or structure shall not exceed the volume which existed prior to such damage, and that said construction is begun within one (1) year of such events and completed within two (2) years thereof.

7.4

Supplemental Regulations

704.6 Changes

A nonconforming use of a building or land may be changed to a use of an equal or more restricting classification when authorized as a conditional use by the Township Supervisors.

704.7 Abandonment

If a nonconforming use of a building or land ceases for a period of three (3) years, the subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.

704.8 Nonconforming Use of Open Land

All nonconforming signs, junk storage areas, storage areas, and similar nonconforming use of open land, when discontinued for a period of six (6) months, or damaged to an extent of eighty (80) percent or more or replacement costs, shall not be continued, repaired or constructed.

705 Junk Yard, Including Automobile Wrecking Yards

Junk yards shall be permitted within the Township only in conformance with this Ordinance. All new junkyards shall comply with the following regulations.

1. An opaque fence, built to material and design specifications approved by the Supervisors, shall be constructed within six (6) months of the establishment of the junkyard. A living fence as described below may be substituted for an opaque fence.
2. A living fence may be established no closer than ten (10) feet to any property line.
3. Plant material to be used for the living fence must attain an average height of six (6) feet within eight (8) years of the passage of this Ordinance. Plant material should preferably be evergreen trees or shrubs, including but not limited to, Scotch, Pines, Red Pine, Austrian Pine, or Norway Spruce. The suitability of the plant material shall be determined by the Township Supervisors.
4. If evergreens are to be used, they shall be planted in double rows about six (6) feet apart, with offset spacing.
5. Existing junk yards shall be maintained in such a manner as to cause no public or private nuisance, nor to cause the breeding or harboring of rats, flies or other vermin.

Mobile Home Parks

The following property development standards shall apply for all mobile home parks.

1. No parcel of land containing less than two (2) mobile home spaces, available at the time of first occupancy shall be used for a mobile home park.
2. The mobile home park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
3. Each mobile home park shall be permitted to display on each street frontage one identifying sign of a maximum of nine (9) square feet. The sign shall contain only the name and address of the mobile home park and may be lighted by indirect lighting only.
4. Each mobile home space shall be not less than 5,000 square feet. In addition, to the trailer, the following areas shall be provided:
 - a. Each mobile home space shall be clearly defined by permanent markers.
 - b. There shall be a front yard setback of ten (10) feet from all access road within the mobile home park.
 - c. Mobile homes shall be placed no closer to one another than twenty (20) feet. Also, no mobile home shall be located closer than twenty feet from any commercial or service building within the mobile home park.
 - d. There shall be at least one off-street parking space for each mobile home space, which shall be on the same side as the mobile home served.

706.1 General Provisions for Mobile Home Park

1. There shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one for every four mobile home sites.
2. Each mobile home shall have a patio (100 sq. ft. minimum) of concrete or other material approved by the Township Supervisors.
3. All roads will comply with Township specifications.

4. Mobile home spaces shall abut upon an access road of not less than eighteen (18) feet in width.
5. Each mobile home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the PA Department of Environmental Resources.
6. There shall be provided a park and recreation area having a minimum of one hundred and fifty square feet for each mobile home space. Areas shall be consolidated into usable areas with minimum dimensions of not less than thirty feet.
7. Trailer, with or without toilet facilities, that cannot be connected to a sanitary sewer line shall not be permitted in a mobile home park for more than ten (10) successive days.
8. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobilehome parks except for home occupations.
9. Street lighting as approved by the Township Supervisors.

706.2

Application for Permit for Mobile Home Park

The application for a permit shall be filed with and issued by the Zoning Officer. Each application shall be accompanied by three (3) copies of the plot plan drawn to scale. Such copies shall be reviewed and approved by the PA Department of Environmental Resources, the Zoning Officer, and Township Supervisors. The following information shall be shown:

1. The location of the proposed mobile home park.
2. Plans and specifications of all buildings, improvements, and facilities constructed within the mobile home park.
3. The proposed use of buildings shown on the site.
4. The location and size of all mobile home spaces.
5. The location of all landscaping to be provided.
6. The location of all lighting to be provided.
7. The location of all walls and fences and the indication of their height and the materials of their construction.

8. The location of all off-street parking facilities.
9. The name and address of applicant.
10. Such other architectural and engineering data as may be required by the Zoning Officer and Township Supervisors to determine if the provisions of this Ordinance are being complied with.
11. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services.

707 Travel Trailer & Recreational Vehicle Parks

The following property development standards shall apply for all travel trailer and recreational vehicle (RV) parks.

1. The provisions of this section shall apply when more than one (1) travel trailer or RV is located or developed space constructed on a parcel under one ownership.
2. The travel trailer park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
3. Each travel trailer park shall be permitted to display on each street frontage, one identifying sign of a maximum of nine (9) square feet. The sign shall contain only the name and address of the mobile home park and may be lighted by indirect lighting only.
4. Each camping space shall be not less than 2,500 square feet. In addition to the trailer, the following areas shall be provided:
 - a. Each camping space shall be clearly defined by permanent markers.
 - b. There shall be a front yard setback of ten (10) feet from all access roads within the travel trailer park.
 - c. Trailers shall be placed no closer to one another than twenty (20) feet. Also, no unit shall be located closer than twenty feet from any commercial or service building within the park.

7.8

Supplemental Regulations

707.1 General Provisions for Travel Trailers & RV

1. All roads will comply with Township specifications for this type of development.
2. Camping spaces shall abut upon an access road of not less than twelve (12) feet in width.
3. Prior to issuance of a permit by the Township to develop a travel trailer and/or RV park, the developer shall have plans that satisfy all applicable PA DER regulations regarding water supply and sewage disposal.

707.2 Application for Permit for Travel Trailer & RV Park

The application for a permit shall be filed with and issued by the Zoning Officer. Each application shall be accompanied by three (3) copies of the plot plan drawn to scale. Such copies shall be reviewed and approved by the PA Department of Environmental Resources, the Zoning Officer, and Township Supervisors. The following information shall be shown:

1. The location of the proposed park.
2. Plans and specifications of all buildings, improvements, and facilities constructed within the park.
3. The proposed use of buildings shown on the site.
4. The location and size of all travel trailer/RV spaces.
5. The location of all landscaping to be provided.
6. The location of all lighting to be provided.
7. The location of all walls and fences and the indication of their height and materials of their construction.
8. The name and address of applicant.
9. Such other architectural and engineering data as may be required by the Zoning Officer and Township Supervisors to determine if the provisions of this Ordinance are being complied with.
10. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services.

707.3 Timbering involving land acre of five acres or more:

- (1) A soil erosion and sedimentation plan approved by the Soil Conservation Service shall be implemented to minimize the adverse impact of the activity. Additional measures as determined as necessary by the Leidy Township Planning Commission may be required.
- (2) A storm water management plan as approved by the Soil Conservation Service shall be implemented to minimize the adverse impact of the activity. Additional measures determined as necessary by the Leidy Township Planning Commission may be required.
- (3) A study or studies performed to the satisfaction of the Planning Commission and Zoning Hearing Board showing the impact of the use on public safety, health and welfare, including, but not limited to public or individual water systems, transportation networks, air quality, water quality, etc.. The cost of said study shall be borne by the applicant.
- (4) No trees shall be removed within 75 feet from any existing stream or body of water, or public roadway.

708. Special Exceptions.

Where the Board of Supervisors, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101 et seq.

709. Hearings.

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

1. Public notice shall be given and written notice shall be given to the applicant, the zoning officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearings.
2. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township of Leidy, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
4. The parties to the hearing shall be the Township of Leidy, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
5. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The Board or the hearing officer, as the case may be, shall keep 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 by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

9. The Board or the hearing officer shall not communicate, directly or indirectly with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision with the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
12. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

710. Jurisdiction.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. Sections 10609.1, 10916.1.
 - B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township of Leidy and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to Court.
 - C. Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - D. Appeals from a determination by the Township engineer of the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 - E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the MPC, 53 P.S. Section 10910.2.
 - F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the MPC, 53 P.S. Section 10912.1.
 - G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.
 - H. Appeals from the zoning officer's determination under Section 916.2 of the MPC, 53 P.S. Section 10916-2.
 - I. Appeals from the determination of the zoning officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. Sections 10501 et seq., 10701 et seq.

2. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of Section 702 of the MPC, 53 P.S. Section 10702.
 - B. All applications pursuant to Section 508 of the MPC, 53 P.S. Section 10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. Section 10501 et seq.
 - C. Applications for conditional use under the express provisions of this Chapter.
 - D. Applications for curative amendment to this Chapter or pursuant to Sections 609.1 and 916.1(a) of the MPC, 53 P.S. Section 10609.
 - E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 609 of the MPC, 53 P.S. Section 10609.
 - F. Appeals from the determination of the zoning officer or the Township engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. Sections 10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the zoning officer or the Township engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

711. Parties Appellant Before the Board.

Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Board of Supervisors pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Township engineer or the zoning officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; from the determination of the zoning officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and

erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township of Leidy, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

712. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township of Leidy if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the zoning officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
2. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

713. Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder, shall be stayed unless the zoning officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

714. Building Permits.

Building permits for new construction may not be issued without proof of sewage permit.

ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT

801 The Zoning Officer

801.1 The Zoning Officer: The provisions of the Zoning Ordinances shall be enforced by an agent to be appointed by the Township Supervisors who shall be known as the Zoning Officer.

801.2 Compensation: The compensation for the Zoning Officer shall be determined by the Township Supervisors.

801.3 Duties and Responsibilities: The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonably implied for that purpose. He shall not issue a permit in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms with the requirements of this Zoning Ordinance, with all other Ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania. He shall:

1. Receive and process applications, and issue permits for the erection, construction, alteration, repair extension, replacement and/or use of any building, structure, sign, and/or land in the Township.
2. At his discretion, examine or cause to be examined, all buildings, structures, signs and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and/or use before issuing any permit. Thereafter, he may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign, and/or change, a final inspection shall be made and all violations of the approved plans or permit shall be noted and the holder of the permit shall be notified of the discrepancies.
3. Keep a record of all applications received, all permits issued, reports of inspections, notices, and orders issued, and the complete recording of all pertinent factors involved. He shall file and safely keep copies of all plans permitted, and the same shall form a part of the records of his office and shall be available for the use of the Township Supervisors. At least quarterly, he shall submit to the Township Supervisors a written statement of all permits and certificates of use and occupancy issued, and violations and stop work orders recommended or promulgated.

802 Permits

- 802.1 Requirements: It shall be unlawful to commence the excavation for or the construction or alteration of any buildings, or until the Zoning Officer has issued a building permit for such work. No permit shall be required for construction or alterations when the fair market value of the work is less than one thousand dollars (\$1,000.00). No permit shall be required for repairs to or maintenance of any building, structure, or grounds provided such repairs do not change the use or otherwise violate the provisions of this Ordinance.
- 802.2 Form of Application: Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.
- 802.3 Description of Work: The application shall contain a general description of the proposed work, use and occupancy of all parts of the building, structure, or sign and such additional information as may be required by the Zoning Officer. The application for the permit shall be accompanied by a plot plan of the proposed building, structure, or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing construction, and the distances of the same from the existing lot lines.
- 802.4 Issuance of Permits: Upon receiving the application, the Zoning Officer shall examine it within fourteen (14) days after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject the application in writing, stating the reasons for rejection. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, he shall issue a permit.
- 802.5 Expiration of Permit: The permit shall expire after one (1) year from the date of issuance; provided however, that the permit may be extended by the Township Supervisors every six (6) months for a period not to exceed an additional one (1) year.
- 802.6 Revocation of Permits: The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

802.7 Payment of Fees: No permit to begin work for any activity covered by this section shall be issued until the fees set by the resolution of the Township Supervisors shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of the permit from payment of other fees that may be required by this Ordinance, or any other Ordinance or law.

802.8 Compliance with Ordinance: The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.

802.9 Compliance with Permit and Plot Plan: All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

803. Enforcement, Penalty, and Remedy:

- 803.1 1. If it appears to the Township of Leidy that a violation of this Chapter has occurred, the Township of Leidy shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
- A. The name of the owner of record and any other person against whom the Township of Leidy intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

803.2 Causes of Action:

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township of Leidy, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township of Leidy at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

803.3 Enforcement Remedies:

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township of Leidy, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township of Leidy as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township of Leidy may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township of Leidy the right to commence any action for enforcement pursuant to this Section.
4. District justices shall have initial jurisdiction over proceedings brought under this Section.

804. Zoning Hearing Board

804.1 Zoning Hearing Board:

1. There is hereby created for the Township of Leidy a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10901 et seq.
2. The membership of the Board shall consist of three (3) residents of the Township of Leidy appointed by resolution by the Board of Supervisors. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township of Leidy.
3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.
5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township of Leidy and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township of Leidy and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
6. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

8.5

ADMINISTRATION & ENFORCEMENT

804.2 Powers: The Zoning Hearing Board shall have the powers permitted by Article IX, Act 247, as amended.

804.3 Appeals to the Zoning Hearing Board: Appeals to the Board may be made by any person or by any Township official or agency aggrieved or affected by any decision of the Zoning Officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board and Act 247 by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds thereof. The Zoning Officer shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal shall state:

1. The name and address of the appellant.
2. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
3. A brief description and location of the real estate to be affected by such proposed change.
4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
5. A statement of the section of this Ordinance under which the variance or exception requested may be allowed, and reasons why it should be granted.

804.4 Notification of Appeal

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

1. By advertising at least one (1) week before the hearing, at least one (1) time in a newspaper of general circulation within the Township.
2. By mailing due notice of at least six (6) days prior to the date of the hearing to the parties of interest.
3. By mailing due notice thereof to the Township Planning Commission, the County Planning Commission, the Zoning Officer, and such other persons who make timely request for the notice.

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ADMINISTRATION & ENFORCEMENT

- 804.5 Public Hearing: The Board shall conduct a public hearing on such appeal at which hearing any party may appear in person, or by agent or attorney, and all of said parties so affected shall be given an opportunity to be heard. All proceedings shall be conducted in accordance with Article IX of Act 247. Decisions or findings of the Board shall be rendered in accordance with Article IX of Act 247.
- 804.6 Appeals From the Board Rulings: Any person aggrieved by any decision of the Zoning Hearing Board or any taxpayer may appeal to the Court of Common Pleas under the procedure set forth in Article IX of Act 247, as amended.
- 804.7 Effect of Board's Decision: If the variance is granted or the issuance of a permit is approved or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within three (3) months after the date when the variance is finally granted or the issuance of a permit is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized; and the building or alteration, as the case may be, shall be completed within, the Board may, upon application in writing stating the reasons therefore, extend either the three (3) months or twelve months (12) period.

Should the appellant or applicant fail to obtain the necessary permits within said three (3) months period or having obtained the permit should he fail to commence work thereunder within such three (3) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.

Should the appellant or applicant commence construction or alteration within said three (3) months' period, but should he fail to complete such construction or alteration within said twelve (12) months' period, the Board may upon ten (10) days notice in writing, rescind or revoke the granted variance, or the issuance of the permit or permits, or the other action authorized to the appellant or applicant, if the Board finds that a good cause appears for the failure to complete within such twelve (12) months' period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.

805. Amendments:

- 805.1 The Township Supervisors may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change, or repeal

this Ordinance including the Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Township Planning Commission, the Township Supervisors or by a petition to the Township Supervisors. Such amendment supplement, change, or repeal shall be submitted to the Township Planning Commission for its recommendations and shall be specifically found by the Township Supervisors to be in accordance with the spirit and intent of the formally adopted portions of the Comprehensive Plan before final action is taken.

2. The hearing shall be conducted in accordance with Section 908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this Section be referenced to the Board of Supervisors. If the Township of Leidy does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.
 - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

805.4 Procedure for Township Curative Amendments:

1. If the Township of Leidy determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:
 - A. The Township of Leidy shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Board of Supervisors shall:

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- (1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:
 - (a) Reference to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (b) Reference to a class of use or uses which requires revision; or,
 - (c) Reference to this entire Chapter which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township of Leidy shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of Section 609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. Section 10609, in order to cure the declared invalidity of this Chapter.
 3. Upon the initiation of the procedures as set forth in subsection (1), the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the MPC, 53 P.S. Section 10609.1, nor shall the Zoning Hearing Board be required to give a report, requested under Sections 909.1 or 916.1 of the MPC, 53 P.S. Sections 10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1)(A). Upon completion of the procedures set forth in subsections (1) and (2), no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the MPC, 53 P.S. Sections 10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.
 4. The Township of Leidy having utilized the procedures set forth in this Section may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township of Leidy by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township of Leidy may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

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

806. Validity

Severance: If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance is, for any reason, declared to be illegal, unconstitutional or invalid, by any Court of Competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Township Supervisors of the Township of Leidy, Clinton County, Pennsylvania, hereby declare that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, subsections, provisions, or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional, or invalid.

807. Repair:

Any resolution, ordinance, or part of any ordinance or resolution, inconsistent herewith, and any amendments thereof, are hereby expressly repealed.

LEIDY TOWNSHIP ZONING ORDINANCE

ADOPTED THIS 6th DAY OF February, 1997

LEIDY TOWNSHIP SUPERVISORS

Colidge Dingman Sr.
Barbara A. Summerson

SEAL

ATTEST:

Marylene Kluck
Secretary

APPROVED THIS 6th DAY OF February, 1997