

CHAPTER 27

ZONING

Part 1

General Provisions

- \$101. Short Title
- \$102. Purpose
- \$103. Zoning Hearing Board
- \$104. Interpretation
- \$105. Uses Not Provided For

Part 2

Community Development Objectives

- \$201. Community Development Objectives

Part 3

Glossary of Zoning Terms

- \$301. Application and Interpretation
- \$302. Definition of Terms

Part 4

Designation of Districts

- \$401. General Districts
- \$402. Zoning Map
- \$403. District Boundaries
- \$404. Interpretation of Boundaries

Part 5

AR Agricultural - Rural

- \$501. Purpose
- \$502. Permitted Uses
- \$503. Special Exception Uses

- §504. Conditional Uses
- §505. Area, Density and Lot Width Regulations
- §506. Coverage Regulations
- §507. Setback Regulations
- §508. Height Regulations

Part 6

R-1 Low Density Residential

- §601. Purpose
- §602. Permitted Uses
- §603. Special Exception Uses
- §604. Conditional Uses
- §605. Area, Density and Lot Width Regulations
- §606. Open Space

Part 7

R-2 Medium-Density Residential District

- §701. Purpose
- §702. Permitted Uses
- §703. Special Exception Uses
- §704. Conditional Uses
- §705. Area, Density, and Lot Width Regulations: Single-Family Dwellings
- §706. Area, Density, and Lot Width Regulations: Multi-Family Dwellings
- §707. Off-Street Parking Regulations
- §708. Sign Regulations
- §709. Residential Conversion Units

Part 8

R-3 Medium-Density Residential District

- §801. Purpose
- §802. Permitted Uses
- §803. Special Exception Uses
- §804. Conditional Uses
- §805. Area, Density, and Lot Width Regulations

Part 9

C-1 General Commercial District

- §901. Purpose
- §902. Permitted Uses
- §903. Special Exception Uses

- \$904. Conditional Uses
- \$905. Area, Density and Lot Width Regulations
- \$906. Off-Street Parking
- \$907. Signs

Part 10

I-1 Research Development and Industrial District

- \$1001. Purpose
- \$1002. Permitted Uses
- \$1003. Special Exception Uses
- \$1004. Standards
- \$1005. Area, Density and Lot Width Regulations
- \$1006. Off-Street Parking
- \$1007. Signs

Part 11

OS Open Space District

- \$1101. Purpose
- \$1102. Uses Permitted
- \$1103. Conditional Uses

Part 12

FP Flood Plain District

- \$1201. Purpose
- \$1202. Definition of District
- \$1203. Zoning Map: Part 2
- \$1204. Procedures
- \$1205. Permitted Uses
- \$1206. Special Exception Uses
- \$1207. Prohibited Uses
- \$1208. Municipal Liability
- \$1209. Off-Street Parking
- \$1210. Signs

Part 13

Signs

- \$1301. Erection and Maintenance of Signs
- \$1302. Signs Permitted in Residential Districts
- \$1303. Business Identification Signs
- \$1304. General Regulations for All Signs

- \$1305. Lights
- \$1306. Open Flames

Part 14

Off-Street Parking, Loading and Unloading

- \$1401. General Regulations
- \$1402. Parking Facilities Required
- \$1403. Loading and Unloading Space
- \$1404. Access to Off-Street Parking and Loading Areas
- \$1405. Parking and Loading Area Setbacks

Part 15

Supplemental Regulations

- \$1501. Conditional Uses
- \$1502. Special Exceptions
- \$1503. Height Regulations
- \$1504. Natural Resource Use Limitations
- \$1505. Nonconforming Use
- \$1506. Roadside Stands
- \$1507. Private Swimming Pools
- \$1508. Public Swimming Pools
- \$1509. Sanitary Landfill
- \$1510. Sanitary Sewers
- \$1511. Hearings
- \$1512. Jurisdiction
- \$1513. Parties Appellant Before the Board
- \$1514. Time Limitations
- \$1515. Stay of Proceedings
- \$1516. Area, Density, and Lot Width Regulations for Multi-Family Dwellings
- \$1517. Junk Yards
- \$1518. Mobilehome Parks

Part 16

Administration and Enforcement

- \$1601. Appointment and Powers of Zoning Officer
- \$1602. Permits
- \$1603. Certificate of Use and Occupancy
- \$1604. Enforcement Notice
- \$1605. Causes of Action

- \$1606. Enforcement Remedies
- \$1607. Zoning Hearing Board
- \$1608. Enactment of Zoning Ordinance Amendments
- \$1609. Procedure for Landowner Curative Amendments
- \$1610. Procedure for Township Amendments
- \$1611. Fees



Part 1  
General Provisions

§101. Short Title. This Chapter shall be known and may be cited as the "Pine Creek Township Zoning Ordinance". (Ord. 29, 1/21/1976, §102)

§102. Purpose. This Zoning Chapter has been prepared in accordance with the Avis-Pine Creek Comprehensive Development Plan of 1974, with consideration for the character of the municipality, its various parts, and the suitability of the various parts for the particular uses and structures, and is enacted for the following purposes:

1. To promote, protect, and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as

2. To prevent one or more of the following: Overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

(Ord. 29, 1/21/1976, §103)

§103. Zoning Hearing Board. In accordance with Article IX of said Act 247 of the Commonwealth of Pennsylvania, a Zoning Hearing Board is hereby created and shall have the number of members and such powers and authority as set forth in said Act and this Chapter. The duly established Zoning Hearing Board may, from time to time, be herein referred to as the Board and unless otherwise clearly indicated, the term, "Board" shall refer to such Zoning Hearing Board. (Ord. 29, 1/21/1976, §104)

§104. Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. It is not intended by this Chapter to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Chapter, nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Chapter imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Chapter shall control. (Ord. 29, 1/21/1976, §105)

§105. Uses Not Provided For. Whenever, in any District established under this Chapter, a use is neither specifically permitted or denied and any 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 purposes and intent of this Chapter. (Ord. 29, 1/21/1976, §106)

## Part 2

## Community Development Objectives

§201. Community Development Objectives. This Zoning Chapter has been adopted in part to assist in carrying out the "Statement of Goals and Objectives" of the Comprehensive Plan. The Community Development Objectives supplement the "Statement of Goals and Objectives: and include, but are not limited to, the following:

1. To provide for the preservation, protection, management and enhancement of Pine Creek Township's natural resources and environmental qualities for present and future generations.
2. To encourage industrial development in proper and suitable locations so that land uses will complement one another and minimize dangers to environmental quality and community existence.
3. To provide sufficient recreational opportunities for residents to meet the needs of increasing leisure time and insure the proper handling of existing and future programs and facilities.
4. To provide, in an economical and aesthetically beneficial manner, the various facilities and services necessary to meet the existing and future needs of the community in a way that is compatible with the natural and man-made environment.
5. To protect existing agricultural land and insure proper management of such lands, and to insure the maintenance of a rural atmosphere.
6. To upgrade commercial services and establishments in the Central Business District enabling a more suitable condition for resident participation and encouragement of new development.
7. To achieve the best use of land within the Township, insuring that varying land uses will complement one another and thus improve the economic base and provide for increased aesthetic and cultural values.
8. To eliminate traffic congestion and improve access to commercial and industrial locations and provide safer conditions for both pedestrian and vehicle operations.
9. To encourage and promote the provisions of a wide-range and variety of decent, safe, and sanitary housing to meet the needs of all Township residents.

(Ord. 29, 1/21/1976, §201)



## Part 3

## Glossary of Zoning Terms

§301. Application and Interpretation. It is not intended that this glossary include only words used or referred to in this Chapter. The words are included in order to facilitate the interpretation of the Chapter 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 Chapter, have the meaning herein indicated:

- A. Words used in the present tense include the future tense.
- B. The word "person" includes a profit or non-profit corporation, company, partnership, individual, association, society, or organization.
- 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.

(Ord. 29, 1/21/1976, §301)

§302. Definitions of Terms. For the purposes of this Chapter, the following words, terms, and phrases have the meaning herein indicated:

ACCESSORY BUILDING - a subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

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.

ALLEY - a public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS - as applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from the one location or position to another.

ALTERATIONS, STRUCTURAL - any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

AMENDMENT - a change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Municipal Governing Body.

ANIMAL HOSPITAL - a building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

AREA, BUILDING - the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

AREA, LOT - the total area within the lot lines.

BASEMENT - a story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet (5') or if used for business or dwelling purposes, other than a game or recreation room.

BILLBOARD - a panel-type sign upon which advertising matter of any character is printed, posted, or lettered; it may be either freestanding or attached to a surface of a building or other structure, and generally advertises products and services available on premises other than the premises on which the billboard is situated.

BOARD - Any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 2-90]

BOARDING HOUSE - any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

BUILDING - any structure having a roof supported by walls, and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, DETACHED - a building surrounded by open spaces on the same lot.

BUILDING, FRONT LINE OF - the line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING, HEIGHT OF - the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINE - the line of a structure or building existing at the effective date of this Chapter or the legally established line which determines the location of a future building or structure or portion thereof with respect to any lot line or street right-of-way line.

BUILDING, PRINCIPAL - a building in which is conducted the principal use of the lot on which it is located.

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

CELLAR - a story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar

shall not be considered in determining the permissible number of stories.

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. [Ord. 2-90]

COMPREHENSIVE PLAN - a comprehensive plan (overall program) consists of maps, charts, and textual matter, and indicate the recommendations of the planning commission for the continuing development of the Township. The comprehensive plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the Township and its proposed development to the adjacent municipalities and areas.

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. §10601 et seq. [Ord. 2-90]

CONDOMINIUM - a form of property ownership providing for individual ownership of a specific apartment or other space not necessarily on ground level together with an undivided interest in the land or other parts of the structure in common with other owners.

COURT - an unoccupied open space, other than a yard, on the lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER - a court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER - a court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

COVERAGE - that portion or percentage of the plot or lot area covered by the building area.

CURB LEVEL - the officially established grade of the curb in front of the midpoint of the lot.

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 Pine Creek lies. [Ord. 2-90]

DENSITY - a measure of the number of dwelling units which occupy, or may occupy, an area of land.

DENSITY, FACTORS - numerical values applied to residential dwelling unit types for the purpose of computing permitted densities.

DENSITY, NET RESIDENTIAL - the number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks,

playgrounds, common open spaces, etc.

DENSITY, GROSS RESIDENTIAL - the number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.

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.

[Ord. 2-90]

DOG, KENNEL - the keeping of four (4) or more dogs that are more than six (6) months old.

DUMP - a lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, or garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING - a building designed or used as the living quarters for one or more families. The terms "dwelling," "one-family dwelling," "multiple dwelling," "two-family dwelling," or "dwelling group" shall not be deemed to include automobile court, rooming house, tourist home or hotel.

DWELLING TYPES -

1. Residential Conversion Unit - a dwelling unit adapted from all or part of a structure formerly used for some purpose other than residential use. To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in the District for that particular use.

2. Single-Family Detached - a dwelling unit accommodating a single family and having two (2) side yards.

3. Single-Family Semi-Detached - a multi-family dwelling consisting of two dwelling units accommodating two families which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.

4. Two-Family Detached - a multi-family dwelling consisting of two dwelling units accommodating two families which are located one over the other, and having two (2) side yards.

5. Two-Family Semi-Detached - a multi-family dwelling consisting of four dwelling units accommodating four families, two units of which are located directly over the other two units.

6. Townhouse (Row Dwelling) - a multi-family dwelling consisting of three (3) or more dwelling units accommodating three (3) or more families which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit. Each dwelling unit is generally two (2) stories in height, but may conceivably be either one (1) or three (3) stories in height.

7. Garden Apartment - a multi-family dwelling consisting of three (3) or more dwelling units accommodating three (3) or more families which are located one over the other and which, when more than three (3) units are utilized, are attached side by side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Single-family dwelling units are generally built to a height of three (3) stories, but may conceivably be built to a height of only two (2) stories. Each dwelling unit is accessible by a common stairwell.

8. Apartment House - a multi-family dwelling consisting of single-story dwelling units (two-story units may conceivably be used in certain instances) clustered on a floor about central elevator shaft or central corridor, each series, consisting of one story, being stacked one upon the other to a specified maximum height.

DWELLING UNIT - a building or portion thereof providing complete housekeeping facilities for one family.

DWELLING UNIT AREA - the minimum or average square footage necessary to constitute a dwelling unit in a multiple-dwelling structure.

FAMILY - one (1) or more persons who live together in one (1) 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. May also include domestic servants and gratuitous guests.

FARM - any parcel of land containing ten (10) or more acres, which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used.

FLOOD PLAIN - a flood plain is identified by soil types which have been mapped by the Soil Conservation Service. These are alluvial soils which have been water-deposited and normally occur along permanent streams, but may be found in less obvious drainage ways or depressions.

FLOOR AREA, OF A BUILDING - the sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE - the aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closet, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening

onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet (7') and the floor area of that part of any room where the ceiling height is less than five feet (5') shall not be considered as part of the habitable floor area. The minimum total window area, measured between stops shall be ten percent (10%) of the habitable floor area of such room.

FLOOR AREA RATIO (FAR) - the maximum allowable square footage to total floor area permitted for each square foot of land area, which is expressed as a ratio between said building floor space and the area of the lot it occupies.

FLOOR AREA RETAIL, NET - all that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customer; but not to include office space, storage space, and other general administrative areas.

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.

GARAGE, PUBLIC - any garage not a private garage and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

GARDENING - See Home Gardening for definition.

GRADE, ESTABLISHING - the elevation of the center line of the streets as officially established by the municipal authorities.

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 a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure of premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein, and providing that the level or noise created by the use is not above the level that would normally be found in a residential area.

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

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

(25%) of the floor area of the dwelling.

HOSPITAL - unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

HOTEL - 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 a general kitchen and dining room are usually 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.

LANDSCAPE AREA - the minimum square footage of a lot area that is available for the use of the residents of a dwelling unit complex in which it is located or a part of the required area of a commercial or industrial development. This area must be both unsurfaced and water absorbent, and no more than one-third of this total space footage requirement may be made up of the area located within the setback requirements for the front, side, or rear yards of the complex.

LIGHTING -

1. Diffused - that form of lighting wherein the light passes from the source through a translucent cover or shade.

2. Direct or Flood - that form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

3. Indirect - that form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LINE, STREET - the dividing line between the street and the lot.

LODGING HOUSE - a building in which three (3) or more, but not more than fifteen (15) rooms, are rented and in which no table board is furnished.

LOT, CORNER - a parcel of land at the junction of and abutting on two or more intersecting streets.

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. [Ord. 2-90]

LOT, INTERIOR - a lot other than a corner lot.

LOT, LINES, - the lines bounding a lot as defined herein.

MOBILEHOME - 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. [Ord. 2-90]

MOBILEHOME 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. [Ord. 2-90]

MOBILEHOME 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 thereon of mobilehomes. [Ord. 2-90]

MOTEL - a roadside hotel (See "Hotel")

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. [Ord. 2-90]

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. [Ord. 2-90]

NURSING HOME - any dwelling where persons are housed or lodged and furnished with meals and nursing care for hire.

OFF-SITE SEWER SERVICE - a sanitary sewage collection system in which sewage is carried from individual lot or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

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 AREA - an unoccupied and/or unpaved ground surface required to remain open to the sky on the same lot with the building.

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 - Predominantly undeveloped land which should remain permanently open to serve important public purposes.

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 develop-

ment 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. [Ord. 2-90]

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 feet (4') by five feet (5') 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.

PROFESSION - includes any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advising, guiding, or teaching them and in serving their interest or welfare in the practice of an art founded on it. The work implies attainments in professional knowledge as distinguished from mere skill and the application of such knowledge to uses for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

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 AGENCY - a municipality, school board, authority, or other officially constituted body qualified to hold and administer publicly owned properties.

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.

[Ord. 2-90]

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. [Ord. 2-90]

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. §§271 et seq. [Ord. 2-90]

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township of Pine Creek. 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. [Ord. 2-90]

PUBLIC USES, APPROPRIATE - Includes public and semi-public uses of a

welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, essential public utilities that require enclosure within a building; airports; fraternal clubs and homes; non-profit recreational facilities; and easements for alleys, streets, and public utility, rights-of-way.

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. [Ord. 2-90]

RESIDENTIAL CONVERSION UNIT - See "Dwelling Types".

RESORT FACILITY - a place, generally equipped with lodging accommodations and facilities for active and passive recreation, to which people go for rest and relaxation, as on a vacation.

RIDING ACADEMY - any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

RIGHT-OF-WAY LINE - See Street Right-of-Way Line.

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

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, by public utilities or governmental agencies, underground or overhead transmission systems, poles, wires, pipes, 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 polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or 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.

SHOPPING CENTER - a group of commercial establishments planned, developed, owned and managed as a unit related in location, size, and type of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the types and sizes of stores.

SIGN - any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of 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. §§10601 et seq., 10901 et seq. [Ord. 2-90]

STABLE, PRIVATE - an accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE, PUBLIC - a building in which any horses are kept for remuneration, hire or sale.

STOOP - a covered or uncovered area at a front, side or rear door not exceeding four feet (4') by five feet (5') or twenty (20) square feet in area.

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

STORY, HALF - a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two feet (2') above the floor of such story.

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. [Ord. 2-90]

STREET-CENTER LINE - the center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.

STREET GRADE - the officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET RIGHT-WAY LINE - the line dividing a lot from the full street right-of-way, not just the cartway. The word "street" shall include, but not be limited to, the words, "roads," "highways," "alley," and "thoroughfare".

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 2-90]

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. [Ord. 2-90]

SWIMMING POOL -

1. Private - any reasonable permanent pool or open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half feet (1-1/2'). Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

2. Public - a public bathing place shall mean any open or enclosed place, open to the public for amateur and professional swimming or recreative bathing, whether or not a fee is charged for admission or for the use thereof.

THEATER - a building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

THEATER, OUTDOOR DRIVE-IN - an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

TOURIST CABINS - a group of buildings, including either separate cabins or a row of cabins, which:

A. Contain living and sleeping accommodations for transient occupancy; and

B. Have individual entrances.

TOURIST HOME - a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRAVEL TRAILER - a vehicle, 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 the trailer. Unoccupied travel trailers do not constitute mobile homes, as used in this Chapter.

USES - 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 §10101 et seq. [Ord. 2-90]

WATER SURVEY - An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township of Pine Creek. [Ord. 2-90]

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

YARD - an 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 yards.

ZONING - the designation of specified districts within a community or township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

(Ord. 29, 1/21/1976, §302; as amended by Ord. 9-85, 10/2/1985; as amended by Ord. 2-90, 4/18/1990)



Part 4

Designation of Districts

§401. General Districts. For the purpose of this Chapter, the Township is hereby divided into eight (8) types of Districts which shall be designated as follows:

AR Agricultural - Rural

R-1 Low Density Residential

R-2 Medium Density Residential

R-3 Medium Density Residential

C-1 Commercial

I-1 Research and Development and Industrial

OS Open Space District

FP Flood Plain

(Ord. 29, 1/21/1976, §401)

§402. Zoning Map. The boundaries of said Districts shall be shown upon the map attached to and made a part of this Chapter which shall, except those treated as floating zones, be designated "Zoning Map". The same map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described herein. (Ord. 29, 1/21/1976, §402)

§403. District Boundaries. Where uncertainly exists as to boundaries of any Districts as shown on said map, the following rules shall apply:

A. District boundary lines are intended to follow or be parallel to the center line of streets, streams, and railroads; and lot or property lines as they exist on a recorded deed or plan or record in the Clinton County Recorder of Deed's office at the time of adoption of this Chapter unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.

B. Where a District boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten feet (10') therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

C. In unsubdivided land and where a District boundary divided 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.

(Ord. 29, 1/21/1976, §403)

§404. Interpretation of Boundaries. In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the map as to location of District Boundaries. (Ord. 29, 1/21/1976, §404)



Part 5

AR Agricultural-Rural

§501. Purpose. The purpose of the AR District is to (1) identify those areas where agricultural activities should be encouraged or preserved; (2) provide for the preservation of natural unpolluted drainageways, protection from flooding and highwater tables, 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. (Ord. 29, 1/21/1976, §501)

§502. 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. Barns, silos, corncribs, poultry houses, mushroom houses, and other similar structures necessary to the proper operation of agricultural activities.

B. Stables, dog kennels, and greenhouses.

C. Grange halls or similar buildings of purely agricultural organizations.

D. Single-family detached dwellings including mobilehomes, provided that the mobile home is placed on a permanent foundation which shall be of poured concrete or cement block.

E. Home occupations, provided that no facade shall indicate from the exterior that the building is being utilized for any purpose, other than a dwelling.

F. Churches and other places of worship.

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

4. Activities related to the preservation of natural amenities.

5. Forest uses related to the harvesting of lumber products.

(Ord. 29, 1/21/1976, §502)

§503. Special Exception Uses.

1. The sale of farm products.

2. Privately owned parks and recreation areas.

3. Private swimming pools, provided they meet the requirements as set forth in Part 5, §1507.

(Ord. 29, 1/21/1976, §503)

§504. Conditional Uses.

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

(Ord. 29, 1/21/1976, §504)

§505. Area, Density, and Lot Width Regulations.

1. Buildings devoted to farm use shall be exempt from area regulations.
2. The lot areas, densities, and lot widths for single-family detached dwellings, including individual mobile homes and seasonal residences, shall not be less than the following:

Forty-three thousand, five hundred sixty (43,560) square feet (1 acre), exclusive of rights-of-way.

A. Maximum net density - 1.00 dwelling units per acre.

B. Minimum lot width at setback line - seventy five (75) feet; minimum lot width at the right-of-way line - seventy five (75) feet.  
[Ord. 3-92]

C. Minimum lot depth - one hundred fifty feet (150').

(Ord. 29, 1/21/1976, §505; as amended by Ord. 3-92, 9/2/1992, §1)

§506. Coverage Regulations. Lot Coverage - All buildings, including accessory buildings, shall cover not more than fifty percent (50%) of the lot. (Ord. 29, 1/21/1976, §506)

§507. Setback Regulations.

1. Front Yard - Principal Building: Minimum of fifty feet (50') from the right-of-way line. Corner lots shall be constructed to have two (2) front yards.

2. Side Yards - Principal Buildings: Each lot shall have two (2) side yards, neither of which shall be less then twenty-five feet (25')

Accessory Buildings: All accessory buildings shall be a minimum of twelve feet (12') from any side lot line.

3. Rear Yard - Principal Building: Minimum of sixty (60') feet in depth.

Accessory Buildings: All accessory buildings shall be a minimum of twelve feet (12') from the rear yard line.

4. Buildings housing livestock (including dog kennels), poultry, or

mushroom culture, shall not be closer than fifty feet (50') to any public right-of-way nor two hundred feet (200') to a residential district.

(Ord. 29, 1/21/1976, §507)

§508. Height Regulations.

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 on one-half (2 1/2) stories or thirty feet (30'), whichever is the lesser; however, no dwelling shall be less than one story in height.

(Ord. 29, 1/21/1976, §508)



Part 6

R-1 Low Density Residential

§601. Purpose. The purpose of the R-1 Low-Density Residential District is to provide for the orderly expansion of low-density residential development in those areas of the Township where essential public services are not provided nor are expected to be provided for a considerable period of time; and/or to provide for an area of low-density which is an appropriate alternative from other areas of the Township, and to exclude uses not compatible with such low-density residential development. (Ord. 29, 1/21/1976; §601)

§602. Permitted Uses.

1. Single-family detached dwellings, single-family semi-detached and the customary accessory uses incidental to this type development, except individual mobilehomes which shall not be permitted unless the mobilehome is placed on a permanent foundation of poured concrete or cement block which shall completely surround and enclose the area between the ground level and the base of the mobilehome.

2. Home occupations provided that no facade shall indicate from the exterior that the building is being utilized for any purpose, other than a dwelling.

3. Accessory buildings and uses customarily incidental to the above. (Ord. 29, 1/21/1976, §603; as amended by Ord. 30, 10/5/1976)

§603. Special Exception Uses.

1. Privately owned parks and recreation areas.

2. Private swimming pools, provided they meet the requirements of Part 15, §1507.

3. Churches and other places of worship.

(Ord. 29, 1/21/1976, §603)

§604. Conditional Uses.

1. Appropriate public uses and essential services.

2. Public swimming pools.

3. Planned residential developments.

4. Clinics.

5. Boarding houses.

6. Mortuaries, undertaking establishments and cemeteries.

(Ord. 29, 1/21/1976, §604)

§605. Area, Density and Lot Width Regulations.

1. Density: Each single-family detached dwelling shall be on a lot not less than seventeen thousand (17,000) square feet for a maximum net

density of 2.56 dwelling units per acre.

2. Lot Width - Minimum of seventy five (75) feet at the setback line; minimum of seventy-five feet (75') at the right-of-way line. [Ord. 3-92]

3. Lot Depth - Minimum of one hundred fifty feet (150').

4. Coverage - Twenty percent (20%) maximum for all principal and accessory buildings. Buildings devoted to farm use shall be exempt from coverage regulations.

5. Front Yard Setback -

A. Fronting arterial road - fifty feet (50') minimum

B. Fronting collector road - forty feet (40') minimum.

C. Fronting local road - thirty feet (30') minimum.

D. In the case where a property's front yard does not abut a public road, the front yard setback shall be no less than thirty-five feet (35') from the centerline of any private road serving more than one dwelling unit.

6. Side Yard Setback -

A. Principal uses - There shall be two side yards with an aggregate width of not less than thirty feet (30') and the width of the narrower side shall not be less than fifteen feet (15')

B. Accessory uses - Twelve feet (12') minimum.

7. Rear Yard Setback -

A. Principal use - Thirty-five feet (35') minimum.

B. Accessory uses - Twelve feet (12') minimum.

8. Height - Two and one-half (2 1/2) stories or thirty-five feet (35') maximum, whichever is the lesser; however, no dwelling shall be less than one (1) story in height.

(Ord. 29, 1/21/1976, §605; as amended by Ord. 3-92, 9/2/1992, §2)

§606. Open Space. At the discretion of the Board of Supervisors, a subdivider may be allowed to reduce the requirements of section 605, Area, Density and Lot Width Regulations, provided that the following conditions are met:

A. The maximum number of lots permitted on a given piece of land shall be determined by reducing the total acreage by fifteen percent (15%) (average deduction of land for streets, sidewalks, and other non-residential uses) to arrive at a figure for developable land. The developable land, in terms of square feet, shall be divided by seventeen thousand (17,000) square feet to determine the maximum number of lots permitted in the tract.

B. For a subdivision to be developed in accordance with this section, the developer must deed to the Township a minimum of ten acres (10) or twenty percent (20%) of the developable land area, whichever figure is larger, provided that in no instance shall the number of lots exceed the number determined by the formula in §606(1).

C. The lots in a subdivision approved under this section shall conform to no less than the requirements of §705, Area, Density and Lot Width Regulation as for R-2 Medium Density Residential District.

D. The location, shape, topography, and size of the area dedicated to the Township for public purpose shall be subject to the approval of the Board of Supervisors. This land shall be deeded to the Township in an acceptable condition before any building permit is issued in the subdivision or in lieu of such condition a bond for said conveyance shall be furnished by the developer.

E. The property deeded to the Township must be retained for public use for a period of Thirty-five (35) years. If any such land is disposed of by the Township after that period or at any time used by the Township for other purposes than a park or recreational use, the Township shall provide an equivalent amount of open space elsewhere in the Township.

F. The Open Space Option shall be considered a conditional use.

(Ord. 29, 1/21/1976, §606)



Part 7

R-2 Medium-Density Residential District

§701. Purpose. The purpose of the R-2 Medium-Density Residential District is to provide for the orderly development of existing and proposed medium-density residential areas where adequate public services and circulation facilities are or will be available; and to exclude those uses not compatible with such development. It is also the intent of this district to permit medium-density multi-family dwellings. (Ord. 29, 1/21/1976, §701)

§702. Permitted Uses.

1. Single-family detached dwellings, except individual mobilehomes which shall not be permitted unless the mobilehome is placed on a permanent foundation of poured concrete or cement block which shall completely surround and enclose the area between the ground level and the base of the mobilehome.

2. Single-family semi-detached dwellings.

3. Townhouses.

4. Garden apartments.

5. Low-rise apartments.

6. Home occupations, provided that no facade shall indicate from the exterior that the building is being utilized for any purpose other than a dwelling.

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

(Ord. 29, 1/21/1976, §702; as amended by Ord. 30, 10/5/1976)

§703. Special Exception Uses.

1. Privately owned parks and recreation areas.

2. Private swimming pools, provided they meet the requirements of Part 15, §1507.

3. Churches and other places of worship.

(Ord. 29, 1/21/1976, §703)

§704. Conditional Uses.

1. Appropriate public uses and essential services.

2. Cemeteries including mausoleums therein.

3. Mobilehome parks, provided they meet the requirements of Part 15, §1514, and any other existing requirements of the Township relating to the establishment of mobile home parks.

(Ord. 29, 1/21/1976, §704)

§705. Area, Density, and Lot Width Regulations: Single-Family

Dwellings.

1. Density: Each single-family detached dwelling shall be on a lot not less than twelve thousand five hundred (12,500) square feet for a maximum net density of 3.48 dwelling units per acre.

2. Lot Width - Minimum of seventy-five feet (75') at the setback line; minimum of seventy-five feet (75') at the right-of-way line.

3. Lot Depth - Minimum of one hundred forty feet (140').

4. Coverage - Twenty percent (20%) maximum for all principal and accessory buildings. Buildings devoted to farm use shall be exempt from coverage regulations.

5. Front Yard Setbacks -

A. Fronting arterial road - Fifty feet (50') minimum.

B. Fronting collector road - Forty feet (40') minimum.

C. Fronting local road - Thirty feet (30') minimum.

D. In the case where a property's front yard does not abut a public road, the front yard setback shall be no less than thirty-five feet (35') from the centerline of any private road serving more than one dwelling.

6. Side Yard Setback -

A. Principal Uses - There shall be two side yards with an aggregate width of not less than twenty-five feet (25') and the width of the narrower side shall not be less than ten feet (10').

B. Accessory Uses - Eight feet (8') minimum.

7. Rear Yard Setback -

A. Principal Uses - Thirty-five feet (35') minimum.

B. Accessory Uses - Ten feet (10') minimum.

8. Height - Two and one-half (2 1/2) stories or thirty-five feet (35') maximum, whichever is the lesser; however, no dwelling shall be less than one (1) story in height.

(Ord. 29, 1/21/1976, §705)

§706. Area, Density and Lot Width Regulations: Multi-Family Dwellings. The following regulations shall be observed for townhouses, garden apartments and low-rise apartment structures:

A. For the following lot areas the maximum possible Floor Area Ratio (FAR) shall be:

<u>Lot Area (square feet)</u>	<u>FAR</u>
15,000 to 27,999	.20
28,000 to 43,559	.25
43,560 and up	.30

B. Lot Width - The minimum lot width shall not be less than one

hundred feet (100').

C. Landscape Area - The minimum landscape area shall not be less than thirty percent (30%) of the total lot area.

D. Dwelling Unit Area - The floor area per dwelling unit shall not be less than one thousand (1,000) square feet.

E. Density - The maximum possible gross density for townhouse, garden apartment, and low-rise apartment developments shall not be greater than thirteen (13) dwelling units per acre.

F. Lot Coverage - Twenty-five percent (25%) maximum for principal buildings, thirty-five percent (35%) total maximum, including all accessory buildings and tenant garages.

G. Front Yard Setback - The following front yard setbacks and road classifications shall conform to the following specifications:

A. Major Arterial - Fifty foot (50') minimum.

B. Minor Arterial - Fifty foot (50') minimum.

C. Major Collector - Forty foot (40') minimum.

D. Local - Thirty foot (30') minimum.

H. Side Yard Setback - The minimum side yard for townhouse, garden apartment and low-rise apartment developments shall not be less than eight feet (8') per side.

I. Rear Yard Setback - The minimum rear yard for townhouse, garden apartment and low-rise apartment developments shall not be less than fifteen feet (15').

J. Low-Rise Apartments - For every one (1) story or twelve feet (12') of structure above the third floor an additional three feet (3') must be added to the front, side, and rear yard setbacks.

K. Height Regulations - The maximum building height for low-rise apartments, townhouses, and garden apartments shall be three (3) stories or thirty-six feet (36') maximum.

(Ord. 29, 1/21/1976, §706)

§707. Off-Street Parking Regulations. Off-street parking shall be provided in accordance with the provisions of Part 15. (Ord. 29, 1/21/1976, §707)

§708. Sign Regulations. See Part 13. (Ord. 29, 1/21/1976, §708)

§709. Residential Conversion Units. Dwelling Unit Area - The average floor area per dwelling unit shall not be less than seven hundred and fifty (750) square feet. (Ord. 29, 1/21/1976, §709)



Part 8

R-3 Medium-Density Residential District

§801. Purpose. The purpose of the R-3 Medium-Density Residential District is to provide for the orderly development of existing and proposed medium-density residential areas including individual mobilehomes in areas where adequate public services and circulation facilities are or will be available; and to exclude those uses not compatible with such development. This district is also intended to allow suitable space for mobile home parks to locate in an appropriate manner within the Township. (Ord. 29, 1/21/1976, §801)

§802. Permitted Uses.

1. Single-family detached dwellings, except individual mobilehomes which shall not be permitted unless the mobilehome is placed on a permanent foundation of poured concrete or cement block which shall completely surround and enclose the area between the ground level and the base of the mobilehome.
2. Single-family semi-detached dwellings.
3. Home occupations, provided that no facade shall indicate from the exterior that the building is being utilized for any purpose other than a dwelling.
4. Accessory buildings and uses customarily incidental to the above uses.

(Ord. 29, 1/21/1976, §802; as amended by Ord. 30, 10/5/1976)

§803. Special Exception Uses.

1. Privately owned parks and recreation areas.
2. Private swimming pools, provided they meet the requirements of Part 15, §1507.
3. Churches and other places of worship.

(Ord. 29, 1/21/1976, §803)

§804. Conditional Uses.

1. Appropriate public uses and essential services.
2. Cemeteries including mausoleums therein.

(Ord. 29, 1/21/1976, §804)

§805. Area, Density, and Lot Width Regulations.

1. Density - Each single-family detached dwelling shall be on a lot not less than twelve thousand five hundred (12,500) square feet for a maximum net density of 3.48 dwelling units per acre.
2. Lot Width - Minimum of seventy-five feet (75') at setback line; minimum of seventy-five feet (75') at right of way line.
3. Lot Depth - Minimum of one hundred forty feet (140').

4. Coverage - Twenty percent (20%) maximum for all principal and accessory buildings. Buildings devoted to farm use shall be exempt from coverage regulations.

5. Front Yard Setbacks -

- A. Fronting arterial road - Fifty feet (50') minimum.
- B. Fronting collector road - Forty feet (40') minimum.
- C. Fronting local road - Thirty feet (30') minimum.

D. In the case where a property's front yard does not abut a public road, the front yard setback shall be no less than thirty-five (35') from the centerline of any private road serving more than one dwelling unit.

6. Side Yard Setback -

A. Principal uses - There shall be two side yards with an aggregate width of not less than twenty-five feet (25') and the width of the narrower side shall not be less than ten feet (10')

- B. Accessory use - Eight feet (8') minimum.

7. Rear Yard Setback -

- A. Principal uses - Thirty-five feet (35') minimum.
- B. Accessory use - Ten feet (10') minimum.

8. Height - Two and one-half (2 1/2) stories or thirty-five feet (35') maximum, whichever is the lesser; however, no dwelling shall be less than one (1) story in height.

(Ord. 29, 1/21/1976, §805)

Part 9

C-1 General Commercial District

§901. Purpose. The purpose of the C-1 General Commercial District is to provide and require a unified and organized arrangement of buildings, service and parking areas, together with adequate circulation and open space, all planned and designed as an integrated unit, in a manner so as to provide and constitute an efficient, safe, convenient, and attractive shopping district. (Ord. 29, 1/21/1976, §901)

§902. Permitted Uses.

1. Stores and personal service shops for the conducting of general merchandise and retail business.
2. Business, professional and finance offices.
3. Studios for teaching art, music, dancing, or similar cultural subjects.
4. Specialty shops for custom work and articles to be sold at retail on the premises such as baking, confectionery, dressmaking, tailoring and printing.
5. Boarding and lodging houses.
6. Hotels and motels.
7. Restaurants, cafes, fast-food restaurants, tearooms, and other places serving food and beverages.
8. Personal service shops such as barber, beauty, shoe repair, dry cleaning, and laundromats.
9. Apparel and accessories stores.
10. Furniture, hardware, and appliance stores.
11. Mortuaries and undertaking establishments.
12. Indoor theaters and commercial recreation uses, such as billiard or pool parlors, bowling alleys, and indoor pools skating rinks.
13. Fraternal clubs, lodges, social clubs, recreational clubs, and youth clubs.
14. Medical and dental clinics.
15. Automobile service stations and repair garages.
16. Automobile parking lots and parking garages.
17. Accessory buildings and uses customarily incidental to the above uses.

(Ord. 29, 1/21/1976, §902)

§903. Special Exception Uses.

1. Churches and other places of worship.
2. Home occupational uses.

(Ord. 29, 1/21/1976, §903)

§904. Conditional Uses.

1. Appropriate public uses and essential services.
2. Residential conversion units.
3. Public swimming pools.
4. Mobilehome parks, provided they meet the requirements as set forth in Part 15, §1514 and any other existing requirements of the Township relating to the establishment of mobilehome parks.

(Ord. 29, 1/21/1976, §904)

§905. Area, Density and Lot Width Regulations.

1. Lot Area - No minimum.
2. Lot Width - No minimum.
3. Lot Coverage - At least twenty-five percent (25%) of the lot shall be landscaped.
4. Front Yard Setback -
  - A. Fronting major arterial roads - Not permitted.
  - B. Fronting minor arterial roads - Forty feet (40') minimum.
  - C. Fronting collector roads - Thirty feet (30') minimum.
  - D. Fronting local roads - Twenty-five (25') feet minimum.

The Board of Supervisors may waive Front Yard requirements in C-1 Districts in view of superior design and the specific nature of the site.

5. Side Yard Setback - Minimum of ten feet (10') per side except that when a mutual agreement is subscribed by the adjoining property owners, no side yard shall be required where two or more commercial uses adjoin side by side; however, in no case shall common walls be permitted between properties of separate ownership. In the case of such series of adjoining structures on lots of single and separate ownership abutting and paralleling a public right-of-way, an unobstructed passage of a least twenty feet (20') width shall be provided at grade level at intervals not more than four hundred feet (400') apart.

6. Rear Yard Setback - Fifteen feet (15') minimum.

7. Height - Two and one-half (2 1/2) stories or thirty-five feet (35'), whichever is lesser.

(Ord. 29, 1/21/1976, §905)

§906. Off-Street Parking. See Part 14. (Ord. 29, 1/21/1976, §906)

§907. Signs. See Part 13. (Ord. 29, 1/21/1976, §907)

## Part 10

## I-1 Research and Development and Industrial District

§1001. Purpose. To provide for sufficient space for anticipated industrial activities and to prohibit industrial land for residential development, an industrial district will be established. The purpose of the I-1 Research and Development and 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. (Ord. 29, 1/21/1976, §1001)

§1002. Permitted Uses.

1. Research, engineering or testing laboratories; administrative activities and offices; assembly from components including the assembly of radios, televisions and similar electronic 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 Commissions; textile 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.

2. The manufacture, assembly, or packing of products such as cloth, metal, plastic, paper, wool, leather, precious or semi-precious metals or stones, electronic or electrical instruments or devices, candy, food products, and uses customarily incidental to the above uses.

(Ord. 29, 1/21/1976, §1002)

§1003. Special Exception Uses.

1. Any retail sale or distribution of products related to the above permitted uses.

2. Recreation facilities for employees.

(Ord. 29, 1/21/1976, §1003)

§1004. Standards. Industrial activities in this section shall be such that they: Emit no obnoxious, toxic or corrosive dust, dirt, fly ash, 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 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 property); discharge no untreated potentially dangerous effluent from plant operations into local surface or subsurface drainage

courses. (Ord. 29, 1/21/1976, §1004)

§1005. Area, Density and Lot Width Regulations. The following regulations shall be observed:

- Lot Size - 1 acre minimum with both off-site sewer and water services; otherwise 2 acres minimum.
- Lot Width - 200 ft. minimum
- Lot Coverage - 30% maximum
- Setback - 50 ft. minimum
- Side Yards - 20 ft. minimum for each
- Rear Yards - 40 ft. minimum
- Yards - Contiguous to any Residential District, 100 feet.
- Maximum Building Height - 40 ft.
- Tower & Chimney Location - 100 ft. minimum from any lot line

(Ord. 29, 1/21/1976)

§1006. Off-street Parking. See Part 14. (Ord. 29, 1/21/1976, §1006)

§1007. Signs. See Part 13. (Ord. 29, 1/21/1976, §1007)

Part 11

OS - Open Space District

§1101. Purpose. The purpose of the OS - Open Space District is to provide for the preservation and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives. (Ord. 29, 1/21/1976, §1101)

§1102. Uses Permitted. A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Forest uses related to the harvesting of lumber products, including saw mills.

B. Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material.

C. Public and private parks and recreation areas, including camp grounds, travel trailer parks, resort facilities, golf courses, and country clubs.

D. Agricultural uses related to the tilling of the land, the raising of horses, cattle, and other livestock, and the raising of poultry and poultry products.

E. Buildings -

1. Barns, silos, corncribs, and similar structures necessary to the proper operation of the agricultural activities.

2. Poultry houses, pigsties, stables and dog kennels, provided they are situated no less than four hundred feet (400') from public rights-of-way and boundaries of adjoining properties.

F. Greenhouses and private or public swimming pools.

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

(Ord. 29, 1/21/1976, §1102)

§1103. Conditional Uses.

1. Natural resource uses such as: Excavating, quarrying, mining, and the processing of topsoil, sand, gravel, clay, shale, limestone or other natural formation. The natural production uses shall be subject to the requirements as set forth in the Supplemental Regulations.

2. Appropriate public uses and essential services.

(Ord. 29, 1/21/1976, §1103)



## Part 12

## FP Flood Plain District

§1201. Purpose. The purpose of the FP Flood Plain District is to prevent development in the areas unfit therefore by reason of flooding; to minimize danger to public health by protecting water supply and natural drainage; to promote the health, safety, and welfare of the residents and property owners in or near streams and areas subject to flooding; and to provide for the preservation of natural drainage while providing for such uses and development as are compatible with these objectives. (Ord, 29, 1/21/1976, §1201)

§1202. Definition of District. The FP Flood Plain District is defined and established to be the low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as:

A. "Special Flood Hazard Areas" by the United States Department of Housing and Urban Development Federal Insurance Administration.

(Ord. 29, 1/21/1976, §1202)

§1203. Zoning Map - Part 2. The FP Flood Plain District, as hereinabove defined, shall be shown on map designated as the "Pine Creek Township Zoning Map:Part 2", which is hereby considered to be an official part of this Chapter. For the purpose of defining the application of this Map to any specific areas, the maps, data and other sources of material described in §1202 shall be available and shall be proof of the intended limits of the FP Flood Plain District. Any change in the FP Flood Plain District as may from time to time be determined to be proper under §1606 hereof shall be forthwith reflected on said Map. (Ord. 29, 1/21/1976, §1203)

§1204. Procedures.

1. Initial Determination - An initial determination of the boundaries of the FP Flood Plain District shall be made by the Zoning Officer based upon Part 2 of the Zoning Map.

2. Reclassification - Any party aggrieved by a decision of the Zoning Officer as to the boundaries of the FP Flood Plain District, as defined in §1202 which may include the grounds that the said data referred to therein is or has become incorrect because of changes due to natural or other causes, may appeal to the Zoning Hearing Board. If more detailed surveys are required to determine the precise flood plain boundaries on a property than can be obtained from the Flood plain District Map, the Township may cause on-site surveys to be made. On-site surveys may be made by either the Township Engineer, the U.S.D.A. Soil Conservation Service, the U.S. Department of the Interior Geological Survey, U.S. Army Corps of Engineers, or any other qualified and applicable agency selected by the Townsh Costs for such studies and surveys shall be borne by the property owner.

3. Variances - In the event that a property owner can prove in proceedings before the Zoning Hearing Board as an appeal, that there is an unnecessary hardship of a unique nature imposed upon his property if he is

prohibited from erecting a structure or building within the FP Flood Plain District on his property, the Zoning Hearing Board shall have the authority to grant relief by way of a variance to erect a structure(s) or a building(s) on the property provided:

A. A detailed on-site survey at the expense of the property owner is conducted or approved by the Township Engineer, U.S.D.A. Soil Conservation Service, The U.S. Department of the Interior Geological Survey or U.S. Army Corps of Engineers, showing that the water or drainage course can be straightened, widened, left in an approximately constructed channel or replaced with closed drainage facilities so as to eliminate the flooding conditions and potential along the adjacent Flood Plain Area.

B. The Zoning Hearing Board concludes that the requested variance will not substantially violate any of the objectives and the intent of this Chapter.

C. That the variance, if authorized will represent the minimum variance that will afford reasonable relief to the property owner under the regulations of this Chapter.

4. The FP Flood Plain District shall be deemed an overlay on all other zoning districts now or hereafter applicable to any lot. Should any part of the FP Flood Plain District be declared inapplicable to any tract part of the FP Flood Plain District be declared inapplicable to any tract by reason of action of (1) the Board of Supervisors in amending this Chapter; (2) the Zoning Hearing Board, or any court of competent jurisdiction in interpreting same; or (3) the Zoning Hearing Board, or any court of competent jurisdiction in determining the legal effect of same; the zoning applicable to such lot shall be deemed to be the District in which it is located without consideration of this Article and shown on the Zoning Map; Part 1.

(Ord. 29, 1/21/1976, §1204)

§1205. Permitted Uses.

1. Single-family residential dwellings, provided that they meet "flood-proof" regulations approved by the United States Department of Housing (HUD).

2. Agricultural uses including cultivation and harvesting crops, and grazing and pasturing.

3. Horticultural uses including the raising and propagating of trees, shrubs, flowers and other vegetative material.

4. Recreational uses including public and private parks, day camps, picnic groves, golf courses, hunting, fishing and boating clubs.

5. Forestry, lumbering and reforestation, excluding storage and mill structures.

6. Gamefarm, fish hatchery, hunting and fishing reserve.

7. Wildlife sanctuary, woodland preserve, arboretum.

8. Front, side or rear yards, and required lot area, for any District.

9. Sanitary sewers and sewage pumping stations.

10. Pervious parking areas.

(Ord. 29, 1/21/1976, §1205)

§1206. Special Exception Uses (See also, §1502)

1. Sewage treatment plants.

2. Dams, culverts, and bridges approved by the Pennsylvania Department of Environmental Resources if it has jurisdiction over the watershed in question, or by the governmental agency exercising jurisdiction over the watershed.

3. Paved roads and driveways.

4. Impounding basins and storm sewers.

5. Grading or regrading of lands, including the deposit of top soils and the grading thereon, and the construction of retaining walls, provided that a detailed engineering study accompanies any application for a special exception; and provided further that an appeal for special exception on this ground be combined with a simultaneous appeal for reclassification under §1204.

6. Other uses similar to the above, provided the effect is not to alter substantially the crosssectional profile of the stream basin at the point of the proposed construction or use.

(Ord. 29, 1/21/1976, §1206)

§1207. Prohibited Uses.

1. All structures and buildings with the exception of those specifically allowed in §§1205 and 1206.

2. The filling of marshlands, removal of topsoil or damming or relocation of any watercourses except with the approval of the Board of Supervisors and the Department of Environmental Resources.

3. Sanitary landfill, dump, junk yard, outdoor storage of vehicles and/or materials.

4. On-site sewage disposal systems. (Ord. 29, 1/21/1976, §1207)

§1208. Municipal Liability. The grant of a zoning or building permit, or approval of a subdivision plan in the FP Flood Plain District shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees. (Ord. 29, 1/21/1976, §1208)

§1209. Off-Street Parking. See Part 14, (Ord. 29, 1/21/1976, §1208)

§1210. Signs. See Part 13. (Ord. 29, 1/21/1976, §1210)



## Part 13

## Signs

§1301. Erection and Maintenance of Signs. Signs may be erected and maintained only when in compliance with the provisions of this Part and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices. (Ord. 29, 1/21/1976, §1301)

§1302. Signs Permitted in Residential Districts.

1. Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided; (1) The size of any such sign is not in excess of six (6) square feet; and (2) not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage. Such signs advertising the sale or rental of such premises shall be removed from said premises within ten (10) days after the said premises are sold or leased. (Ord. 6-85)

2. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained, provided: (1) The size of any such sign is not in excess of six (6) square feet, and not in excess of four feet (4') in length; and (2) not more than one such sign is erected on each five hundred feet (500') of street frontage. Said signs shall be removed within ten (10) days after [such property is] no longer available for or in the process of development. (Ord. 6-85)

3. Signs bearing the word "sold" or the word "rented" with the name of the persons effecting the sale or rental may be erected and maintained provided the conditions in subsection (1) herein are complied with. Said signs shall be removed within ten (10) days after the subject property is either sold or rented. (Ord. 6-85)

4. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided: (1) The size thereof is not in excess of twelve (12) square feet; and (2) signs are removed promptly upon completion of the work.

5. Signs regulating the use of property, such as "no trespassing", "no hunting", "no fishing", etc. or other signs indicating the private nature of a driveway or property, provided that the size of any such signs shall not exceed two (2) square feet. (Ord. 6-85)

6. Signs and/or bulletin boards of schools, colleges, churches, hospitals, sanitariums or other institutions of a similar nature may be erected and maintained provided: (1) the size of any such sign is not in excess of forty (40) square feet; and (2) not more than two (2) signs are placed on property in single and separate ownership, unless such property fronts upon more than one (1) street, in which event two (2) such signs may be erected on each frontage; and (3) such signs are used exclusively for non-commercial announcements. (Ord. 6-85)

7. Signs advertising home occupations shall not be larger than twelve inches (12") by twenty-four inches (24"), and may include the name, occupation, and logotype or trade mark, if appropriate, or the practitioner. Such signs shall not be illuminated, except during the hours such offices are open for business and the reception of customers, patrons, patients, and/or clients. (Ord. 6-85)

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

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

10. Signs necessary for the identification, operation or protection of public utility facilities and municipal uses; however, all General Regulations, §1305, shall apply to such signs.

11. Signs identifying residential subdivision or developments situate at the major entrance of the said residential subdivision or development, provided:

A. the sides of any such sign is not in excess of six (6) square feet, and not in excess of four feet (4') in length; and

B. not more than one (1) such sign is erected on each five hundred feet (500') of street frontage. Said signs shall be removed within ten (10) days after [such property is] no longer available for or in the process of development. (Ord. 6-85)

(Ord. 29, 1/29/1976, §1302; as amended by Ord. 6-85, 4/17/1985)

§1303. Business Identification Signs. Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in commercial and industrial districts. The size of business identification signs shall not exceed seventy-five (75) square feet in area; however, all General Regulations, §1304, shall apply to such signs. (Ord. 29, 1/21/1976, §1304)

§1304. General Regulations for All Signs. The following regulations shall apply to all permitted sign uses.

A. Signs must be constructed of durable material, maintained in good condition, and not allowed to become dilapidated.

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

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

D. No sign shall project over a public sidewalk area more than eighteen inches (18").

E. Clearance beneath overhead signs shall be at least nine feet (9'), measured from the ground or pavement to the bottom-most part of the sign.

F. No portion of a sign shall be positioned in a manner that exceeds

the height of the primary structure on the property on which it is located.

G. No permit shall be required for the erection, alteration, or maintenance of any signs as permitted in §1302, Signs in Residential Districts.

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

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

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

K. In all districts, only those signs, billboards, advertising sign boards and business identification 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.

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

(Ord. 29, 1/21/1976, §1305)

§1305. Lights. No flashing or oscillating light shall be permitted. Any light by reason of intensity, color, location or movement or direction of its beam that may interfere with or obstruct public safety shall not be permitted in any districts. (Ord. 29, 1/21/1976, §1306)

§1306. Open Flames. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted. (Ord. 29, 1/21/1976, §1307)



## Part 14

## Off-Street Parking, Loading and Unloading

§1401. General Regulations.

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

2. Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than nine feet (9') wide and twenty feet (20') long. Outdoor parking space, and the approaches thereto, shall be paved, or covered with gravel or cinders. Such outdoor parking spaces shall be deemed to be part of the open space of the lot on which it is located.

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

4. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board provided a written agreement approved by the municipal solicitor and accepted by the Municipal Governing Body, shall be filed with application for a zoning certificate.

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

6. Lighting - Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-way.

7. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private alley or easement of access, there shall be provided an access drive per lane of traffic not less than twelve feet (12') in width per lane of traffic; and not less than eighteen feet (18') in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.

(Ord. 29, 1/21/1976, §1401)

§1402. Parking Facilities Required. Any structure or building

hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

1. Residential Parking -

A. Single-family detached (including mobile homes), single-family semi-detached, two-family detached, and two-family semi-detached, four (4) parking spaces for each family unit.

Note: An attached or unattached garage or carport on the premises, or that portion of the driveway not included in the public right-of-way, may be considered as parking space.

B. Residential conversion units shall be provided with a minimum of two (2) parking spaces per dwelling unit. The required parking shall not be located between the street right-of-way and the front building line.

C. Boarding or rooming houses, hotels, motels, and tourist houses shall provide at least one (1) parking space for each guest room and two (2) for the resident manager. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall not be less than those required for restaurants, in addition to those required for guest rooms.

D. Townhouses, garden apartments and low-rise apartment structures shall be with a minimum of two (2) parking spaces per dwelling unit.

2. Commercial Parking -

A. Theaters, auditoriums, churches, schools, stadiums, or any other place of public or private assembly - At least one (1) parking space for each three (3) seats provided for public or private assembly.

B. Retail stores and other places for trade or business - One (1) vehicle space for each two hundred (200) square feet of floor area for public use.

C. Food markets and grocery stores - One (1) vehicle parking space for each one hundred (100) square feet of floor area for public use.

D. Restaurants, tearooms, and cafeterias - One (1) vehicle space for each fifty (50) square feet of floor area for public use.

E. Bowling alleys - Five (5) vehicle spaces for each alley.

F. Office buildings - At least one (1) parking space for each two hundred (200) square feet of floor area or fraction thereof.

G. Public garages, automobile, and gasoline service stations At least one (1) parking space for each two hundred (200) square feet of floor area, or fraction thereof, devoted to repair or service facilities, and one (1) space for each employee on the largest shift. This shall be in addition to the space allocated for the normal storage of motor vehicles. No parking shall be permitted on the

public rights-of-way.

H. Hospital and sanitariums - At least one (1) parking space for each three (3) beds. Such spaces shall be in addition to those necessary for doctors, administrative personnel and other regular employees. One (1) parking space shall be provided for each employee on the largest shift.

I. Other commercial buildings - At least one (1) parking space for each three hundred (300) square feet of floor area, or fraction thereof, except when otherwise authorized as a special exception consistent with the principals set forth herein for comparable buildings.

J. Drive-in dairies and restaurants - Provisions for parking for drive-in facilities must meet with the approval of the Planning Commission and no parking on the public right-of-way shall be permitted.

K. Dance halls, roller rinks, clubs, lodges, and other similar places - At least one (1) space for each two hundred (200) square feet of floor area.

L. Public swimming pools - At least one (1) parking space for each three (3) persons for whom facilities for dressing are provided; or at least one (1) parking space for every twelve (12) square feet of water surface, including areas for swimming, wading, and diving, whichever requirement is the greater.

M. Open areas used for commercial purposes -

(1) Golf driving ranges - At least one (1) parking space for each tee provided.

(2) Miniature golf - At least two (2) parking spaces for each hole.

(3) Other open areas - At least one (1) parking space for each two thousand five hundred (2,500) square feet of area or fraction thereof.

N. Mortuaries, funeral homes, and undertaking establishments At least one (1) parking space for each one hundred (100) square feet of floor area for public use. Such space shall be in addition to! (a) employee parking needs; and (b) a service area for mobile equipment, such as hearses and ambulances.

O. Home occupation, professional - At least two (2) parking spaces for the resident, one (1) for each non-resident employee, and two (2) for patron use.

P. Home occupation, non-professional - At least four (4) parking spaces for the resident and two (2) for patron use.

3. Industrial Parking - These regulations shall apply to industrial expansion and industrial installations erected after the effective date of this Chapter. Off-street parking shall be provided on the premises in accordance with the following schedule:

A. Industrial and manufacturing establishments - One (1) vehicle parking space for each employee on the combined major and next largest

shift.

B. Truck terminals and wholesale warehouses - One (1) parking space for each employee on the combined major and next largest shift.

C. Visitors and salesmen - Space shall be provided in addition to the above parking requirements according to specific needs.

4. Parking Prohibitions - Parking shall not be permitted on public rights-of-way except in designated areas.

(Ord. 29, 1/21/1976, §1402)

§1403. Loading and Unloading Space.

1. In addition to the off-street space required above, any building erected, converted or enlarged in any District for commercial, office building, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be fifty feet (50') in depth, twelve feet (12') in width, with an overhead clearance of fourteen feet (14').

2. All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking.

In no case where a building is erected, converted or enlarged for commercial, manufacturing, or business purposes shall the public rights-of-way be used for loading or unloading of materials.

(Ord. 29, 1/21/1976, §1403)

§1404. Access to Off-Street Parking and Loading Areas.

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

2. Access drives shall not open upon any public right-of-way -

A. Within eighty feet (80') of the nearest right-of-way line of any intersecting public street or highway.

B. Where the sight distance in either direction along the public thoroughfare would be less than five hundred feet (500') when the posted speed limit exceeds thirty-five (35) miles per hour; however, when the posted speed limit is thirty-five (35) miles per hour or less, the sight-distance requirement may be reduced to two hundred fifty feet (250').

(Ord. 29, 1/21/1976, §1404)

§1405. Parking and Loading Area Setbacks. All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty feet (20') in depth unless adjoining owners mutually agree to common facilities subject to greater setbacks as may be required elsewhere in this Chapter, (Ord. 29, 1/21/1976, §1405)

Part 15  
Supplemental Regulations

§1501. 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. §10101 et seq. (Ord. 2-90, 4/18/1990)

§1502. 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. §10101 et seq. (Ord. 2-90, 4/18/1990)

§1503. Height Regulations.

1. Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy, not to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, radio and television antennae, silos and ornamental or necessary mechanical appurtenances. Any structure designed to have a height of one hundred and fifty feet (150') or more above ground level must be approved by the Federal Aviation Agency and a written statement of approval must accompany the Permit Application.

2. No dwelling shall be less than one (1) story in height except during a reasonable period of construction not to exceed a twenty-four (24) months period from the date of issuance of the Zoning Permit. This time period may be extended by the Zoning Hearing Board.

3. No accessory building shall be more than one (1) story or fifteen feet (15'), whichever is the lesser.

(Ord. 29, 1/21/1976, §1503)

§1504. Natural Resource Use Limitations.

1. Natural Resources Use, for the purpose of extracting minerals from the earth in Districts where authorized as conditional use, shall by the provisions of Act No. 147 of the General Assembly of the Commonwealth of Pennsylvania, effective January 1, 1972, known as the "Surface Mining Conservation and Reclamation Act," with the addition of the following requirements:

A. Vibrations - Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.

B. Emissions - The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise, or similar substance of conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property at any point at the property line of the use creating the emissions are hereby prohibited.

C. Fencing - A six foot (6') fence that completely encloses the portion of the property in which an open excavation or quarry is located shall be provided and shall be so constructed as to have openings no larger than six inches (6'), and if pickets are used, the openings shall not exceed six inches (6').

D. Buffer Planting - Where adjacent to residential districts. Trees and shrubs must be planted to screen the operation from normal view. The same shall be applicable when such operation is adjacent to a public right-of-way.

E. Setbacks -

(1). Residential - When adjacent to a residential district, no stockpiles, waste piles, processing or manufacturing equipment and no part of the open excavation or quarrying pit shall be located closer than five hundred feet (500') from the residential district.

(2) Street - From the right-of-way line of a public street or highway, no part of a quarrying or excavating operation shall be closer than one hundred feet (100'). Where both sides of the right-of-way are in a quarry or excavation operation in single ownership, the required street setback may be reduced to fifty feet (50') on each side of the right-of-way.

(3) Commercial Use - When adjacent to a commercial district, no part of the quarrying or excavation operation shall be located closer than two hundred feet (200') from the commercial district.

(4) Industrial Use - When adjacent to an industrial district, no part of the quarrying or excavation operation shall be closer than one hundred feet (100') from the industrial district. When a quarry property abuts another quarry property or an operating railroad's right-of-way, no part of the operation shall be closer than seventy-five feet (75') from the abutting quarry property or the railroad's right-of-way.

2. Existing Natural Production Uses -

A. Operations existing prior to the effective date of this Chapter which are nonconforming as to setback requirements, shall not be required to correct such existing nonconformity. Any required fencing and/or screen planting shall be provided within six (6) months after the effective date of this Chapter.

(Ord. 29, 1/21/1976, §1504)

§1505. Nonconforming Use.

1. The Zoning Officer shall identify and register all structures and uses which are in conflict with the use designated for the zone in which they are situated.

2. Continuation - Any lawful use of a structure or land existing at the effective date of this Chapter, may be continued although such use does not conform to the provisions of this Chapter.

3. Extensions - A nonconforming use may be expanded to a distance no greater than one hundred fifty feet (150') in any direction from the existing nonconforming use, whichever is the lesser, or in the case of a building, the expansion shall be limited to an area equal to fifty percent (50%) of the existing total usable floor area of the building.

4. Nonconforming Lots of Record -

A. In the 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 Chapter. Consideration shall be given by the Zoning Hearing Board as to the desirability and feasibility or re-subdividing the area when two or more nonconforming lots have contiguous frontage and are in single ownership.

B. This provision 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.

5. Restoration -

A. A nonconforming structure that has been damaged or destroyed by fire, windstorm, lightning or a similar cause deemed to be no fault of the owner may be rebuilt when authorized as a special exception. Request for special exception must be submitted within one (1) year from the date of damage or destruction or the nonconforming use shall not be restored.

B. No rebuilding shall be undertaken as provided herein until plans for rebuilding have been presented and approved by the Zoning Officer. Approval shall be for the same use or for a use in a more restricted classification.

C. Restoration regulations shall not apply to active nonconforming agricultural buildings and active farms which may be restored by right.

6. Changes -

A. A nonconforming use of a building or land may be changed to a use of an equal or more restricted classification when authorized as a special exception by the Zoning Hearing Board.

7. Abandonment -

A. If a nonconforming use of a building or land ceases for a period of two (2) years or more subsequent use of such building or land shall be in conformity with the provisions of this Chapter.

B. Abandonment regulations shall not apply to agricultural uses.

8. Building Permits - In a case where a building permit has been issued prior to the effective date of this Chapter, and the proposed use of land and/or building does not conform with this Chapter said proposed use shall be regulated by the nonconforming use requirements of this Chapter and shall be considered the same as a lawful nonconforming use if construction other than excavation and foundations is undetaken within a period of thirty (30) calendar days after the issuance date of said building permit and construction thereof is complete within twelve (12) calendar months from the issuance date of the building permit.

9. Nonconforming Use of Open Land - All nonconforming signs, billboards, junk storage areas, storage areas, and similar nonconforming use of open land, when discontinued for a period of ninety (90) days or damaged to an extent of sixty percent (60%) or more of replacement costs, shall not be continued, repaired or reconstructed.

(Ord. 29, 1/21/1971, §1505)

§1506. Roadside Stands. Temporary roadside stands may be erected for the sale of garden products and garden commodities produced on the same property where offered for sale, provided: No building or structure other than a portable stand shall be constructed for such sale; such stand shall be removed during seasons when such products are not being offered for sale, and in no case shall they remain longer than for a period of six (6) months of any one (1) year; and such stand shall not be placed closer than twelve feet (12') to any lot line including rights-of-way lines. (Ord. 29, 1/21/1976, §1506)

§1507. Private Swimming Pools. Private swimming pools, in Districts where permitted shall comply with the following conditions and requirements.

1. The pool is intended solely for the enjoyment of the occupants of the principal use of the property on which it is located.

2. It may be located only in the rear yard or side yard of the property on which it is an accessory use.

3. It may not be located, including any walks, or paved areas or accessory structures adjacent thereto, closer than twenty feet (20') to any property line of the property on which located.

4. If the swimming pool be of the below-ground type, the pool area of the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access by children from the street or from the adjacent properties. Said barrier shall not be less than four feet (4') in height and maintained in good condition.

5. Existing swimming pools shall be made to comply with §1507, above, within six (6) months after the effective date of this Chapter.

(Ord. 29, 1/21/1976, §1509)

§1508. Public Swimming Pools. Public swimming pools in Districts where permitted shall comply with the conditions set forth in:

1. "Public Bathing Law, " 1931, June 23, P.L. 899, and amendments thereto.

2. Chapter 4, Article 442, Rules and Regulations, Commonwealth of Pennsylvania, Department of Health, adopted October 30, 1959, and amendments thereto.

(Ord. 29, 1/21/1976, §1508)

§1509. Sanitary Landfill. Sanitary landfills, in District where authorized as a conditional use, shall be regulated by the applicable laws of the Pennsylvania Department of Environmental Resources. (Ord. 29, 1/21/1976, §1509)

§1510. Sanitary Sewers. The installation and operation of an individual or community sewage disposal facility necessary to provide services to dwellings, motels, hotels, rooming houses, tourist homes, commercial establishments, and industrial establishments not served by an approved sanitary sewer system shall be regulated by the applicable laws of the Pennsylvania Department of Environmental Resources. (Ord. 29, 1/21/1976, §1510)

§1511. 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 Pine Creek, 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 Pine Creek, 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 within 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.

(Ord. 2-90, 4/18/1990)

§1512. 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 §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§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 Pine Creek 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 or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §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 §912.1 of the MPC, 53 P.S. §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 §916.2 of the MPC, 53 P.S. §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. §§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 §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §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 §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §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. §§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.

(Ord. 2-90, 4/18/1990)

§1513. 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 Pine Creek, 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. (Ord. 2-90, 4/18/1990)

§1514. 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 Pine Creek 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.

(Ord. 2-90, 4/18/1990)

§1515. 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.

(Ord. 2-90, 4/18/1990)

§1516. Area, Density, and Lot Width Regulations for Multi-Family Dwellings.

1. Density - Minimum of eight thousand square feet per dwelling unit.
2. Lot Width - Minimum of two hundred feet (200') at the setback line and a minimum of sixty feet (60') at the right-of-way.
3. Lot Depth - Minimum of two hundred feet (200').
4. Coverage - Thirty percent (30%) maximum for all buildings. Thirty percent (30%) of the total area shall be landscaped with an all season ground cover. Small trees and shrubs may be requested by the Township.
5. Setbacks - Sufficient footage shall be established by the Planning Commission to remove any potential adverse influences upon adjoining uses.

(Ord. 29, 1/21/1976, §1512)

§1517. Junk Yards.

1. All junk yards existing at the effective date of this Chapter within one year thereafter and all new junk yards, where permitted, shall comply with the following provisions:

A. Any junk yard shall be completely enclosed with a visual screen of evergreen-type hedge or tree-row of a variety and size at the time of planting that such will attain a height of eight feet (8') within three (3) years thereafter and maintained in a sound and attractive manner.

B. All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and with no junk piled to a height of more than eight feet (8').

C. Open burning of material is permissible subject to the Title 25 Rules and Regulations of the Department of Environmental Resources, paragraph 129.14; all burning shall be attended and controlled at all times.

D. Any junk yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious odors, nor causes the breeding or harboring of rats, flies, or other vectors.

2. Any junk yard established as a Conditional Use after the effective date of this Chapter shall comply with the following provisions.

A. No junk material, appurtenant structure, or other enclosure shall be stored or placed within fifty feet (50') of any adjoining property or public right-of-way and such setback area shall be kept free of weeds and shrub growth unless the adjoining property is wooded.

B. The minimum junk yard size shall be five (5) acres.

C. Junk yards shall be located a minimum of one-thousand feet (1,000') from a residential district.

(Ord. 29, 1/21/1976, §1513)

§1518. Mobilehome Parks.

1. All mobilehome parks shall be a minimum of five (5) acres.

2. Individual mobilehome lots within a mobilehome park shall have a minimum lot size of three thousand (3,000) square feet.

(Ord. 29, 1/21/1976, §1514)



Part 16

Administration and Enforcement

§1601. Appointment and Powers of Zoning Officer.

1. For the administration of this Chapter, a zoning officer, who shall not hold any elective office in the Township of Pine Creek, shall be appointed.

2. The zoning officer shall meet the qualifications established by the Township of Pine Creek and shall be able to demonstrate to the satisfaction of the Township of Pine Creek a working knowledge of municipal zoning.

3. The zoning officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

4. The zoning officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

[Ord. 2-90]

5. Deputy - The Zoning Officer may designate an employee of the Township as his deputy who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.

6. Compensation - The compensation for the Zoning Officer and the Deputy Zoning Officer shall be determined by the Board of Township Supervisors.

7. Duties and Responsibilities - The Zoning Officer shall have all the duties and powers conferred by the Zoning Chapter 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 Chapter all other ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania. He shall:

A. Receive application, process the same, 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.

B. 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 approved plans or permit shall be noted and the holder of the permit shall be notified of the discrepancies.

C. Keep a record of all applications received, all permits and certificates 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 Board of Township Supervisors and other officials of the Township. At least annually, he shall submit to the Board of Township Supervisors a written statement of all permits and certificates of use and occupancy issued, and violations and stop work orders recommended or promulgated.

(Ord. 29, 1/21/1976, §1601; as amended by Ord. 2-90, 4/18/1990)

#### §1602. Permits.

1. Requirements - It shall be unlawful to commence the excavation for or the construction or erection of any building, including an accessory building, or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a building permit for such work. 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 Chapter.

2. Form of Applications - The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as hereinafter prescribed. 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.

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 distance of the same from the existing lot lines.

4. Time Limit for Application - An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.

5. Issuance of Permits - Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing, if the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefor. He shall inform the applicant of this right of 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 Chapter and all laws and ordinances applicable thereto, and the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefor as soon as practical.

6. Expiration of Permit - The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year.

7. Revocation of Permits - The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Chapter 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 Chapter.

8. Posting of Permit - A true copy of the permit shall be kept on the site of operations open to public inspection during the entire time or prosecution of the work or use and until the completion of the same as defined on the application.

9. Temporary Permit - A temporary permit may be authorized by the Zoning Hearing Board for a nonconforming structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding three (3) years.

10. Payment of Fees - No permit to begin work for the erection construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign and/or land for construction or use purposes shall be issued until the fees prescribed by the Board of Township Supervisors pursuant to resolution shall be paid to the Zoning Officer. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Chapter, or any other Chapter or law.

11. Compliance with Chapter - The permit shall be 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 Chapter, except as stipulated by the Zoning Hearing Board.

12. 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.

(Ord. 29, 1/21/1976, §1602)

§1603. Certificate of Use and Occupancy.

1. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer as required herein.

2. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application as is required for a permit.

3. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required herein.

4. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application.

5. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.

6. Upon request of a holder of a permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for the period exceeding six (6) months.

(Ord. 29, 1/21/1976, §1603)

§1604. Enforcement Notice.

1. If it appears to the Township of Pine Creek that a violation of this Chapter has occurred, the Township of Pine Creek 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 Pine Creek 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.

(Ord. 2-90, 4/18/1990)

§1605. 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 Pine Creek, 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 Pine Creek 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. (Ord. 2-90, 4/18/1990)

§1606. 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 Pine Creek, 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 Pine Creek 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 Pine Creek 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 the 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 and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township of Pine Creek 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.

(Ord. 2-90, 4/18/1990)

§1607. Zoning Hearing Board.

1. There is hereby created for the Township of Pine Creek a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 et seq.

2. The membership of the Board shall consist of three (3) residents of the Township of Pine Creek 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 Pine Creek.

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 Pine Creek 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 Pine Creek 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.

(Ord. 2-90, 4/18/1990)

§1608. Enactment of Zoning Ordinance Amendments.

1. The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

2. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township of

Pine Creek at points deemed sufficient by the Township of Pine Creek along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

3. In the case of an amendment other than that prepared by the Planning Commission the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

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

5. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township of Pine Creek shall submit the proposed amendment to the county planning agency for recommendations.

6. Within thirty days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

(Ord. 2-90, 4/18/1990)

§1609. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors. If the Township of Pine Creek 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.

(Ord. 2-90, 4/18/1990)

§1610. Procedure for Township Curative Amendments.

1. If the Township of Pine Creek determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

A. The Township of Pine Creek 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:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

(a) references 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 Pine Creek shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §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 §609.1 of the MPC,

53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§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 §§609.1 and 916.1 of the MPC, 53 P.S. §§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.

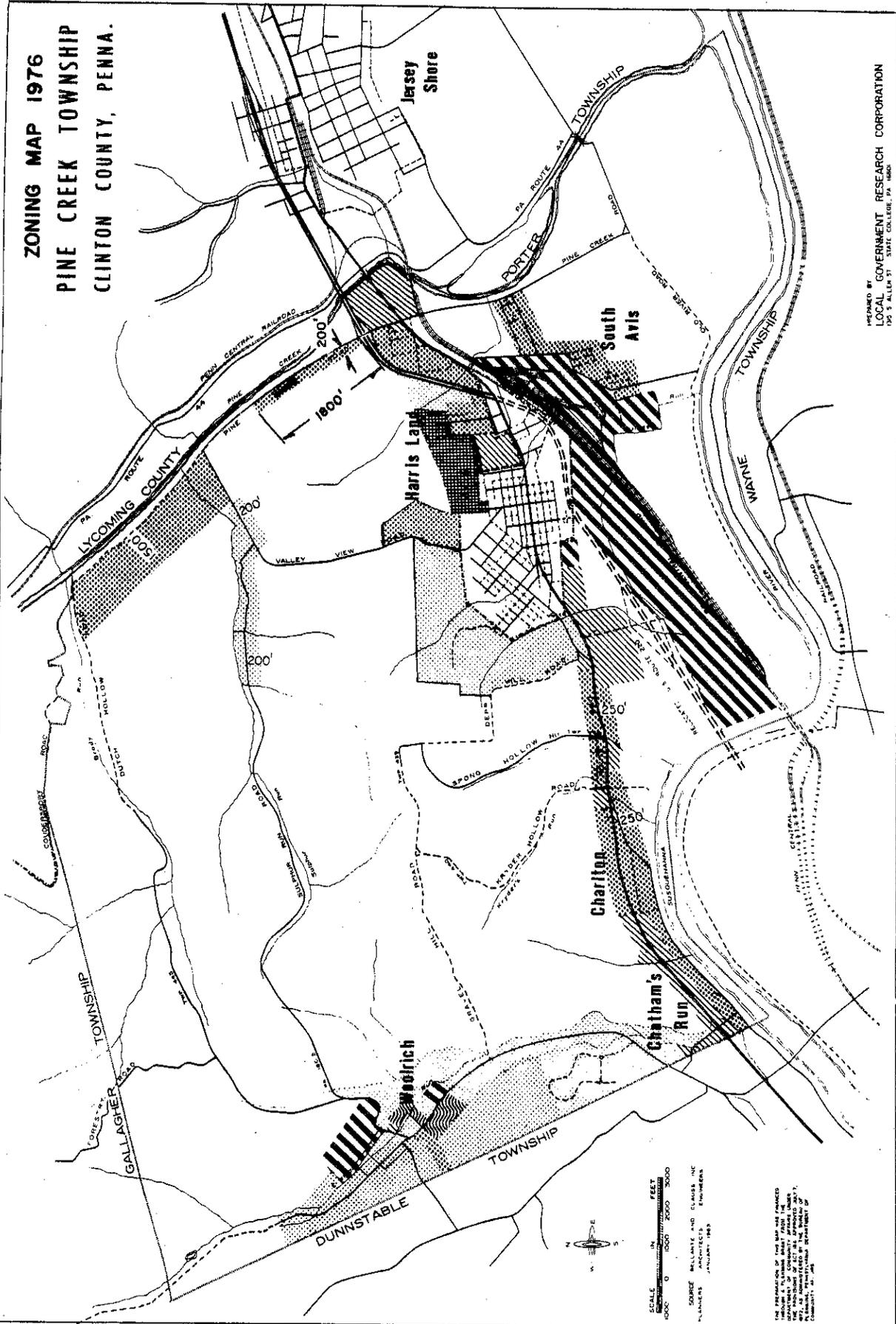
4. The Township of Pine Creek having utilized the procedures set forth in this Section may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, However, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township of Pine Creek by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township of Pine Creek may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 2-90, 4/18/1990)

§1611. Fees. All fees required by this ordinance shall be set by resolution of the Board of Supervisors of Pine Creek Township. (Ord. 29, 1/21/1976, §1607)



**ZONING MAP 1976  
PINE CREEK TOWNSHIP  
CLINTON COUNTY, PENNA.**



PREPARED BY  
LOCAL GOVERNMENT RESEARCH CORPORATION  
100 S. ALLEN ST.  
STATE COLLEGE, PA 16801

- LEGEND**
- A-R AGRICULTURAL RURAL**
  - R-1 LOW DENSITY RESIDENTIAL**
  - R-2 MEDIUM DENSITY RESIDENTIAL**
  - R-3 MEDIUM DENSITY RESIDENTIAL**
  - C-1 COMMERCIAL**
  - I-1 INDUSTRIAL**
  - OS OPEN SPACE**

SCALE IN FEET  
0 1000 2000 3000

SOURCE: MULLINATE AND CLAUSS, INC.  
PLANNERS ARCHITECTS ENGINEERS  
JANUARY, 1969

THE PREPARATION OF THIS MAP WAS FINANCED BY THE TOWNSHIP OF PINE CREEK, PENNSYLVANIA. THE TOWNSHIP ENGINEER HAS REVIEWED THIS MAP AND HAS APPROVED IT AS A CORRECT REPRESENTATION OF THE TOWNSHIP'S ZONING ORDINANCE.



PINE CREEK TOWNSHIP  
CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 08-06 -2008 -2

AN ORDINANCE OF THE TOWNSHIP OF PINE CREEK, CLINTON COUNTY, PENNSYLVANIA, AMENDING PART 13 OF CHAPTER 27 OF PINE CREEK TOWNSHIP CODE OF ORDINANCES REGULATING SIGNS WITHIN THE TOWNSHIP; AUTHORIZING ADMINISTRATION THEREOF BY THE ISSUANCE OF PERMITS AND THE ASSESSMENT OF FEES AND PRESCRIBING PENALTIES FOR VIOLATION.

*WHEREAS*, the regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in the Township of Pine Creek without difficulty and confusion and to encourage the general attractiveness of the community and to protect property values therein; and

*WHEREAS*, the Board of Supervisors of the Township of Pine Creek desire to amend Part 13 of Chapter 27 of the Pine Creek Township Code of Ordinances governing signs to establish comprehensive regulations governing the same.

***NOW, THEREFORE, BE IT ENACTED AND ORDAINED*** and it is hereby enacted and ordained by the Board of Supervisors of the Township of Pine Creek, Clinton County, Pennsylvania, that Part 13 of Chapter 27 of the Code of Ordinances of the Township of Pine Creek be amended to read as follows:

**SECTION 13.01. Intent and Purpose.**

It is the intent of this Ordinance to establish regulations governing the display of signs which will:

- (A) Promote and protect the public health, safety, comfort, morals and convenience.
- (B) Enhance the economy and the business and industry of the area by promoting the reasonable, orderly and effective

- display of signs, and thereby encourage increased communication with the public.
- (C) Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.
  - (D) Reduce conflict between signs and lights and between public and private environmental information systems.
  - (E) Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain and are expressive of the identity of proprietors and other persons displaying signs.

### SECTION 13.02. Definitions.

As used in this Part, the following words and phrases shall have the meaning set forth in this Section:

**"BILLBOARDS"** - a free-standing sign not less than sixteen (16) nor greater than three hundred (300) square feet in surface area which is permanently attached to the premises and directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term shall include an outdoor advertising sign on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or non-commercial message.

**"OFF PREMISES SIGN"** - a sign not greater than sixteen square feet (16 sq. ft.) in surface area which is permanently attached to the premises and directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term shall include an outdoor advertising sign not greater than sixteen square feet (16 sq. ft.) in surface area on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or non-commercial message.

**"BUSINESS SIGN"** - A sign which is permanently attached to the premises and directs attention to a business,

profession, activity, commodity, service, product price or entertainment conducted, sold, or offered upon the premises where such sign is located.

**"CONSTRUCTION SIGN"** - A sign identifying individuals or companies involved in design, construction, wrecking, financing or development when placed upon the premises where work is under construction, but only for the duration of construction or wrecking.

**"DIRECTORY SIGN"** - A sign which is permanently attached to the premises and which indicates the name and/or address of the occupant, the address of the premises and/or identification of any legal business or occupation which may exist at the premises.

**"FREE STANDING SIGN"** - A sign supported by upright columns, poles or braces placed in or upon the ground.

**"PREMISES"** - The area occupied by a business or other public enterprise. When more than one (1) business occupies a single building, each business area shall be considered a separate premises.

**"PROJECTING SIGN"** - A sign other than a wall sign which projects from and is supported by a wall of a building or structure.

**"ROOF SIGN"** - A sign erected and maintained upon the roof or above the roof or parapet of a building or structure.

**"SIGN"** - Any identification, description, illustration, advertisement or device, illuminated or non-illuminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant or placard designed to advertise, identify or convey information.

**"SIGN AREA"** - The entire area within a single, continuous perimeter composed of a single face enclosing the extreme limits of characters, lettering, illustrations, ornaments or

other figures, together with a material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. The structural supports for a sign shall not be included in the area, but all other ornamental attachments, etc. which are not a part of the main supports of the sign are to be included in determining sign areas. On a two(2)-sided sign, only one (1) face is counted in computing the sign's area.

**"SIGN HEIGHT"** - The greatest vertical dimension between the top of a sign and the grade.

**"SIGN, ILLUMINATED"** - Any sign illuminated externally or internally by electricity, gas or other artificial light, including reflective or phosphorescent light.

**"SIGN, INTERIOR"** - Any sign that is affixed to or painted on the interior of a window or any sign located inside and within three feet (3') of the face of the window, which sign is designed to be visible from the exterior of the window.

**"WALL SIGN"** - A sign attached to or painted upon an exterior wall of a building with the face area parallel thereto.

### **SECTION 13.03. Application of Sign Regulations.**

- (A) **Residential Use.** For all residential uses, only signs which are accessory and incidental to a permitted or special use are permitted.
- (B) **Commercial Use.** For all commercial uses, only signs which are accessory and incidental to a permitted or special use shall be permitted.

### **SECTION 13.04. Sign Regulations in All Zoning Districts.**

Any sign erected or maintained after the effective date of this Part shall conform to the following general regulations:

- (A) No sign shall be erected within the lines of a street right-of-way, except traffic signs and similar regulatory notices of a duly constituted Governmental Body.

- (B) No moving or flashing signs which may have the effect of distracting motorists on adjacent highways shall be permitted.
- (C) No sign which emits smoke, visible vapors of particles, sound or odor shall be permitted.
- (D) No artificial light or reflecting device shall be used as part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for a traffic signal.
- (E) Flood lighting shall be arranged so that the source of light is not visible from any point off the premises and that only the sign is directly illuminated thereby.
- (F) No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this Chapter in the Zoning District in which the property to which the sign related is located.
- (G) Every sign permitted shall be constructed of durable material, kept in good condition and repair and comply with all applicable Construction Codes. Any sign which is allowed to become dilapidated shall be removed by the Township at the expense of the Owner or Lessee of the property on which it is located.
- (H) All distances provided for in this Part shall be measured along straight lines between signs and from the near edge to near edge of sign or sign structure. This Paragraph shall apply in all cases including locating new signs in relationship to currently existing non-conforming signs.
- (I) No sign, other than official street signs, shall be erected or maintained nearer to a street line than a distance equaling the height of the sign, unless attached to the building.
- (J) A Permit shall be obtained before erecting any sign under these regulations, except as thereafter provided.
- (K) Each sign shall be removed when the circumstances leading to its erection no longer apply.

#### **SECTION 13.05. Exempt Signs.**

The following signs listed in this Section are permitted in all Zoning Districts and shall not require Permits and shall not be counted when calculating the number of signs on a premises. Such signs must conform with the general regulations for signs enumerated herein.

- (A) **Temporary Construction Signs.** Temporary construction signs identifying the parties involved in the construction to occur or occurring on the premises on which the sign is placed. There shall not be more than one (1) temporary, construction sign for each project or development and shall not exceed thirty-two square feet (32 sq. ft.) in sign area. Such signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an Occupancy Permit being issued or if no Occupancy Permit is required, the sign shall be removed upon project completion.
- (B) **Temporary Real Estate Signs.** Temporary real estate signs advertising the sale, lease or rent of the premises upon which such sign is located. Only two (2) such signs per street side and a sign area of not more than six square feet (6 sq. ft.) in Residential Zones and thirty-two square feet (32 sq. ft.) in all other Zones shall be permitted. Such signs shall not be illuminated and shall be removed within seven (7) days after the rental and/or sale of the property.
- (C) **Directory Signs.** Signs, not exceeding two square feet (2 sq. ft.) in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four square feet (4 sq. ft.), indicating the name of the occupant, the address of the premises and identification of any legal business or operation which may exist at the premises.
- (D) **Memorial Signs.** Memorial plaques or tables, grave markers, statutory or other remembrances of persons or events that are non-commercial in nature.
- (E) **Holiday Decorations.** Signs or other materials temporarily displayed on traditionally accepted civic, patriotic or religious holidays related to observance of the civic, patriotic or religious holiday.
- (F) **Governmental Signs.** Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of a Public Officer or Employee in the performance of the Officer's or Employee's duties.
- (G) **No Trespassing, No Hunting, No Fishing, No Dumping, No Parking, No Towing and Other Similar Signs.** No Trespassing, No Hunting, No Fishing, No Dumping, No

Parking, No Towing, and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §101, et. seq., and its regulations, and as set forth in Title 18 of the Pennsylvania Crimes Code, 18 Pa.C.S.A. §101, et. seq., and its regulations) not exceeding sixteen square feet (16 sq. ft.) in surface area for each exposed face.

- (H) **Public Signs.** Traffic, pedestrian or property functional on-premises signs such as parking, no parking, entrance, exit, telephone, restrooms, etc. when the sign area is less than five square feet (5 sq. ft.) and bearing no commercial advertising. For site distances, these signs shall be erected to a height either less than three feet (3') or greater than eight feet (8') from ground grade.
- (I) **Permanent Residential Development.** Signs as major entrances designed to identify a residential Subdivision and containing no commercial advertising. Maximum sign area shall be thirty-two square feet (32 sq. ft.).
- (J) **Public Identification Sign.** Located on the premises or building which serves only to tell the name or use of any public or semi-public building or recreational place, fire department, lodge, club, church, apartment building, farm or estate, school, hospital, sanitarium, or other institution of a similar, approved nature may be erected and maintained provided the size of any such sign shall not exceed thirty-two square feet (32 sq. ft.) and not more than one (1) such sign shall be erected on a property in single or separate ownership. Said sign may be either free standing or wall mounted and may be illuminated.
- (K) **Public Directional or Instructional Signs.** Signs not exceeding four feet (4') in aggregate sign area which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such signs contain no advertising of any kind. Such signs include those identifying restrooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility, but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on public directional and instructional signs.
- (L) **Home Occupation Signs.** Signs advertising home occupations which shall not be larger than twelve inches (12") by twenty-four inches (24") and may include the name,

occupation and logo type or trademark, if appropriate, of the practitioner. Such signs shall not be illuminated, except during the hours such offices are open for business and the reception of customers, patrons, patients, and/or client.

**Section 13.06. Signs Requiring Approval of a Conditional Use**

The following signs may be permitted in the General Commercial Zoning District and in the Research Development and Industrial Zoning District of the Township with approval of a Conditional Use and must adhere to the general and specific sign regulations of Sections 13.07, 13.08 and 13.10:

- (A) **Flashing Signs.** Signs which flash, have moving illumination or which vary in intensity or which vary in color, except for digital time and temperature devices and variable message boards.
- (B) **Portable Signs.** (Larger than eight square feet (8 sq. ft.) Signs constructed on a movable or portable base, sled, trailer, vehicle, or device of any type where the principal use of the base, sled, trailer, vehicle, or device is for the purpose of displaying a sign which is capable of being moved or transported from one (1) location to another.
- (C) **Billboards.**
- (D) **Signs Which Have Any Visible Moving Part, Visible Revolving Parts or Visible Mechanical Movement.**

**SECTION 13.07. General Sign Regulations in General Commercial and Research Development and Industrial Zoning Districts.**

- (A) **On-Premises Business Signs.**  
No more than five (5) Business Signs and/or permanent promotional signs may be erected or maintained on any premises. No sign shall exceed a maximum of thirty-two square feet (32 sq. ft.) per sign.
- (B) **Off-Premises Signs.**  
No more than five (5) off-premises signs may be erected, constructed or maintained on any premises in a Commercial and/or Research Development and Industrial Zoning District. No off-premise sign shall exceed thirty-two square feet (32 sq. ft.) in surface area.

**SECTION 13.08. Specific Sign Regulations for Commercial and Research Development and Industrial Districts.**

**(A) Projecting Signs.**

1. No projecting sign shall extend into the public right-of-way, except in those instances where the right-of-way extends to the building face or within five feet (5') of the building face, in which case the sign may extend up to five feet (5') from the building faces.
2. Signs up to and including eight square feet (8 sq. ft.) shall be at least eight feet (8') above grade. Signs nine to twelve square feet (9-12 sq. ft.) shall be at least ten feet (10') above grade.
3. A sign area shall not exceed twelve square feet (12 sq. ft.) and the vertical dimension shall not be greater than six feet (6').
4. Only one (1) projecting sign per premises except that corner premises or premises with public entrances on two (2) or more public ways may erect an additional projecting sign toward each public way.

**(B) Wall Signs.**

1. No wall sign shall extend above the top of the wall upon which it is placed.
2. No part thereof shall project more than twelve inches (12") from the wall upon which it is placed.
3. No part thereof shall extend beyond the left and right extremities of the wall to which it is attached.

**(C) Free Standing Signs.**

- (1) Every part thereof shall be located entirely behind the property line and shall not project over public right-of-way or other adjoining lands.
- (2) The sign area shall be limited to a maximum of fifty-five square feet (55 sq. ft.), and a single dimension shall not exceed eleven feet (11').
- (3) No premises shall contain more than one (1) free standing sign, except that corner premises or premises with a public entrance to two (2) or more public ways may erect an additional free standing sign for an toward each public way.
- (4) No sign or part thereof shall be more than twenty-five feet (25') above grade.

(D) **Roof Signs.**

- (1) Prior to installation, an Engineer or Architect Certification must be provided to insure installation will comply with Local Building Codes and standard installation practices. Thereafter, an annual Certification by an Engineer or Architect shall be submitted stating that the sign still satisfies all Building Code requirements.
- (2) Illuminated roof signs must be UL approved.
- (3) One (1) roof sign shall be permitted for every two hundred feet (200') of building frontage; provided, however, that every building with less than two hundred feet (200') of frontage shall be allowed one (1) roof sign.

**SECTION 13.09. Temporary Sign Regulations.**

Temporary signs may be erected and maintained in accordance with the provisions contained in this Section:

(A) **General Conditions.**

- (1) **Permit Required.** No person shall erect, construct, repair, alter or relocate, within the Township of Pine Creek, any temporary sign, except real estate and temporary construction signs, without first obtaining a Permit from the Township Zoning Officer as provided herein.
- (2) **Materials and Methods.** The Zoning Officer shall impose as a condition of the issuance of a Permit for temporary signs such requirements as to the material, manner of construction and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare and convenience of the public.
- (3) **Sign Types.** Temporary signs shall be limited to non-projecting wall signs, free standing signs or portable and wheeled signs as defined herein.
- (4) **Setback.** Any free standing sign shall be located at least ten feet (10') distant from any lot line.
- (5) **Permit Duration.** Permits shall be of a duration of up to six (6) months as the Applicant chooses.

**SECTION 13.10. Specific Regulations Applicable to Billboards.**

- (A) **Number.** One (1) billboard sign may be erected, constructed or maintained on any premise in a Commercial and/or Research Development and Industrial Zoning District if a Conditional Use is granted by the Township Supervisors. Any Conditional Use granted shall meet the following criteria and be required to adhere to the following regulations:
- (B) **Area.** A billboard shall not exceed three hundred square feet (300 sq. ft.) in surface area, may have two (2) parallel faces, but may not be vertically or horizontally doubled or multiplied further in any fashion.
- (C) **Spacing.** A billboard shall not be closer than one thousand feet (1,000') to another billboard along the same side of any street or highway.
- (D) **Spacing at Intersections.** A billboard shall not be located within one hundred fifty feet (150') of any street intersection.
- (E) **Location.** A billboard shall only be permitted in the Commercial and/or Research Development and Industrial Zoning Districts. The sign shall be located in accordance with the yard setbacks for structures located within said Districts.
- (F) **Height.** A billboard shall not project higher than twenty-two feet (22'), as measured from the average grade of the proposed site.
- (G) **Site Plan.** An application for a billboard shall be accompanied by a Site Plan and contain all of the applicable requirements as set forth in the Zoning Ordinance, as amended.
- (H) **Engineering Certification.** Any application for a billboard shall be accompanied by Certification under Seal by a Professional Engineer that the existence of the billboard, as proposed, shall not present a safety hazard.

**SECTION 13.11. Permits.**

- (A) **Permit Required.** Except for the following, no person may erect, alter or relocate within the Township of Pine Creek any sign without first obtaining a Sign Permit from the Township Zoning Officer and paying the required fee:

- (1) Exempt signs as specified in Section 13.05 of this Ordinance.
  - (2) Routine maintenance for changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height or otherwise render the sign non-conforming.
- (B) **Permit Application.** Applications for Sign Permits shall be submitted to the Township Zoning Officer and shall contain or have attached thereto the following information.
- (1) The names, addresses and telephone numbers of the Applicant, the Owner of the property in which the sign is to be erected or affixed, the Owner of the sign and the person to be erecting or affixing the sign.
  - (2) The location of the building, structure or Zoning lot on which the sign is to be erected or affixed.
  - (3) A Sketch Plan of the property involved, showing accurate placement thereon of the proposed sign.
  - (4) The written consent of the Owner of the building, structure or property on which the sign is to be erected or affixed.
  - (5) Two (2) blueprints or ink drawings of the Plans and Specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such Plans and Specifications shall include details of dimensions, color, materials and weight.
  - (6) If required by the Township Zoning Officer, a copy of Stress Sheets and calculations prepared by or approved by a Registered Structural Engineer, licensed by the Commonwealth of Pennsylvania, showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable Ordinances of the Township of Pine Creek.
  - (7) Such other information as the Township Zoning Officer may require to determine full compliance with this and other applicable Ordinances of the Township of Pine Creek.
- (C) **Issuance of Permits.** Upon the filing of an Application for a Sign Permit, the Township Zoning Officer shall examine the Plans, Specifications and other submitted data and the premises upon which the sign is proposed to be erected or

affixed. If it appears that the proposed sign is in compliance with all the requirements of this Ordinance and in conformance with the Zoning Ordinance and other applicable Ordinances of the Township of Pine Creek, and if the appropriate Permit Fee has been paid, the Township Zoning Officer shall issue a Permit for the proposed sign. If the work authorized under a Sign Permit has not been completed within ninety (90) days after the date of issuance, the Permit shall become null and void unless otherwise extended by the Township Zoning Officer for a single, additional ninety (90) day period.

- (D) **Permit Fees.** Each sign required by this Ordinance requiring a Sign Permit shall pay a fee as established pursuant to a Resolution of the Pine Creek Township Board of Supervisors.
- (E) **Revocation of Permit.** All rights and privileges acquired under the provisions of this Ordinance are mere licenses and, as such, are at any time revocable for just cause by the Township of Pine Creek. All Permits issues pursuant to this Section are hereby subject to this provision.

#### **SECTION 13.12. Non-Conforming Signs.**

- (A) **Legal, Non-Conforming Signs.** Any sign lawfully existing or under construction on the effective date of this Ordinance, which does not conform to one (1) or more of the provisions of this Ordinance, may be continued in operation and maintained indefinitely as a legal, non-conforming sign subject to compliance of Section 13.11(B).
- (B) **Maintenance and Repair of Legal, Non-Conforming Signs.** Normal maintenance of legal, non-conforming signs, including changing of copy, necessary repairs and incidental alterations which do not extend or intensify the non-conforming features of the sign, shall be permitted. However, no alteration, enlargement or extension shall be made to a legal, non-conforming sign unless the alteration, enlargement or extension will result in the elimination of the non-conforming features of the sign. If a legal, non-conforming sign is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at the time, the sign may not be rebuilt to its original condition and may not continue to be displayed. A non-

conforming sign damaged to fifty percent (50%) or more of its replacement value at the time must be removed from the premises within three (3) months of damage.

**SECTION 13.13. Administration and Enforcement.** The Township Zoning Officer is hereby designated as the Enforcement Officer for this Ordinance.

**SECTION 13.14. Ratification and Confirmation.** Chapter 10 of the Pine Creek Township Code of Ordinances is hereby ratified and confirmed except insofar as the within Ordinance amends or modifies the same.

**SECTION 13.15. Effective Date.** This Ordinance shall become effective in accordance with law.

**SECTION 13.16. Savings Clause.** The provisions of the Pine Creek Township Code of Ordinances, so far as they are the same as those Ordinances and Regulations enforced immediately prior to the adoption of this Ordinance, are intended as the continuation of such Ordinances and Regulations and not as a new enactment. The provisions of this Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior Ordinances or Regulations except as otherwise provided by law.

**SECTION 13.17. Severability.** It is hereby declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the Judgment or Decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses and/or phrases of this Ordinance.

**DULY ENACTED AND ORDAINED,** this 6<sup>TH</sup> day of AUGUST, 2008, by the board of Supervisors of Pine Creek Township, Clinton County, Pennsylvania, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF PINE CREEK  
CLINTON COUNTY,  
PENNSYLVANIA

*Darlene S Macdon*  
Secretary

BY: *James E Moore*  
Supervisor

BY: *Thomas H. Wilt Jr. 8/6/08*  
Supervisor

BY \_\_\_\_\_  
Supervisor

PINE CREEK TOWNSHIP, CLINTON COUNTY,  
PENNSYLVANIA

ORDINANCE NO. 6.3-2009-2

AN ORDINANCE AMENDING CHAPTER 27 OF THE PINE CREEK TOWNSHIP CODE OF ORDINANCES TO ESTABLISH WIND ENERGY FACILITIES AS A CONDITIONAL USE WITHIN THE AGRICULTURAL/RURAL ZONING DISTRICT WITHIN THE TOWNSHIP OF PINE CREEK, CLINTON COUNTY, PENNSYLVANIA.

*WHEREAS*, Part 4 of Chapter 27 of the Pine Creek Township Code of Ordinances divides the Township of Pine Creek into Zoning Districts of various different types; and

*WHEREAS*, Part 5 of Chapter 27 of the Pine Creek Township Code of Ordinances adopts regulations as to use and dimensional requirements for the Agricultural/Rural Zoning District within the Township of Pine Creek; and

*WHEREAS*, in conjunction with the pursuit of alternate sources of energy the development of wind energy facilities has become a viable source of an alternative source of energy; and

*WHEREAS*, the Board of Supervisors of Pine Creek desire to accommodate the development of wind energy facilities within the Township of Pine Creek by establishing the specific area of the municipality in which such facilities may be permitted and providing for the regulation of the land development, construction, operation and decommissioning of wind energy facilities within the Township.

*NOW, THEREFORE, BE IT ENACTED AND ORDAINED*, and it is hereby enacted and ordained by the Board of Supervisors of the Township of Pine Creek, Clinton County, Pennsylvania, as follows:

### **SECTION I. Definitions.**

Section 302 of Chapter 27 of the Pine Creek Township Code of Ordinances is hereby amended to add the following definitions:

**"WIND ENERGY FACILITY"** - An electric generation facility whose main purpose is to supply electricity, consisting of one (1) or more wind turbines and other accessory structures and buildings, including sub-stations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. The term does not include stand-alone wind turbines constructed primarily for residential or farm use.

**"WIND TURBINE"** - A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle rotor, tower and pad turbine, if any.

### **SECTION II. Wind Energy Facility as Conditional Use in Agricultural/Rural Zoning District.**

Section 504 of Chapter 27 of the Pine Creek Township Code of Ordinances is hereby amended to add Wind Energy Facilities as a Conditional Use within the Agricultural/Rural (AR) Zoning District of the Township.

### **SECTION III. Ratification and Confirmation.**

Chapter 27 of the Pine Creek Township Code of Ordinance is hereby ratified and confirmed except insofar as the within Ordinance modifies the same.

### **SECTION IV. Saving Clause.**

The provisions of the Pine Creek Township Code of Ordinances, so far as they are the same as those Ordinances and regulations enforced immediately prior to the adoption of this Ordinance, are intended as a continuation of such Ordinances and regulations and not as a new enactment. The provisions of this Ordinance shall not affect any suit or prosecution pending

or to be instituted to enforce any of the prior Ordinances or regulations except as otherwise provided by law.

**SECTION V. Severability of Parts of Ordinance.**

It is hereby declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid, by the Judgment or Decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

**SECTION VI. Effective Date.**

This Ordinance shall become effective in accordance with law.

*June*            **DULY ENACTED AND ORDAINED** this 3rd day of June 2009, by the Board of Supervisors of Pine Creek Township, Clinton County, Pennsylvania, in lawful session duly assembled.

ATTEST:

*Harlene Macklem*  
Secretary

PINE CREEK TOWNSHIP  
CLINTON COUNTY, PENNSYLVANIA

BY: *Dennis J. Greenaway*  
Supervisor

BY: *James E. Moore*  
Supervisor

BY: *Thomas J. Witt Jr*  
Supervisor

PINE CREEK TOWNSHIP  
CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 11-03 -2010-1

AN ORDINANCE AMENDING PART 9 OF CHAPTER 27 OF THE PINE CREEK TOWNSHIP CODE OF ORDINANCES ESTABLISHING MINI-WAREHOUSES AS A PERMITTED USE WITHIN THE GENERAL COMMERCIAL (C-1) ZONING DISTRICT OF THE TOWNSHIP.

*WHEREAS*, Part 4 of Chapter 27 of the Pine Creek Township Code of Ordinances divides the Township of Pine Creek into Zoning Districts of various types; and

*WHEREAS*, Section 902 of Chapter 27 of the Pine Creek Township Code of Ordinances establishes various uses which are permitted within the General Commercial (C-1) Zoning District of the Township; and

*WHEREAS*, the Board of Supervisors of the Township of Pine Creek desire to amend Section 902 of Chapter 27 of the Pine Creek Township Code of Ordinances to add mini-warehouses as a Permitted Use within the General Commercial (C-1) Zoning District of the Township.

*NOW, THEREFORE, BE IT ENACTED AND ORDAINED*, and it is hereby enacted and ordained by the Board of Supervisors of the Township of Pine Creek, Clinton County, Pennsylvania, as follows:

**SECTION I. Definition of Mini-Warehouses.**

Section 302 of Chapter 27 of the Pine Creek Township Code of Ordinances pertaining to the Definition of Terms with respect to zoning is hereby amended to add the following definition:

*"Mini-Warehouse" - a building or series of buildings used for the storage of goods and materials and leased to the general public.*

**SECTION II. Establishment of Mini-Warehouses as a Permitted Use within the General Commercial (C-1) Zoning District.**

Section 902 of Chapter 27 of the Pine Creek Township Code of Ordinances pertaining to Permitted Uses within the General Commercial (C-1) Zoning District of the Township is hereby amended to *add mini-warehouses as a Permitted Use within the General Commercial (C-1) Zoning District of the Township.*

**SECTION III. Ratification.**

Chapter 27 of the Pine Creek Township Code of Ordinances is hereby ratified and confirmed except insofar as the within amendment shall modify the same.

**SECTION IV. Repealer.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION V. Severability.**

If any part, section, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional, illegal, or otherwise invalid by the Judgment or Decree of a Court of competent jurisdiction, that unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining parts, sections, paragraphs, sentences, clauses or phrases of this Ordinance. It is hereby declared to be the intention of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

**SECTION VI. Effective Date.**

This Ordinance shall become effective as provided by law.

DULY ENACTED AND ORDAINED this 3rd day of November, 2010, by the Board of Supervisors of Pine Creek Township, Clinton County, Pennsylvania, in lawful session duly assembled.

ATTEST:

*Karlene Macken*  
Secretary

**PINE CREEK TOWNSHIP  
CLINTON COUNTY, PENNSYLVANIA**

BY: *Thomas G. Wilt, Jr.*  
Thomas G. Wilt, Jr., Supervisor

BY: *James E. Moore*  
James E. Moore, Supervisor

BY: *Dennis C. Greenaway*  
Dennis C. Greenaway, Supervisor

TOWNSHIP OF PINE CREEK  
CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 02.01-2012

AN ORDINANCE AMENDING CHAPTER 27,  
SECTION 300, OF THE PINE CREEK TOWNSHIP  
CODE OF ORDINANCES TO PROVIDE FOR THE  
REGULATION OF OIL AND GAS EXPLORATION  
WITHIN PINE CREEK TOWNSHIP, CLINTON  
COUNTY, PENNSYLVANIA.

*BE IT ENACTED AND ORDAINED* by the Board of  
Supervisors of the Township of Pine Creek, that Chapter 27, Section 300, of the  
Pine Creek Township Code of Ordinances, be amended by adding the following:

SECTION 301. PURPOSE.

The purpose of this Ordinance is to provide for the health, safety and welfare of the residents of Pine Creek Township, through zoning and floodplain management provisions, for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections to the Township's residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the Township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and which minimize the potential impact on the residents of the Township.

SECTION 302. DEFINITIONS.

*"Applicant"* - Any person, owner, operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring and drilling for, producing, or transporting oil or gas.

*"Building"* - An occupied structure with walls and roof in which persons live or customarily work. The term shall not include a barn, shed or other storage building.

*"Collector Street"* - A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

*"Department"* - The Department of Environmental Protection of the Commonwealth.

*"Derrick"* - Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

*"Drilling Pad"* - The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

*"Fracking"* - The process of injecting water, customized fluids, sand, steam, or gas into a gas well or oil well under pressure to improve gas recovery.

*"Local Street"* - A public street or road designed to provide access to abutting lots and to avoid through traffic.

*"Oil and Gas"* - Crude oil, natural gas, methane gas, coal bed, methane gas, propane, butane, and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

*"Oil and Gas Development or Development"* - The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas associated with the exploration for, production and transportation of oil and gas. The definition does not include

natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

*"Oil or Gas Well"* - A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

*"Oil or Gas Well Site"* - The location where facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

*"Operator"* - The person designated as the Well Operator on the Permit Application or Well Registration.

*"Owner"* - A person, who owns, manages, leases, controls or possesses an oil or gas well.

*"Natural Gas Compressor Station"* - A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

*"Natural Gas Processing Plant"* - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

*"Storage Well"* - A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring and observation of reservoir pressure.

SECTION 303. APPLICABILITY.

- 1) This Ordinance applies to all oil and gas well sites, natural gas compressor stations, and natural gas processing plants that will be permitted or constructed after the effective date of this Ordinance.
- 2) Oil and gas well sites, natural gas compressor stations, and natural gas processing plants that were permitted or constructed prior to the adoption of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any modification to an existing or permitted oil or gas well site that occurs after the effective date of this Ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modification to an existing natural gas compressor station or natural gas processing plant, shall require compliance with and a Permit under this Ordinance.
- 3) Federal or State law or regulation preempts Ordinance requirements that conflict with Federal or State Statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

SECTION 304. PERMIT REQUIREMENT.

- 1) No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located within Pine Creek Township unless Permit has been issued by the Township to the Owner or Operator approving the construction or preparation of the site for oil and gas development or construction or preparation of the site for oil or gas development or natural gas processing plants.
- 2) The Permit Application, or Amended Permit Application, shall be accompanied by a fee as established in the Township's Schedule of Fees.

- 3) Any modification to an existing and permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing natural gas compressor station or natural gas processing plant shall require a modification of the Permit under this Ordinance. Like-kind replacements shall not require a Permit modification.

**SECTION 305. PRE-APPLICATION CONFERENCES.**

- 1) Purpose.

Before submitting an Application, the Applicant is strongly encouraged to meet with Township Staff to determine the requirements of and the procedural steps and timing of the Application. The intent of this process is for the Applicant to obtain necessary information and guidance from Township Staff before entering into any commitments or incurring substantial expenses with regard to site and plan preparation.

- 2) Process.

A Pre-Application Conference is voluntary on the part of the Applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The Pre-Application Conferences are intended for the benefit of the Applicant in order to address the required Permit submissions and are advisory only, and shall not bind the Township to approve any Application for a Permit or to act within any time limit relative to the date of such Conference.

**SECTION 306. PERMIT APPLICATION.**

The Applicant shall provide to the Township at the time of Permit Application:

- (a) A narrative describing an overview of the Project including the number of acres to be involved, the number of wells to

be drilled, and the location, number and description of equipment and structures to the extent known.

- (b) A narrative describing an overview of the Project as it relates to natural gas compressor stations or natural gas processing plants.
- (c) The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the Township or County for information provided to Emergency Responders.
- (d) The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Township and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four (24) hours per day, three hundred sixty-five (365) days a year. Annually, or upon any change of relevant circumstances, the Applicant shall update such information and provide it to the Township and all Emergency Providers.
- (e) A location map of the oil or gas well site showing the approximate location of derricks, drilling rigs, equipment, structures and all permanent improvements to the site and any post-construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to provide that the normal flow of traffic on public streets shall be undisturbed.
- (f) A location map of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.
- (g) A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery,

water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.

- (h) A Certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the oil or gas well site, the Applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Township Roadway Maintenance and Repair Agreement with the Township, in a form acceptable to the Township Solicitor, regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction, drilling activities and site operations.
- (i) A description of, and commitment to maintain, safeguards that shall be taken by the Applicant to ensure that Township streets utilized by the Applicant shall remain free of dirt, mud and debris resulting from site development activities; and the Applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of Applicant's usage.
- (j) Verification that a copy of the operations' Preparedness, Prevention and Contingency Plan has been provided to the Township and all Emergency Responders.
- (k) A statement that the Applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Township and all Emergency Responders the dated, revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the oil or gas well site.
- (l) Assurance that, at least thirty (30) days prior to drilling, the Applicant shall provide an appropriate Site Orientation and Training Course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be the sole responsibility of the Applicant. The Applicant shall not be

required to hold more than one (1) Site Orientation and Training Course annually under this Section.

- (m) A narrative describing the environmental impacts of the proposed Project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
- (n) A copy of all Permits and Plans from appropriate Regulatory Agencies or Authorities issued in accordance to environmental requirements.
- (o) A copy of all Permits and Plans from the appropriate Regulatory Agencies or Authorities issued in accordance with applicable laws and regulations for the proposes use.

**SECTION 307. DESIGN AND INSTALLATION:**

1) Access.

- (a) No oil or gas well site shall have access solely through a local street. Whenever possible, access to the oil or gas well site should be from a collector street.
- (b) Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

2) Structure Height.

- (a) Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the Zoning District in which the oil or gas well site is located.
- (b) Permanent structures associated with natural gas compressors stations or natural gas processing plants shall comply with height regulations for the Zoning District in which the natural gas compressor station or natural gas processing plant is located.

- (c) There shall be an exemption to the height restrictions contained in this Section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well.
  - (i) The duration of such exemption shall not exceed the actual period of drilling or re-drilling of an oil or gas well.
  - (ii) Provided further the time period of such drilling and exemption shall not exceed six (6) months.
  - (iii) The Operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.

3) Setbacks.

- (a) Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
- (b) The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the Zoning District in which the oil or gas well site is located.
- (c) Natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the Zoning District in which the natural gas compressor station or natural gas processing plant is located.
- (d) Exemption from the standards established in this Sub-section may be granted by the Township upon a showing by the Operator that it is not feasible to meet the setback requirements from surface tract property

lines and that adequate safeguards have or will be provided to justify the exemption.

- (e) Drilling pads, natural gas compressor stations or natural gas processing plants shall be setback two hundred feet (200') from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.

4) Screening and Fencing.

- (a) Security fencing shall not be required at oil or gas well sites during the initial drilling, or re-drilling operations, as long as manned twenty-four (24) hour on-site supervision and security are provided.
- (b) Upon completion of drilling or re-drilling security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.
- (c) Security fencing shall be at least six feet (6') in height, equipped with lockable gates at every access point and have openings no less than twelve feet (13') wide.
- (d) Emergency Responders shall be given means to access oil or gas well site in case of an emergency.
- (e) Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.
- (f) In construction of oil or gas well sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.

5) Lighting.

- (a) Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within one hundred feet (100') of the oil or gas well development.
- (b) Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

6) Noise.

The Applicant shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development.

- (a) Prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the Applicant shall establish by generally accepted testing procedures, the continuous seventy-two (72) hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency, or other public facility, or one hundred feet (100') from the nearest residence or public building, medical, emergency, or other public facilities, whichever point is closer to the affected residence or public building, school, medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two (72) hour test, the Applicant may assume and use, for the purpose of compliance with this Ordinance, a default ambient noise level of 55dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound

meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

- (b) The Applicant shall provide the Township documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.
- (c) The noise generated during the oil and gas operations or the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in Subsection (a) by more than:
  - (i) Five (5) decibels during drilling activities.
  - (ii) Ten (10) decibels during hydraulic fracturing operations.
  - (iii) Five (5) decibels for a gas compressor station or a natural gas processing plant.
  - (iv) Allowable increase in Subsection (c) shall not exceed the average ambient noise level for more than ten (10) minutes within any one (1) hour period.
- (d) Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
- (e) Exemption from the standards established in this Subsection may be granted by the Township during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the Applicant and the Township.

- (f) Complaints received by the Township shall be addressed by the Applicant within twenty-four (24) hours following receipt of notification by continuously monitoring for a period of forty-eight (48) hours at the nearest property line to the Complainant's residential or public building or one hundred feet (100') from the Complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer. The Applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if noise level exceeds the allowable rate.
- (g) Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

6) Prohibitions.

- (a) No drilling shall be allowed in the Floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
- (b) Oil and gas drilling in the one hundred (100) Year Floodplain is discouraged but may be permitted by the Township if, in its discretion, the following provisions are met:
  - (i) If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the Floodplain. The Applicant must provide conclusive documentation that no other location allows access to the oil or gas

deposit other than a location within the Floodplain.

- (ii) An adequate Emergency Evacuation Plan shall have been produced by the Applicant and filed with the Township.
- (iii) No storage of chemicals shall be permitted within the Floodplain. An exemption from this requirement may be granted by the Township if the Applicant can show that such storage will not potentially cause any harm to property, persons or the environment in the case of a one-hundred (100) Year Flood; and further provides security to the Township assuring the Applicant's ability to remedy any damage or injury that may occur.
- (iv) Only necessary and needed structures will be permitted within the Floodplain.
- (v) All structures within the Flood Zone shall be designed to withstand a one-hundred (100) year storm event.
- (vi) An Engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Township.

**SECTION 308. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or portion of this document is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 309. Penalties.

Any Owner, Operator, or other person who violates or permits a violation of this Chapter, upon being found liable therefore in a civil enforcement proceeding before a Magisterial District Judge, shall pay to the Township a fine of not more than Five Hundred (\$500.00) Dollars, plus all Court costs, including, but not limited to, reasonable Attorney fees incurred by the Township on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the Defendant neither pays nor timely appeals the Judgment, the Township may enforce the Judgment as provided by law. Each day a violation exists after Final Judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected as a Judgment by the Township without further Judicial proceedings. Further the appropriate Officers or Agents of the Township are hereby authorized to issue a Cease and Desist Notice and/or to seek equitable relief, including Injunction, to enforce compliance herewith. No Bond shall be required of the Township if the Township seeks Injunctive Relief.

SECTION 310. Effective Date.

This Ordinance shall take effect February 6, 2012

**DULY ENACTED AND ORDAINED** this 1<sup>ST</sup> day of February 2012, by the Board of Supervisors of Pine Creek Township, Clinton County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF PINE CREEK,  
CLINTON COUNTY,  
PENNSYLVANIA

ATTEST:

*Harlene S. Mackler*

BY: *Dennis C. Greenawald*  
Supervisor

Secretary

BY: James E. Moore  
Supervisor

BY: Thomas A. Welt, Jr.  
Supervisor

TOWNSHIP OF PINE CREEK, CLINTON COUNTY,  
PENNSYLVANIA

ORDINANCE NO. 08-13-2014

AN ORDINANCE AMENDING SECTION 1602(9) OF CHAPTER 27 OF THE CODE OF ORDINANCES OF PINE CREEK TOWNSHIP GOVERNING ZONING WITHIN THE TOWNSHIP OF PINE CREEK, CLINTON COUNTY, PENNSYLVANIA, TO AUTHORIZE THE PINE CREEK TOWNSHIP ZONING OFFICER, RATHER THAN THE PINE CREEK TOWNSHIP ZONING HEARING BOARD, TO ISSUE TEMPORARY ZONING PERMITS.

*WHEREAS*, Section 1602 of Chapter 27 of the Pine Creek Township Code of Ordinances establishes rules and regulations with respect to the issuance of Zoning Permits within the Township; and

*WHEREAS*, Section 1602(9) of Chapter 27 of the Pine Creek Township Code of Ordinances authorizes the issuance of Temporary Zoning Permits by the Pine Creek Township Zoning Hearing Board for non-conforming structures or non-conforming uses which the Zoning Hearing Board deems necessary to promote the proper development of the community; and

*WHEREAS*, the Supervisors of the Township of Pine Creek desire to amend Section 1602(9) of Chapter 27 of the Pine Creek Township Code of Ordinances to authorize the Pine Creek Township Zoning Officer, rather than the Pine Creek Township Zoning Hearing Board, to issue said Temporary Zoning Permits for purposes of expediency and cost-saving to the public.

*NOW, THEREFORE, BE IT ENACTED AND ORDAINED*, and it is hereby enacted and ordained by the Board of Supervisors of the Township of Pine Creek, Clinton County, Pennsylvania, as follows:

**SECTION I. Temporary Permit.**

*Section 1602(9) of Chapter 27 of the Pine Creek Township Code of Ordinances shall be amended to read as follows:*

**Temporary Permit**

*A temporary permit may be authorized by the Zoning Officer for a non-conforming structure or a non-conforming use for customary, routine and accessory, short-term special events, provided that such non-conforming structure or non-conforming use shall be completely removed upon expiration of the Permit without cost to the Township. The Zoning Officer may require reasonable safeguards to be made so that the temporary use or structure does not endanger the health, safety and welfare of the public. Such Permits shall be issued for a specified period of time, not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding three (3) years.*

**SECTION II. Confirmation and Ratification.**

Chapter 27 of the Pine Creek Township Code of Ordinances is hereby ratified and confirmed except insofar as the within Ordinance modifies the same.

**SECTION III. Effective Date.**

This Ordinance shall become effective in accordance with law.

**SECTION IV. Repealer.**

All ordinances or parts of Ordinance inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION V. Severability.**

If any section or clause of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

**DULY ENACTED AND ORDAINED**, this 13<sup>th</sup> day of August, 2014, by the Board of Supervisors of the Township of Pine Creek, Clinton County, Pennsylvania, in lawful session duly assembled.

**TOWNSHIP OF PINE CREEK,  
CLINTON COUNTY,  
PENNSYLVANIA**

**ATTEST:**

*Harlene Macklen*  
Secretary

BY: *Dennis C. Greeman*  
Supervisor

BY: *Thomas A. Wilfong*  
Supervisor

BY: *James E. Moore*  
Supervisor

TOWNSHIP OF WOODWARD  
CLINTON COUNTY,  
PENNSYLVANIA

ORDINANCE NO. 8 - 19 -2014

AN ORDINANCE AMENDING CHAPTER 27 OF  
THE WOODWARD TOWNSHIP CODE OF  
ORDINANCES REVISING THE OFFICIAL  
ZONING MAP OF WOODWARD TOWNSHIP,  
CLINTON COUNTY, PENNSYLVANIA.

*WHEREAS*, Part 3 of Chapter 27 of the Woodward Township Code of Ordinances divides the Township of Woodward into Zoning Districts of various difference types; and

*WHEREAS*, Section 303 of Chapter 27 of the Woodward Township Code of Ordinances adopts an Official Zoning Map which is to precisely depict the boundaries and titles of each Zoning District within the Township of Woodward; and

---

*WHEREAS*, the Supervisors of the Township of Woodward have been requested to re-zone a parcel of land of approximately one hundred forty (140) acres, situate in the R-L, Low Density Residential District, to RC - Rural Center, to add to the Permitted Uses within the RC-Rural Center Zoning District private stables and the raising of livestock and poultry for personal use; and

*WHEREAS*, the Supervisors of Woodward Township have ascertained that the subject parcel of approximately one hundred forty (140) acres identified and designated on the Clinton County, Pennsylvania, Tax Assessment Map for the Township of Woodward, as 02-B-0013, is contiguous to both an Agricultural District and a Low Density Residential District and the requested change would not alter the essential character of the neighborhood; and

WHEREAS, the Supervisors of the Township of Woodward desire to amend Section 303 of Chapter 27 of the Woodward Township Code of Ordinances to incorporate and reflect the aforesaid Zoning change.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of the Township of Woodward, Clinton County, Pennsylvania, as follows:

**SECTION I. ZONING MAP AMENDMENT FROM R-L, LOW DENSITY RESIDENTIAL DISTRICT TO RC - RURAL CENTER DISTRICT.**

Section 303 of Part 3, Chapter 27, of the Code of Ordinances of Woodward Township, Clinton County, Pennsylvania, pertaining to the location and boundaries of Zoning Districts of the Township of Woodward as shown on the Official Zoning Map of Woodward Township, August 2010, is hereby amended to change the zoning designation of a certain property, currently zoned R-L, Low Density Residential District, to RC - Rural Center District. The subject property which is hereby rezoned is identified and designated on the Clinton County, Pennsylvania, Tax Assessment Map for the Township of Woodward as 02-B-0013. *This property shall henceforth be classified as RC-Rural Center.*

**SECTION II. ADDITION OF PERMITTED USES IN RC-RURAL CENTER ZONING DISTRICT.**

Section 403 of Chapter 27 of the Woodward Township Code of Ordinances is hereby amended to add private stables and the raising of livestock and poultry as Permitted Uses within the RCF-Rural Center Zoning District rather than being permitted as a Special Exception.

**SECTION III. OFFICIAL MAP REFERENCE.**

All notations, references, and designations shown and depicted on the existing Zoning Map of Woodward Township are incorporated herein by reference, except insofar as this Ordinance amends and/or modifies the same.

The Official Zoning Map of Woodward Township, as amended herein, shall be kept on file with the Woodward Township Secretary and shall be available for inspection at the Woodward Township Municipal Building.

**SECTION IV. RATIFICATION.**

Chapter 27 of the Woodward Township Code of Ordinances is hereby ratified and confirmed except insofar as the within amendment shall modify the same.

**SECTION V. REPEALER.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION VI. SEVERABILITY.**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Woodward Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION VII. EFFECTIVE DATE.**

This Ordinance shall become effective as provided by law.

DULY ENACTED AND ORDAINED, this 19<sup>th</sup> day of August, 2014, by the Board of Supervisors of Woodward Township, Clinton County, Pennsylvania, in lawful session duly assembled.

WOODWARD TOWNSHIP  
CLINTON COUNTY, PENNSYLVANIA

BY: *[Signature]*  
Supervisor

ATTEST:

*Jacqueline Abbott*  
Secretary

BY: *Mary Seefe*  
Supervisor

BY: \_\_\_\_\_  
Supervisor