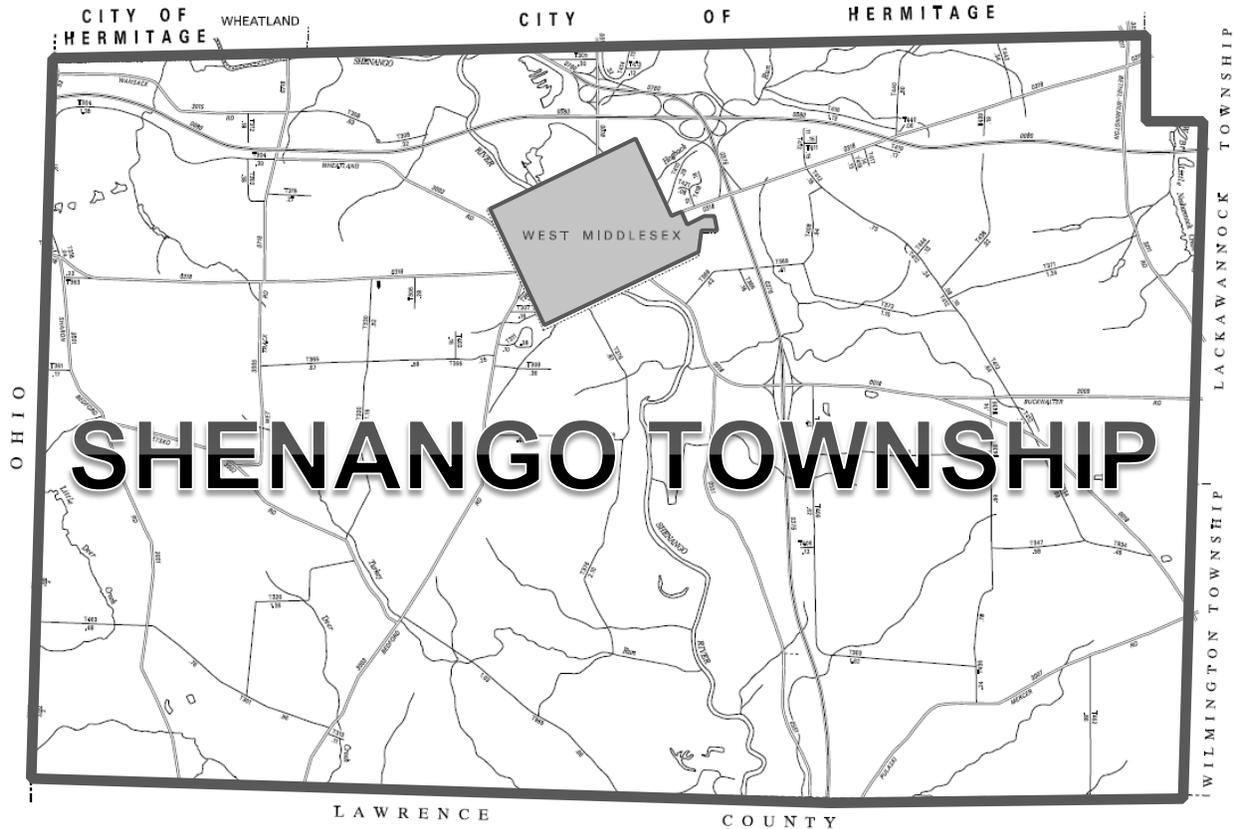


Shenango Township

Mercer County, Pennsylvania



Zoning Ordinance

Ordinance # _____

ADOPTED _____, 2020

Shenango Township Zoning Ordinance

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ARTICLE 1: SHORT TITLE, PURPOSE & SCOPE

SECTION 100: Short Title

This ordinance shall be known as the "Shenango Township Zoning Ordinance" hereinafter referred to as the "Zoning Ordinance".

The official map showing zoning districts and boundaries shall be known as the "Shenango Township Zoning Map" copies of which shall be retained by the Shenango Township Zoning Officer and the Shenango Township Secretary. The map included herein is a reproduction of the official map and for reference only.

SECTION 101: Purpose And Authority

This Zoning Ordinance and its regulations are adopted by authority granted to Shenango Township by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and are made in accordance with the following purpose:

- A. To promote health, safety, and general welfare and to protect the public from the adverse secondary effects of various land uses and development
- B. To promote coordinated, orderly, harmonious, and practical community development
- C. To discourage the intermixture of incompatible land uses and, where such intermixture may be beneficial or where zoning district boundaries present transitions between incompatible uses, to control impacts of incompatible uses
- D. To lessen congestion and promote public safety and convenience on roads and highways
- E. To secure safety from fire, panic, pollution hazards, and other dangers
- F. To provide adequate light and air
- G. To prevent the overcrowding of land
- H. To avoid undue congestion of population
- I. To facilitate the adequate provision of housing, commercial and industrial development, transportation, water, sewerage, schools, parks and other public requirements
- J. To establish reasonable standards to which buildings and development shall conform
- K. To protect and enhance the value of land

SECTION 102: Scope

The Zoning Ordinance regulates and restricts within the boundaries of Shenango Township, Mercer County, Pennsylvania:

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- A. The height, number of stories and size of buildings and other structures
- B. All facilities and services in or around such buildings and structures
- C. The percentage of lot that may be occupied
- D. The size of yards, courts and other open spaces
- E. The density of population
- F. The location and use of buildings, structures and land for trade, industry, residence or other purposes
- G. The establishment and maintenance of building lines and setback building lines upon any or all public roads or highways

Such regulations are also made with reasonable consideration to the character of the districts hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Municipality.

SECTION 103: Community Development Objectives

103.01. Land Use Goal:

Prepare a land use plan that is consistent with the character of the Shenango Township and West Middlesex Borough Area and will protect the health, safety, and welfare of the Region's residents.

103.02. Objectives from the Shenango Township And West Middlesex Borough Joint Comprehensive Plan, adopted by Shenango Township on October 13, 2008

- A. Promote safe, vibrant, and livable neighborhoods.
- B. Encourage new uses within neighborhoods to be compatible with existing development patterns.
- C. Maintain zoning that protects areas for agricultural preservation and farmland from incompatible, adjacent land uses or activities that will adversely affect the long-term viability and investment in land and improvements.
- D. Discourage uncoordinated strip development along major road corridors.
- E. Guide new development in such a way as to minimize impacts on existing community character.
- F. Develop and implement Smart Growth Policies that ensure consistency between land use designation and the availability of public sewer and water capacity.
- G. Establish growth area boundaries and discourage development outside those boundaries.
- H. Achieve consistency with the Mercer County Comprehensive Plan.
- I. Implement land use controls to guide uses toward suitable sites and away from sensitive natural resources.

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- J. Identify sites for economic development.
- K. Determine appropriate land use strategies for riverfront development and supportive improvements.
- L. Attain consistency of land use along municipal boundaries.
- M. Create a common vision for the major road corridors in the Region.
- N. Maintain the integrity and enhance visual aesthetics of existing residential neighborhoods.
- O. Retain the rural character of designated rural areas within the Region.
- P. Encourage a balanced mix of residential, commercial, and industrial uses to address tax base issues.
- Q. Consider costs and benefits of land use decisions, distribution effects, and the impact on the social fabric of the community and the environment.
- R. Encourage agricultural practices which benefit wildlife and the environment.

SECTION 104: Interpretation And Application

The provisions of the zoning ordinance shall apply to the use and/or occupancy of all buildings, structures, and/or lots. Except as provided in this ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged; nor shall any land, building, structure, or premises be used for any purpose other than for the uses hereinafter listed as permitted in the zone in which such building, land, or premises is located. Any use which is not listed in a specific zoning district shall be interpreted as prohibited in that district.

104.01. In interpreting and applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, and general welfare. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those provisions shall be controlling.

104.02. The Zoning Ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

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SECTION 105: Application

105.01. Application - The provisions of the Zoning Ordinance shall apply to the use and/or occupancy of all buildings, other structures and/or lots.

105.02. Conformity of Buildings, Other Structures and/or Lots - Any building, other structure and/or lot shall be in conformity with the provisions prescribed in the Zoning Ordinance for the Zoning District in which such building, other structure and/or lot is located.

105.03. Conformity of Uses - The use and/or occupancy of any building, other structure and/or lot shall be in conformity with the provisions prescribed in the Zoning Ordinance for the Zoning District in which such building, other structure and/or lot is located. Any use which is not listed shall automatically be interpreted as a prohibited use except as provided for in Article 8: Non-Conforming Uses, Structures & Lots.

SECTION 106: Severance

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the zoning district boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

Shenango Township hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each Zoning District boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words or boundaries may be declared illegal, unconstitutional or invalid.

SECTION 107: Repeal

The enactment of this zoning ordinance contained herein shall hereby repeal in its entirety the Shenango Township Zoning Ordinance, Ordinance Number 122, adopted June 10, 1996 and as amended. Any other resolution or ordinance conflicting with the provisions, regulations, limitations, and/or restrictions of this zoning ordinance contained herein shall be and the same is hereby repealed to the extent of such conflict.

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ARTICLE 2: DEFINITIONS

SECTION 200: General Interpretation

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. The following words or phrases, when used in this Ordinance, shall have the meanings given to them in this Article unless the context or Pennsylvania Municipalities Planning Code, Act 247, as amended, indicates otherwise.

Words not defined in this Article or the Pennsylvania Municipalities Planning Code shall have meanings as in a standard dictionary.

Words used in the present tense include the future; the singular includes the plural.

The word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building".

The word "person" includes an individual or any other legal entity including a corporation, unincorporated association and a partnership. An "agency" shall be construed to include its successors or assigns.

The words "shall" and "will" are mandatory and not merely directory; the word "may" is permissive.

SECTION 201: Definition Of Terms

Abutting. Having property or district lines in common; e.g., two lots are abutting if they share a common property line.

Access. A way of approaching or entering a property.

Accessory Apartment. A separate, complete housekeeping unit which is contained within the structure of a single-family dwelling but can be isolated from it, or which is contained within an existing accessory building.

Accessory (Building or Use). A building or use is accessory if it: 1) is subordinate to and serves a principal building or principal use; 2) is subordinate in area, extent, or purpose to the principal building or principal use served; 3) contributes to the comfort, convenience, or necessity of the occupants of the principal building or principal use; and 4) is located on the same zoning lot as the permitted principal use.

Addition. Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

Adult Business Uses. As defined in Section 604.02 of this ordinance.

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Agent of owner. Any person who can show written proof that he/she has the authority to act for the property owner.

Agriculture. The use of a tract of land for the purpose(s) of active cultivation or animal husbandry

Agribusiness Operation. An agricultural operation that involves, but is not necessarily limited to, one or more of the following conditions:

Concentrated Animal Feeding Operation – An animal feeding operation, which is required to obtain NPDES permits in accordance with the Clean Water Act.

Concentrated Animal Operation. An animal feeding operation, which is required to develop a Nutrient Management Plan in accordance with the Pennsylvania Nutrient Management Law.

Other. Any agricultural operation, whether involving animal, animal product, or vegetable production, which occurs completely within an enclosed structure exceeding ten thousand (10,000) square feet.

Agricultural Operation. An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and/or in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Airport. A place where aircraft and land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

Alley. The space or area between the rear or side lot lines of lots which has a minor right-of-way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

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

Alteration, Structural. A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, columns, beams and girders.

Automotive Repair Services and Garages. Establishments primarily engaged in furnishing automotive repair, rental, leasing, parking services, as well as supplying gasoline, oil, minor accessories and services for automotive vehicles at retail to the general public.

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Automotive and/or Trailer Sales Establishment. The use of any, land area or other premise for the display or sale of new or used automobiles, trailers, trucks, recreational vehicles or farm equipment and including any warranty repair work and any other repair service conducted as an accessory use.

Automotive Wrecking. The dismantling or wrecking of used motor vehicles, trucks, trailers, or farm equipment, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Awning. An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a yard or thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use or not permanently attached to and an integral part of a porch, carport, or similar attached accessory structure.

Basement. The portion of a building that is partly or completely below grade.

Bed and Breakfast. An owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

Block. The length of a street between two (2) street intersections; or a piece of land bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

Boarding House (also Rooming House). A building or portion thereof arranged or used for sheltering and feeding, for compensation, individuals who are not members of the proprietor's family.

Boarding Unit. Living quarters which, unlike a Dwelling Unit, do not contain complete housekeeping facilities and are typically used for sheltering and feeding paying occupants who are not members of the proprietor's family.

Breezeway. Any portion of a lot roofed over by a structure joining a principal dwelling building to any other structure.

Building. An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including mobile homes.

Building, Accessory. A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building, Attached. A building where both side walls of all except the end structures are party walls.

Building, Detached. A building that has no party wall.

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Building, Principal. A building in which is conducted the principal use of the lot on which it is situated.

Bulk Storage & Distribution Facility. The storage and distribution of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

Camp Grounds. A parcel of land used or intended to be used by campers for seasonal, recreational or other similar temporary living purposes associated with the use of structures of a movable, temporary or seasonal nature, such as cabins, tents or shelters, which are subject to recreational vehicle park requirements as in the SALDO.

Canopy. A canopy shall include any structure, other than an awning, made of cloth or metal with metal frames attached to a building, projecting over a pedestrian or vehicular thoroughfare, and carried by a frame supported by the ground or sidewalk.

Carport. A roofed structure having two or more open sides and extending from the side or rear wall of a principal or accessory building, used primarily as a shelter for automotive vehicles or recreation equipment. The term carport shall also include a roofed structure, either attached to or detached from a principal or accessory building, over multi-vehicle drives, parking, or service areas as used by an automobile service station, convenience store, drive-thru bank, or similar use. The open sides may be screened or enclosed, but at least fifty (50) percent of such wall area must remain open. In addition, the carport shall not extend into any required setback.

Cartway. That area of a street within which vehicles are permitted including travel lanes and parking areas but not including shoulders, curbs, sidewalks or swales.

Car Wash. Any building or premises or portions thereof used for washing automobiles available to the public for compensation. Any portion of a building or lot wherein car washing services are offered to the general public on a commercial basis, including automatic types in which cars are driven or towed through and coin-operated, self-service types.

Centerline. The line located at the middle of the traveled surface of a road, midway between both edges of the road surface.

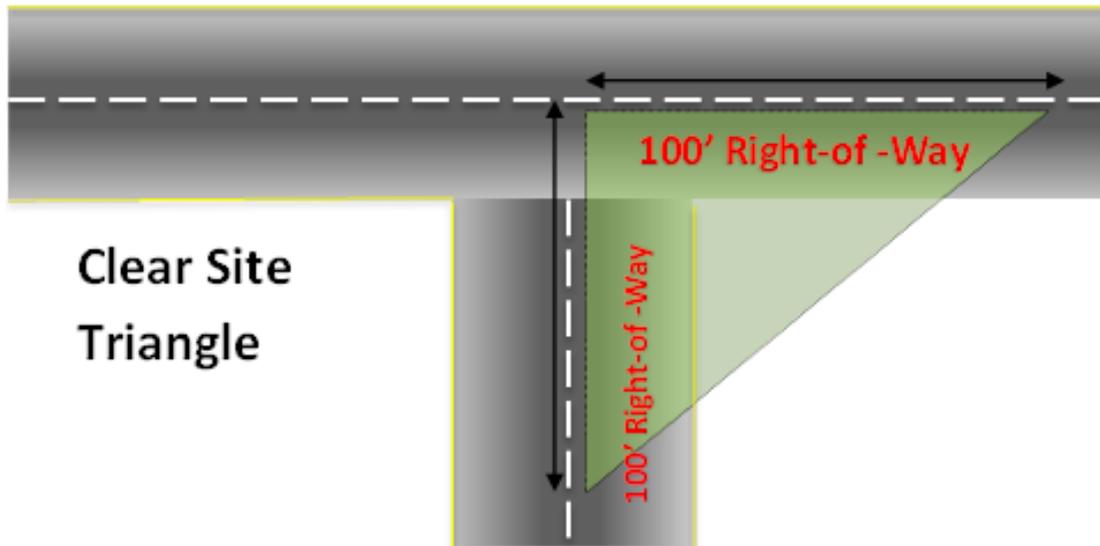
Certificate of Zoning Use and Occupancy. A statement, based on a site inspection and signed by the Zoning Officer, indicating that the land use and structure conforms to all provisions prescribed in the Zoning Ordinance and the land may lawfully be occupied or used for a specified use or uses. Such zoning permit applies only to land use and lot dimensions, not to a building code permit.

Church. A building for public religious worship. See also 'Place of Worship'

Clear Sight Triangle. The clear sight triangle is the area established by measuring 100 feet from the intersection of the street center lines along said center lines. No building, structure, planting, or other obstruction shall be permitted which would endanger public

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safety along any street or public roadway by obscuring sight visibility along said street. Such clear sight lines shall be maintained free of obstructions as measured between the heights of three feet (3') up to ten feet (10') above the surface of the street. A one-hundred-foot clear sight triangle shall be maintained at all street intersections.



Clinic. Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

Club, Lodges and Membership Organizations. A building, land area or other premises operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

Commercial Establishment. An activity carried out for pecuniary gain.

Commercial vehicle. For purposes of this ordinance is one (1) licensed truck-tractor or one (1) licensed trailer or a combination of one (1) licensed truck-tractor and one (1) licensed trailer that: a) has a gross weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); b) is designed to transport 16 or more persons including the driver; or c) is used to transport hazardous materials.

Commission. The Shenango Township Planning Commission.

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

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Communications Equipment Building. An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

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

Community Facility. A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

Concentrated Animal Operation. An animal feeding operation, which is required to develop a Nutrient Management Plan in accordance with the Pennsylvania Nutrient Management Law.

Other – Any agricultural operation, whether involving animal, animal product, or vegetable production, which occurs completely within an enclosed structure exceeding ten thousand (10,000) square feet.

Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of modular or mobile homes.

Conversion. Changing the original purpose of a building to a different use.

Convenience Store. Any retail establishment offering for sale commercial fuels, as well as prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. Convenience stores do not include repair services, tire sales or similar activities.

Court. A portion of a lot unoccupied above grade but partially or wholly surrounded by building walls.

Covenant. A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

Curb Level. The elevation of the street grade as established in accordance with the law or, when a curb level has not been established, the grade at the center of the street.

Curb Line. The line establishing the width of a cartway in a right-of-way. Where curbs do not exist the edge of pavement shall be the curb line.

Day Care Facility. Definition does not apply to care provided by a relative, in places of worship during religious services, and in a facility where the parent is present at all times child care is provided. This ordinance identifies the levels of child or adult care facilities consistent with regulations of the Commonwealth of Pennsylvania, as required or amended:

Child Care Facility. Provides out-of-home care for part of a 24-hour day to children 15 years and younger including care provided in public or private profit or nonprofit facilities.

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Day Care Center. A state-certified facility providing care for 7 or more children or adults where the facility is not a family residence.

Family Day Care Home. A state-certified family residence with one caregiver providing care for four, five, or six children or adult unrelated to the caregiver.

Family Day Care. A home occupation in which a dwelling's primary resident(s) provides supervision/care to no more than six (6) children or adults and must comply with State Regulations, the Laws of the Commonwealth of Pennsylvania and the rules of the Pennsylvania Department of Public Welfare.

Group Day Care Home. A state-certified facility providing care for no more than 12 children or adults where the use is in a dwelling.

Dedication. The transfer of property from private to public ownership.

Deed Restriction. See Covenant.

Density. The area of a property or group of lots computed, exclusive of any portion of the right-of-way of any street, divided by the number of dwelling units contained on the lot or group of lots.

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

Dormitory. A building, or part thereof, operated by an institution and containing a room or rooms forming one or more habitable units which are intended for living and sleeping purposes, but not for cooking or eating purposes, by the residents of the institution.

Drive-In Theater. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles (excluding adult entertainment establishments – see Article 604.02 of this ordinance).

Drive-Thru Business. A place of business where persons are served in automobiles from a refreshment stand, restaurant, food stores, bank, pharmacy or similar use.

Driveway. A private roadway providing vehicular access to a street or highway for a lot and its structures, or providing for interior vehicular movement on the lot or within a development.

Dwelling. A building arranged and used for residential occupancy containing a dwelling unit or units, but excluding a boarding house, hospital, institutional home, hotel, motel, and other similar types of uses.

Dwelling, Duplex. A building having two (2) dwelling units, each with its own entrance door and designed for and used for occupancy by two families. The

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Dwelling Units may be either semi-detached with one (1) family living on either side of a common party wall, or stacked with one (1) family living over the other.

Dwelling, Multiple-Family or Apartment Building. A structure having three (3) or more dwelling units and designed to be used or occupied as a residence by three (3) or more families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

Dwelling, Single-Family. A detached, permanent building designed for and used exclusively for occupancy by one family. A single family dwelling shall have a minimum of 720 square feet of residential floor area.

Dwelling Unit. A building or portion thereof arranged and used for residential occupancy providing complete housekeeping facilities.

The term shall include all structures designed for and/or used for living purposes, including mobile homes, prefabricated dwellings, and similar portable structures. A dwelling unit shall have a minimum of 450 square feet of residential floor area that meets the U.S. Department of Housing and Urban Development's Standards.

'Tiny House'. A type of single family dwelling or unit having less than 720 square feet of residential floor area. Such dwellings shall have a minimum of 450 square feet of floor area and must be located in a mobile home park meeting requirements of SALDO and building codes.

Easement. A right given by the owner of land to another party for specific limited use of that land.

Eating and Drinking Establishments. Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshments stands selling prepared foods and drinks for immediate consumption.

Educational Facilities. Any building or part thereof which is designed, constructed or used for educational or instruction in any branch of knowledge, including college and private schools. May include boarding facilities or dormitories by special exception review.

Enlargement. An increase in the size of an existing structure or use, including physical size of the building, parking, and other improvements.

Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal departments or authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general

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welfare. Office buildings or maintenance depots, communication towers and communication antenna, and solar energy systems as regulated herein, shall not be considered essential services by this ordinance.

Family. A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. One or more persons living together in a single housekeeping unit as a nonprofit household provided that the dwelling unit's size meets the minimum occupancy area requirements as defined by this ordinance and other building codes. A family shall not include profit-making arrangements, groups in boarding houses or hotels/motels, or fraternities, sororities or clubs.

Farm. A lot, parcel or tract of land used for agricultural purposes on which the principal structure(s) shall be the agricultural building(s) and farm house(s).

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

Floor Area, Net. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Floor Area, Residential. The total area of all floors of a residential building devoted solely to residential use, measured between interior faces of walls, and exclusive of entrance ways, porches, breezeways and roofed terraces, whether enclosed or not, and excluding cellars, basements and garages.

Fraternal Organization. A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

Frontage. The frontage, or front of a lot, is the side nearest the street. For the purposes of determining yard and setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards and setbacks shall be provided as indicated in this Ordinance.

Fuel Service Stations. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

Garage, Commercial. A structure or portion thereof, other than a private garage, operated for gain and which is used for the storage, sale, hire, care, repair, or

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refinishing of vehicles; not including a structure or part thereof used only for storage or display of vehicles.

Garage, Private. An accessory structure used for the parking and storage of vehicles owned or operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

Golf Course. A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, hazards and which may include clubhouses and shelters

Government Facility. Any building, land area or other premises or portions thereof used by any department, commission, independent agency or instrumentality of the United States, of a state, county, municipality, township, authority, district, or other governmental unit.

Grade. The mean curb level, or when the curb level has not been established or all the walls of the building are more than fifteen (15) feet from street lot lines, grade means the mean elevation of the ground adjoining the structure on all sides.

Greenhouse. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants. May be used for personal enjoyment or used commercially for subsequent sale. See also NURSERY, PLANT.

Health Care Facility. A profit or nonprofit facility or institution licensed by the Commonwealth of Pennsylvania, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, convalescent home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions.

Height of Building. The vertical distance from the grade to the highest point on a building.

Height of Wall. The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

Home Occupation. See No-Impact Home-Based Business

Hospital. A private or public institution where the sick or injured may receive medical, surgical, or psychiatric treatment, nursing, food, lodging, etc. during illness or injury.

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Hospital, Veterinary. A structure designed or converted for the care of and/or treatment of sick or injured domestic animals.

Hotel. A building designed for occupancy as the temporary residence of individuals or transients who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

Household Pet. Animals integrated into and which become part of and may be housed as part of the normal household unit for purpose of pleasure and companionship. Supporting materials from a physician or other medical professional documenting the need for a service animal, emotional support animal, therapy animal larger than a dog or cat, or that may become a threat to health or safety of the general public.

Housing Unit. See dwelling unit.

Industrial Park. Land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses including research and development, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Industrial Services. Establishments providing primary service to industries such as machinery sales and repair, supply sales and warehousing, transportation services, restaurants serving industrial concerns, and the like. Industrial services shall not include the sales, salvage, or repair of passenger vehicles.

Institutional Home. A residential building used for health or welfare purposes by a non-profit organization.

Junk. Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which is stored on a farm for exclusive use of the owner or occupant of the farm or any article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junk Yard. The use of more than two hundred (200) square feet of the area on any lot or contiguous lots of same ownership outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. Also, the accumulation of junk to height of greater than six (6) feet above ground level on any portion of any lot shall be considered a junk yard. A "junk yard" shall include an automotive wrecking yard. Three or more unregistered and inoperable vehicles stored on any lot outside of a building shall be considered a junk yard.

Kennel. A commercial establishment in which more than six dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold.

Land. The solid portion of the earth's surface that is capable of being used or occupied.

Land, Developed. "Improved land" with buildings.

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Land, Improved. "Raw land" which has been provided with basic utilities such as water and sewerage, streets, sidewalks, but not buildings.

Land, Raw. Vacant land, not subdivided and unimproved (without utilities or streets).

Landscaping. Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

Land Use. A description of how land is occupied or utilized.

Loading Space. An off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way.

Lodging Unit. (1) A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families; (2) The place where members of a local chapter of an association hold their meetings; and, the local chapter itself.

Lot. Designated parcel, tract or area of land established by a plat or otherwise permitted by law used or intended to be used by one building and its accessory building(s). A "zoning lot" must meet the size requirements of the zoning district in which it is located and must front on a public street or an approved private street.

Lot Area. The computed area of a lot contained within the lot lines and measured at grade on a horizontal plane in accordance with current law.

Lot, Corner. A lot abutting upon two or more streets at their intersection or upon two parts of the same street and meeting the required setback from both streets.

Lot Coverage. The percentage of the lot area occupied or covered by principal and accessory structures AND ALL IMPERVIOUS SURFACES.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot, Double Frontage. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect within the boundary of the lot.

Lot Frontage. Lot width as determined at the front setback line.

Lot, Interior. A lot whose side lot lines do not abut a street.

Lot Width. The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth.

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Lot Lines. The property lines bounding the lot.

Lot Line, Rear. The lot line opposite and most distant from the lot frontage.

Lot Line, Side. Any lot line other than the lot frontage or rear lot line.

Manufactured Home. Prefabricated or industrialized homes built as dwelling units with a permanent chassis to assure the initial and continued transportability of the home; used for non-transient residential purposes; constructed with the same or similar pitched roofs and conventional roofing and siding materials, electrical, plumbing, and sanitary facilities as immobile housing; and upon arrival at the site where the manufactured home is to be situated for occupancy, it is complete and ready except for minor and incidental unpacking operations, location on foundation supports, connection to utilities and the like.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, but not extending the full width of the structure, generally designed and constructed to provide protection from the weather.

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

Mobile Home Lot. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile or manufactured home.

Mobile Home Park. A parcel of land under single ownership that has been specifically planned and improved for the long-term placement of two or more mobile homes for non-transient use in a safe and desirable manner.

Mortuary, Funeral Home, Crematorium. A building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as incidental use.

Motel. Any building or group of attached, semi-attached, or detached buildings (not including a mobile home or camper) located on a single lot containing individual sleeping or housekeeping units designed for use by transients.

Motor Freight Terminal. A lot maintained by a motor freight company which is the original and/or destination point of short and long distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and for truck parking and storage facilities.

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

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
7. The business activity may not occupy more than 40% of the habitable floor area of the dwelling or permitted accessory structures.
8. The business may not involve any illegal activity.

Nonconforming Lot. A lot the area or dimension of which was lawful at the effective date of the Zoning Ordinance or by subsequent amendment, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

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

Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of

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such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Nursery, plant. Land or greenhouses where agricultural plants are propagated and grown. This may include wholesale nurseries which trade the product only to businesses to be sold off-site at commercial nurseries which sell to the general public.

Nursing Home. See “Health Care Facility.”

Open Space. An area of land unoccupied by a building and/or other structure which is maintained to permit human use, occupancy, recreation, and enjoyment.

Owner. The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot, building, or structure in question.

Parking Area. An open space on a lot used as an accessory use for the parking of automotive vehicles.

Parking Space. A space, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

Permit, Zoning. A license issued by the Zoning Officer which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

Person. An individual, association, co-partner or corporation.

Personal care home. A profit or nonprofit facility licensed by the Commonwealth of Pennsylvania providing lodging, food, and some support services to the aged, ill, or disabled. See “Health Care Facility.”

Personal storage unit. A building or group of buildings containing storage units or spaces intended to be rented or leased individually to persons and/or businesses for storage of their belongings and/or vehicles. A commercial/industrial warehouse containing storage space not generally available to the public for rent or lease shall not be considered a personal storage unit.

Place of Worship. A building, structure, or group of buildings or structures, designed, intended, and used for the assembly of individuals engaging in religious practices. This definition shall include, but is not limited to, churches, temples, chapels, cathedrals, synagogues, and mosques. This may include a dwelling for one (1) family.

Planned Residential Development. An area of minimum contiguous size, as specified by ordinance to be planned developed, operated and maintained according to plan as a single entity and containing one or more structures with appurtenant common areas meeting the requirements of the Mercer County Subdivision and Land Development Ordinance.

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Planning Code. The Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990, and Act 131 of 1992, and including any further amendments.

Plat. A map, plan or chart of a section or subdivision of a municipality indicating the location and boundaries of individual lots, whether preliminary or final.

Plot. A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

Porch. A roofed over structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

Primary Residence. A residence that is the home of the occupants more than one-half of the year.

Projections (into yards). Parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of the Zoning Ordinance.

Public grounds or facilities. Facilities operated as a non-profit enterprise by the municipality, and any other governmental entity, or any non-profit organization that are open to the general public, includes: (1) parks, playgrounds, trails, paths and other recreational areas and other public areas; (2) sites for sewage treatment, refuse disposal and other publicly owned or operated facilities; and (3) publicly owned or operated scenic and historic sites.

Race Track. Prepared route traveled by contestants to achieve goals of skill, duration, or speed, including practice for such events, also know as raceway or race course.

Recreation, Commercial. Recreational facilities operated as a business and open to the general public for a fee.

Recreation, Non-Commercial. Recreation facilities operated by a non-profit organization, and open only to members and guests of such nonprofit organization.

Recreational Equipment, Major. Major recreational equipment, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motor homes, camper/tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment, whether or not occupied by such equipment. Specific definitions include:

Travel Trailer. A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation purposes permanently identified as a travel trailer by the manufacturer of the trailer.

Pickup Camper or Coach. A structure designed primarily to be mounted on a pickup truck or truck chassis with sufficient to render it suitable for use as a temporary dwelling for travel, recreational, or vacation purposes.

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Motor Home. A portable dwelling designed and constructed as an integral part of a self-propelled vehicle. It can be either a converted truck or bus or a custom-built unit.

Camping/Tent Trailer. Usually consists of a fold-out tent mounted completely on a low trailer.

Recreation Space. An area of land unoccupied by a building and/or other structure which is maintained to permit human use and recreation.

Recreational Vehicle. A vehicular-type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No Recreational Vehicle shall be used as a permanent dwelling or business.

Recreational Vehicle Park. A plot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Retail Sales Establishments. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Road. Any street, highway, or other public roadway that is dedicated to public use by governmental authority.

SALDO. The Mercer County Subdivision and Land Development Ordinance as updated and amended.

Sawmill. A location where logs are cut into lumber provided only timber cut on the parcel may be processed where a portable sawmill is located. Additional materials or processing shall be done at a lumber mill or other industrial facility.

Screening. A method of visually shielding or obscuring abutting or nearby structures or uses from another by fencing, walls, or densely planted vegetation.

Setback, Building. The distance on a lot within which no building or structure, principal or accessory, shall be placed, unless otherwise indicated in this Ordinance.

Setback, Line Building. A line on a lot, measured from the centerline of the road or from a publicly owned right-of-way, which marks the building setback.

Sign. As defined in Article ____ of this ordinance and in the Shenango Township Sign Ordinance #_____.

Site. A plot of land intended or suitable for development.

Solar Energy System (SES). A device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for

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thermal applications, including, but not limited to, solar cells, panels, arrays, ancillary associated buildings, substations, meteorological instruments, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

Ground Mounted SES. One or a collection of solar panels or arrays that are mounted to the ground, together with ancillary facilities. Ground Mounted SES facilities fall into the following three categories:

Small Scale SES. A Ground Mounted SES with a capacity of less than one megawatt (AC).

Intermediate Scale SES. A Ground Mounted SES with a capacity of more than one megawatt (AC) and less than 20 megawatts (AC).

Large Scale SES. A Ground Mounted SES with a capacity of more than 20 megawatts (AC).

Integrated SES. An SES that consists of roof tiles or roofing material that generate solar power, integrated into the roof of a building, and which have a similar appearance to surrounding roofing materials, together with ancillary facilities.

Rooftop SES. An SES that consists of the installation of solar panels on the roof of a building, other than an Integrated SES, together with ancillary facilities.

Special Exception. A provision which permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for that zoning district. The provision is granted by the Zoning Hearing Board.

Street. See "Road".

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

Structure, Accessory. An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to that of the principal structure or use and which is located on the same lot as the principal structure or use.

Structure, Principal. A structure in which is conducted the principal use of the lot on which it is located.

Subdivision. The division or consolidation of a lot, tract, or parcel of land by any means into 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.

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Swimming Pool. A swimming pool shall be considered a permanent structure, if the construction or erection thereof results in a permanent location within a given lot. Swimming pools which can be easily relocated or dismantled for winter storage shall not be considered as a permanent structure.

Transportation Terminal. (1) A place where transfer between modes of transportation takes place; (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Townhouse. A type of multi-family residential structure containing four or more attached dwelling units. Each dwelling unit has a recorded lot and may have a vested interest in the common open space. The structure may be one, two stories in height.

Township Supervisors. The Board of Supervisors of Shenango Township.

Trailer. Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

Transient. Any individual residing or stopping in the municipality for less than thirty (30) days at one time.

Trucking or Transportation Facility. Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles.

Use, Accessory. A use customarily incidental and subordinate to the principal use of a building, structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

Use, Conditional. A use permitted in a particular zoning district only upon showing that such use, in a specified location, will comply with the expressed standards and criteria contained in the Zoning Ordinance and any additional safeguards deemed necessary by the governing body.

Use, Principal. The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance. All other uses on the same lot and incidental or supplemental thereto and permitted under this Zoning Ordinance, shall be considered accessory uses.

Utility, Private or Public. (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

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Variance. Relief granted by the Zoning Hearing Board, upon application in specific cases, from the terms of the Ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the Zoning Regulations will result in unnecessary hardship, and so that the spirit of the Zoning Regulations will be observed and substantial justice done.

Visual Obstruction. Any fence, wall, sign, structure, tree, hedge, or shrub, or a combination of them that limits visibility. See Clear sight triangle.

Written Notice. Shall have been served if delivered in person to the person intended or if delivered or sent by certified mail to the last known address of the person intended.

Yard. An unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Zoning Map. The zoning district map or maps of the Township of Shenango, together with all amendments subsequently adopted.

Zoning Officer. The agent or official designated by the Shenango Township Board of Supervisors and charged by law with the administration and enforcement of the Zoning Ordinance.

Zoning Ordinance. The Zoning Ordinance of the Township of Shenango together with all amendments subsequently adopted.

ARTICLE 3: ZONING DISTRICTS

SECTION 300: Purpose And Character Of Zoning Districts

The Township of Shenango for the purposes of the Zoning Ordinance is hereby divided into the following Zoning Districts to be designated as follows:

300.01. Residential Agricultural Zoning District ‘R-1’

To provide a Zoning District in which the predominate use is agricultural and to permit an orderly conversion of land to residential use and conserve farm and agricultural areas to the maximum extent possible. Protect areas for agricultural preservation and farmland.

300.02. Residential Medium Density Zoning District ‘R-2’

To provide a zoning district in which the predominate use will be residential neighborhoods with height and area regulations establishing a medium density land use or where smaller lots are possible in areas where public sewers and water are available.

300.03. Commercial Zoning District ‘C’

To provide a Zoning District which will encourage the establishment and maintenance of retail, office, and service business establishments designed to serve and essential to the efficient functioning of the community. To encourage business establishments and such other uses that are dependent on highway access and to encourage sound development at major interchange areas involving access to Interstate or other limited access highways.

300.04. Industrial Zoning District ‘I’

Encourage the establishment and maintenance of industrial establishments for the manufacture, assembly, compounding, processing, or storage of products. Control industrial uses and other uses which are clearly noxious or offensive by reason of odor, smoke, gas, vibration or noise in order to provide a healthful operating environment for industry, for the protection of surrounding non-industrial land uses and residential uses.

SECTION 301: Boundaries Of Zoning Districts

The boundaries of the zoning districts shall be as shown on the Zoning Map. Where uncertainty exists with respect to the boundaries of the various zoning districts, the following rules shall apply:

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- A. **Where a zoning district boundary follows a street, alley, railroad, or watercourse** – The centerline of such street, alley, railroad right of way, or watercourse shall be interpreted to be the zoning district boundary.
- B. **Where a zoning district boundary approximately parallels a street or alley** – The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
- C. **Where a zoning district boundary approximately follows a lot line** – The lot line shall be interpreted to be the zoning district boundary.
- D. **Submerged areas** - Where areas within Shenango Township is underwater and are bounded by two or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.
- E. **Annexed lands** - Any land annexed to or made a part of Shenango Township subsequent to the adoption of this ordinance shall immediately be classified as R-1 Residential Single Family as of the effective date of annexation.
- F. **Vacation of public ways** - Whenever any street or alley is vacated, the zoning district or districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.
- G. **Where a zoning district boundary does not follow a physical feature or lot line and none of the previous rules apply.** The location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale appearing thereon.

SECTION 302: Official Zoning Map Reference

The Official Shenango Township Zoning Map is hereby adopted as part of this Ordinance. The official zoning map shall be kept on file and be available for examination at the Municipal Building.

THE ZONING MAP ATTACHED TO THIS ORDINANCE IS FOR REFERENCE ONLY.

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ARTICLE 4: PERMITTED USES

SECTION 400: Permitted Principal And Accessory Uses Table

<u>PERMITTED USES By ZONING DISTRICT</u>	R-1	R-2	COMMERCIAL	INDUSTRIAL
Dwellings, Single-Family	X	X		
Dwelling, Duplex. 2 Family	X	X		
Dwelling, Multiple-Family or Apartment Building		X		
Accessory Apartments	X	X		
Agricultural Operations, Agribusiness Operations	X			X
Cemetery	X	X		
Church, Place Of Worship	X	X	X	
Day Care Facility, Child or Adult		X	X	
Golf Courses	X	X	X	
No-Impact Home-Based Business	X	X		
Mobile Home Parks		LDP*		
Planned Residential Development		LDP*		
Public Grounds Or Facilities	X	X		
<u>COMMERCIAL & INDUSTRIAL USES</u>			LDP*	
Administrative, Professional, Business Offices			X	X
Adult Business Uses				SE
Airport	SE			SE
Amusement Park or Zoo			X	
Automotive or Trailer Sales Establishment			X	X
Automotive Repair Services And Garages			X	X
Bulk Storage and Distribution Facility				X
Club, Lodges and Membership Organizations,			X	
Convenience Store			X	
Distribution and Warehousing.				X
Drive-In Business			X	
Eating And Drinking Establishment			X	
Educational Facilities - Boarding or Dormitory Uses by Special Exception		X	X	X
Flammable Liquid Storage				X
Forestry	X	X	X	X
Funeral Home, Mortuary or Crematorium			X	
Garage, Commercial			X	X
Governmental Facility			X	X

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PERMITTED USES By ZONING DISTRICT	R-1	R-2	COMMERCIAL	INDUSTRIAL
Health Care Facility			X	
Heavy Equipment Storage Area.				X
Hospital, Veterinary	X		X	X
Hotel, Motel			X	
Industrial Services				X
Junk Yard				X
Kennel, Commercial	X		X	
Laboratories for Research, Design, Experimentation, Processing And Fabrication				X
Lumber Mill Or Lumber Yard and Building Material Yard				X
Mining, Land Fill, Mineral Extraction	X			X
Motor Freight Or Trucking Terminal				X
Nursery, Plant For Commercial Sales			X	X
Parking Loading Facilities			X	X
Personal Service Establishment			X	
Race Track			X	X
Recreation Vehicle Parks			LDP*	
Recreation, Commercial			X	
Recreation, Non-Commercial	SE			
Retail Sales Facility			X	
Sanitary Landfills, Waste Transfer Station, Or Similar Facilities				CU
Sawmill, Temporary	X		X	X
Solar Energy Systems *	CU			CU
Storage Or Parking Of A Non-Agricultural Licensed Vehicle				X
Storage Units			X	X
Towers - Communications, Windmill	LDP*	LDP*	LDP*	LDP*
Transportation Facility				X
<u>Accessory Uses</u>				
Antennas For Private Use	X	X		
Bed & Breakfast	AC	AC		
Boarding Unit, Lodging Unit, Rooming Unit	AC	AC		
Essential Services	X	X	X	X
Event Barn Or Center Saldo?	AC	AC		
Farm Stand For Sale Of Agricultural Or Nursery Products, Temporary	AC	AC		
Incinerator - Private	AC*			

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PERMITTED USES By ZONING DISTRICT	R-1	R-2	COMMERCIAL	INDUSTRIAL
Private Playhouse, Swimming Pool, Tennis Court, Tool Or Storage Shed, Shelter For Domestic Pets And Private Greenhouse	AC	AC		
Wall, Fence, Lamp Post, Satellite Dish, Antenna Or Similar Accessory	AC	AC		
Signs Ordinance #2020- _____	S	S	S	S
Key				
Conditional Uses - # Supervisors	CU			
Special Exception – Zoning Hearing Board	SE			
Accessory Use - May Not Be Primary Use	AC			
Any Non-Single Family Development Requires Site Plan Review Subject To Mercer County Subdivision & Land Development Ordinance	LDP		LDP* = SEE SALDO REGULATION	

* LDP – Indicates that additional Subdivision and Land Development Ordinance regulations also apply. See Section 600.

NOTE that all development must be submitted for review, except for single family homes.

ARTICLE 5: LOT, YARD & HEIGHT REQUIREMENTS

SECTION 500: Lot, Yard & Height Table

LOT YARD & HEIGHT REQUIREMENTS	ON-LOT SEWAGE R-1 or R-2 *	PUBLIC SEWERS R-2 ONLY	COMMERCIAL	INDUSTRIAL
MINIMUM LOT AREA Section 501.03	45,000	32,000	32,000	45,000
LOT WIDTH *measured at the minimum setback line	150	100	100	200
SETBACKS				
Front Setback From Centerline	75	75	75	50
Front Setback when on Publically Owned Right-of-Way	60	60	60	75
Rear Setback	35	25	25	35
Side Setback	20	10	25	25
Accessory Structures	10 for SIDE or REAR	10 for SIDE or REAR		
BUFFER ZONES Required distance from a Commercial or Industrial building to any Residential District			Minimum distance from a building 50'	Minimum distance from a building 100'
MAXIMUM IMPERVIOUS AREAS – Provided all Stormwater Management Requirements are met.				
MAXIMUM BUILDING COVERAGE	25%	25%	50%	50%
MAXIMUM IMPERVIOUS AREA			85%	85%

SECTION 501: SUPPLEMENTARY LOT REGULATIONS

501.01. Number of Principal Structures on a Lot - Only one principal structure may be permitted on a lot except in multi-family developments or planned commercial or industrial building groups.

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501.02. Subdivision of Lot - Any lot shall not be subdivided, if by such action the Zoning Ordinance would be violated.

501.03. Minimum Lot Area – shall be measured from the centerline of the Road or from the property line of a Publically Owned Right-of-Way

501.04. Determination of Setbacks on Irregularly Shaped Lots - On an irregularly shaped lot no point of a building shall be less than the required setbacks stated as a minimum distance to lot lines or yards.

501.05. Corner Lots – Corner lots shall conform with the minimum setback requirements on each street frontage

501.06. Projection into and Occupancy of Yards, Courts or Other Open Spaces - The following projections into and the occupancy of required yards, courts or other open space, except a porch and/or similar attached or semi-detached accessory structure, shall be permitted subject to the following provisions:

- A. Steps, Stoop, Window Sill, Belt Course, Similar Architectural Feature, Rain Leader and/or Chimney, provided it shall not project more than four (4) feet beyond the face of the wall.
- B. Fences - Except as provided in the next paragraph, the yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful fence or wall, provided that in any Residential District no fence or wall shall exceed the maximum height stated in the district regulations.

- 1. Maximum Height for Solid Wall or Fence - 6 feet on side lot lines or 8 feet along rear lot line, and 3 feet along front lot line.

- 2. Maximum Height for Open Fence - 8 feet

501.07. Exceptions to Height Requirements

- A. The height limitation of this ordinance shall not apply to flagpoles, silos, barns, church spires, belfries, domes, or similar projections not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, antenna, and other necessary mechanical apparatus usually carried above the roof level, provided such shall be set back in conformance with the zoning district setback and yard requirements plus 1 foot horizontally for each foot in which it exceeds 40 feet in height above ground level.
- B. **Existing Designed Structures** – when a building was actually designed and constructed to carry the additional stories necessary, the height or vertical extension of a structure existing at the effective date of the Zoning Ordinance may be erected to such height as the original drawings of said building indicated.

501.08. Illumination of buildings or property

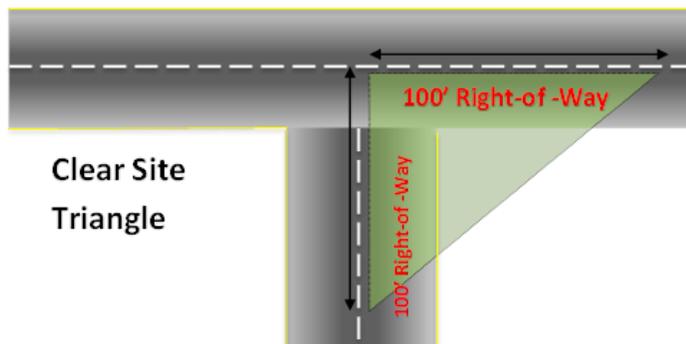
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Properties, Buildings or specific uses may be illuminated by reflected light provided that the source of such light shall be suitably shielded so as not to detract from the surrounding uses or cast glare onto adjacent roadway or properties.

- A. The Zoning Officer may, at any time, require existing lights to be rearranged or shielded to conform.
- B. Such an order may be appealed to the Zoning Hearing board, but otherwise, must be in compliance within thirty (30) days from the date of notification.

501.09. Visibility at Intersections

The **clear sight triangle** shall be maintained on a corner lot in any district; no structure, sign, solid fence or wall, hedge or other planting shall be erected, placed or maintained at a height of more than thirty (30) inches above the curb line within the triangle formed by the street lines (edge of pavement) and a straight line joining said street lines at points which are one hundred (100') feet distance from the point of intersection.



ARTICLE 6: SUPPLEMENTARY USE REGULATIONS

SECTION 600: ADDITIONAL CODES AND ORDINANCES

600.01. MERCER COUNTY SUBDIVISION & LAND DEVELOPMENT ORDINANCE

Mercer County Subdivision and Land Development Ordinance (SALDO) as adopted or amended shall apply to all non-single family development including commercial or industrial development. The following specific development types have additional site plan and review requirements within the SALDO;

- A. **Planned Residential Development** - Within Shenango Township such development shall have a minimum area of 75 Acres.
- B. **Mobile Home Parks** - Permitted in the "R-1" residential - agricultural zoning district only and are hereby deemed to be a conditional use wherein the park is subject to the approval of the Shenango Township Board of Supervisors, with additional standards set forth in the SALDO.
- C. **Recreational Vehicle Parks (RV Park)** - Permitted in the "C" commercial zoning district and are deemed to be a conditional use wherein the park is subject to the approval of the Shenango Township Board of Supervisors, with additional standards set forth in the SALDO.

600.02. STORMWATER MANAGEMENT and FLOODPLAIN ORDINANCES

Requirements shall apply to all development as reviewed by the Township as specified in Stormwater Management Ordinance #159 as adopted July 11, 2011 and as may be amended.

In addition, all development must meet requirements of the [FEMA] Flood Plain Management Act Ordinance #161 as adopted August 16, 2012 as may be amended.

600.03. SIGN REGULATIONS

Signs may be erected and maintained only in compliance with all applicable provisions of the Shenango Township Signage Ordinance #____ as amended, and any regulations of the Township relating to the location, size, height, lighting, alteration or maintenance of signs as defined.

A. The purpose of sign regulations are:

- 1. to encourage the effective use of signs as a means of communication in the Township ;
- 2. to maintain and enhance the aesthetic environment in character with the historic values of the community, and the Township 's ability to attract sources of economic development and growth;
- 3. to improve pedestrian and traffic safety;
- 4. to minimize the possible adverse effect of signs on nearby public and private property;
- 5. to enable the fair and consistent enforcement of these sign restrictions.

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- B. **Required Identification Sign** - One sign shall be required for the purpose of emergency (911) identification and must include the street number for the building or property. May be located upon the structure or near the street on separate signage provided it is of sufficient size to be seen adequately in an emergency.

600.04. BUILDING CODES

Shenango Township adopted Building Codes as UCC Construction Code: Ordinance #144 of 2004; Amended Ordinance #154 of 4/10/2006. Subject to the following requirements;

- A. All permitted uses shall submit Site Plan for review by the Planning Commission and approval by the Township Board of Supervisors prior to the issuance of a building permit.
- B. Building permits shall not be released until all site, utility or other requirements have been met. The Township Supervisors may review the all documents prior to approval.

600.05. ROAD and INFRASTRUCTURE REQUIREMENTS

Any proposed roads or other infrastructure which are proposed to be maintained by the Township are subject to the following:

- A. Must be installed to the requirements of the Township,
- B. All other requirements of the Zoning Ordinance must be met, including:
 - 1. Minimum front, side and rear yards,
 - 2. Parking and loading requirements,
 - 3. Sign requirements,
 - 4. Height requirements,
 - 5. Area regulations.
- C. Before granting any such site approval, the Planning Commission shall obtain a report thereon from the Township Engineer, if one has been retained, and such other Township officers as may be deemed necessary, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Planning Commission shall forward its recommendations to the Township Supervisors who shall not issue final approval until they have entered into an agreement with the applicant regarding the development of such facilities.
- D. If not fully installed at the time a permit is issued, a bond or other security satisfactory to the township shall be posted with the Township in an amount sufficient to cover the cost of construction of the road in the event it is not completed by the applicant or his contractor. Written notification of the filing of such bond or other security must be submitted to the Board of Supervisors prior to the approving of a site plan and the issuance of a building permit.

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- E. An applicant wishing to make any changes in a duly approved site or use shall obtain approval thereof by the Planning Commission and the Board of Supervisors.

SECTION 601: RESIDENTIAL USE REQUIREMENTS

601.01. Single Family Residential Dwellings.

- A. Self-contained mobile home units having a floor area of 720 square feet or more, may locate on individual lots, provided they conform to all regulations applicable to single-family dwellings.
- B. Mobile home units having less than 720 square feet of floor area must locate in Mobile Home Parks.

601.02. HOME OCCUPATION – See definition of NO-IMPACT HOME BASED BUSINESS

601.03. Stand for Sale of Agricultural or Nursery Products, provided:

- A. It shall be for the sale of agricultural products.
- B. It shall be set back a minimum of 50 feet from the road centerline.
- C. There shall be at least three (3) parking spaces not on the street right-of-way.
- D. Must be removed if not in use for a period of one calendar year.

601.04. Antennas for ham radio, citizens band radio, or other similar radio communications for personal, non-commercial use by only the property owner or occupant, provided:

- A. It shall not be located to the front or side of the principal structure nor mounted on the roof of any structure.
- B. It shall be mounted at the minimum elevation and height necessary for proper functioning.
- C. It shall comply with all accessory use yard, height, and setback requirements including additional height provisions contained in Section 1301.2.
- D. It shall be set back from other on- and off-site antennas far enough so that one antenna will not strike another antenna if it falls.

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SECTION 602: COMMERCIAL USE REQUIREMENTS

602.01. Provisions of Use -Any permitted principal and/or accessory use shall be subject to the following use regulations.

- A. For commercial uses located on corner lots where one street is predominantly residential and one street is predominantly commercial, any commercial structure shall front on the street which is predominantly commercial.
- B. All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck, or other vehicle parts shall not be permitted except within a completely enclosed structure.
- C. Any part or portion of a lot developed for "C" Commercial District uses which is not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all season groundcover vegetation. Landscaping with trees and shrubs is permitted and encouraged.
- D. Any off-street parking area located in a required front yard building setback shall be located at least 5 feet from the road right-of-way with the area in-between the road right-of-way and parking maintained according to the previous paragraph.
- E. It shall not emit any noxious, toxic, or corrosive fumes or gasses nor shall it emit any offensive odors.
- F. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment, or uses or processes with electrical apparatus.
- G. All exterior lighting shall be so placed and shielded as outlined in Section ____.
- H. **Buffer and Screening Requirements** - Where any permitted principal and/or accessory use, excluding Governmental authority or public utility facility uses, abuts any land zoned "R" Residential, the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.
 - 1. A buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an "R" District. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier.

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2. The buffer strip shall contain suitable screening, defined as either of the following:
 - a) A solid fence or wall, architecturally compatible with existing structures in the area, no less than 5 feet nor more than 8 feet in height; Fences or walls must be maintained in safe and structurally sound condition.
 - b) A sight obscuring planting of evergreens, not less than 4 feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than 6 feet upon maturity, planted at a spacing of the lesser of 8 feet or the diameter of a mature specimen of the species being planted. Dead or diseased plants shall be removed and replaced in a timely manner.
 - c) Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with grass or other appropriate ground cover vegetation.
3. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the permitted commercial use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer.

602.02. Animal Hospital, provided:

- A. It is a principal structure on a lot.
- B. Fencing or screening shall surround the hospital.
- C. It shall be located on a minimum lot size of 40,000 square feet in area.

602.03. Automotive Service Establishment - Such as automotive gasoline service station, automotive garage, provided:

- A. It shall not be located within 100 feet of any lot line of any Residential Zoning District.
- B. Any equipment for the service of gas, oil, air, water, or repair work shall be:
 1. Minimum of 50 feet from any lot line of any residential zoning district.
 2. Minimum of 100 feet from any lot line of a hospital, church or school.
 3. The fuel pump shall be a minimum of 60 feet from Street Right of way.

602.04. Governmental or Governmental Authority Facility, Service Structure or Use, provided:

- A. It shall serve as a community facility or be reasonably necessary for the adequate distribution of services.

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B. It shall be authorized by a governmental agency.

602.05. Sawmill: Temporary use provided only timber cut on the parcel upon which the sawmill is located, may be processed in sawmill. Any additional processing or finishing must be completed at a Lumber Mill or Lumber Yard.

602.06. Public Utility Facility, Service Structure and/or Use, provided:

- A. It shall not include any type of equipment which will in any way interfere with local radio or television communications or otherwise be detrimental to the surrounding area.
- B. It shall not include a business facility, repair facility, storage of materials, storage of any repair or trouble crew outside a structure.
- C. It shall be reasonably necessary to adequate distribution of service.
- D. That the structures be compatible with other permitted structures in this District in which it is located.
- E. No structure may be located less than 200 feet from any principal or accessory structure on adjoining or abutting property.

SECTION 603: INDUSTRIAL USE REQUIREMENTS

603.01. Provisions of Use - Any principal and/or accessory use permitted in the industrial district shall be subject to the following use regulations:

- A. All accessory storage of junk, discarded or salvaged material, machinery or equipment (including automobile, truck, or other vehicle parts), shall not be permitted except within a completely enclosed structure, or if the lot area devoted to such use is over 200 square feet in area, the owner may have the alternative of enclosing it on all sides except for an exit and entrance not over 25 feet in width by a solid fence or wall at least 6 feet in height and maintained in good condition or by a cyclone or equal wire fence at least 6 feet in height and surrounded, except for an exit not over 25 feet in width, by evergreens at least 6 feet in height and planted not further apart than 6 feet so as to form a solid screen.
- B. It shall be carried on only in buildings classified as fire resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.
- C. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.
- D. It shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.
- E. Any part or portion of a lot developed for industrial uses which is not used for buildings, other structures, active landfilling areas in approved sanitary

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landfills, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all season ground cover vegetation. Landscaping with trees and shrubs is permitted and encouraged.

F. All parking shall be off-street and meet regulations of Article 7.

G. All exterior lighting shall not create a nuisance for adjacent properties.

SECTION 604: SPECIAL EXCEPTION USES

Special Exceptions are larger developments impacting the community and shall be reviewed by Zoning Hearing Board as outlined in Article 10.

604.01. SOLAR ENERGY SYSTEMS (“SES”)

Solar Energy Systems may be permitted by special exception provided the application complies with the following conditions and requirements:

A. Plans for the SES shall be submitted for review according to the provisions of the Mercer County Subdivision and Land Development Ordinance as a major Land Development Plan.

1. The single SES Development Area may include improvements on a single or multiple properties, under single or multiple ownership.
2. Subdivision of properties may not be required when a SES Development Area includes improvements within an identified lease area that is less than the entire lot or tax parcel.

B. Number of Principal Structures and Uses on a Lot.

For purposes of the requirements of Section __, the SES structures or use may be permitted as a planned special exception that includes multiple structures as a single principal or accessory use. Such use may be under single lease area covering a single or multiple properties, under single or multiple ownership.

C. Minimum Site Size.

The minimum SES Development Area shall be fifty (50) acres.

1. The SES Development Area shall be permitted to be located on one (1) or more lots or tax parcels that do not need to be under common ownership so long as the Applicant of the SES provides written authorization from the owner(s) of all lots or tax parcels on which the SES Development Area will be located.
2. The SES Development Area shall include all principal and accessory structures, which includes all of the solar panel arrays (including the spaces between the rows of arrays), distribution wires, batteries, storage cells and all other mechanical equipment using solar radiation to generate, store, and distribute energy. This area also shall include any substations and inverters as well as access driveways providing

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access to a public road, buffers, utilities and stormwater management facilities.

D. Minimum Yard Setbacks.

1. SES Development Area shall comply with all minimum yard setback requirements for principal structures established in the applicable zoning district, except that the SES Development Area shall be located a minimum distance of 50 feet from all exterior lot lines. This yard setback requirement shall not be applicable to contiguous interior property lines bisecting the SES Development Area.
2. SES Fenced Area shall include all of the solar panel arrays (including the spaces between the rows of arrays), distribution wires, batteries, storage cells and all other mechanical equipment in the SES Development Area to be enclosed within a minimum six (6')-foot tall security fence.
 - a) The SES Fenced Area shall not include any wetlands or environmentally sensitive areas.
 - b) The SES Fenced Area also shall not include any access driveways providing access to a public road, buffers, utilities or stormwater management facilities that are not enclosed by such fence
3. Access driveways, utilities and stormwater management facilities that are not enclosed within the required fence surrounding the SES Development Area shall be permitted to be located within the required yard setbacks.

E. Minimum Buffer Area/Screening.

1. Any required buffer and screening planting shall be located outside of the required fencing that surrounds the equipment within the SES Fenced Area.
2. Within the minimum yard setbacks as required, a minimum 25-foot wide buffer area consisting of natural and undisturbed vegetation shall be preserved or provided around the perimeter of the SES Fenced Area.
3. Vegetation Preservation. Except in connection with installation and operation of the SES, access driveways, utilities and stormwater management facilities, existing onsite vegetation shall be preserved to the maximum extent practicable.
4. Access driveways, utilities and stormwater management facilities that are not enclosed within the required fence surrounding the SES site may be permitted to be located within the required buffer area.
5. Where the SES Development Area, not including any access driveways providing access to a public road, is located within 100 feet of (i) an existing residential dwelling located on an adjoining lot or (ii) a

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boundary of a residential district, the buffer area shall be suitably planted and screened as may be required by the Planning Commission. The buffer area may include a combination of preserved existing mature vegetation and/or newly installed vegetation, walls or fences, or topography, or other screening treatment, so as to achieve a minimum of 50% opacity throughout the year, at a minimum height of six (6')-feet, within five (5) years of the SES commencing operation.

F. Site Disturbance.

Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with installation of the SES site, access driveways, utilities and stormwater management facilities shall be minimized to the extent practicable. An erosion and sedimentation control plan shall be required in accordance with the requirements of the Pennsylvania Department of Environmental Protection and Mercer County Conservation District to control erosion and sedimentation at the perimeter of disturbance during the construction of the SES.

G. Maximum Lot Coverage.

The SES Fenced Area, which contains all of the principal and accessory structures of the SES, shall not cover more than forty percent (40%) of the collective area of the lot or lots on which the SES Development Area is located.

H. Access, Off-Street Parking and Off-Street Loading.

1. A minimum 10-foot wide gravel access driveway shall be provided within a minimum 20-foot wide access easement connecting the SES Development Area to a public or private road, to assure adequate emergency and service access is provided.
2. Access driveways and aisles provided and installed for onsite circulation and maintenance between the rows of solar panel arrays within the SES Fenced Area may be grass covered provided sufficient gravel or stable access driveways are available for emergency access.
3. No additional off-street parking spaces and off-street loading spaces are required. Therefore, the requirements of Article IX [Parking and Loading Regulations] of the Zoning Ordinance are not applicable.

I. Maximum Height.

1. Solar panel arrays must be ground mounted and shall not exceed 20 feet in height when oriented at maximum tilt.
2. Except as permitted in Section 1002.2 [Height Regulations Not Apply] of the Zoning Ordinance, all other equipment shall not exceed 20 feet in height.

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3. All buildings shall not exceed the maximum building height for the application zoning district.

J. Glare.

Solar panel arrays shall incorporate anti-reflective surfaces or be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjoining properties or roads.

K. Noise.

In addition to the yard setback requirements of Section 401.1.24.a.iv above, substations and inverters shall be set back a minimum distance so that noise levels from such substation or inverter shall not exceed 40 dBA when measured at the exterior lot line.

1. The applicant for the SES shall provide to the Zoning Hearing Board during the special exception approval process equipment specifications and/or propagation evidence and a certified report that demonstrates the noise to be generated by the proposed substation and inverters and demonstrates compliance with the noise limitation set forth above.
2. Additional buffer measures may be required where the noise limitation cannot otherwise be met.

L. Signs.

Warning/safety signs indicating voltage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except:

1. Manufacturer's, installer's or operator's identification;
2. Appropriate warning signs and placards;
3. Signs that may be required by a federal or state government agency;
4. Signs that provide 24-hour emergency contact information, including address, telephone number.

M. Abandonment.

Upon commencing commercial operation, any SES that has not generated electricity for a period of 12 consecutive months shall be deemed to be abandoned and shall be decommissioned within 12 months from the date it is deemed abandoned. A decommissioning plan shall be submitted as part of the zoning permit application for such SES and shall include, but not be limited to, the following:

1. A schedule and methods for the removal of such SES;
2. A plan for restoring the site to a condition similar to its condition that existed immediately prior to the development of such SES, including grading and vegetative stabilization;
3. A performance bond, decommissioning trust or escrow account, or letter of credit or a financial guarantee in an amount to be based upon

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the estimated cost of the decommissioning to insure completion of the decommissioning plan, which shall be submitted as part of the zoning permit application for such SES

4. Any obsolete or unused SES and appurtenant structures shall be removed from the property within 12 months of abandonment or decommissioning.

604.02. ADULT ENTERTAINMENT ESTABLISHMENTS

Adult Entertainment Establishments shall be subject to the following restrictions:

- A. No adult entertainment establishment shall be located within 1,000 feet of any other adult entertainment establishment.
- B. No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:
 1. No such establishment shall be located within 1,000 feet of a residential dwelling;
 2. No such establishment shall be located within 1,000 feet of any parcel of land which contains any one or more of the following specified uses: amusement park, camp, child care facility, church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities, community center, museum, park, or playground.
- C. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any adult entertainment establishment and any other use specified above shall be measured in a straight line without regard to intervening structures, from the nearest point on the property line of the adult entertainment establishment to the closest point on the property line of said use.
- D. No person shall operate an adult business in such a manner as to permit, or cause to be permitted, any stock in trade which depicts, describes, or relates to specified sexual activities and/or specified anatomical areas as defined in this Ordinance, to be viewed from the street, sidewalk, or highway.
- E. All signs shall be flat wall signs, the gross surface area of which shall not exceed 5% of the area of the wall on which such sign is part and no sign shall be placed in any window. A 1 ½ square foot sign may be placed on the door to state hours of operation and admittance to adults only.
- F. Height and Area Regulations

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1. The height and area regulations for adult entertainment establishments shall be the same as those set forth for a permitted use in a Business Neighborhood Service (B-1) Zoning District.
2. The height and area regulations for an industrial use in this zoning district shall be the same as those set forth for a permitted use in the Industrial (I) Zoning District.

604.03. SPECIAL EVENT BARN

Special event barns shall conform to the following provisions:

- A. The Special Event Barn may be located on the same property as the farm.
- B. The parcel on which the Special Event Barn is located shall be at least 10 acres in size and able to accommodate all facets of the event within the boundaries of the property.
- C. Special Event Barns shall be located in their original location.
- D. Special Event Barns, including all fixtures, tents and parking shall be set back at least fifty (50) feet from all property lines.
- E. Any Special Event Barn as a principal use shall be subject to the following setback requirements:
 1. 3000' feet from another Event Barn
- F. Any additions or changes to the Barn to accommodate the use as a Special Event Barn shall be secondary and shall not drastically alter the visual or material character of the Barn except as necessary to provide for safe use by patrons, and all additions or changes shall be comply with applicable Building Code requirements and the Uniform Construction Code.
- G. The conduct of the event including fixtures, tents and parking may extend to the grounds but may not extend into the building setback areas.
- H. Parking shall be on the property on which the Special Event Barn is located. Under no circumstances may parking be on State or Township roads, on other public property, or on private property other than that on which the Special Event Barn is located.
- I. All entertainment, including but not limited to DJs, music, bands, a dance floor or a stage shall be limited to the interior of the Special Event Barn.
- J. If the barn does not include sufficient restroom facilities to meet building code requirements then portable restroom facilities, approved by the Township Sewage Enforcement Officer, are required.
- K. The owner of the Special Event Barn shall provide bonded, insured onsite independent security guards for each event, and a certificate showing that the

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Special Event Barn is covered by special event liability insurance shall be displayed at all times.

- L. *Alcoholic beverages may be served only as allowed by local and state laws. There shall be no sale of alcoholic beverages.*
- M. For a Special Event Barn as an accessory use, signs shall be erected only in accordance with provisions applicable under Article VIII of this Ordinance.
- N. All fees will be paid by property owner and fees will be established by the Township Supervisors by Resolution.
- O. Any changes necessary to accomplish the use as a Special Event Barn (e.g., modifications to the building, driveways, parking areas, etc.) are subject to the Township's Land Development and Stormwater Ordinances, Zoning Ordinance, and the Uniform Construction Code.
- P. *Trash shall be removed within 24 hours following the end of every special event.*
- Q. Any Special Event Barn that has been damaged or destroyed by fire or other means may be reconstructed and used as before if the restructuring is preformed within twelve (12) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content than did the building that was destroyed.

SECTION 605: CONDITIONAL USES

Conditional uses are permitted uses when meeting the following provisions and shall be reviewed by the Township Supervisors upon recommendation for approval from the Township Planning Commission.

- 605.01.** All permitted conditional uses shall submit Site Plans for review by the Planning Commission for approval by the Township Board of Supervisors
 - A. The Planning Commission shall consider the appropriateness of the site plan and the design of the buildings in relation to the physical characteristics of the site, the character of the neighborhood, and the most beneficial prospective use of the land in the neighborhood.
 - B. Site plans shall include the following information and be submitted in triplicate (3 copies) with the application for the building permit: 1 copy for the Zoning Officer, 1 for the Planning Commission and 1 for the Board of Supervisors.

- 605.02. Sanitary landfills, waste transfer station, or similar facilities whose principal use is processing, storage and/or disposal of solid or hazardous waste,** only upon application to and approval by the Township Board of Supervisors and after referral to the Township Planning Commission for review

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and recommendations. Prior to approval by the Township Supervisors, the applicant for such conditional use shall comply with the following conditions:

- A. The applicant shall comply with all applicable regulations and requirements of the Commonwealth of Pennsylvania and/or federal government and shall present to the Township Supervisors an approved permit for the proposed facility from the appropriate state and/or federal permitting authority.
- B. The applicant shall provide the Township with a copy of the permit application submitted to the appropriate state and/or federal permitting authority and all accompanying site plans, engineering data, and other information.
- C. The applicant shall grant a right of entry to the proposed facility to the Township Board of Supervisors or its authorized representatives, upon written request by the Township, in order to inspect the facility and ensure that all applicable regulations and requirements are being met while the facility is in operation.
- D. The Township Board of Supervisors may impose other conditions, based on consideration of the unique physical conditions and natural and man-made characteristics of the proposed facility site and its surroundings, which do not violate the minimum standards of the Commonwealth of Pennsylvania and/or federal government and which are reasonably necessary to provide maximum protection to the Township's underground and surface water supplies and to minimize adverse impacts to surrounding properties.
- E. If site plans in the detail prescribed herein were submitted and approved at the time of request for amendment for that part requested in the permit application, they need not be submitted again.

605.03. PARKING AND STORAGE OF MAJOR RECREATIONAL EQUIPMENT AND NON-AGRICULTURAL COMMERCIAL VEHICLES

- A. **Parking or storage** – No major recreational equipment or non-agricultural commercial vehicle may be parked or stored on a lot in a residential district except in a garage or car port or behind the nearest portion of a building to a street, provided, however, that:
 - 1. Major recreational equipment may be parked anywhere on a residential lot for not more than twenty-four hours consecutive during loading or unloading.
 - 2. No more than one (1) non-agricultural commercial vehicle may be parked or stored on a lot.
- B. **Occupancy** – No major recreational equipment or commercial vehicles shall be used for living, sleeping, housekeeping, or human habitation purposes except that travel trailers, motor homes, camper/tent trailers, pickup campers or coaches may be temporarily parked and occupied for sleeping purposes only by visitors and house guests in accordance with the following:

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1. The temporary parking or occupancy period shall not exceed seven (7) days.
 2. Such vehicles and/or trailers shall have adequate off-street areas to be parked behind the nearest portion of the principal building to a street.
- C. **Derelicts** – No major recreation equipment or non-agricultural commercial vehicle shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the current market value of the equipment. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it was intended.

SECTION 606: ACCESSORY USES:

- A. Accessory use shall be customarily incident and subordinate to a permitted principal use.
- B. Accessory use shall be located on the same lot as the principal use.

606.01. Private Shelter or Kennel for Domestic Pets, including horses and ponies, provided it shall not be used on a commercial basis.

606.02. Private Incinerator, provided:

- A. It shall be located within the dwelling, or in the rear yard only.
- B. It shall be used only for burning of refuse produced on the premises.

606.03. Wall, Fence, Lamp Post, similar accessory structures subject to height limitations outlined in Article 5.

606.04. Processing, Cleaning, Servicing, Testing or Repair

Except in an automotive service establishment, it shall be entirely within the principal structure.

606.05. Service Facility on a Lot Occupied by an Automotive Service Establishment for the Service of gas, oil, air or water or repair facility, provided:

- C. Any such equipment shall not be less than 15 feet from any alley or street nor less than 50 feet of any lot line in any Residential Zoning District or 100 feet from any lot line of a hospital, church or school.

606.06. Storage of Inflammable Liquids on a Lot Occupied by an Automotive Service Establishment or Transportation Terminal Establishment, provided: it shall be approved by the Shenango Township Fire Chief and Commonwealth of Pennsylvania.

ARTICLE 7: PARKING AND LOADING REGULATIONS

SECTION 706: General Provisions

706.01. Applicability – Off-street parking, stacking and loading spaces shall be provided in accordance with the specifications of this section in all zoning districts whenever:

- A. Any new use of land or structure(s) is established.
- B. An existing use of land or structure(s) is enlarged through addition of dwelling units, gross floor area, lot area, or other means.
- C. An existing use of land or structure is changed to a different use or a new use is added. Such new, enlarged, or changed use shall fully comply with the specifications of this section prior to being given a certificate of use and occupancy.

706.02. Location of off-street loading and parking spaces – Required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve, but may not be located in the right-of-way of a public street.

- A. Any off-street parking area located in a required front yard building setback shall be located at least 5 feet from the road right-of-way with the area in-between the road right-of-way and parking maintained according to the approved site plans.
- B. The Zoning Officer may permit off-street parking spaces to be on a private lot wholly within 300 feet of the lot of said use if it is impractical to provide off-street parking on the same lot as said use. In such cases, the private lot shall be in same ownership as said use or be available in the long-term to the owner of said use via other documented means including deed restriction, lease, or other similar legal interest.

706.03. Shared use of required parking spaces -The Planning Commission may grant a waiver to allow shared use of parking spaces where normal periods of use are staggered and will not result in conflicts.

706.04. Shared use of required loading spaces - In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading of one use be used to satisfy the loading space requirements of another use.

706.05. Interconnection of Off-Street Parking Areas - To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be

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connected to adjacent parcels through a rear or side yard access drive constructed parallel to the public street to which the use fronts or is located along. Where a parking area is constructed and is adjacent to an undeveloped lot, the access drive, where feasible, shall be extended to the lot line for future connection to the adjacent parcel.

706.06. Encroachment or reduction - A required loading or parking space shall not be encroached upon by a structure, storage, or other use. The Planning Commission may reduce the total number of parking and/or stacking spaces required by the strict application of the provisions of this section when it has been conclusively demonstrated that circumstances, site design or location do not warrant the number of spaces required and that such reduction will not adversely affect pedestrian or vehicular circulation on the site or on any abutting street.

SECTION 707: Off-Street Parking Spaces

707.01. Off-street parking – Every use, except those in the C-1 district, shall provide off-street parking as specified in this section. Each off-street parking space shall not be less than 9 feet wide by 18 feet long exclusive of access drives and aisles (except that single-family dwellings may use driveways for off-street parking spaces) and shall be in usable shape and condition.

707.02. Where the required number of parking spaces is not set forth for a particular use in the following sections, and where there is no similar general type of use listed, the planning commission shall determine the basis of the number of spaces to be provided.

707.03. Parking areas that accompany development proposals containing parking spaces exceeding the minimum parking requirements by twenty (20) percent or more shall not be approved.

707.04. Size of Parking and Loading Spaces

- A. Minimum parking space Not less than 9 feet wide x 20 feet long
- B. Minimum loading space Not less than 12 feet wide x 50 feet long

707.05. The minimum number of off-street parking spaces for each use is specified below:

USES	MINIMUM Parking Spaces Required	Additional Requirements
Single Family Dwelling	1 space per dwelling	

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USES	MINIMUM Parking Spaces Required	Additional Requirements
Two-family or Multi-family dwellings or structures:	May allow 25 percent reduction for senior housing or low-income housing	Include guest parking plus 0.25 guest parking spaces/unit
Studio Units Bed & Breakfast One (1) bedroom	1/unit	“
Two (2) or more bedrooms per unit	1.5/unit	“
Five (5) or more dwelling units, or Nursing Home	1.25/unit	“
Manufactured and Mobile Home Parks	1.5 space per MH (average) plus 1 per 5 units for guest parking	
Residence Hall associated with Education facilities	1 space per 2 permitted occupancy for sleeping accommodations	plus 1 space for each employee
Civic Use Types		
Community Education Elementary and Junior High Schools	1/classroom plus 1/ 250 sq. ft. in office area	plus 1/35 sq. ft. non-fixed seating in an auditorium
High Schools Trade schools, business colleges, and commercial schools	1/classroom or instruction area plus 1/10 student enrollment or capacity	plus 1 per 3 fixed seats in standard public assembly areas; or 1 per 50 sq. ft. where there are moveable seats
Church, Place of Worship	1 space per 4 seats in the principal place of worship or one space per 200 sq. ft. GFA designed for a use other than services whichever is greater.	Note: Shared parking is encourage if available by written agreement within five hundred (500) feet.

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USES	MINIMUM Parking Spaces Required	Additional Requirements
Community or Civic, Social Hall, and/or Fraternal Facilities	1 space per four (4) fixed seats or per 60 sq. ft. of area of assembly, whichever is greater	
Theater, Auditorium or Stadium	1 space per 3 seats	
Commercial Uses		
Administrative, Professional, Business Offices, Financial Institutions	1/ 500 sq. ft.	3 stacking spaces per drive-through service bay/stall
Eating/Drinking Establishments, Club, Lodge or Membership Organizations	Drive-through restaurants 1/250 sq. ft. or 1/4 permitted seating capacity Plus 3 separate stacking spaces per service window and 3/order kiosk	Full service restaurant, bar, or club 1/150 sq. ft.
Drive-through business, Car Wash, Gas station	2 stacking spaces per drive-through service bay/stall	1 parking space per employee
Day Care Facility or Center	1 space per caregiver/employee	plus 1 space for each 10 clients permitted
Farm Stand	2 space minimum with safe limited street access	
Funeral Home	20 space minimum	Plus 1 space per employee
Health care facility	1.5 space per patient bed or examination room	plus 0.5 space per employee on largest shift
Hotels and Motels	1/guest unit plus 0.5/employee	Additional conference or meeting rooms where there are no fixed seats 1 per 50 sq. ft.

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USES	MINIMUM Parking Spaces Required	Additional Requirements
Indoor Recreation Facility,	1 space per 400 sq. ft. GFA	Plus 1 space per employee
Kennel	1 space per 500 sq. ft. of GFA	Plus 1 space per employee
Multi-tenant Commercial	1/250 sq. ft. of gross leasable area	Shared parking is encouraged where times for use are compatible
Outdoor recreation, Golf Course, Race track,	1 space per 500 sq. ft. of GFA within closed buildings	plus 1 space for every 4 persons the outdoor facilities are designed to accommodate
Retail Sales, Convenience Store, Nursery/Greenhouses	1/400 sq. ft. of retail space serving primarily local customers. Includes indoor and outdoor retail space.	1/250 sq. ft. for regional retail uses.
Veterinary Hospitals	1 space per 100 sq. ft. of GFA exclusive of that area to house animals	
INDUSTRIAL USES		
Any permitted industrial uses unless listed below	1 space per 1,000 sq. ft. GFA OR 1.25 space per employee on the largest shift, plus 1 space for each vehicle used in connection with, or may be serviced at the facility	plus sufficient space to accommodate the largest number of vehicles that may be stationed or displayed at any one time
Business Service and Supply Service Establishment	1 space for 500 sq. ft. of GFA	
Heavy Equipment and Specialized Vehicle Sale, Rental and Services Establishment	1 space per 500 sq. ft. of enclosed sales, rental and office floor area plus 1 space per 2,500 sq. ft. of open sales/rental display lot area plus 2 space per service bay	

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USES	MINIMUM Parking Spaces Required	Additional Requirements
Lumber Mill and Building Material Yard	1 space per 2 employees on largest shift	1 space per 5,000 sq. ft. of area devoted to storage (whether inside or outside)
Public Utility	1 space per 2 employees on largest shift	plus 1 space per company vehicle stored on the premises
Warehousing, Storage Yard, Motor Freight Terminal or Junk Yard	1 space per 2 employees on largest shift plus 1 space per 5,000 sq. ft. of area devoted to storage (whether inside or outside)	
Wholesale Trade Establishment	1 space per 4,000 sq. ft. of GFA for the wholesale operation	Plus 1 space per employee

NOTE: Area references are to gross floor area (GFA) unless otherwise indicated.

SECTION 708: Off-Street Loading Spaces

708.01. Off-street loading – Each permitted commercial and industrial use shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use.

- A. Each off-street loading space shall not be less than 10 feet wide by 50 feet long.
- B. Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space. If any such space is located adjacent to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved in accordance with the design standards.

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SECTION 709: Off-Street Stacking Spaces

709.01. Drive-Through or Drive-In Facilities requiring stacking space.

Minimum off-street stacking spaces accessory to the uses hereinafter designated shall be provided as specified below:

A.	Carwash, Automated Principal Use	Five (5) stacking spaces per bay
	Carwash, Accessory Use	Two (2) stacking spaces per bay
B.	Eating Establishment, Carry-out/Fast food (with drive-in window)	Eight (8) stacking spaces of which three (3) have to be prior to ordering station (including car placing the order).
C.	Financial Institution with Drive-In	Five (5) stacking spaces for first window and two (2) stacking spaces for each additional window.

For uses requiring direct vehicle access which results in vehicles waiting in line not listed above a minimum of four (4) stacking spaces of which one has to be prior to ordering station shall be required. Stacking spaces shall not impede traffic circulation.

709.02. Stacking Space Requirements

All drive-in uses established hereafter shall provide accessory off-street stacking spaces in accordance with the following regulations;

- A. All required off-street stacking spaces shall be located on the same lot as the use served.
- B. All off-street stacking spaces shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension.
- C. No stacking space shall be located in a required front setback.
- D. All off-street stacking areas, including aisles and driveways, shall be constructed and maintained with a dustless surface.
- E. The required dimensions are not less than nine (9) feet wide and fifteen (15) feet long.
- F. Required off-street stacking spaces may be provided cooperatively for two (2) or more uses, subject to arrangements that will assure the permanent availability of such spaces.

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SECTION 710: Construction Standards

710.01. To the greatest extent possible, off-street parking areas, loading and stacking areas shall be designed to reduce the negative visual effect of large paved areas and shall contain landscaped planting islands and defined pedestrian walkways. This Section provides requirements for internal parking area landscaping, as well as landscaping along the perimeter of the parking area.

710.02. Parking areas for the storage of five (5) or more automobiles in any Zoning District shall be constructed in compliance with the following minimum standards:

- A. Entrance and/or exit - Curb cut shall be a minimum of 18 feet for two-way traffic and 9 feet for one-way traffic, with concrete approach ramp and concrete curb returns at a minimum 5-foot radius on each side.
- B. Striping and Bumpers - Each parking space shall be designated by 4 inch wide painted strips, nine foot center to center by 18 feet long, angled to best advantage for each of ingress and egress. Bumpers (wheel stops) shall be installed when necessary to prevent vehicle encroachment upon abutting pedestrian walks, public roads, or private property.
- C. Area lighting - Where lots are to be used at night, adequate area lighting shall be provided as approved by the Zoning Officer. Lighting shall be installed in accord with applicable codes and shall not exceed 25' of height.
- D. In parking lots designed to accommodate 120 cars or more, clearly marked pedestrian ways from parking areas to building(s) shall be provided.
- E. Parking areas shall be constructed in accord with acceptable engineering practice. Pavement design shall be directly related to projected traffic type and volumes (i.e., automobile, truck) and may include permeable pavements.
- F. Screening - There shall be a planting strip of at least five feet between the front lot line and the parking lot. In addition, where parking areas abut residential property on any side, adequate screening of vehicle lights shall be provided by a thick hedge or fence a minimum of 4 feet height, not higher than 6 feet.

ARTICLE 8: NON-CONFORMING USES, STRUCTURES & LOTS

SECTION 806: Intent And Standards

806.01. Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.

A. **Intent** – It is the intent of this ordinance to permit these non-conformities to continue until they are removed or abandoned. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

B. **Standard** – A non-conforming use of a structure, a non-conforming use of land, or a non-conforming structure shall not be extended or enlarged after passage of this ordinance by any means including attachment of additional signs to a building or the placement of additional signs or display devices on the land outside the building, nor shall there be a change to or addition of a use prohibited in the particular zoning district. Non-conformities may be enlarged, expanded, changed, or added to only by variance granted by the Zoning Hearing Board provided any such enlargements or expansions of uses as approved by the Board shall meet any and all conditions and provisions specified for that type of use in this zoning ordinance.

806.02. Construction in progress – Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

SECTION 807: Non-Conforming Lots Of Record

807.01. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the

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requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements and other requirements not involving area or width, or both, of lot shall be obtained only through action of the Zoning Hearing Board.

807.02. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

SECTION 808: Non-Conforming Uses Of Land

808.01. Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

808.02. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by Section 1100.2 of this ordinance.

808.03. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

808.04. If any such non-conforming use of land is abandoned by discontinuance for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

SECTION 809: Non-Conforming Uses Of Structures

809.01. If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would be allowed in the district under the terms of this ordinance, the lawful use

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may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 809.02.** An existing structure devoted to a use not permitted by this ordinance in the district in which it is located may not be enlarged, extended, constructed, reconstructed, or structurally altered except as specified by Section 1100.2 of this ordinance.
- 809.03.** A non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- 809.04.** If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- 809.05.** Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- 809.06.** When a non-conforming use of a structure, or structure and premises in combination, is abandoned by discontinuance for twelve (12) consecutive months, the structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

SECTION 810: Non-Conforming Structures

- 810.01.** Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- 810.02.** A structure may be enlarged or altered only in a way that such enlargement or alteration does not result in a new structural non-conformity or increase an

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existing structural non-conformity. Any other enlargement or alteration must be approved by variance granted by the Zoning Hearing Board.

810.03. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

SECTION 811: Damage Or Destruction Of Non-Conformities

Any non-conforming building, structure, or use which is damaged or destroyed by fire or any other means beyond the control of the property owner may be reconstructed and used as before, if such reconstruction is commenced within one (1) year of the date of said damage or destruction. The reconstructed building and use may cover no greater area and contain no greater cubic content than the building and use prior to damage or destruction and must conform to lot, yard, and height requirements of the zoning district and provide required off-street loading and parking spaces for the intended use(s), unless a variance is granted by the Zoning Hearing Board.

SECTION 812: Repairs And Maintenance

812.01. On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a variance.

812.02. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 813: Special Exceptions And Conditional Uses Not Non-Conforming Uses

813.01. Any use for which a special exception or conditional use is authorized as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

ARTICLE 9: ADMINISTRATION AND ENFORCEMENT

SECTION 906: Office Of Zoning Officer

906.01. Creation of office – The Office of Zoning Officer is hereby created.

906.02. Appointment – The Zoning Officer shall be appointed by Shenango Township as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). Shenango Township shall establish qualifications for the position of Zoning Officer which require candidates to demonstrate a working knowledge of municipal zoning to the satisfaction of the Municipality.

906.03. Official records – An official record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.

906.04. Compensation of the zoning officer – The compensation of the Zoning Officer shall be as determined by the Municipality.

SECTION 907: Duties And Powers Of The Zoning Officer

The Zoning Officer shall interpret and enforce all provisions of the Zoning Ordinance 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 the Zoning Ordinance.

907.01. Zoning permits and certificates of use and occupancy – The Zoning Officer shall issue zoning permits and certificates of use and occupancy. Zoning permits and certificates of use and occupancy for construction and uses which are permitted as a conditional use shall be issued only upon approval of the Municipality. Zoning permits and certificates of use and occupancy for construction and uses which are permitted as a special exception or variance shall be issued only upon approval of the Zoning Hearing Board.

907.02. Annual report – The Zoning Officer shall submit monthly plus an annual summary to Shenango Township a report of all zoning permits and certificates of use and occupancy, notices issued, and orders.

907.03. Inspections – The Zoning Officer shall have the authority to examine or cause to be examined all structures and/or land for which an active or pending application for a zoning permit and/or certificate of use and occupancy has been filed for purposes of enforcing this zoning ordinance. Visual inspections may be legally made from any public right-of-way, sidewalk, or public place. The Zoning Officer may enter upon property of a private home or business from time to time during construction only during daylight hours between 8:00 a.m. and 8:00 p.m.

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and only after obtaining permission from a responsible adult upon presentation of proper identification. The right of inspection conferred herein shall be written out on every zoning permit issued and an acknowledgement that it has been read and accepted shall be signed by the applicant before a zoning permit may be issued.

SECTION 908: Application For Zoning Permit And Certificate Of Use

908.01. When zoning permit is required – A zoning permit shall be required for any of the following (except where otherwise indicated in this ordinance):

- A. Commencing a use, changing the use or intensity of use, or extending or displacing the use of any building, structure, and/or land in the Municipal.
- B. Construction, erection, enlargement, reconstruction, demolition, or structural alteration of any building, structure, and/or sign including placement of a mobile home on a property.
- C. An application for a zoning permit must be submitted in writing to the Zoning Officer. A fine of \$25.00 shall be added to the cost of the zoning permit for failure to obtain a zoning permit before construction.

908.02. When a certificate of use and occupancy is required – It shall be unlawful to use and/or occupy land for which a zoning permit is required until a certificate of use and occupancy of the land has been issued. The purpose of the certificate is to confirm that the work or development described in the zoning permit application has been completed in compliance with this ordinance. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for permits is filed and may be on the same form.

908.03. Forms of application – The application for a zoning permit and a certificate of use and occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in Section 908.

908.04. Plot diagram – Applications shall be accompanied by a plot plan diagram in duplicate. The plot plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings and lots, both existing and proposed, abutting streets, proposed uses of buildings and lots, north arrow and scale, and other information which the Zoning Officer may require to make a decision on the zoning permit. One copy shall be returned to the applicant indicating approval or disapproval; one copy shall be retained by the Zoning Officer.

- A. Additional application requirements for uses specified in Article VII – An application for a use specified in Article VII shall be accompanied by

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additional information and drawings as appropriate to demonstrate how the proposed use and the design of that use will comply with the conditions, criteria, and standards specified for that use in Article VII. If such use is a conditional use or special exception, further information and drawings may be required by Shenango Township or Zoning Hearing Board respectively to address compliance with any other conditions imposed.

908.05. Amendments to a zoning permit – Amendments to a zoning permit or other records accompanying it may be filed at any time before completion of the work. The Zoning Officer shall approve all such amendments except for those to zoning permits which have been authorized by action of Shenango Township or Zoning Hearing Board in which case Shenango Township or Board respectively shall approve any amendments. Amendments shall be deemed part of the original application.

908.06. Expiration of zoning permits – If work described in any zoning permit has not begun within 90 days from the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. If permitted work has not been substantially completed within one year of the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. Upon expiration of a zoning permit, work may not continue until either a permit extension or a new permit has been obtained. The Zoning Officer may issue a zoning permit extension when the proposed activities, information, and conditions contained in the original permit application will be continued without change. The zoning permit extension shall include limitations on time not to exceed one year allowed for substantial completion of the work. The Zoning Officer may require the provision of a reasonable performance bond to ensure completion with the time limit specified in the permit extension.

SECTION 909: Action On Zoning Permits And Certificates Of Use

909.01. Action on zoning permit application – The Zoning Officer shall act on all applications for zoning permits and amendments thereto within 10 days after filing except where otherwise indicated. He shall conduct a preliminary inspection of all structures and/or land for which an application has been filed for a zoning permit. The Zoning Officer shall also review the application to ensure that the proposed activities comply with the Shenango Township Floodplain Management Ordinance (Ordinance No. 159). If the application and preliminary inspection indicate compliance with the Zoning Ordinance and the Floodplain Management Ordinance, a zoning permit shall be issued. Disapproval of a zoning permit shall be in writing to the applicant.

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909.02. Posting of zoning permit – The zoning permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.

909.03. Revoking a zoning permit – The Zoning Officer may revoke an issued zoning permit in case of any false statement in the application for the permit.

909.04. Action upon completion – Upon completion of the permitted work and prior to use and occupancy, the holder of the zoning permit shall notify the Zoning Officer of such completion. The Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved zoning permit and plans shall be recorded and presented in writing to the holder of the permit.

- A. If the Zoning Officer is satisfied that the completed work conforms to the issued zoning permit and complies with the Zoning Ordinance, he shall issue a certificate of use and occupancy for the use indicated in the zoning permit.
- B. The Zoning Officer shall conduct the final inspection and issue either a written record of violations or an approved certificate of use and occupancy within 10 days after receiving notice of completion of the permitted work.

SECTION 910: Fees

910.01. Payment of fees – No zoning permit or certificate of use and occupancy shall be issued until the fees prescribed by resolution of Shenango Township have been paid.

910.02. Exemptions – Any accessory structure used solely for agricultural purposes or any building less than 100 square feet in floor area shall be exempt from payment of fees.

SECTION 911: Enforcement Notice

911.01. Where the Zoning Officer finds that any provisions of this Ordinance are being violated, he shall initiate enforcement proceedings by sending an enforcement notice to the owner of the parcel on which the violation has occurred, any person who has filed a written request to receive enforcement notices regarding that parcel, and to other appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) with copies provided to the Shenango Township Secretary and Shenango Township Solicitor. As specified in the Planning Code, the enforcement notice shall state the nature and location of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

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911.02. Enforcement Notice.

- A. If it appears to the municipality that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

- B. 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.

- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the municipality intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5. That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
 - 6. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

- D. In any appeal of the enforcement notice to the zoning hearing board the municipality shall have the responsibility of presenting its evidence first.

- E. Any filing fees paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the municipality if the zoning hearing board, or any court in a subsequent appeal, rules in the appealing party's favor.

SECTION 912: Prosecution of Violation

If the enforcement notice is not complied with, the Zoning Officer shall request Shenango Township to authorize the Shenango Township Solicitor to institute appropriate proceedings to prosecute such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Planning Code (Act 247 of 1968, as amended).

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912.01. 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 any ordinance enacted under this act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, 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 municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

912.02. Jurisdiction. District justices shall have initial jurisdiction over proceedings brought under section 912.

912.03. Enforcement Remedies.

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality 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 municipality 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth 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. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

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- B. 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.

- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

ARTICLE 10: ZONING HEARING BOARD

SECTION 1001: Creation, Membership And Organization

A Zoning Hearing Board shall be created for the purpose of considering applications for variances or special exceptions to the Zoning Ordinance and making decisions on appeals and challenges within the legal jurisdiction granted to zoning hearing boards by the Commonwealth of Pennsylvania. It shall be created and maintained in accordance with the applicable provisions of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and this Ordinance. Its membership, organization and rules and procedures shall be as prescribed in the Planning Code.

SECTION 1002: Jurisdiction And Functions

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render decisions on applications for variances and special exceptions, and certain challenges and appeals in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

SECTION 1003: Hearings

In consideration of challenges and appeals and applications for variances and special exceptions, the Zoning Hearing Board shall conduct hearings and make decisions in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

SECTION 1004: Termination And Modification Of Permit

Where a decision of the Zoning Hearing Board authorizes issuance of a zoning permit, the following shall apply:

- A. **Termination of permits** – If after a permit has been authorized by the Board, such permit is not applied for within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no permit shall be issued there under.

- B. **Modification of a permit** – Any permit so issued shall not be modified except by action of the Board.

SECTION 1005: Parties Appellant Before The Board

1005.01. Appeals and challenges within the jurisdiction of the Zoning Hearing Board as prescribed by the Planning Code may be filed with the Board in writing by the landowner affected, any officer or agency of the Municipality, or any person

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aggrieved. Applications for variance or special exception may be filed with the Board by any landowner or tenant with the permission of such landowner.

1005.02. Applications and fees

Requests for a hearing and action for appeals, challenges, variances, or special exceptions shall be accompanied by an application in such form as shall be required by the Zoning Hearing Board and submitted to the Zoning Officer. Such application shall include payment of a reasonable fee based upon cost to be established by resolution of Shenango Township and in accordance with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

SECTION 1006: Special Exceptions

1006.01. Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Zoning Hearing Board, the Board shall determine the reasonableness and propriety in particular cases of any below-listed special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Article. The Board shall consider, explain and record its finding and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:

1006.02. Other principal uses not explicitly permitted within a zoning district – A use which is not explicitly listed as a permitted principal use within the regulations of a zoning district may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that zoning district. Such uses shall be permitted as a special exception only upon the judgment and approval of the Zoning Hearing Board which may also require compliance with such conditions as may be necessary to protect and promote the general welfare of the Municipal.

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ARTICLE 11: AMENDMENT

SECTION 1101: Procedure For Amendments

1101.01. The Zoning Ordinance or parts thereof may be amended by Shenango Township in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and with the following procedures:

1101.02. Initiation – Any amendment may be initiated by:

- A. The Shenango Township Planning Commission.
- B. The Municipality.
- C. A notarized petition to Shenango Township by the owner of the property involved or by a party having legal interest therein.

1101.03. Public review and input – If and when considering an amendment and before voting on enactment, Shenango Township shall provide opportunity for public review and input in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). At a minimum, such shall include:

- A. A public hearing on the proposed amendment.
- B. Public notice of the proposed amendment and public hearing published in a newspaper of general circulation and posted on the affected tract of land.
- C. Referral of the proposed amendment to the Shenango Township Planning Commission and Mercer County Planning Commission for review and comment.

1101.04. Application form – An application for amendment shall be submitted in a form prescribed by Shenango Township containing the following minimum information:

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- A. Name, address, and phone number of the applicant or his agent.
- B. The applicant's legal interest in the affected property(ies).
- C. A map showing the location of the affected property(ies), the present and proposed zoning classification and boundaries, and a perimeter sketch of the affected property(ies) showing dimensions and size.

1101.05. Fee – Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount as set by resolution of the Municipality.

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ARTICLE 12: ZONING APPEALS

The review or appeal of any provision of this Ordinance or decision, determination, order or finding of Shenango Township or its agencies or officers shall follow the procedures set forth in Article X-A "Appeals to Court" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

ARTICLE 13: EFFECTIVE DATE & ADOPTION

Effective date _____

The Zoning Ordinance shall take effect thirty (30) days after the date of adoption by Shenango Township, Mercer County, Pennsylvania.

ARTICLE 14: Adoption

We hereby certify that the Zoning Ordinance was adopted by Shenango Township, Mercer County, Pennsylvania this _____ day of _____, A.D., 2020.

_____ (SEAL)
Shenango Township, Mercer County, Pennsylvania

ATTEST:

SECRETARY

CHAIR OF SUPERVISORS

ARTICLE 15: CERTIFICATION

I do hereby certify that the foregoing is a true copy of Ordinance Number _____, adopted by the Shenango Township Board of Supervisors, Mercer County, Pennsylvania on _____, A.D., 2020.

SECRETARY

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THE ATTACHED ZONING MAP IS FOR REFERENCE ONLY

The official zoning map shall be available for examination at the Township Municipal Building.

