

**ARTICLE 1**  
**PURPOSE AND AUTHORITY**

**Section 101      Title**

This Ordinance shall be known and may be cited as the **Girard Township Zoning Ordinance**. The accompanying district map shall be known, and may be cited as, the **Girard Township Zoning Map**.

**Section 102      Authority**

In accordance with the authority granted to Girard Township through the Pennsylvania Municipalities Planning Code (Act 247, as reenacted and amended), this Ordinance and map are intended to:

Regulate the density of population;

Regulate the location and use of buildings, structures and land for residential, agricultural, commercial, industrial and other purposes;

Regulate the height, bulk, number of stories, size and placement of buildings and structures;

Divide the Township into districts of such size, shape and area, and to establish such zoning map, as may be deemed best suited to carry out the regulations; and

Establish procedures for the administration, enforcement, amendment, and relief from hardships under certain circumstances.

**Section 103      Purpose**

These regulations are deemed necessary in order to encourage beneficial growth in the Township while keeping the density of development consistent with existing Township facilities and the Township's ability to develop new facilities needed. These regulations are expected to:

Promote the public health, safety, morals and general welfare;

Conserve and stabilize property values through encouragement of the most appropriate uses of land in relation to adjacent properties, with consideration given to the physical characteristics of the property, and its value, as well;

Secure safety from fire, flood, panic and other dangers by providing for adequate open spaces for light, air and amenity, and by promoting emergency preparedness and operations;

Preserve forests, agricultural lands, and recreation areas in their natural state, or from conflict with urban development;

Protect floodplains and manage the release of stormwater to minimize downstream flooding;

Prevent the overcrowding or improper development of land, incompatible uses of land, and/or blighting conditions;

Facilitate the economic provision of safe, adequate and reliable transportation, water supply, sewage disposal, public schools, parks and other public requirements;

Avoid congestion in travel and transportation, and maintain and improve the carrying capacity and safety of major roads;

Reduce the cost of building roads and installing utilities, and the subsequent cost of township operations; and

Encourage similar controls upon development in adjacent municipalities where logical zoning district boundaries extend across municipal lines.

#### **Section 104 Compliance**

No structure shall be located, erected, demolished, constructed, moved, externally altered, converted or enlarged nor shall any structure or land use be used or designed to be used except in full compliance with this Ordinance and after the lawful issuance of all permits and certifications required by this Ordinance.

#### **Section 105 Schedule of Fees**

The Township Board of Supervisors shall, from time to time, establish, by resolution, a schedule of fees, charges and expenses and a collection procedure for zoning permits, appeals and other matters pertaining to this Ordinance. The schedule of fees may be posted in the Township Offices, and may be amended only by official action by the Township Board of Supervisors.

No permit, certificate, application or variance shall be issued, nor shall any action be taken on proceedings before the Zoning Hearing Board unless, or until, such costs, charges, fees or expenses have been paid in full.

A zoning certificate shall be required for all new construction, additions or alterations affecting exterior dimensions of existing structures; and, for any structural or interior changes required for a change of the structure's use, or for any change in use.

Any application for amendment, variance, special exception, conditional use, permit or any other application or certificate within the scope of this Ordinance, shall be accompanied by a fee, such fee to be established by resolution of the Township Board of Supervisors, who may, from time to time revise such fees in order to bear a reasonable relationship to the costs involved.

### **Section 106      Governmental Agencies**

Property owned, leased or operated by the Commonwealth of Pennsylvania, or the United States, or the Township, or any other public or governmental body or agency, shall be subject to the requirements of this ordinance as follows:

- A. Where such public or governmental uses are specifically listed, they shall be governed as indicated.
- B. Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature.
- C. Governmental entities and agencies shall be exempt from the provisions of this ordinance only to the extent that it has been determined that the Township has no power to apply its zoning regulations to the particular use of land.
- D. In the interest of the protection of health and safety, the Township shall be exempt from the provisions of this ordinance in the course of municipal functions related to road maintenance and provision of infrastructure, including grading, paving, culverts bridges, directional and safety signage, pump stations, wells, and similar structures and appurtenances, in particular any applicable setback and permitting procedures. However, the Township shall maintain all lot, yard, and coverage standards for any municipal building.

### **Section 107      Interpretation of Regulations**

Whenever the provisions of this Ordinance are at variance with provisions in other parts of this Ordinance any other lawfully adopted rules, regulations or ordinances, the more restricted requirements shall govern.

**Section 108 Severability**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

**Section 109 Repeal**

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

**ARTICLE 2  
COMMUNITY DEVELOPMENT OBJECTIVES**

In addition to the general purposes listing in **Section 103**, the following specific community development objectives, created as a direct result of a community-wide visioning process in 1997, have been considered as a basis upon which the regulations and controls of this Ordinance are derived:

**Section 201 Community Development Goals and Objectives:**

Pursuant to Section 303 (d) of the Pennsylvania Municipalities Planning Code (MPC), this Ordinance is intended to implement the Girard Township Comprehensive Plan and the Community Development Goals and Objectives stated below. Interpretation of the extent of these areas shall be based upon maps within the Comprehensive Plan and the Township Zoning Ordinance.

A. Growth and Development Statement: Girard Township should remain predominantly rural by concentrating intensive growth and development where infrastructure (especially public water and sewer) can support it in a high-quality setting. These areas are listed below by location:

1. Concentrate revitalization efforts in the downtown areas of Girard and Lake City Boroughs. This could occur as either infill or redevelopment and would serve community needs for retail, service commercial, and high-density residential uses.
2. Where there are no environmental limitations, encourage development of vacant lands within the jurisdiction of Girard Borough and Lake City Borough but previously undeveloped. Opportunity exists here for provision

of housing with full utilities. The presence of such utilities means that higher densities can be supported without presenting a threat to public health and safety.

3. Intensive, dense growth and development within the jurisdiction of Girard Township should occur within the area to the east of the two boroughs between Ridge Road (Route 20) and Middle Road. This development can, and should be, carefully planned to avoid conflicts with agriculture.
4. The area in the immediate vicinity of the Meadville Road interchange with I-90 has potential for some targeted growth and development if combined with on-site utilities (if needed) and buffering to protect pre-existing lower-intensity uses.
5. Parts of the area north of West Lake Road and west of Elk Creek have potential for a variety of specialized, very high-intensity uses. However, environmental protection shall be a high priority of any development, due to the proximity to key recognized natural resources.

B. Character of Future Growth: Future growth should be of a character that either enhances the rural nature of the Township or does not detract from it. Such uses would include low-density housing, agriculture, and small businesses that do not require infrastructure. Such development should be compatible and planned with respect to local values, especially:

1. The valuable resource of the Elk Creek, its high-water quality, and its floodplains, which serves the community as “green infrastructure.”
2. The limited resource of groundwater in sufficient quantity to support community needs.
3. The prime farm land concentrated in fruit and vegetable production unique in Pennsylvania.
4. The integrity of existing single-family development, with some of the highest quality, yet affordable, housing stock in Erie County.
5. The relationship between the Township and neighboring small towns, which provide many important regional services.
6. The limited resource of Lake Erie frontage, which cannot be replicated.

7. The scenic resources, such as the Gudgeonville Valley, which contribute to the quality of the community.

### ARTICLE 3 DISTRICT DESCRIPTIONS

#### Section 301

- A. A map entitled the Girard Township Zoning Map is hereby adopted as part of this chapter. The official Zoning Map shall be kept on file and available for examination at the Township offices.
- B. Annexed Areas. Any territory hereafter annexed by the Township of Girard or gained through discovery, survey or mapping error will be automatically zoned R-1 Residential District until otherwise classified by the Township.
- C. District Boundaries. District boundaries that are shown between the lines of streets, streams and transportation rights-of-way shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Administrator cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map or by the fact that it clearly coincides with a property line he shall refuse action. The Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this chapter.
- D. Zoning District Changes. All approved changes to zoning districts shall be promptly recorded on the Zoning Map by the Zoning Administrator.
- E. Permitted Uses, Conditional Uses and Special Exceptions. The permitted uses, conditional uses and special exceptions for each district are shown in the following tables of this chapter and are considered principal uses unless clearly noted. Conditional uses may be granted or denied by the Board of Township Supervisors with the advice of the Planning Commission in accordance with the express standards and criteria of this chapter. In granting a conditional use, the Supervisors may attach reasonable conditions as they may deem necessary to implement the purposes of this chapter and safeguard the neighborhood. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this chapter. In granting a special exception, the Board may attach reasonable conditions and safeguards as it

may deem necessary to implement the purpose of this chapter and protect the neighborhood. Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article 8. Whenever in any district established under this chapter a use is not specifically permitted within any district and an application is made by a property owner to the Zoning Administrator for such use, the Zoning Administrator shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this chapter or any provision permitting the same; provided, that the same shall comply and follow all regulations for such use.

**Section 302 A-1 Agricultural District**

The A-1 Agricultural District is meant to provide for the continuation of agriculture as an important endeavor in the community by targeted protection to high-value farmlands, prime agricultural soils and agricultural security areas.

**A-1 Agricultural District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Agriculture	Specialized Animal Raising and Care (421)
Agriculture Services	Sawmills (412)
Essential Services	Repair/Service Businesses (408)
Single-Family Dwellings	Personal Care Homes (409)
Bed and Breakfast	Mini-Storage Facilities (413)
Landscaping/Nursery	Home or Farm-Based Manufacturing (422)
Churches	Mineral Excavation (417)
Public Parks and Recreation	Gas and Oil Drilling (417)
Veterinary Offices	Recreational Campgrounds (404)
Family/Group Day Care Homes	Home Occupations (429)
Accessory Uses and Structures	

**TABLE 302  
A-1 AGRICULTURAL DISTRICT  
LOT, YARD, AND HEIGHT STANDARDS**

	<b>All Permitted Uses</b>
Minimum Lot Area	1.5 Acres
Minimum Lot Width	150 Feet
Minimum Front Yard	35 Feet
Minimum Side Yard	25 Feet

Minimum Rear Yard	50 Feet
Maximum Height	40 Feet
Maximum Coverage	20%

**Section 303 RA Residential Agricultural District**

The RA Residential Agricultural District is meant to provide for the continuation of agriculture as an important endeavor in the community. It is also meant to provide for residential opportunities in a rural setting and to foster a mixture of residential development and selected small businesses in a low-density setting, which will contribute to economic self-sufficiency and rural quality of life.

**RA Agricultural District**

Permitted Uses

Conditional Uses

Agriculture  
 Agriculture Services  
 Essential Services  
 Accessory Uses and Structures  
 Bed and Breakfast  
 Landscaping/Nursery  
 Churches  
 Professional Offices  
 Veterinary Offices  
 Family/Group Day Care Homes  
 Single-Family Dwellings  
 Public Parks and Recreation  
 Golf Courses

Specialized Animal Raising and Care (421)  
 Mineral Excavation/Gas and Oil Drilling (417)  
 Sawmills (412)  
 Repair/Services Businesses (408)  
 Cemeteries (418)  
 Communication Towers (403)  
 Personal Care Homes (409)  
 Mini-Storage Facilities (413)  
 Home- or Farm-Based Manufacturing (422)  
 Indoor Private Clubs (428)  
 Recreational Campgrounds (404)  
 Home Occupations (429)

**TABLE 303  
 RA AGRICULTURAL DISTRICT  
 LOT, YARD, AND HEIGHT STANDARDS**

	<b>All Permitted Uses</b>
Minimum Lot Area	1 Acres
Minimum Lot Width	150 Feet
Minimum Front Yard	35 Feet
Minimum Side Yard	25 Feet
Minimum Rear Yard	50 Feet
Maximum Height	40 Feet
Maximum Coverage	20%

**Section 304 R-1 Residential District**

The R-1 Residential District is established to provide for the continuation of a quality residential environment where single-family dwellings and compatible institutions can thrive commensurate with the availability of public water and sewer.

**R-1 Residential District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Agriculture	Personal Care Homes (409)
Single-Family Dwellings	Nursing Homes (402)
Family Day Care Homes	Day Care Centers (410)
Group Day Care Homes	Public Schools (402)
Churches	Home Occupations (429)
Essential Services	
Accessory Structures and Uses	
Public Parks and Recreation	

**TABLE 304  
R-1 RESIDENTIAL DISTRICT  
LOT YARD AND HEIGHT REQUIREMENTS**

	<b>Single-Family Dwellings, Home Occupations, Family and Group Day Care Homes With Public Sewer</b>	<b>All Other Uses</b>	<b>Single-Family Dwellings, Home Occupations, Family and Group Day Care Homes With On Lot Sewer</b>
Minimum Lot Area	25,000 Square Feet	1.5 Acres	37,000 Square Feet
Minimum Lot Width	80 Feet	150 Feet	100 Feet
Minimum Front Yard	35 Feet	35 Feet	35 Feet
Minimum Side Yard	35 Feet	30 Feet	25 Feet
Minimum Rear Yard	30 Feet	40 Feet	35 Feet
Maximum Height	40 Feet	40 Feet	40 Feet
Maximum Coverage	25%	25%	25%

**Section 305 R-2 Residential**

The R-2 Residential District is established to serve as a transition between high density housing and other uses and also to provide for the continuation of a quality residential environment within the context of a unique, environmentally significant area.

**R-2 District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Single-Family Dwellings	Recreational Campgrounds (404)
Agriculture	Two-Family Dwellings
Family Day Care Homes	Limited Retail Businesses (405)
Group Day Care Homes	Bed and Breakfast (411)
Churches	Planned Residential Development (Article 6)
Essential Services	
Accessory Structures and Uses	
Public Parks and Recreation	

**TABLE 305  
R-2 DISTRICT  
LOT YARD AND HEIGHT REQUIREMENTS**

	<b>With Public Sewer</b>	<b>On-Lot Water And Sewer</b>
Minimum Lot Area	25,000 Square Feet	37,000 Square Feet
Minimum Lot Width	80 Feet	100 Feet
Minimum Front Yard	35 Feet	35 Feet
Minimum Side Yard	15 Feet	25 Feet
Minimum Rear Yard	25 Feet	35 Feet
Maximum Height	40 Feet	40 Feet
Maximum Coverage	25%	25%

**Section 306 R-3 High-Density Residential District**

The R-3 High-Density Residential District is established to provide for all forms of housing in greater intensity or density in selected areas where road access and the availability of infrastructure to serve the needs of development is available.

**R-3 High-Density Residential District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Single-Family Dwellings	Multiple-Family Dwellings (419) (Greater Than 4 Dwelling Units Per Building)
Two-Family Dwellings	Mobile Home Parks (420)
Multiple-Family Dwellings (up to 4 dwelling units per building)	Planned Residential Development (Article 6)
Essential Services	Professional Offices (429)
Family Day Care Homes	
Group Day Care Homes	
Churches	
Public Parks and Recreation	

**TABLE 306  
R-3 HIGH-DENSITY RESIDENTIAL DISTRICT  
LOT YARD AND HEIGHT REQUIREMENTS**

	<b>With Public Sewer</b>	<b>Multiple-Family Dwellings</b>	<b>On-Lot Sewer</b>
Minimum Lot Area	20,000 Square Feet	1.5 Acres for the first two units plus 2,500 square feet per unit thereafter	37,000 Square Feet
Minimum Lot Width	80 Feet	150 Feet	100 Feet
Minimum Front Yard	35 Feet	40 Feet	35 Feet
Minimum Side Yard	15 Feet	30 Feet	25 Feet
Minimum Rear Yard	25 Feet	40 Feet	35 Feet
Maximum Height	40 Feet	40 Feet	40 Feet
Maximum Coverage	25%	25%	25%

**Section 307 C-1 Commercial District**

The C-1 Commercial District is established to provide for businesses which provide goods and services directly to the public and need access to major roads within the Township.

**C-1 Commercial District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Indoor Commercial Recreation	Service Stations/Convenience Stores (408)
Automobile Sales and Service	Retail Business (Greater than 20,000 Square Feet Gross Floor Area) (425)
Landscaping/Nursery	Multiple-Family Dwellings (419)
Equipment Sales and Service	Shopping Centers (425)
Mini-Storage Facility	Light Manufacturing (426)
Agricultural Services	Flea Markets (427)
Funeral Parlors	Supply Yards (415)
Retail Businesses (Less Than 20,000 Square Feet Gross Floor Area)	Indoor Private Clubs (428)
Professional Offices	
Personal Services	
Home Occupations	
Nursing Homes	
Business Services	
Accessory Uses and Structures	
Car Wash	
Churches	
Eating/Drinking Places	
Hotel/Motel	
Theaters	
Public Parks and Recreation	
Essential Services	

**TABLE 307  
C-1 COMMERCIAL DISTRICT  
LOT, YARD, AND HEIGHT REQUIREMENTS**

	<b>All Uses</b>
Minimum Lot Area	1 Acre
Minimum Lot Width	100 Feet
Minimum Front Yard	50 Feet
Minimum Side Yard	35 Feet
Minimum Rear Yard	35 Feet
Maximum Height	40 Feet
Maximum Coverage	25% (May be exceeded with approved stormwater management plan)

**Section 308 LB-Limited Business District**

The LB-Limited Business District is established to provide for businesses which have lower infrastructure needs and neighborhood impacts than the C-1, and also to provide for the protection of all interests in a mixed-use setting, and to plan for the long-term quality of development in the Township.

**LB Limited Business District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Single-Family Dwellings	Multiple-Family Dwellings (419)
Landscaping /Nursery	Light Manufacturing (426)
Mini-Storage Facility	Hotel/Motel
Churches	Bed & Breakfast
Agriculture	Indoor Private Clubs (428)
Limited Retail Businesses	Equipment Sales and Service
Home- or Farm-Based Manufacturing	Eating and Drinking Places
Professional Offices	Public Parks and Recreation
Personal Services	
Agricultural Services	
Home Occupations	
Nursing Homes	
Business Services	
Accessory Uses and Structures	
Personal Care Homes/Assisted Living	
Essential Services	

**TABLE 308  
LB-LIMITED BUSINESS DISTRICT  
LOT, YARD, AND HEIGHT REQUIREMENTS**

	<b>All Uses with Public Sewer</b>	<b>Multiple-Family Dwellings</b>	<b>With On-Lot Sewer</b>
Minimum Lot Area	1.5 Acres	1.5 Acres for First Dwelling Unit - 20,000 Square Feet For Each Unit Thereafter	2 Acres
Minimum Lot Width	150 Feet	150 Feet	150 Feet
Minimum Front Yard	35 Feet	40 Feet	35 Feet
Minimum Side Yard	30 Feet	30 Feet	30 Feet
Minimum Rear Yard	40 Feet	40 Feet	40 Feet
Maximum Height	40 Feet	40 Feet	40 Feet
Maximum Coverage	20%	20%	20%

**Section 309 I-1 Light Industrial District**

The I-1 Light Industrial District is established to provide for job-creating developments within the community.

**I-1 Light Industrial District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Light Manufacturing	Supply Yards (415)
Commercial Bakeries	Communication Towers (403)
Dry Cleaning and Commercial Laundry	Wholesale Trade, Truck Terminals, and Warehousing (406)
Laboratory and Research Facilities	Planned Residential Developments (PRD) (Article 6)
Rental Service and Equipment	
Professional Offices	
Churches	
Schools	
Public Parks and Recreation	
Essential Services	

**TABLE 309  
I-1 LIGHT INDUSTRIAL DISTRICT  
LOT, YARD, AND HEIGHT REQUIREMENTS**

	<b>With Public Sewer</b>	<b>On-Lot Sewer</b>
Minimum Lot Area	1 Acre	2 Acres
Minimum Lot Width	150 Feet	150 Feet
Minimum Front Yard	40 Feet	40 Feet
Minimum Side Yard	30 Feet	30 Feet
Minimum Rear Yard	40 Feet	40 Feet
Maximum Height	40 Feet	40 Feet
Maximum Coverage	25%	25%

**Section 310 I-2 Intensive Development District**

The I-2 Intensive Development District is established to provide for businesses and high-impact land uses that require unique conditions, but can have adverse impacts in other districts.

**I-Intensive Development District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Light Manufacturing	Outdoor Commercial Recreation (416)
Public Utilities	Sexually Oriented Businesses (423)
Essential Services	Junk Yards (415)
Churches	Correctional Facility/Halfway House (424)
Landscaping/Nursery	Heavy Manufacturing (407)
Building Materials/Supply Yards	Communication Towers (403)
Equipment Sales and Service	Truck Terminals/Warehousing/Distribution (406)
Accessory Uses and Structures	Sanitary Landfills (412)
Public Parks and Recreation	

**TABLE 310  
I-2 INTENSIVE DEVELOPMENT DISTRICT  
LOT, YARD, AND HEIGHT REQUIREMENTS**

	<b>With Public Sewer</b>	<b>On-Lot Sewer</b>
Minimum Lot Area	1 Acre	2 Acres
Minimum Lot Width	150 Feet	150 Feet
Minimum Front Yard	40 Feet	40 Feet
Minimum Side Yard	30 Feet	30 Feet
Minimum Rear Yard	40 Feet	40 Feet
Maximum Height	40 Feet	40 Feet
Maximum Coverage	25%	25%

**ARTICLE 4**  
**CONDITIONAL USES AND SPECIAL EXCEPTIONS**

**Section 401 Conditional Uses and Special Exceptions**

The criteria for conditional uses and special exceptions are listed below. The Board of Supervisors or the Zoning Hearing Board (as the case may be), in granting conditional uses and special exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a conditional use or a special exception, the Supervisors or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

Applications for conditional uses and special exceptions shall be made to the Zoning Administrator. Conditional uses shall be granted or denied by the Board of Township Supervisors after the recommendation of the Township Planning Commission. Special Exceptions shall be granted or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Ordinance and the Planning Code.

Table 401 summarizes standards for conditional uses. Additional standards are listed in subsequent sections. Times listed under Operating Restrictions represent the maximum hours the use may be conducted.

**TABLE 401**  
**RA RESIDENTIAL AGRICULTURAL DISTRICT**

Use	Minimum Lot Size	Screening/ Buffers See 510	Other Restrictions	Category
Specialized Animal Raising and Care	4 Acres	Type I	See 421	Conditional Use
Mineral Excavation	Oil and Gas Drilling 2 Acres - all other 25 Acres	Oil and Gas None All Others Type I	7 a.m. - 7 p.m. See 417	Conditional Use
Sawmills	10 Acres	None Required	7 a.m. - 7 p.m. See 412	Conditional Use
Service/Repair Businesses	5 Acres	Type II	7 a.m. - 7 p.m. See 408	Conditional Use
Cemeteries	5 Acres	None	See 418	Conditional Use
Communication Towers	1 Acre	Type II	See 403	Conditional Use
Personal Care Homes	2 Acres	None	See 409	Conditional Use

Mini-Storage Facilities	5 Acres	None	7 a.m. - 7 p.m. See 413	Conditional Use
Home/Farm-Based Manufacturing	5 Acres	None	7 a.m. - 7 p.m. See 422	Conditional Use
Recreation Campground (in certain areas See 404)	10 Acres	None	See 404	Conditional Use
Indoor Private Clubs	10 Acres	None	See 428	Conditional Use

### A-1 AGRICULTURAL DISTRICT

Use	Minimum Lot Size	Screening/ Buffers See 510	Other Restrictions	Category
Specialized Animal Raising and Care	4 Acres	Type I	See 421	Conditional Use
Sawmills	10 Acres	Type I	7 a.m. - 7 p.m. See 412	Conditional Use
Service/Repair Businesses	5 Acres	Type II	7 a.m. - 7 p.m. See 408	Conditional Use
Personal Care Homes	2 Acres	None	See 409	Conditional Use
Mini-Storage Facilities	5 Acres	None	7 a.m. - 7 p.m. See 413	Conditional Use
Home/Farm-Based Manufacturing	5 Acres	None	7 a.m. - 7 p.m. See 422	Conditional Use
Mineral Excavation/Gas and Oil Drilling	20 Acres Gas and Oil 10 Acres Minimum	None	See 417	Conditional Use
Recreational Campground (in certain areas See 404)	10 Acres	None	See 404	Conditional Use

### R-1 RESIDENTIAL

Use	Minimum Lot Size	Screening/ Buffering See 510	Operating Restrictions	Category
Personal Care Homes	1 Acre	None	See 409	Conditional Use
Nursing Homes	2 Acres	None	See 402	Conditional Use
Day Care Centers	1 Acre	None	See 410	Conditional Use
Public Schools	3 Acres	None	See 402	Conditional Use
Home Occupation	Per Single Family	None	See 429	Conditional Use

### R-2 RESIDENTIAL

Use	Minimum Lot Size	Screening/ Buffering See 510	Operating Restrictions	Category
Recreational Campgrounds	5 Acres	Type I	See 404	Conditional Use
Two-Family Dwellings	1 Acre	None	No Others	Conditional Use
Limited Retail Businesses	1 Acre	None	See 405	Conditional Use
Bed and Breakfast	Same as Single Family Dwelling	None	See 411	Conditional Use
Planned Residential Development	25 Acres	See Article 6	See Article 6	Conditional Use

### R-3 RESIDENTIAL

Use	Minimum Lot Size	Screening/ Buffering See 510	Operating Restrictions	Category
Multiple-Family Dwellings (greater than 4 dwelling units per building)	See Table	Type I	See 419	Conditional Use
Mobile Home Parks	10 Acres	Type I	See 420	Conditional Use
Planned Residential Development	25 Acres	See Article 6	See Article 6	Conditional Use

### C-1 COMMERCIAL DISTRICT

Use	Minimum Lot Size	Screening/ Buffering See 510	Operating Restrictions	Category
Retail Businesses 20,000+ Square Feet Shopping Centers	2 Acres	Type III	See 425	Conditional Use
Service Stations/Convenience stores	1 Acre	Type I	See 408	Conditional Use
Multiple-Family Dwellings	2 Acres	Type I	See 419 Maximum Building Size 12,000 Square Feet	Conditional Use
Light Manufacturing	2 Acres	Type II	See 426	Conditional Use
Flea Markets	5 Acres	Type I	See 427	Conditional Use
Supply Yards	2 Acres	Type II	See 415	Conditional Use

### LB LIMITED BUSINESS DISTRICT

Use	Minimum Lot Size	Screening/ Buffering See 510	Operating Restrictions	Category
Multiple-Family Dwellings	2 Acres	Type I	See 419 Maximum Building Size 12,000 Square Feet	Conditional Use
Light Manufacturing	2 Acres	Type I	See 426	Conditional Use

### I-1 LIGHT INDUSTRIAL DISTRICT

Use	Minimum Lot Size	Screening/ Buffering See 510	Operating Restrictions	Category
Supply Yards (415)	3 Acres	Type II	See 415	Conditional Use
Communication Towers (403)	1 Acre	Type II	See 403	Conditional Use
Wholesale Trade, Truck Terminals, and Warehousing (406)	3 Acres	None	See 406	Conditional Use

### I-2 INTENSIVE DEVELOPMENT DISTRICT

Use	Minimum Lot Size	Screening/ Buffering See 510	Operating Restrictions	Category
Outdoor Commercial Recreation	6 Acres	Type I	9 a.m.-10 p.m. See also 416	Conditional Use
Sexually Oriented Businesses	2 Acres	None	See 423	Conditional Use
Junk Yards	10 Acres	Type II	7 a.m. - 7 p.m. See 415	Conditional Use
Correctional Facility/Halfway House	6 Acres	Type I	See 424	Conditional Use
Heavy Manufacturing	10 Acres	Type II	See 407 Maximum Building Size 200,000 Square Feet	Conditional Use
Communication Towers	1 Acre	Type I	See 403	Conditional Use
Truck Terminals/ Warehousing	10 Acres	Type II	See 406	Conditional Use
Sanitary Landfills	15 Acres	Type III	See 414	Conditional Use

## **Section 402 Churches, Schools, Hospitals and Nursing Homes**

- A. Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- B. Shall be located on a paved public street with a minimum cartway width of twenty-four (24) feet.
- C. The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.
- D. All parking and recreation/play areas that abut residential uses shall provide screen planting.
- E. Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- F. Such uses shall have, and present, all needed local, county, state or federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for same shall be a condition prior to issuing a Certificate of Occupancy.

## **Section 403 Public Utilities/Communication Towers**

New towers shall be by conditional use. Co-location of new antennae on existing towers shall be a permitted accessory use. However, co-location shall be regarded as a minor land development and is subject to the jurisdiction of the Girard Township Subdivision and Land Development Ordinance.

- A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communication antennas.
- B. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- C. Communication towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and any applicable Airport Zoning Regulations. Towers must comply with the Girard Township Subdivision and Land Development Ordinance as a subdivision for lease.

D. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good-faith effort shall require that all owners of potentially suitable structures within a one-half (1/2) mile radius of the proposed communications tower site shall be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
5. A commercially reasonable agreement could not be reached with the owners of the structure.

Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.

A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.

The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

Unless pre-empted by airport zoning, the maximum height of any communications tower shall be two hundred fifty (250) feet; provided, however, that such height may be increased to no more than three hundred (300) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of two hundred fifty (250) feet.

The foundation and base of any communications tower shall be set back from a property line (not lease line) with any residential use at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.

The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.

The communications equipment building shall comply with the required yards and height requirements of applicable zoning district for an accessory structure.

The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association.

The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas.

All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

The site of a communications tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public.

No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

One (1) off-street parking space shall be provided within the fenced area.

#### **Section 404      Recreational Campgrounds**

Such uses are commercial in nature, normally seasonal but do have a high impact potential. Such uses shall:

- A. Provide evidence of compliance with Department of Environmental Protection standards for water and sanitary sewer facilities.
- B. Provide evidence of approved solid waste removal.
- C. No recreational campgrounds are permitted south of Middle Road.

#### **Section 405      Limited Retail Business**

The purpose of this use is to allow smaller retail operations in a rural environment. Such uses shall:

- A. Provide all parking as required by this Ordinance on lot.
- B. Any compressors shall be so enclosed as to baffle their sound from surrounding uses.
- C. All dumpsters and or garbage/trash storage areas shall be enclosed. They are not permitted in the setback area.
- D. All signage shall be lit by indirect means.
- E. No building shall exceed five thousand (5,000) square feet GFA.

#### **Section 406      Warehousing and Distribution, Truck Terminals**

Such uses are permitted subject to the following requirements:

- A. Side and rear yards shall be increased by twenty (20) feet.
- B. All outdoor storage shall be in side yards (behind the front lot line) or in the rear yard.
- C. Access to roads and highways shall be clearly defined.
- D. All parking, loading and unloading facilities shall be clearly designed so motor vehicles will not be required to back into or from streets or roads when parking or leaving the premises.

**Section 407 Heavy Manufacturing**

Heavy manufacturing shall be located where the emission of objectionable gases, fumes, smoke or dust will not be objectionable to established permitted uses nearby or is controlled by the installation of special equipment. Outside storage yards abutting or immediately across a street from any residential or retail commercial use shall be screened. They shall meet all performance standards set forth in **Section 506**.

**Section 408 Service Stations, Service and Repair Businesses, Convenience Stores**

- A. Any fuel pumps shall be at least thirty (30) feet from any road right-of-way and at least thirty (30) feet from a side lot line.
- B. No vehicles will be parked or stored within setback lines, except on a short-term basis (less than twelve [12] hours).
- C. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, parts of vehicles, tires or vehicles which lack current Pennsylvania inspection stickers. The overnight parking of customer vehicles and the screened storage of approved trash containers shall be permitted.
- D. All lighting shall be indirect, or designed to prevent glare to neighboring properties.
- E. All compressors shall be enclosed to muffle their sound from surrounding uses.
- F. All underground storage tanks shall be in compliance with all Federal or State regulations. Any tanks remaining unused for a period of six (6) months shall be removed by the owner of record.

## **Section 409      Personal Care Homes**

The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. Personal care homes are facilities which offer food, shelter and personal assistance for a period of more than twenty-four (24) consecutive hours for four (4) or more adult residents who are not relatives of the operator and where the residents do not require hospitalization or nursing facility care. In addition, such uses shall meet the following conditions:

- A.     There shall be no sign or exterior display beyond the name of the home or its use.
- B.     At least one (1) additional on-lot parking space shall be provided for each two (2) guests.
- C.     No home in the A-1, A-2 or R Districts shall admit more than eight (8) guests/clients at any one time.
- D.     Required local, county and/or state certifications shall be presented to the Board. Specially included are to be applicable permits from the Pennsylvania Departments of Welfare.

## **Section 410      Group Day Care Homes and Day Care Centers**

Day Care Services for Children have three (3) separate types (see Article 7 for definitions): Family Day Care Homes, Group Day Care Homes, and Day Care Centers. The latter use shall be allowed as a conditional use providing the following criteria are met:

- A.     Any outdoor play area shall be effectively fenced from access to abutting properties or streets with fence of at least four (4) feet in height.
- B.     For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children. These will be for the safety of the children and the protection of the neighborhood. In any event, there shall be an off-street area for loading/unloading children.
- C.     One (1) parking space for each employee shall be required.
- D.     The operator shall secure and keep current all permits from the Commonwealth or other licensing agencies.

### **Section 411      Bed and Breakfast**

Such uses are intended to provide overnight or short-term accommodations for transient guests in a home-like atmosphere. They must meet the following regulations:

- A. No more than four (4) guest rooms will be permitted.
- B. One (1) off-street parking space for each guest room shall be required.

### **Section 412      Sawmills**

Such uses shall:

- A. Sawmills shall be set at least fifty (50) feet from the setback line and at least seventy-five (75) feet from the side or rear setback lines.
- B. There shall be no storage of logs or lumber within twenty-five (25) feet of any setback line.

### **Section 413      Mini-Storage Facilities**

These structures are also known as self-service storage facilities and consist of one or more larger buildings, which are divided into small separate units. These units, often the size of a single garage, are then rented for storage, normally for personal goods. Such uses must adhere to the following regulations:

- A. There shall be no outdoor storage of any type, at any time except for boats, and licensed motor vehicles or trailers with current licenses to travel in the Commonwealth.
- B. In addition to the required side and rear yards, an additional ten (10) foot buffer yard shall be required. This buffer yard is to be planted in evergreen trees to provide a visual buffer to surrounding properties.
- C. Each such facility shall be serviced by at least two (2) well-marked driveways of fifteen (15) feet in width.
- D. If any outdoor storage of boats or vehicles is provided, the entire complex shall be surrounded by a security fence at least six (6) feet but not greater than eight (8) feet in height. Said fence shall be no closer to any lot line than ten (10) feet.
- E. There shall be no rental of space for active uses, such as gatherings or music practice or repair work or service businesses.

## **Section 414 Sanitary Landfills**

Sanitary landfills shall be permitted only as a Conditional Use. Plans for sanitary landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection (PennDEP), the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. Operators of sanitary landfills shall file with the Board written proof that they have met all permit requirements of the state and/or federal government as they may apply to a specific development.

- A. Local requirements which must be met prior to permit approval by the Board include:
1. A buffer yard of two hundred fifty (250) feet from all public rights-of-way and four hundred (400) feet from all dwellings, schools, churches, hospitals and similar residential uses.
  2. A barrier of natural forestry at a width of one hundred (100) feet or an eight (8) foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.
  3. The barrier shall be at a minimum distance of seventy-five (75) feet from all operations, and the area between the work area and barrier shall consist of a natural cover of vegetation or forestry. This strip shall not be of barren soil.
  4. The landfill shall have no more than two (2) access routes, unless the landfill property borders three (3) or more public rights-of-way. In such an event, approval by the Township Supervisors will be necessary to secure an additional access route.
  5. A bond will be filed with the Township Supervisors, at an amount deemed necessary by the Board of Supervisors, to provide for protection of Township roads, which may be used for access to this landfill.
  6. The operator shall submit to the Board for approval a plan for the restoration of the landfill area, which shall include anticipated future use of the restored land.

7. All such proposed uses shall be on a lot of no less than fifteen (15) acres.

### **Section 415 Junk Yards/Supply Yards**

Shall comply with the following requirements:

- A. All lots shall be at least two (2) acres in size.
- B. There shall be no storage of scrap, machinery or equipment of any kind in the setback areas.
- C. All yard spaces shall be increased ten (10) feet.
- D. The processing or storage of hazardous materials as the same are defined by the Department of Environmental Protection shall not be permitted.

### **Section 416 Commercial Recreation**

These particular uses by their nature can generate noise or excessive activity adversely affecting neighboring properties. Outdoor uses shall:

- A. Have a lot of not less than six (6) acres in size.
- B. The developer shall present the Township with a plan illustrating the location, size and use of any proposed outdoor speakers or sound systems. The Township may limit the size, location and use of these speakers to prevent excessive noise to adjacent properties.
- C. All yard setbacks shall be increased by fifty (50) feet.

Indoor uses shall:

- A. Have no outdoor speakers, with the exception of emergency public address speakers.
- B. Present evidence of compliance with Labor and Industry (PA) building regulations.

### **Section 417 Mineral Excavation/Gas and Oil Drilling**

Mineral extraction and mining, including sand, gravel, and similar open-pit surface mining as well as oil and gas drilling operations shall:

- A. Show compliance with all applicable State and/or Federal regulations. Specifically, all needed permits from the Pennsylvania Department of Environmental Protection and copies of approved Erosion and Sedimentation Control Plans shall be presented to the Township prior to issuing a Zoning Permit. Said permits must be fully approved and valid.
- B. No surface mining operation shall be conducted within any limits set forth by the Commonwealth of Pennsylvania or the United States Government. The developer shall provide the Township with evidence that all setbacks required by other agencies have been met.
- C. An arrangement for road bonding requirements, as applicable, shall be presented to the Township.
- D. In addition, gas and oil wells shall:
  - 1. Provide the Township with a well log containing, but not limited to:
    - a. Depth to thickness and lithology of all fresh water-bearing zones.
    - b. Depth to saline water.
    - c. Depth to thickness and lithology of all over-pressured zones (pressure exceeding normal expected overburden pressure) whether or not these contain gas or oil.
    - d. A full surface total depth graphic lithologic log with narrative descriptions.
    - e. A complete chemical analysis of saline water encountered during drilling including major ions (Fe, Mn, Co, Mg, SO<sub>4</sub>, CO<sub>3</sub>, Na, K, etc.) and heavy metals (Co, As, Cd, Cr, Sr, Ba, etc.). The sampling time should coincide with whatever stage of operations is likely to produce the least contamination by drilling mud. If this is not possible, a note should be appended to the analysis indicating the presence of mud in the sample.
    - f. Where over-pressured zones are encountered, the drilling company shall provide the Township the elevation to which water from each over-pressured zone would rise in the absence of any controls, seals or casing.

- g. When complaints from neighboring residents and property owners are received by the drilling company personnel, or Township personnel, these complaints shall be investigated by the drilling company or qualified representative and a written report detailing the complaint, means of investigation, date and conclusions shall be submitted to the complainant and the Township.

The object of the regulations above to guarantee public safety in the future and of identifying points where, if groundwater pollution should occur in the vicinity, information would be required to assist in an investigation.

#### **Section 418 Cemeteries**

The purpose of cemeteries, under this Ordinance, is to provide a proper burial ground for persons. All uses and activities must be clearly and customarily incidental to this use. Prior to the establishment of a new facility or expansion of an existing cemetery, the owner shall:

- A. File a site plan to demonstrate the design and layout of the proposed cemetery or cemetery expansion and specifically illustrating: the proposed drainage plan, the internal circulation plan, and the location of accessory building(s).
- B. Connections to existing Township streets will be no closer than fifty (50) feet to a street intersection, fifteen (15) feet to a fire hydrant, thirty (30) feet to a driveway on the same side of the street and shall avoid streets or driveways opposite proposed means of ingress and egress.
- C. Shall demonstrate compliance with applicable state laws.
- D. All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- E. All new facilities shall have a size of at least five (5) acres.

#### **Section 419 Multiple-Family Dwelling**

Shall:

- A. Development may not exceed a density greater than five (5) units per acre without public sewer and eight (8) units per acre with public sewer.

- B. Provide evidence they have passed all applicable regulations for on-lot sewage disposal, as applicable.

**Section 420 Mobile Home Parks**

The proposed park shall meet all applicable requirements of the Girard Township Subdivision Regulations applied to mobile home parks. In addition, the park shall:

- A. Show evidence of a contract to collect solid waste with dumpster or curbside capacity adequate for the size of the intended development.
- B. Be screened from abutting residential uses (Type I).
- C. All mobile homes within the park must meet the following standards for tie downs/anchoring. Three types of foundation will be acceptable:
  - 1. A foundation similar to that of traditional homes (footers below the frost line).
  - 2. Concrete block leveled and installed per the mobile home manufacturer's instructions.
  - 3. Cylinder jack piers bolted to the mobile home's I-beams and set into reinforced concrete pads.
- D. If either foundation (c)(2) or (c)(3) is employed, the unit shall have skirting continuously in that area between ground level and the mobile home. This skirting will be of a type and material suitable for such a purpose, and shall be maintained.

**Section 421 Specialized Animal Raising and Care**

While the Township recognizes the importance of these endeavors, their intensity makes them a conditional use. Such facilities shall:

- A. Have a minimum space of five (5) acres for dog kennels and ten (10) acres for other uses.
- B. No pens or runs shall be closer than five hundred (500) feet from lot lines.
- C. If containing runs for more than seventy-five (75) birds or mammals, provide evidence that waste products or manure will not create a

malodorous nuisance. An approved sewage treatment system may be required.

- D. Provide evidence of meeting all applicable State codes and licenses.

### **Section 422 Home- and Farm-Based Manufacturing**

Shall be permitted as a Conditional Use, provided:

- A. Shall increase all side and rear yards by twenty-five (25) feet in those instances where they abut residential uses.
- B. Shall have no more than one (1) employee who is not a family member.

### **Section 423 Sexually Oriented Businesses**

These businesses have potential negative impacts upon the community, including:

Sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

The concern over sexually transmitted diseases is a legitimate health concern of the Township, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well being of the citizens.

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

Sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighboring blight and downgrading the quality of life in the adjacent area.

Permitting and/or licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation. However, it is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance, which addresses the secondary effects of sexually oriented businesses. Nor is it the intent of the Township to condone or legitimize the distribution of obscene material.

Sexually oriented businesses as defined herein shall be permitted in the I-2 Intensive Development District as a Conditional Use, provided:

- A. The proposed sexually oriented business does not lie within one thousand five hundred (1,500) feet of:
  - 1. A church;
  - 2. A public or private pre-elementary, elementary, or secondary school;
  - 3. A public library;
  - 4. A child-care facility or nursery school;
  - 5. A public park adjacent to any resident district;
  - 6. A child-oriented business.
- B. The proposed sexually oriented business does not lie within five hundred (500) feet of another sexually oriented business.
- C. Compliance with all other applicable local codes and licenses is presented to the Township Supervisors.

**Section 424 Correctional Facility or Halfway House**

- A. Shall present the Township Supervisors with a security plan, which takes into account the safety of Township residents.
- B. Does not lie within one thousand five hundred (1,500) feet of:
  - 1. A church;
  - 2. A public or private pre-elementary, elementary, or secondary school;
  - 3. A public library;
  - 4. A child-care facility or nursery school;
  - 5. A public park adjacent to any resident district;
  - 6. A child-oriented business.
- C. Does not abut a pre-existing single-family home.

## Section 425      Retail Business /Shopping Centers

These are conditional uses in the C-1 District. These uses shall:

- A. Provide means of direct auto access to neighboring retail developments, eating and drinking places, or commercial recreation without entering an existing through-street. This access may be curb cuts to abutting parking areas or by a secondary access road. In some cases, pedestrian footpaths will be allowed.
- B. Shall add five (5) foot of buffer yard per two thousand (2,000) feet GFA to every side or rear yard over five thousand (5,000) square feet.
- C. All compressors shall be enclosed to baffle their sound from surrounding uses.
- D. Meet the performance standards of Section 6 of this Ordinance if applicable.
- E. All property lines which abut other districts or pre-existing residential uses shall maintain both of the following buffer yard types:
  - 1. A fifty- (50) foot wide buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless insufficient for screening or of species generally recognized as inferior for shade, erosion control, or screening. If deemed so, the developer shall maintain a planting standard of eight (8) deciduous trees and sixteen (16) coniferous trees per each five thousand (5,000) square feet of buffer yard. This buffer yard shall be in addition to any other yard requirements listed in Table 307.1.
  - 2. A screening yard of spruce, planted to the following standards: An initial row of trees to follow a lineal centerline with additional rows planted at oblique angles on each side of the centerline row, sufficient to provide complete and constant opaque screening from the time of planting. This screen of plantings shall be situated at the interior edge of the natural vegetation buffer yard and may be included in calculations of required yard areas.
- F. Planting Standards: At the time of planting, all coniferous trees shall be a minimum of six (6) feet in height, as measured from the ground. Hardwood trees shall be a minimum of twelve (12) feet in height, as

measured from the ground. The Zoning Administrator may inspect plantings as necessary. Trees that have died shall be replaced as needed.

- G. Lighting: Any lighting used to illuminate buildings, parking or loading areas shall be arranged to reflect the light away from the adjoining premises of any residential district or use.
- H. Parking areas may not encroach on front yard setback areas.
- I. All conditional use retail businesses or shopping centers shall submit a plan for future traffic access. This plan shall include reserve areas for connecting parking lots to abutting properties, maintaining sufficient setback for future collector streets or other standard arterial access limitations. As a part of conditional use approval, the developer shall agree to permit the interconnection of future abutting parking lots to his property and make such necessary improvements.

#### **Section 426 Light Manufacturing**

- A. Shall show through a description of activities that it can meet all performance standards of Section 506 of this Ordinance.

#### **Section 427 Flea Markets**

These uses are periodic in nature but very intense. To protect health and safety:

- A. The developer shall present a plan for pedestrian access, vehicular access and the placement of tables.
- B. All parking areas shall maintain a dust and mud-free surface.
- C. Outdoor flea markets shall operate during daylight hours only.

#### **Section 428 Indoor Private Clubs**

This section is intended to facilitate indoor private clubs, including, but not limited to, sportsman's organizations, conservation organizations, and similar charitable, or fraternal groups. Such uses shall:

- A. Present a plan relative to any access of facilities by the general public, if any. Such plan shall include anticipated dates, times and club-imposed restrictions.

- B. Operating hours for any active outdoor activity shall be restricted to hours set by the Board of Township Supervisors based upon anticipated noise and intensity of activities.
- C. Present a plan detailing the availability of alcohol, if any. Such plan shall include club restrictions on service.
- D. Present a plan for buffering and screening, if any.

## **Section 429 Home Occupations**

Home occupations are a potential intrusion upon residential areas and as such must meet all the requirements listed in this section.

- A. Parking: In addition to providing the required parking spaces for residents of the dwelling units, off-street parking must be provided for employees and customers in accordance with the criteria set forth by this Ordinance.
- B. Employees: No more than one (1) outside employee, other than a family member, shall participate or work in the home occupation.
- C. Restrictions: No home occupation that would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. Among the activities specifically excluded shall be kennels, veterinary offices, restaurants, small motor repair, automotive repair, automobile bodywork and similar undertakings.
- D. Home occupations may include, but are not limited to, art studios, music studios [limited to one (1) student at a time], professional offices, professional services, barber, beauty shops, and dressmakers.
- E. The nature of the home occupation shall not change the outward characteristics of the home as a residential unit.
- F. No more than thirty percent (30%) in aggregate of the home and accessory buildings may be used for a home occupation.
- G. Home occupations shall not operate before 8:00 a.m. or after 9:00 p.m..
- H. Any retail sales shall consist primarily of items made on the premises. No more than twenty-five percent (25%) of on-premises sales shall be from items not made on the premises.
- I. No more than one (1) home occupation per dwelling shall be permitted.

**ARTICLE 5**  
**SUPPLEMENTARY REGULATIONS**

**Section 501            Nonconforming Uses and Structures**

The following provisions shall apply to all nonconforming uses and structures. It is the intention of Girard Township that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this Article.

501.1 Any nonconforming use may be continued, or may be changed to a use of the same or a more restrictive classification, but may not be extended or expanded unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the provisions of this Ordinance.

501.2 Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if intent to rebuild is expended within six (6) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located, and in such cases it must meet the off-street parking and loading requirements of this Ordinance.

501.3 In the event that any nonconforming use voluntarily ceases, for whatever reasons, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance.

501.4 The nonconforming use of a building may be extended throughout those parts thereof, which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A nonconforming building or structure may, with the approval of the Zoning Officer, be extended, enlarged or replaced if such expansion does not occupy an area greater than thirty (30%) percent more than the structure occupied prior to such expansion. Expansions of greater than thirty (30%) percent must be approved by the Zoning Hearing Board. Furthermore, such structures must meet the minimum yard regulations and height restrictions of the district in which the structure is located, and must meet all off-street parking and loading requirements of this Ordinance.

501.5 Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance.

501.6 Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

501.7 Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Article shall also apply to any uses, which thereby become nonconforming.

## **Section 502 Existing Lots of Record**

Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance, however, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located. Where two (2) or more adjacent lots of record with less than the required area and width are held by one (1) owner, on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board which may require replatting to fewer lots, which would comply with the minimum requirements of this Ordinance.

## **Section 503 Application of Yard Regulations**

503.1 R-1, R-2 and R-3 Districts, where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.

503.2 All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in Section 503.3, Section 503.4, and Section 503.5.

503.3 A wall or fence under six (6) feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Retaining walls and fences required for screening under this Ordinance are not subject to the six (6) foot high limitation. Fences may be permitted in front yard areas provided they are no higher than four (4) feet. No fence may be on a Lot Line, in the Right-of-Way or in the free sight triangle (as defined by the Pennsylvania Department of Transportation). A Zoning Permit is required for all

fences except those located in the A-1 Agricultural Districts or in the R-A Residential Agricultural Districts.

503.4 Swimming pools shall be permitted in yard areas, provided that the pool is located not less than ten (10) feet from lot line. A Zoning Permit is required for all swimming pools. All swimming pools shall be enclosed by a permanent fence at least six (6) feet in height. All swimming pools must comply with the provisions of the Pennsylvania Construction Code Act, as amended.

503.5 Small garden sheds, storage sheds and similar structures may be permitted in yard areas, provided such structure does not exceed one hundred forty-four (144) square feet and lies no closer than ten (10) feet to an abutting lot line. A maximum of one shed per Lot is allowed without the necessity of obtaining a Zoning Permit.

503.6 Unattached Accessory Structures for Single-Family Residential Dwellings: A single-story accessory structure which is not attached to the principal structure on the lot by means of common wall or connecting permanent roof, may be erected within one of the side yards or within the rear yard in accordance with the following requirements:

- a. Front yard – thirty-five (35) feet
- b. Side yard [interior lot] – fifteen (15) feet
- c. Side yard [lot abutting two (2) public streets] – same as for principal structure
- d. Rear yard – fifteen (15) feet rear
- e. Not closer to a principal structure than ten (10) feet

However, any such accessory structure in excess of one hundred forty-four (144) square feet so erected shall submit to the Zoning Administrator a plan for drains, gutters, sumps, or grading which will assure no runoff from the building will enter a neighboring property.

Attached Accessory Structures in R-Districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

**Section 504 Temporary Structures**

Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six (6) month period. Temporary structures are subject to all use and setback requirements.

**Section 505 Height Limitations:**

When the following conditions are met, height limits may be increased:

505.1 Structure height, in excess of the height permitted above the highest ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one (1) foot for each additional foot of height; however, such increase shall be limited to no more than ten (10) additional feet.

505.2 The following structures are exempt from height regulations provided they do not constitute a hazard: church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, agricultural barns, silos and similar farm structures, standpipes, elevated water tanks, derricks and similar structures.

However, for the above structures, all yard and set-back requirements must be met; in addition, any structure with a height in excess of fifty (50) feet will be first referred to the applicable Volunteer Fire Department for a review and comments relative to public safety considerations. Such comments shall be considered by the Board.

**Section 506 Off-Street Loading and Parking**

Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

506.1 Off-Street Loading: Every use listed in the following table shall provide off-street loading berths in accordance with its size.

OFF-STREET LOADING SPACE REQUIREMENTS	
<u>Use</u>	<u>Berth</u>
Industrial:	
Manufacturing	5,000
Warehouse	10,000
Storage	10,000

Commercial:	
Wholesale	20,000
Retail	20,000
Service Establishment	30,000
Restaurants	30,000
Office Building	30,000
Hotel	10,000
Institutional:	
Schools	10,000
Hospitals	30,000
Nursing Homes	30,000
Public Buildings:	
Auditoriums	30,000
Arenas	30,000

Note: All figures are given in gross feet of floor area for each listed use.

506.1(a) Size and Access: Each off-street loading space shall be not less than ten (10) feet in uniform width and sixty-five (65) feet in length. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto.

506.2 Off-Street Parking:

506.2(a) Size and Access: Off-street parking spaces shall have a uniform area of two hundred (200) square feet, being at least ten (10) feet wide and twenty (20) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Access aisles shall be a minimum of twenty (20) feet wide in the case of angle parking and twenty-five (25) feet wide in the case of perpendicular or parallel parking. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be consistent with requirements for private streets in the Girard Township Subdivision and Land Development Ordinance. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street.

506.2(b) Number of Parking Spaces Required: The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.

PARKING

<u>USE SPACES</u>	<u>REQUIRED PARKING</u>
1. Auto Sales and Service	1 for each 200 square feet GFA
2. Service Stations	1 for each 200 square feet GFA
3. Single-Family Dwelling and Duplex	2.0 per dwelling unit
4. Multi-Family Dwelling	2.5 per dwelling unit*
5. Mobile Home Parks	2.0 per each space
6. Hotels and Motels	1 per guest room**
7. Funeral Home and Mortuaries	25 for the first parlor 10 for each additional parlor
8. Hospitals	1 per each bed**
9. Nursing Homes	1 per each 3 beds**
10. Churches	1 per each 4 seats
11. Schools	1 per each teacher and staff 1 for each 4 classrooms + 1 for each 4 high school students
12. Sports Arenas, Stadiums Theaters, Auditoriums, Assembly Halls	1 per each 3 seats
13. Community Buildings, Social Halls, Dance Halls, Clubs and Lodges	1 space for each 60 square feet of public floor area
14. Roller Rinks	1 space for each 200 square feet GFA
15. Bowling Alleys	5 per alley
16. Banks and Offices	1 for each 250 square feet GFA
17. Medical Office and Clinics	8 spaces per doctor
18. Dental Offices	5 spaces per doctor
19. Retail Stores	1 per each 200 square feet GFA
20. Fast Food/Drive-Thru Restaurants	1 per each 2 patron seats**
21. Furniture Stores	1 per each 400 square feet GFA
22. Food Supermarkets	1 per each 200 square feet GFA
23. Trailer and Monument Sales	1 per each 2,500 square feet of lot area
24. Restaurants, Taverns and Nightclubs	1 for each 2.5 patron seats
25. Industrial and Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 space per employee, on the largest shift, plus 1 spare for each 10,000 square feet for visitors
26. Commercial Recreation (not otherwise covered)	1 space for every 3 persons permitted in maximum occupancy

\*Multi-family units devoted to the elderly shall only be required to provide .5 parking spaces per unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.

\*\*Plus one (1) space per employee and staff on major shift.

Note: GFA means gross floor area.

506.2(c) Location and Parking: Required parking spaces shall be located on the same lot with the principal use.

506.2(d) Screening and Landscaping: Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of Screening) or use. In addition, there shall be a planting strip of at least five (5) feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.

506.2(e) Minimum Distance and Setbacks: No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, school, hospital, or similar institution.

506.2(f) Surfacing: With the exception of single-family and two-family dwellings, all parking and loading areas and access drives shall have a dust-free surface, graded with positive drainage to prevent the flow of surface water onto neighboring properties. Parking areas larger than ten thousand (10,000) square feet shall submit a plan, including drainage provisions, to the Township for approval. Lots shall be designed to provide for orderly and safe loading and parking.

506.2(g) Lighting: Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from roads or highways.

## **Section 507      Signs**

The following sign regulations shall be observed in all districts:

- A. The following signs shall be permitted in all districts, and no permit shall be required to erect such signs, provided such signs are not erected or placed in any public right of way:
  1. Temporary signs announcing a campaign, drive or event of a civic, political, philanthropic, educational or religious organization, provided such sign shall not exceed thirty-two (32) square feet in area.

2. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
  3. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed thirty-two (32) square feet, and provided that such sign shall be removed upon completion of the work.
  4. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of such sign shall not exceed four (4) square feet.
  5. Signs advertising the sale of agricultural products. Such signs shall not exceed thirty-two (32) square feet in area.
- B. No signs shall be permitted within street lines, except traffic signs and similar regulatory notices placed by a duly constituted governmental body.
- C. Directional and information signs, not exceeding two (2) square feet in area and used for the direction and protection of the public, shall be permitted in all districts.
- D. Construction and Maintenance: All signs shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards. The owners of signs shall keep them in safe and good repair. Signs that become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal.
- E. No sign structure erected directly upon the ground within fifteen (15) feet of the front lot line shall have less than three (3) feet six (6) inches of clear space between such sign and the ground; however, necessary supports may extend through such open space.
- F. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.

G. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.

507.1 Each use may have a combination of freestanding, roof, or wall signs meeting the standards of the following table. For the RA, A-1, LB, R-1, R-2, R-3, I-1, and I-2 Districts, aggregates shall be calculated based upon per-lot basis. For the C-1 District, aggregates shall be based upon separate tenancy.

<b>Zoning District</b>	<b>A-1/RA/LB</b>	<b>R-1/R-2/R-3</b>	<b>C-1</b>	<b>I-1/I-2</b>
Signage Area Permitted	Aggregate of 64 Square Feet 2 Signs per Property	Aggregate of 32 Square Feet 2 Signs per Property	Aggregate of 400 Square Feet	Aggregate of 96 Square Feet
Maximum Area per Sign	32 Square Feet	16 Square Feet	144 Square Feet	64 Square Feet
Maximum Height per Sign	12 Feet	7 Feet	35 Feet	12 Feet
Setback	10 Feet from R-O-W 20 Feet from Property Lines	10 Feet from R-O-W 20 Feet from Property Lines	10 feet from R-O-W 20 Feet from Property Lines	10 Feet from R-O-W 20 Feet from Property Lines
Illumination	External Only	External Only	Internal or External	Internal or External

507.2 Billboards: Billboards shall be permitted as a conditional use in the C-1 Highway Commercial and A-1 and A-2 Agricultural Districts, provided:

507.2(a): Such signs shall not be placed within one hundred fifty (150) feet of another on the same side of the road or one hundred (100) feet of another on the opposite side of a road.

507.2(b): Such signs shall not be placed within two hundred fifty (250) feet of any residence, church, school or similar edifice.

507.2(c): In the Agricultural Districts, such signs shall not be placed within two hundred fifty (250) feet of any road intersection, or at a curve or at any place where vehicular line-of-sight could be partially or completely obstructed.

507.2(d): In the Agricultural Districts, such signs shall not exceed thirty-two (32) square feet when viewed from its widest silhouette. In the C-1

Highway Commercial District, such signs shall not exceed two hundred fifty (250) square feet when viewed from its widest silhouette.

507.2(e): Show evidence of compliance with all applicable regulations of the Pennsylvania Department of Transportation.

507.2(f): No billboard shall be erected within three hundred (300) feet of Route 5 (the Seaway Trail).

## **Section 508 Flood Hazard Areas**

The Township of Girard has adopted an ordinance regulating development within floodplains. All development within designated areas is required to follow the regulations contained in said ordinance.

## **Section 509 Individual Mobile Homes**

Individual mobile homes shall be permitted on individual lots only if they meet the following conditions:

- A. The proposed lot shall meet all area and yard requirements of the district.
- B. Tie downs shall be installed to prevent wind damage. At a minimum, there shall be at least four (4) tie downs per side for units over fifty (50) feet in length and three (3) per side for units fifty (50) feet or less in length. Tie downs shall consist of steel, weather-resistant straps fixed to the mobile homes, and fixed to anchors with tensioning heads. Each anchor must be able to withstand a pull of four thousand seven hundred twenty-five (4,725) pounds.

One (1) mobile shall be permitted by conditional use as an accessory use to a dwelling, provided:

- A. The accessory mobile home must be occupied by a person or persons related by blood, marriage, or adoption to at least one (1) occupant of the pre-existing residence. Such relationships shall include in-law relationships, regardless of death or dissolution of marriage.
- B. The total lot area shall meet the requirements of the district in which the unit is to be placed. Both units shall meet all yard requirements, except that the mobile home shall be no closer than twenty (20) feet to the pre-existing dwelling on the same lot. If the mobile home is placed to the rear of the principle dwelling, a driveway shall give equal access to both units.

- C. If the mobile home is no longer occupied by a person related by blood marriage or adoption, it shall be removed from the lot within twelve (12) months of abandonment.

## **Section 510 Screening**

The following screening shall be employed where required by conditional use, special exception or any supplementary regulation of the Girard Township Zoning Ordinance.

510.1 Type I Screening: To consist of a triple row of Norway spruces planted at oblique lines to one another so that a continuous screen is provided. All trees shall be a minimum of six (6) feet at the time of planting. Trees that die shall be replaced within six (6) months. As an alternative to the triple row of Norway spruces, the developer shall maintain a fifty- (50) foot wide buffer yard of natural vegetation sufficient for screening. This buffer area shall not be used for parking or other uses. This buffer yard should maintain natural vegetation unless such vegetation is considered insufficient for shade screening, stormwater management or erosion control. In such case, the planting standards shall be twenty-eight (28) conifer and eight (8) deciduous trees per each five thousand (5,000) square feet of yard area. Trees shall be a minimum of six (6) feet at planting and replaced within six (6) months of death.

510.2 Type II: A Type II screen shall consist of either:

- A. An opaque fence at least eight (8) feet in height.
- B. A barrier fence at least ten (10) feet in height.

On the outside perimeter of the fence, a ten (10) foot plant strip shall be maintained at a planting standard of ten (10) coniferous or deciduous trees, per one hundred (100) lineal feet. Trees shall be a minimum of six (6) feet tall at planting and replaced within six (6) months of death.

510.3 Type III Screening: Type III screening shall consist of both Type I and Type II, for a total width of no less than sixty-five (65) feet.

Alternate Landscaping Plans: The Township Board may consider alternative forms of screening subsequent to review by the Planning Commission.

## **ARTICLE 6 PLANNED RESIDENTIAL DEVELOPMENT**

### **Section 601 Purpose**

The purpose of this article is to create residential development which is more creative and imaginative and which will foster more efficient, aesthetic and desirable use of open areas than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical use of land potential while providing a latitude in building design, building placement, amenities and community facilities of appropriate quality, oriented to the specific development site characterized by special features of topography, shape or size, and at the same time preserve the natural scenic qualities of the open spaces and of Girard Township.

### **Section 602 Application of Provisions**

Planned Residential Developments (PRD) may be permitted by conditional use in Girard Township, subject to the restrictions, qualifications and requirements cited in this ordinance, as enumerated herein below and consistent with Article VII of the Pennsylvania Municipalities Planning Code. Provisions of the Zoning Ordinance and Subdivision Ordinance concerned with dwelling type, bulk, density and open space shall not be applied when Planned Residential Development proposals are approved, except when specifically indicated by the provisions contained in this chapter or within the Pennsylvania Municipalities Planning Code.

### **Section 603 Ownership Requirements**

- A. A minimum land area for a PRD shall be twenty-five (25) contiguous acres.

The applicant for a PRD plan approval shall evidence a full ownership interest in the land. The evidence shall either be legal title or an executed binding sales agreement.

- B. The project shall be in single, legal as well as equitable, ownership prior to approval of the final development plan.

### **Section 604 Availability of Public Services and Access**

- A. In any instance where public or municipal sewer and water facilities are available and are capable of being extended to the development site, the developer shall connect the project to such facilities. If the cost of the connector facility or line is more than the cost for the installation of an

interim treatment facility, the developer shall not be required to connect to the municipal system.

- B. Central water service shall be supplied to each structure to be erected in the development subject to the above-mentioned rules and regulations, as well as any other requirements of the federal or state government. A fire hydrant shall be provided within five hundred (500) feet of each structure.
- C. The developer shall provide within the planned development a storm drainage system which shall be of sufficient size and design to collect, carry off and dispose of all predicable surface water run-off within the development and shall be so constructed as to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Township of Girard. The adequacy of said facilities shall be determined by the Township Engineer.
- D. All PRD developments shall be regulated to the local and regional highway systems. The developer must demonstrate to the satisfaction of the Planning Commission, Board of Supervisors, the Township Engineer and appropriate officials of the Pennsylvania Department of Transportation that traffic circulation will not be adversely influenced, that additional traffic hazards will not be created and that public and private road systems are adequate in terms of traffic volume capacity and construction type to accommodate the projected PRD-generated traffic. Street construction in PRDs shall conform to all street and roads standards of the Girard Township Subdivision and Land Development Ordinance.

## **Section 605 Administration**

The planned residential development provisions of this chapter shall first be administered by the Girard Township Planning Commission which shall review all applications on the basis of specified standards, conditions, regulations and procedures and shall make recommendations to the Board of Supervisors which shall conduct public hearings and have final authority to approve, modify or disapprove development plans.

## **Section 606 Standards and Requirements**

### **A. Density**

Residential density shall not exceed four (4) units per gross acre of land within the development. If less than thirty percent of the gross acres are considered buildable acres, the density shall be reduced to three (3) units per acre

1. The Township reserves the right to reduce density levels in any proposed PRD if it determines that:
  - a. There is inconvenient or inadequate vehicular access to the development;
  - b. Traffic congestion resulting in level of service ratings of “D” “E” or “F” as determined by PennDOT criteria, or a decrease of two (2) or greater level ratings, or similar conditions as determined by a traffic analysis on adjoining streets will be generated;
  - c. An excessive burden will be placed upon the ability of responsible public agencies to provide needed public facilities to serve the proposed development.

B. Lot and Structure Requirements

1. Lot Size: There shall be no minimum lot size or lot width. However, every single-family dwelling shall have access to a public street, court, walk or other area dedicated to public use. No structure or group of structures shall be erected within twenty (20) feet of any other structure or group of structures.
2. Setback: All structures on the perimeter of the development must be set back one hundred (100) feet from property boundaries and one hundred (100) feet from existing road centerlines.
3. Height: Consistent with zoning district.
4. Location of Structures: The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
5. It shall be the responsibility of the developer and the Board of Supervisors, after receiving recommendations from the Planning Commission, to take into consideration the health, safety and welfare of the residents when determining the building location, length, width and height of the proposed buildings.
6. Lot Coverage shall be consistent with the Zoning District in which the PRD is located and shall be based upon the entire PRD.

C. Open Space

1. Area Limitations for Various Uses: Within the PRD, the following percentages of the total gross land area shall be devoted to specified uses as indicated herewith:
  - a. A maximum of fifty (50%) percent of gross acreage for residential use. Land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts, which abut and service primarily residences or groups of residences:
    - (1) A maximum of ten percent (10%) of this fifty (50%) percent may be used for accessory retail, dining and service facilities and parking associated with these uses;
  - b. A minimum fifty percent (50%) of gross acreage for open space uses.
    - (1) Open space shall not include space devoted to streets and parking.
2. Open space uses may be any combination or single use listed below:
  - a. Timber management and forestry
  - b. Agriculture
  - c. Equestrian activities by community residents
  - d. Golf courses
  - e. Scenic areas and vistas
  - f. Fishing, hunting, wildlife observation, and similar outdoor recreational pursuits
  - g. Developed parklands

Unless devoted to agriculture or forest uses, these areas must be owned by a land trust, government, homeowners' association, or similar responsible body to ensure maintenance or proper management in perpetuity. If devoted to agriculture or private

forestry, means for appropriate permanent dedication or deed covenants to prevent its development shall be required prior to approval. Unless developed parklands for active recreation, no tract of open space shall be less than five (5) contiguous acres.

3. Peripheral Open Space: Required setback areas from property lines and road rights-of-way shall be maintained as permanent peripheral open space. This space shall surround the entire PRD. It may be owned by a single party, land trust, government, homeowners' association, or individual homeowners provided that means are emplaced to ensure this peripheral area remains undeveloped or utilized for agriculture/forest use in perpetuity. If the lands are to be developed as parklands or golf courses, the developer shall submit a plan for a homeowners' association or similar management structure to assure maintenance in perpetuity. Unless devoted to agriculture, or containing natural vegetation of suitable size, this peripheral open space shall be planted with a buffer yard which shall meet minimum standards as contained in Section 511.1 of this Ordinance. The Township may require Buffering between agricultural areas and other uses within the PRD.
4. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of such open spaces, recreational areas and communally owned facilities. No such instrument shall be acceptable until approved by the Township Solicitor as to legal form and effect, and the Board of Supervisors as to suitability for the proposed use of the open areas.
5. In cases where the Township will not be accepting dedications of streets, recreation areas or open spaces to be used for general recreation, the landowner shall provide for an organization or trust for ownership and maintenance.
6. If the common open space is deeded to a homeowners' association or a nonprofit corporation established on a membership basis, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. If there is a homeowners' association under the Unit Property Act, the developer must file a declaration of rule and regulations. The provisions shall include, but not be limited to, the following:

- a. The homeowners' association or nonprofit corporation must be set up before the homes are sold;
  - b. Membership must be mandatory for each home buyer and any successive owner;
  - c. The open space restrictions must be permanent, not just for a period of years;
  - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
  - e. Homeowners must pay their pro-rata share of the cost. The assessment levied by the association can become a lien on the property.
  - f. The association must be able to adjust the assessment to meet changed needs.
7. The Township may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, and the Township may, but need not, require, as a condition of the approval of a planned residential development, that land proposed to be set aside for common open space be dedicated or made available to public use.
8. Maintenance by Township:
- a. In the event that the organization established to own and maintain common space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be

corrected. If the deficiencies set forth in the original notice or in the modification thereof shall not be corrected within said thirty (30) days or an extension thereof, the Township in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space, and maintain the same for a period of one (1) year.

- b. Said maintenance by the Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PRD, to be held by the Township Supervisors, at which hearing such organization or the residents of the PRD shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Township Supervisors shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Township Supervisors shall determine that such organization is not ready and able to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Township Supervisors shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code Act 247 of 1968, as amended.
- c. The cost of such maintenance by the Township shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of the County, upon the properties affected by the lien within the PRD.

D. Permitted Uses

1. Land and buildings may be used for the following purposes:
  - a. Single-family (detached dwelling units)
  - b. Multiple-family dwellings
  - c. Schools, public and private, if State-accredited
  - d. Churches and other places of worship
2. Accessory retail dining and service facilities may be permitted by specific approval of the Board of Supervisors, provided that such uses are primarily for the service and convenience of the residents of the PRD. At least eighty percent (80%) of the total planned dwelling units of the total project must be physically constructed prior to any nonresidential use construction.
3. Personal care homes and nursing homes, as an accessory to provide a continuum of care in PRDs exclusively for the residence of persons over the age of 55.
4. No PRD shall be approved unless it is consistent with the purposes of the regulations as stated in the Purpose of this Section. Each PRD shall be planned as an entity, and such planning shall include a unity site plan, consideration of land uses and usable open spaces, site-related vehicular and pedestrian circulation systems, and preservation of significant natural features. The plan may consider a multiplicity of housing types.

E. Parking: Parking shall be provided as follows:

1. There shall be a minimum of two (2) off-street parking spaces for each dwelling unit. Said spaces shall be situated within two hundred (200) feet of the dwelling units served.
2. Parking areas shall be designed to minimize excessive numbers of vehicles in any one (1) area. Continuous rows of more than ten (10) vehicles shall be interrupted with appropriate landscaping.

F. Circulation:

1. Vehicular access within the PRD shall be designed to permit smooth traffic flow with minimum hazard to vehicular or pedestrian traffic. All internal streets shall be oriented and designed in a manner, which will discourage use by through traffic.
2. A pedestrian and bicycle circulation system shall be established to serve all elements within the development. The pedestrian and bicycle circulation system shall be reasonably segregated from vehicular traffic to provide separation of vehicular and pedestrian movement.
3. Streets in a PRD may be dedicated to public use or may be retained under private ownership and shall conform to the Girard Township Subdivision and Land Development Ordinance.

G. Landscaping:

1. A general landscaping plan shall be required at the time of the original submission to be followed by a detailed landscaping plan prior to final approvals. The detailed plan shall show the spacing, sizes and specific types of landscaping materials.
2. Existing trees shall be preserved whenever possible. The location of trees shall be considered when planning the site elements such as open spaces, building location, walks, paved areas, playgrounds, parking, circulation systems and finished grade levels.
3. A grading plan and an erosion and sedimentation plan shall be provided prior to any construction or site development activity which will confine excavation, earth moving procedures, and other changes to the landscape in order to ensure preservation and prevent despoliation of the character of the project site.
4. All manufactured slopes shall be planted or protected from erosion and shall be of a character to blend with surrounding terrain.
5. Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise or other potentially adverse influences shall be established in a manner which will protect residential character within the PRD District and in any adjoining district.

6. Within a PRD, all utilities including telephone, television cable and electrical systems shall be installed underground, provided, however, appurtenances to these systems which require on-grade installation must be effectively screened.

H. Signs:

1. All sign internal installations and lighting of signs shall meet the standards for signs established for Residential Districts by this Ordinance.
2. Plans shall indicate the location, size and character of any sign within the PRD intended to be seen from public ways outside the district.
3. No more than two (2) sign surfaces, each with surface area not exceeding twenty (20) square feet, shall be permitted at any principal entrance to the district.

I. Waste Disposal:

1. Adequate provision shall be provided for garbage and trash removal.

## **607 Review Process for Approval**

The developer shall obtain required approvals for PRDs by following a four-step review process, which shall consist of an initial submission, a preliminary development plan, public hearings and approvals, and a final development plan.

The Planning Commission shall review the initial submission and preliminary development plan and make recommendations to the Board of Supervisors which shall hold public hearings and make a decision on the final development plan.

A. Initial Submission:

1. Each applicant shall confer with the Girard Township Planning Commission at a scheduled monthly meeting.
2. A written statement of planning objectives to be achieved by the applicant shall be included for discussion. The statement shall include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant. Every applicant shall be based on and interpreted in relation to the Community Development Goals and Objectives and Comprehensive Plan for Girard Township.

3. No formal requirement for plan or material submission is established for the initial submission. However, the higher the level of data the developer presents, such as sketch plans, land use concepts, density ranges proposed, ancillary use proposals, site information, existing perimeter conditions, access considerations and utility needs, the more direction he will receive for guidance in preparing an acceptable plan for local approval.
4. No development plans shall be considered for formal Planning Commission review until the initial submission has been made.

B. Preliminary Development Plan: (Application for tentative approval)

A preliminary development plan shall be presented in sufficient detail to provide the Township Planning Commission with a major substantive review of the proposed PRD. This step of approval process shall be initiated by, or on behalf of, the developer, through the submission of a formal application for tentative approval of a PRD to the Township Planning Commission. The application shall be submitted no later than fourteen (14) days prior to the regular monthly meeting of the Planning Commission at which the development plan is to be considered. The following documentation shall be submitted in support of the application:

1. Written Documents:

- a. The title under which the subdivision or land development is to be recorded;
- b. A legal description of the total site proposed for development including a statement of present and proposed ownership, present and proposed zoning, and the names and addresses of all owners of adjacent property;
- c. A statement of planning objectives as detailed under 607A2;
- d. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PRD, such as land areas, dwelling units, etc.;
- e. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space, including a separate figure for usable open space; total amount of nonresidential

construction; including a separate figure for commercial or institutional facilities; economic feasibility studies or market analysis where necessary; and other studies as may be designated by the Planning Commission;

- f. The name and address of the owner of the subdivision or land development, or of his agent, if any, and of the subdivider or developer;
- g. The name and address of the engineer or surveyor together with his registration number and seal attached.

3. Site Plan and Supporting Maps: A site plan at a scale no smaller than one (1) inch equals one hundred (100) feet (except where total size of PRD dictates a smaller scale) and any maps necessary to show the major details of the proposed PRD shall contain the following minimum information:

- a. The existing site conditions including contours at a minimum interval of two (2) feet up to ten percent (10%) slope and a minimum interval of five (5) feet for over ten percent (10%) slope, watercourse, floodplains, unique natural features, and forest cover and other natural vegetation considered significant by the Planning Commission and the Township Engineer.
- b. Proposed Lot Lines and Plot Designs: The plot and property lines of the proposed plan to include their courses and distances and the interior angles of their intersections with the boundary lines of adjacent property.
- c. The location and floor area size of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units by code, density per type, and nonresidential structures, including commercial facilities. All structures shall be distinguished and identified on the plan by code. Preliminary evaluations and/or architectural renderings of typical structures and improvements shall be provided. Such drawings shall be sufficient to relay the basic architectural intent of the proposed improvements but should not be encumbered with final detail at this stage.

- d. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses. The form of organization proposed to own and maintain the common open space.
- e. The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way, including major points of ingress and egress to the development. Notations of proposed ownership, public or private, should be included where appropriate. Detailed engineering drawings of cross sections and street standards shall be handled in the final development plan stage.
- f. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, including proposed treatments of points of conflict.
- g. The existing and proposed utility systems including sanitary sewers, storm sewers and water, electric, gas and telephone lines. If on-lot sewage disposal (septic tank) is to be utilized in the development, the developer shall submit soil percolation tests certified by the municipal sewage enforcement officer or by the Department of Environmental Protection of the Commonwealth of Pennsylvania or its successor, conducted in accordance with the provisions of the Pennsylvania Sewage Facilities Act, Rules and Regulations. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the plan, the developer shall present evidence to the Planning Commission that the plan is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Public Utility Commission, or an application for such certificate, a cooperative agreement, or a commitment for agreement to serve the plan, whichever is appropriate, shall be acceptable evidence.
- h. A general landscape plan indicating the treatment of materials used for private and common open space. The landscape plan should be in general schematic form at this stage. A grading

plan is not required at this stage.

- i. Enough information on land areas adjacent to the proposed PRD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
  - j. The proposed treatment of the perimeter of the PRD, including materials and techniques used such as screens, fences and walls.
  - k. The substance of any covenants, grants, easements or other restrictions to be imposed upon the use of lands or buildings in the development.
  - l. Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PRD.
3. Projected Scheduling of Phases: In the case of development plans which call for development over a period of years, a schedule shall be provided showing the proposed times within which applications for final approval of all sections of the PRD are intended to be filed. This schedule shall be reviewed annually with the Planning Commission by the developer on the anniversary of the tentative approval, until the development is completed and accepted. It shall be the obligation of the developer to request said reviews in writing within the thirty- (30) day period prior to the anniversary date of the tentative approval. The time period between grant of tentative approval and application for final approval shall not be less than ninety (90) days and in the case of developments to be carried out over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

C. Public Hearings and Approvals:

1. Within sixty (60) days following the regular monthly meeting of the Planning Commission, at which the application for tentative approval of a PRD is officially reviewed, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors. The Chairman, or in his absence the Acting Chairman,

may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

2. A verbatim record of the hearing shall be caused to be made by the governing body whenever such records are requested by any party to the proceedings; the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.
3. The Board of Supervisors may continue the hearing from time to time, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.
4. Approval or disapproval
  - a. The Girard Township Board of Supervisors, within sixty (60) days following the conclusion of the public hearing, shall, by official written communication to the developer, either:
    - (1) Grant tentative approval on the development plan as submitted;
    - (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
    - (3) Deny approval.
  - b. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the developer may, within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors, notify such body of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the developer does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions,

tentative approval of the development plan with all said conditions shall stand as granted.

- c. The Board of Supervisors in its official written communication to the developer, a copy of which shall be submitted to the Planning Commission, shall indicate not only its decision but also findings of fact resolving:
  - (1) The extent to which the development plan is or is not consistent with the Girard Township Comprehensive Plan;
  - (2) The extent to which the development plan departs from zoning and the subdivision regulations otherwise applicable to the subject property, and the reasons why such departures are or are not deemed to be in the public interest;
  - (3) The purpose, location and amount of the common open space in the development plan and proposals for maintenance and conservation of the common open space.
  - (4) The merits of the physical design including the manner in which the design does or does not make adequate provisions for public services, provide adequate control over vehicular traffic and furthers the amenities of light and air, recreation and visual enjoyment;
  - (5) The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established; and
  - (6) The adequacy of the terms and conditions governing the development intended to protect the interests of the public and the residents of the PRD if such development is carried out over a period of years.
- b. The Zoning Administrator of Girard Township shall certify two (2) copies of the official written communication. One (1) copy shall be retained by the Board of Supervisors and the other sent to the developer via certified mail.

- c. Tentative approval of a development plan, whether conditional or unqualified, shall not qualify a plat of a PRD for recording nor authorize development or the issuance of any building or construction permits. Except for the terms specified by a tentative approval, a tentative approval shall not be modified or revoked nor otherwise impaired by action of the municipality pending the applications for final approval provided that the applications for final approval are filed not later than ninety (90) days after being granted tentative approval.
  - d. The approved tentative plan shall be submitted to the Erie County Planning Commission for review and comments.
  - e. In the event that the development plan is given tentative approval and thereafter, but prior to final approval, the developer shall elect to abandon said development plan and shall so notify the Secretary of Girard Township in writing, or in the event the developer shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto.
- D. Final Development Plan: After the preliminary development plan is approved by the Planning Commission, the developer shall thereafter submit detailed plans for any part or section of the land for which he desires final approval. An application for final approval shall be submitted to the Zoning Administrator of Girard Township at least fourteen (14) days prior to the regular Planning Commission meeting at which the application is to be considered. The Planning Commission shall review the detailed plans to determine if they comply with this section and with the overall plan originally submitted by the developer and shall make recommendations to the Board of Supervisors. No zoning or building permit shall be issued until after approval by the Board of Supervisors of the detailed plans for the section in which the proposed development is located. Approval of any detailed plans shall lapse unless more than token construction is started in this section within one (1) year. No legal or equitable conveyance of land or buildings within the development may be made until the developer has complied with all applicable ordinances.

1. The application shall contain, for the areas for which final approval is sought, all requirements of the proposed plan and the written report necessary to obtain tentative approval, and in addition:
  - a. Construction documents for the building of streets, sidewalks, parking areas, sanitary sewer lines, water lines, storm drainage systems, erosion and sedimentation control facilities and recreation;
  - b. Letters from the public suppliers of water and sewage disposal stating they will serve the development; or a letter from the Pennsylvania Department of Environmental Protection of the Commonwealth of Pennsylvania or its successors stating that the proposed sewage disposal system and/or water supply system to be provided by the developer meet the requirements of the Department and that the Department has approved said plans and specifications;
  - c. Certificate from either the Department of Environmental Protection of the Commonwealth of Pennsylvania or its successors or the Erie County Conservation District stating that the erosion and sedimentation control plan has been approved and that a permit has been issued for earthmoving activity by the Department;
  - d. A certified performance bond, improvement bond, or other security acceptable, to the benefit of the municipality in which the development is located, the amount of bond equal to one hundred and ten percent (110%) of the estimated cost for installation of all public improvements, such amount to be established by the engineer designing the facilities in cooperation with the Township Engineer. The Township Supervisors may require the posting of financial security to secure the structural integrity of any improvements consistent with standards authorized by the Pennsylvania Municipalities Planning Code.
  - e. Any covenants and rights of easement, in the form in which they will be filed as legal documents, affecting development; and
  - f. A written description indicating changes made in the tentative plan required to secure tentative approval.

- g. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the official written communication of tentative approval, the Board of Supervisors shall, within fifty-five (45) days of such filing, grant such development plan final approval.
  - h. The final development plan shall be deemed in substantial compliance with the preliminary development plan, provided modification by the applicant does not involve a change of any of the following:
    - (1) Violate any provision of this Section.
    - (2) Vary the lot area requirement by more than ten percent (10%) of the amount specified on the approved preliminary development plan.
    - (3) Increase the floor area proposed for nonresidential use by more than ten percent (10%) of the area specified on the approved preliminary development plan.
    - (4) Increase the total ground area covered by buildings by more than five percent (5%) of the amount specified on the approved preliminary development plan.
2. Minor changes in the location, siting, and height of buildings and structures may be authorized by the Board of Supervisors without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved and a positive recommendation is received from the Planning Commission. No change authorized by this subsection may cause any of the following:
- a. A change in the use or character of the development.
  - b. An increase in overall coverage of structures.
  - c. An increase in the intensity of use.
  - d. An increase in the problems of traffic circulation and public utilities.
  - e. A reduction in approved open space.

- f. A reduction of off-street parking and loading space.
  - g. A reduction in required pavement widths.
6. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the developer in writing of said refusal, setting forth in said notice the reasons why one (1) or more of said variations are not in the public interest. In the event of such refusal, the developer may either:
- a. Refile his application for final approval within sixty (60) days without the objectionable variations; or
  - b. File a written request with the Board of Supervisors that it hold a public hearing on this application for final approval. If the developer wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the developer was advised that the development plan was not in substantial compliance. In the event the developer shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the developer, and the hearing shall be conducted in the manner prescribed in this section for public hearings on applications for tentative approval. Within thirty (30) after the conclusion of the hearing, the Board of Supervisors shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan, in cases arising under this section, shall be in the form and contain the findings required for an application for tentative approval.
7. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be filed within fifteen (15) days after grant of final approval in the office of the Erie County Recorder of Deeds before any development shall take place in accordance therewith.

Unless the development plan or part thereof is so recorded, no construction shall commence on the project site. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Each structure in the development will require a separate building permit. Not later than the date on which the finally approved plan is recorded, the developer shall post with the Township the certified performance bond required by Section D.1.d. above.

8. In the event that a development plan, or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Board of Supervisors in writing; or, in the event the developer shall fail to commence and carry out the planned development within the schedule projected and approved in the application for tentative approval, or such amendment as subsequently mutually agreed to by the developer and the Board of Supervisors, no development or further development shall take place on the property included in the development plan until the property or portion not yet developed is reclassified by enactment of an amendment to this Ordinance, placing it in an appropriate zoning district.
9. If the sequence of construction of various portions of the development is to occur in stages, then the open space and/or recreational facilities shall be developed, or committed thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction as approved by the Board of Supervisors. Furthermore, at no time during the construction of the project shall the number of constructed dwelling units per acre of developed land exceed the overall density per acre established by the approved final development plan.

## **608 Subdivision and Resale**

- A. A PRD may be resold or leased, or subdivided for purposes of sale or lease, after final completion of all phases of the final development plan.
- B. If the subdivision of such planned development will create a new lot or plot line, the applicant shall apply to the Planning Commission for review of the subdivision. The Planning Commission shall submit a recommendation to the Board of Supervisors, which shall take action on the subdivision plan

only if each section of the subdivided development meets all provisions of this chapter governing PRDs.

- C. All sections of a subdivided planned development shall be controlled by the final development plan.

## **609 Enforcement and Agreements**

- A. After general construction commences, the Girard Township Zoning Administrator shall review, at least once every six (6) months, all building permits issued and compare them to the overall development-phasing program. If he determines that the rate of construction of residential units, or nonresidential structures substantially differs from the phasing program, he shall so notify the developer and the Board of Supervisors in writing. Thereafter, the Board of Supervisors may issue such orders to the developer as it sees fit, and upon continued violation of this subsection may suspend the developer from further construction of dwelling units or nonresidential structures until compliance is achieved.
- B. The Board of Supervisors shall require a performance bond be furnished and filed with the Zoning Administrator for private improvements. An escrow agreement and account approved by the Township Solicitor as to form and content shall be required in the amount of one hundred and twenty-five percent (125%) of the estimated construction cost and engineering for each phase of development. These funds may be dispersed upon certification by the project engineer and by the Township acting through the Township Engineer. Said escrow shall accompany the request for final approval to ensure completion of all public site improvements, streets, parking areas, sewers, utilities, landscaping, plantings and screening.
- C. Before any building permit may be issued in the planned development, all agreements, contracts, deed restrictions and sureties shall be in a form acceptable to the Township, all sureties required shall be provided, and all payments due to the Township or its agents shall be made.
- D. Sureties regarding completion of development shall generally take the form of sureties by a corporate surety company licensed to do business in the Commonwealth of Pennsylvania, although in specific cases other forms of surety may be found to be acceptable to the Township.
- E. Sureties for continuing operation and maintenance of areas, facilities and functions not to be a responsibility of the Township and performed at general Township expense may take any form acceptable to the Township,

but shall include agreement that if operation and maintenance of such areas, facilities and functions is not continued as set forth in the final plan and report, the Township may, in addition to other remedies, operate and maintain such areas, facilities and functions in the manner required in the final plan and report, with costs assessed ratably against properties within the development having right of use of such areas, facilities and services and such costs shall become a lien on said properties.

- F. In the event that a development plan, or a section thereof is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved and shall so notify the Planning Commission in writing; or, in the event the developer shall fail to commence and carry out the PRD within such reasonable period of time as may be fixed by ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is re-subdivided and is reclassified by enactment of an amendment to the Girard Township Comprehensive Zoning Ordinance in the manner prescribed for such amendments.
- G. Any decision of the Board of Township Supervisors in granting or denying tentative or final approval of a Planned Residential Development plan shall be subject to appeal to a court in the manner as provided for in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

#### **610 Fees – Planned Residential Development**

As a prerequisite to issuance of final approval, the developer shall reimburse Girard Township for all expenses and disbursements incurred by it in connection with the application. This shall include, but not be limited to, fees and expenses of planners, professional engineers and/or registered surveyors, building inspectors, electrical engineers, traffic engineers, Township and community impact studies, legal expertise, and such professional services as shall be deemed necessary by the Girard Township Planning Commission and the Board of Supervisors.

## ARTICLE 7 DEFINITIONS

### **Section 701      Interpretation**

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

### **Section 702      Specific Terms**

The following words and phrases shall have the meaning given in this section:

Accessory Building – a subordinate building, incidental to, and located on the same lot as, the principal building, and used for an accessory use.

Accessory Use – a use incidental to, and subordinate to and located on the same lot occupied by the principal use to which it relates.

Agriculture – any agricultural use, including farming, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture, viticulture, horse keeping, animal and poultry husbandry, and forestry (including the harvesting of timber), but excluding specialized animal raising and care or dog kennels as defined by this Ordinance. Agriculture also includes the home sale of fruits, meats, vegetables and similar agricultural produce. Animal raising for personal use is permitted in accordance with the following:

- (1) The minimum lot area shall be 1 ½ acre in size;
- (2) One (1) animal shall be allowed per acre on lots under ten (10) acres;
- (3) The land area used by the animals shall be completely enclosed by a fence located up to but not on the property line;
- (4) Stable facilities must be separate from dwellings and located not closer than fifty (50) feet from the property line;
- (5) Household pets are not included in this subsection.

Agricultural Services – businesses selling goods or services to a substantially agricultural clientele, including: feed mills, seed sales, feed grinding services, and agricultural implement dealers.

Area – area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

Basement – a floor level completely below grade or floor level in which more than two-thirds (2/3) of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first floor line to the finished grade is five (5) feet or less, and the slope of the finished grade extending ten (10) feet from the building walls does not exceed thirty (30) degrees.

Bed and Breakfast – a single-family residence offering, for pay, overnight or short-term lodging and breakfast for transient guests. This includes rooming houses.

Billboard – a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Building – a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

Building or Set-Back Line – imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.

Business Service – any business activity that renders service to other commercial or industrial enterprises.

Cartway – a portion of a road street or highway actually intended for vehicular travel.

Car Wash – an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery – land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Church – a place of religious instruction or public worship.

Commercial Recreation, Outdoor – a facility which offers various or outdoor recreational or spectator opportunities for its patrons (paying or non-paying)

including go-cart raceways, paintball areas, commercial outdoor shooting ranges, auto raceways, concerts and music parks, and similar pursuits.

Commercial Recreation, Indoor – a facility that offers various indoor recreational opportunities for its patrons (paying or non-paying) including such games as: pool, billiards, bowling, video games, and similar pursuits.

Conditional Use – a use to be allowed or denied by the Board of Supervisors pursuant to public notice and hearing and recommendations by the Girard Township Planning Commission and pursuant to the express standards and criteria set forth in this Ordinance. In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and of this Ordinance.

Condominium – a building or group of buildings in which the floor area is owned individually and other parts of structures, common areas, or facilities are owned proportionally or by a separate entity, or similar arrangements regulated by the Pennsylvania Condominium Act.

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

Coverage – the percentage of a lot covered by buildings, structures, parking lots, driveways, or similar impervious surfaces, measured as square feet divided into lot area.

Day Care Services for Children (Day Care) – provides out-of-home care for part of a twenty-four (24) hour day to children under sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children:

- a. Family Day Care Homes – facilities in which child day care is provided at any one time to four (4), five (5), or six (6) children who are not relatives of the care giver.
- b. Group Day Care Homes – facilities in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence. [Care of one (1) to twelve (12) children where the childcare areas are not used as a family residence will be considered a Day Care Center.]

- c. Day Care Centers – facilities in which care is provided for seven (7) or more children, at any one time, where the child care areas are not used as a family residence.

Childcare for less than four (4) children will not be considered as Day Care Services. Day care for adults shall be considered substantially the same use, and shall be classified based upon the number of persons for whom care is provided.

Dog Kennel – any facilities identified and licensed as a kennel by the laws or regulations of Pennsylvania. Dog kennels shall be considered by this Ordinance as a form of specialized animal raising and care.

Dwelling – a building arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include "hotel," or "motel." There shall be no more than one Dwelling per Lot.

- a. Single-Family Dwelling – a building containing only one (1) dwelling unit.
- b. Two-Family Dwelling – a building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.
- c. Multi-Family Dwelling – a building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments.
- d. Detached Dwelling – a dwelling with yards on all four (4) sides.

Dwelling Unit – a building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one (1) family.

Eating and Drinking Places – a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state.

Essential Services – the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes conduit 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 services

by such public utilities or municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

Equipment Sales and Service – businesses involved in the sale, rental, or servicing of motor vehicles or machinery not necessarily intended for registration, licensing, and travel on highways, including those used for agriculture, forestry, and construction.

Family – an individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than Four (4) unrelated persons living together without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a group home, assisted living facility, or nursing home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act or persons who constitute a direct threat to others or their physical property.

Flea Market – a business which leases outdoor space to persons who wish to vend a variety of new and used goods for sale to the general public by displaying those goods on tables, in or on motor vehicles, or on the ground.

Floor Area – the sum of the gross area of the several floors of a building or buildings measured from the face of the exterior walls, or from the centerline of the walls separating two (2) buildings.

Gasoline Service Station – an area of land, together with any structure thereon used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

Golf Course – land for playing the sport of golf, consisting of a minimum of nine holes, but excluding miniature golf, par-three golf, pitch and putt, and similar golf-associated activities except as accessory uses on a golf course.

Gross Floor Area (GFA) – the total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use.

Halfway House – a transitional residential facility, licensed and operated by a government or social service agency, that provides a supervised environment to residents who require psychiatric, correctional or behavioral treatment between periods of institutional and independent living.

Height of Building – the vertical distance measured from the highest level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

Home- and Farm-Based Manufacturing – a form of light manufacturing conducted as accessory to a home or farm by an owner or occupant.

Home Occupation – a personal or professional service carried on entirely within a dwelling, by the owner or occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Examples include, but are not limited to: professional services, such as legal, financial, accounting or engineers, barber and beauty shops, studios of artists, writers and associations. (See Professional Office.)

Hospital – an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Industry, Heavy – the manufacture, storage, processing, and treatment of materials which are potentially hazardous, or processes which produce significant amounts of smoke, noise, glare, or dust or odor as a primary or secondary effect of the principal use of the land or buildings. Heavy industries include, but are not limited to, foundries, blast furnaces, rolling, or stamping mills, smelting or ore facilities and similar primary metal processes; petroleum, gas or natural gas distillation or bulk storage facilities; power plants for the production of electricity (whether by wind, natural gas, coal, other combustibles, or co-generation); storage facilities for manufacture explosives, acid, and fertilizer; manufacturing processes involving hides, or offal; cement manufacturing facilities; washing and gravel separation; lime manufacturing, chemical treatment of wood or production of fiberboard, or plywood; and similar uses.

Industry, Light – manufacturing in which there are no significant impact from noise, dust or odor, and impacts are limited to secondary effects related to vehicular traffic, incidental noise, movement of materials. Light industries include, but are not limited to: food processing; wood products manufacturing (without chemical treatment); production of machine tools and similar metalworking; manufacturing of plastic products; laboratories, testing and research facilities; printing; pharmaceuticals production; and similar facilities for assembling and fabricating.

Junk – any discarded material or article, and shall include, but not be limited to, scrap metal, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. For the purpose of this Ordinance, a proper container shall mean a solid plastic or metal container, with a sealable lid, specifically designed for the storage of waste matter.

Junk Yard – any place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses and the storage of four (4) vehicles lacking current inspection or registration for a period exceeding ten (10) days. However, it does not include municipal recycling centers where no materials are stored in an exterior environment.

Limited Retail Business – small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by smaller size (less than five thousand (5,000) square feet Gross Floor Area) and confining all commercial activities indoors.

Lot – a tract or parcel of land, regardless of size, held in single or joint ownership, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean "parcel," "plot," "site," or similar term.

Lot, Corner – a lot at the point of intersection of and abutting on two (2) or more intersecting streets.

Lot Line – any line dividing a lot from another lot or from an abutting street or other right-of-way.

Mini-Storage Facilities – a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

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

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

Mobile Home Park – a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

Motel – a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. The definition includes hotels, motor lodges and similar uses.

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:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking signs or lights.
- e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f. 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.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- h. The business may not involve any illegal activity.

If the business meets all such requirements, it shall be considered a lawful accessory use to a dwelling.

Nonconforming Lot – a lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, 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 manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this 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 structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Nursing Home – a facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania.

Parking Space – an open space with a dustless all-weather surface, or space in a private garage or other structure with an effective length of at least twenty (20) feet and a uniform width of at least ten (10) feet for the storage of one (1) automobile and accessible from a public way.

Patio – a level area at finished grade, surfaced with concrete, stone, or brick, immediately adjacent to a structure. Patios shall not require a Township building permit unless they are furnished with an overhead roof, railings, or are more than three (3) inches above the surrounding finished grade.

Personal Care Home – a facility giving geriatric care in a home-like setting and licensed as such by the Commonwealth of Pennsylvania.

Personal Services – any enterprise conducted for man which primarily offers services to the general public, such as: shoe repair, valet services, watch repairing and related activities.

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

Planning Code – the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act No. 170 of 1988 and Acts 67 and 68 of 2000, and as further amended from time to time.

Professional Office – the office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, barber shop, cosmetologist or similar occupation.

Public Parks and Playgrounds – parks and playgrounds that are owned and operated by the Township of Girard or by an authority created for such purposes by the Township of Girard or any government agency.

Recreational Campground – an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and recreational vehicles.

Repair/Service Business (see also Service Station) – a building designed and used for the storage, care, repair or refinishing of motor vehicles or engines including both minor and major mechanical overhauling, paint, and body work.

Right-of-Way – the portion of a road, street or highway that includes the entire area in which the body granted the right of way may conduct activities to maintain travel.

Roadside Stand – an accessory to an agricultural business through which products primarily from that agriculture business are sold to the general public from a temporary or portable structure, or a permanent structure not exceeding one thousand (1,000) square feet.

Rooming House – a dwelling having five (5) or more sleeping rooms for rent to persons not related to its other occupants. The term "rooming house" includes the term "boarding house."

Sanitary Landfill – a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Screen Planting – screen planting for this Ordinance shall mean an evergreen hedge at least six (6) feet high at time of planting, planted in such a way that it will block a line of sight. The screening may consist of either one (1), or multiple rows of bushes or trees and shall be at least four (4) feet wide. It shall be the

responsibility of the property owner to maintain a screen planting, replacing trees as needed. The Zoning Administrator may require replacement of screening trees.

Screening – screening shall mean a fence, screen planting, or wall provided in such a way that it will block a line of sight.

Service Station – buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires and motor vehicles.

Sexually Oriented Business – businesses that require a license and meet the definitions contained in the Girard Township Sexually Oriented Business Licensing Ordinance.

Shopping Center – a commercial facility developed as a mixture of uses, including retail sales, theaters, personal services and eating and drinking places, but planned, constructed, managed or promoted as an integral whole.

Sign – any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification. The word "sign" includes the word "billboard," but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs, nor religious or devotional displays. (See also Billboard.)

The "area of a sign" shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered the smallest rectangle, which can be drawn to encompass all of the letters and symbols.

Sign, Business – a sign that directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

Specialized Animal Raising and Care – for the purposes of this Ordinance, specialized animal raising and care shall include:

- b. Feed lots or similar institutions where cattle, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market, when the density exceeds one (1) animal unit per acre.

- c. Pens or structures for the raising and care of fur-bearing animals, game birds, or similar operations for profit, when the density exceeds one (1) animal unit per acre.
- d. Licensed kennels or kennels with five (5) or more canines per acre of greater than six (6) months of age.

For the purposes of this section, “animal unit” shall be defined as one (1) bovine or equine animal, two (2) swine, four (4) sheep or goats, or fifty (50) birds or small mammals.

Special Exception – a use permitted with special permission granted by the Zoning Hearing Board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance, when such use is not permitted by right.

Story – that portion of a building located between the surface of any floor and the next floor above; if there is not more than one (1) floor the space between any floor and the ceiling next above it shall be considered a story.

Street – a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street Line – a line defining the right-of-way boundaries of a street.

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

Supervisors, or Board of Supervisors – the lawfully constituted governing body of Girard Township, elected at large by the citizens and sworn into office.

Supply Yard – a business that stores or maintains stocks of building materials such as block, brick, stone plastic pipe, culverts, concrete or wood in an outdoor setting for sale to contractors or the general public.

Travel Trailer – a self-propelled or towed vehicle with sleeping and or cooking quarters, licensed, or intended to be licensed for travel on the highways of the Commonwealth or Pennsylvania.

Triplex – see “Dwelling.”

Truck Terminal – land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Variance – a form of relief granted by the Township Zoning Hearing Board pursuant to Articles VI and IX of the Pennsylvania Municipalities Planning Code and this Ordinance.

Veterinary Clinic – a facility used for the treatment of domestic animals for pay with health treatment provided by a licensed veterinarian.

Warehousing and Distribution – a use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. For the purpose of this Ordinance, storage of explosive, inflammable, hazardous or community-recognized offensive conditions shall be considered heavy industry.

Yard – that portion of a lot that is unoccupied and open to the sky and extends from the lot line or right-of-way to the setback line.

Yard, Front – a yard between an adjacent right-of-way and the building line and extending for the full width of the lot.

Yard, Rear – a yard between the rear lot line and a line drawn parallel thereto at such distance as may be specified herein for any zoning district, and extending for the full width of the lot.

Yard, Side – an open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

Zoning Administrator – the Zoning Officer of the Township of Girard, or his/her authorized representative.

Zoning Permit – a permit issued by the Zoning Administrator evidencing that a structure is in compliance with this Ordinance.

## **ARTICLE 8 ZONING HEARING BOARD**

### **Section 801      Creation**

There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of five (5) residents of the Township appointed by the Board of Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

### **Section 802      Appointment**

The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, nor be a member of the Planning Commission. The Board of Supervisors shall also appoint one (1) alternate member to the Board. The appointment, rights and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code.

### **Section 803      Removal of Members**

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

### **Section 804      Organization of Board**

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where two (2) members are disqualified to act in a particular matter, the alternate member shall be seated. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with Township ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

**Section 805 Expenditures for Services**

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

**Section 806 Legal Counsel**

Where legal counsel is desired, an attorney, other than the Township Solicitor, shall be used.

**Section 807 Hearings**

The Board shall conduct hearings and make decisions in accordance with the following requirements.

- A. Notice shall be given to the public by notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Administrator, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the zoning hearing board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

- D. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- J. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site

or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

- K. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.
- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board nor later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

## Section 808 Board's Functions:

The Board shall have exclusive jurisdiction for the following:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Administrator, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Township engineer or the Zoning Administrator with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and Section 808(H) of this Ordinance.
- F. Appeals from the Zoning Administrator's determination under Section 916.2 of the Planning Code.
- G. Appeals from the determination of the Zoning Administrator or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.
- H. Variances: The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Administrator. The

Board may grant a variance provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the applicant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.

### **Section 809 Parties Appellant Before Board**

Appeals under Section 808 and proceedings to challenge the Ordinance under Section 808 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 808 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

**Section 810 Time Limitations; Persons Aggrieved**

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.

**Section 811 Stay of Proceedings**

Upon filing of any proceeding referred to in Section 808 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Administrator or of any agency or body, and all official action there under shall be stayed unless the Zoning Administrator or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Administrator or other appropriate agency or body. See also Section 915.1 of the Planning Code.

**ARTICLE 9  
ADMINISTRATION, ENFORCEMENT AND APPEALS**

**Section 901 Zoning Administrator**

The Township of Girard shall appoint the Zoning Administrator who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Administrator shall also have the duties as set forth by Article 9 of this Ordinance. The Zoning Administrator shall not hold any elective office in the Township.

**Section 902 Duties of the Zoning Administrator**

The Zoning Administrator shall administer this 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 this Ordinance. The Administrator shall be considered as qualified to perform his/her duties by meeting the qualifications established by the Township. In addition, the Zoning Administrator's duties, obligations and responsibilities include the following:

902.1 Application for Building/Zoning Permits: The Zoning Administrator shall receive applications for Building/Zoning Permits and/or Certificate of Occupancy. A Building/Zoning Permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Township ordinances. Applications conforming to such ordinances shall be approved, those not conforming to such ordinances shall be denied.

902.2 Inspections: The Zoning Administrator or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Building/Zoning Permit or a Zoning Certificate has been requested. Such inspections may be before, during and after construction and shall be made upon the termination of construction and prior to the issuance of a Certificate of Occupancy.

902.3 Permits, Applications, Appeals and Certificates: The Zoning Administrator shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved; shall receive all applications for Conditional Uses, Special Exceptions and Variances and forward same to the appropriate body. Where a decision is made by another body, the Zoning Administrator shall issue or deny the permit as ordered by the applicable Board.

902.4 Enforcement: The Zoning Administrator is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance and to revoke or refuse permits as authorized.

## **Section 903 Permits and Certificates**

903.1 Building/Zoning Permits: An application for a Building/Zoning Permit will be to show compliance with this and other appropriate Township ordinances. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Administrator of the scope and extent of the proposed development. The exact details required, including sketches, plat plans as well as the number of copies, time limits and fees for such applications shall be determined by the Township.

903.2 Certificate of Occupancy: A Certificate of Occupancy shall be required prior to the occupancy or use of any vacant land or prior to the occupancy or use of any structure hereafter constructed, reconstructed, moved, altered or enlarged. The purpose of the Certificate of Occupancy is to confirm that the development described in the Building/Zoning Permit Application has been completed in compliance with the application and this Ordinance. Certificates of Occupancy shall also be required for a change of use of a structure or land to a different use

and changes to a nonconforming use or structure. Said applications shall be on forms as approved by the Township or the Board, as appropriate, and shall be accompanied by a fee as set by the Township. It is the intent of the Ordinance that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate State law. The filing of Appeals, Special Exceptions and Variances shall be within such time limits as specified by the Pennsylvania Municipalities Planning Code. The filing of Conditional Uses shall follow procedures set forth by the Township Supervisors.

903.3 Zoning Certificate: The Zoning Certificate shall be issued upon request to confirm that the use of land or a building within the Township is in compliance with this Ordinance. The exact form of the Certificate and fees charged shall be determined by the Township.

903.4 Sign Permit: A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Section 508 of this Ordinance.

- a. Application for a sign permit shall be made in writing to the Zoning Administrator, and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.
- b. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.
- c. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:
  - (1) Dimensions of lot or building upon which the sign is proposed to be erected.
  - (2) Exact size, dimensions and location of the said sign on lot or building.
  - (3) Any other lawful information that may be required by the Zoning Administrator.

## **Section 904      Violations**

904.1 Enforcement Notice: When it appears to the Township and/or the Zoning Administrator that a violation has occurred, the Zoning Administrator shall send an enforcement notice. 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 the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

- a. The name of the owner of record and any other person against whom the Township intends to take action.
- b. The location of the property in violation.
- c. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
- d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

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

904.3 Jurisdiction: District justices shall have initial jurisdiction over proceedings brought under Section 704.4.

904.4 Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this 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 continues shall constitute a separate 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 Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Administrator the right to commence any action for enforcement pursuant to this section.

## **ARTICLE 10 AMENDMENTS**

### **Section 1001    General**

The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Board of Supervisors, the Planning Commission, or by a petition of a person or persons residing or owning property within the Township.

### **Section 1002    Petitions**

Petitions for amendments shall be filed with the Zoning Administrator; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the Township.

### **Section 1003    Referral**

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Girard Township Planning Commission and the Erie

County Planning Commission, shall be referred to these agencies for their review and recommendations prior to the public hearing by the Board of Supervisors. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the Township and County Planning Commissions.

#### **Section 1004    Action**

Before acting upon a proposed amendment, the Board of Supervisors shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing.

#### **Section 1005    Curative Amendments**

A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a Curative Amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days. As with other proposed amendments, the Curative Amendment shall be referred to the Township of Girard Township Planning Commission and the Erie County Regional Commission at least thirty (30) days before the hearing is conducted by the Board of Supervisors. Public notice shall be given in accordance with applicable provision of the Planning Code. The hearings shall be conducted in accordance with instructions as set forth by Section 916.1 of the Planning Code. The findings, actions and considerations of the Board of Supervisors shall be in accordance with Section 609.1 of the Planning Code.

The Township may institute a Municipal Curative Amendment in accordance with Section 609.2 of the Planning Code.

Ordained and enacted into an Ordinance this 11<sup>th</sup> day of October, 2005, A..D.