

# **ARTICLE I - GENERAL**

## **Section 101 - TITLE**

101-01. Title.

This Ordinance shall be known as, and may be cited as, the Conemaugh Township Zoning Ordinance.

101.02. Scope and Intent.

Specifically, this Ordinance is enacted to divide the Township into districts, and within said districts regulate and restrict the structures, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes; establishing a Zoning Hearing Board and prescribing its powers and duties; providing penalties for the violation of the Ordinance and repealing all Ordinances in conflict herewith. This Ordinance shall also take precedence over County Ordinances or other regulations in conflict herewith.

101.03. Purpose.

The Zoning Regulations and Districts as herein established have been made in accordance with a comprehensive plan and study of the Township for the purpose of promoting health, safety, morals, and general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers, to provide adequate light and air; to prevent overcrowding of the land; to avoid undue concentration of the population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements.

The Regulations have been made with reasonable consideration of the character of the District and its peculiar suitability for the particular uses and with a view of conserving the value of existing structures and encouraging the most appropriate use of the land throughout the community. These regulations do not in any way alter the present uses of the land but are specifically directed towards future developments and alterations for the purpose outlined in the previous paragraph

## **Section 102 - GENERAL TERMS ARE DEFINED**

102.01. In the application of this Ordinance, the rules and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise.

- a. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense.
- b. The words "shall" and "will" are mandatory.
- c. The word "may" is permissive.
- d. The word "lot" shall include the words "piece" and "parcel".

- e. The phrase "used for" shall include the phrase "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- f. The word "person" shall include "corporation", "unincorporated association", "syndicate", and "partnership", as well as an individual.
- g. The word "building" shall include "structure" and shall be construed as if followed by the phrase, "or part thereof".
- h. The word "street" shall include "avenue", "boulevard", "court", "expressway", "highway", and "road".
- i. The word "watercourse" shall include "channel", "creek", "ditch", "dry run", "mill race", "river", "spring", "spring run", and "stream".

### **Section 103 – DEFINITIONS**

103.01. Specific terms or words used shall be defined as follows and shall apply throughout this Ordinance:

**ACCESSORY BUILDING** - A building detached from the subordinate to the main building on the same lot and used for purposes customarily incidental to the main building.

**ACCESSORY USE** - A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use of building.

**ADULT BUSSINESS** - Either,

1. An Adult Book store, defined as: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material; or

2. An Adult Theater, being defined as a club, bar or entertainment facility:

A. Presenting film, tape or other audio or visual reproduction or any other material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons; or

B. Featuring topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

**ALTERATIONS** - As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.

**ALTERATIONS, STRUCTURAL** - Any change in or addition to the supporting or structural members of a building, such as bearing walls, partitions, columns, or girders; or any changes which will convert an existing building into a different structure, or adapt it to a different use, or any change which, in the case of a non-conforming use, would prolong the life of such use.

**ANIMAL UNIT** - One large animal such as a horse or cow or large pig over 500 pounds, or, two medium size animals, such as a sheep or goat or small pig, or three small animals or fowl such as a rabbit, mink dog, cat or chicken.

**AUTO BODY SHOP** - Any structure or any building or part thereof that is used for the repair or painting of bodies and fenders of motor vehicles.

**BOARD** - The Zoning Hearing Board established in Article IX.

**BUILD** - To erect, convert, enlarge, reconstruct, or structurally alter a building or structure.

**BUILDING** - A building is any structure intended for the shelter, housing or enclosure of any person, animal or property of any kind.

**BUILDING LINE (S)** - Building lines are lines parallel to and inside of the property lines within which buildings may be constructed.

**BUILDING RESIDENTIAL** - A residential building is a building which is designed, used or intended to be used for human occupancy. All residential buildings shall have permanent foundations. (Z.A. - 8/28/81)

**DISTRICT** - A part of the Township wherein regulations of this Ordinance are uniform.

**DRIVE-IN** - An establishment where food or beverage is sold for consumption on the premises but not necessarily within a building.

**DWELLING** - See BUILDING, RESIDENTIAL.

**DWELLING, SINGLE-FAMILY** - A Single-Family Dwelling is a building and appurtenant structures designated for or used exclusively for occupancy by one family, related by blood, marriage or adoption, and non-paying guests.

**DWELLING, TWO-FAMILY** - A Two-Family Dwelling is a building that contains only two living units.

**DWELLING, MULTIPLE-FAMILY** - A Multiple-Family Dwelling is a building that contains more than two living units.

FAMILY - A family is one or more persons occupying a living unit as an individual housekeeping organization as distinguished from a group occupying a boarding house, lodging house, or hotel.

FARM – Cultivation of crops / and/or raising of livestock with a limitation of one (1) animal unit per acre, other than domesticated pets. Having a minimum lot area of not less than three (3) contiguous acre, leased or owned.

FARMETTE – An accessory use to a residential use with not more than six (6) chickens or fowl, so as not to create a public nuisance, an unsanitary condition, or any inhumane condition.

FILLING STATION or SERVICE STATION - is any buildings, structures, or premises, enclosure or other place used for the dispensing, sale, or offering for sale of automobile or truck fuel and oil at retail. When such dispensing, sale or offering for sale of automobile fuel and oils is incidental to the conduct of a motor vehicle repair shop, the premises shall be classified as a motor vehicle repair shop.

GARAGE PRIVATE - An accessory building housing vehicles owned and used by occupants of the main building. Where vehicles are housed or where the vehicles are used by persons other than occupants, the building is a STORAGE GARAGE. A private garage does not need to be walled, A roofed but unwalled structure or CARPORT is subject to the same regulations.

GARAGE APARTMENT - A garage apartment is a living unit for not more than one family erected above a garage, said garage being accessory to the main building.

HABITABLE LIVING AREA - The floor area of a building or structure which is furnished to the extent that it is customarily occupied by residents or users of the buildings or structure, exclusive of garages, unconditioned spaces, and unfinished basements.

HOME OCCUPATION -

A. HOME BUSINESS:

(1) An accessory use of a service character within a dwelling by residents which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small sign. The secondary use shall not be carried on in an adjacent separate, attached or integral structure not designed for living space such as a garage or other out building, shall not constitute more than 25% of the habitable living area and shall not employ more than two (2) persons other than resident family members.

(2) A home business shall be permitted by special exception according to the criteria stated in Section 603. Instructions in violin, piano or other musical instruments limited to a single person at a time shall be deemed a home business. The business of dressmaker, seamstress or other persons who offer skilled

services to clients, tax preparer, consultant, and similar professions shall be deemed a home business. The following are not permitted as home businesses: tourist homes, convalescent homes, mortuary establishments, stores, trades, manufacturing of products, machinery, or auto body workshops.

B. HOME OFFICE --An accessory use of a service character within a dwelling by the residents of the structure, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any evidence of such secondary use. The use shall not involve regular visitations by customers, clients, salespersons or suppliers. A limited business or commercial activity which meets all of the following criteria is considered a home office and is permitted by approval by the Zoning Officer in any dwelling unit:

(1) No exterior evidence (e.g., noise, light, heat, dust, odor, signs, electromagnetic interference, etc.) of the home office shall be permitted that is uncharacteristic of a residential setting.

(2) No retail sales or display of goods, exclusive of telephone, internet or other electronic network solicitation, is permitted.

(3) No exterior parking of commercial vehicles over 8000 GVR shall be permitted.

(4) Only residents of the dwelling may be engaged in the home office activity.

(5) The home office activity may be conducted only within the dwelling unit and may not occupy more than 10% of the habitable floor area.

(6) The use shall not require the delivery of materials and goods by trucks larger than standard panel trucks.

HOSPITAL - A hospital is a place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanitarium, sanatorium, and preventorium.

HOTEL - A building used as the temporary abiding place for individuals who are, for compensation, lodged, with or without meals and in which provision may be made for cooking in any individual room or suite. A hotel may include restaurants, newsstands, and other accessory services primarily for serving its occupants and only incidentally the public.

HOTEL-APARTMENT - A multiple-family dwelling under resident supervision.

INSTITUTION - An institution is a non-profit establishment for public use.

JUNKYARD - A junkyard is a lot, land, or structure, or part thereof, used primarily for the collecting, storage, or sale of waste-paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, or salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

LIVESTOCK – Non-domesticated pets, including, but not limited to: cows, horses, goats, pigs, el paca, llama, fowl, deer, mink, and other similar animals.

LIVING UNIT - A living unit is rooms which must include a kitchen.

LODGING HOUSE - A lodging house means a dwelling consisting of not more than one living unit occupied by persons not related by blood, marriage, or adoption. This term includes ROOMING HOUSE, BOARDING HOUSE and NURSING HOME.

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

MANUFACTURED HOME - A manufactured (*formerly – mobile*) home is a detached single-family dwelling unit with all of the following characteristics: (a) designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; (b) designed to be transported after fabrication on its own wheels or on a flatbed or other trailers or detachable wheels; arriving at the site where it is to be occupied in not more than three major sections, complete including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MANUFACTURED HOME PARK - A manufactured home park is a site housing two or more manufactured homes.

MOTEL - A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

NONCONFORMING USE - A use which does not conform to the regulations of a district in which it is located.

NONCONFORMING BUILDING - A building or structure which does not conform to all the height, area, courts, and yard regulations of the district in which it is located.

NONCONFORMING SIGN - A sign which does not conform to the regulations of the district in which it is located.

OFFICE BUILDING - An office building is a building designed for or used as the office (s) of professional, commercial, industrial, religious, public or semi-public persons or organizations.

**OUTDOOR FURNACE** – Any equipment, device, apparatus or structure or any part thereof which is installed, (excluding pre-existing flues for in-home heating systems) affixed or situated outdoors for the purpose of combustion of any type of fuel to produce heat or energy used as a component of a heating system providing heat for an interior space or water source.

**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, or in open space to the regulations established in any one district created, from time to time, under the provisions of this ordinance.

**PERMANENT FOUNDATION** - Construction of a structure on a permanent excavated footer or concrete block, stone or similar material; with the space, if any, between the base of the structure and the footer, completely enclosed with solid material, such as concrete block, stone, cement, or wood; and connection to water, sewer, electric and other utilities, which cannot there after be moved without damage to the foundation or structure.

**PREMISES** - Land together with any buildings or structure occupying it.

**PUBLIC NOTICE** - Notice published once each week for two 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 not be more than (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**SEPARATE TRACT** - A lot or parcel of land or a group or contiguous parcels or lots of land under one ownership and of record on and following the effective date of this Ordinance.

**SIGN** - A principal or accessory structure or device that is arranged, intended, designed or used as an advertisement, announcement, or direction; and includes a sign, sign screen, billboard, poster panel and advertising, business and identification devices of any kind.

**SIGN, TEMPORARY** - A sign, banner or other advertising device constructed of cloth, canvas, fabric, or other light temporary material, with or without a structural frame, intended for a limited period of display; including decorative displays for holidays or public demonstrations.

**SITE PLAN** -- A drawing prepared to scale which indicates all lot lines, adjacent streets, easements, rights-of-way, the size and location of all buildings, including setbacks, parking areas, driveways and other prominent features. The engineering site plan shall be prepared by a registered architect, professional engineer or registered surveyor and filed with and approved by the Township Planning Commission in accordance with Section 301.05 prior to the start of construction.

**SPECIFIED ANATOMICAL AREAS** - Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** - Any of the following:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or
- D. Audible representation, description or narration of any of the above.

**STREET** - Property dedicated to public use for and accepted for vehicular and dedicated to public use for secondary access to lots.

**STRUCTURAL ALTERATION** - Any change in or addition to the supporting or structural members of a building, such as bearing walls, partitions, columns, or girders; or any changes which will convert an existing building into a different structure, or adapt it to a different use, or any change which, in the case of a nonconforming use, would prolong the life of such use.

**STRUCTURE** - Anything built that requires a permanent foundation and location.

**THEATER** - A theater is a building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

**TOURIST HOME** - A tourist home is a dwelling in which overnight accommodations are used by transient guests for compensation.

**TOWNSHIP** - Conemaugh Township, Somerset County, Pennsylvania.

**TRAVEL TRAILER** - A travel trailer is a trailer constructed to be towed on its own chassis, for temporary occupancy as a vacation trailer, or for occasional transport personal affects.

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

**WINDOW** - An opening to the outside, other than a door, which provides all or part of the required natural light, natural ventilation or both, to an interior space.

**YARD AREA / SETBACK** – The distance required from the front property boundary for structures in respective zoning districts. In the event that a deed indicates that a property line extends into or across a public road right-of-way, the required yard area / setback shall be measured from the nearest edge of the public road right-of-way.

ZONING APPROVAL -- A statement issued by and signed by the Zoning Officer authorizing the use or construction of a structure and indicating on its face that the proposed use or structure complies with this chapter or with a decision and order of the Zoning Hearing Board or a court of competent jurisdiction rendered in connection with an application relative to use of the premises involved. No approval shall be issued for any use or construction unless the applicant shall submit written proof that the designated authorities have granted approval of required sanitary sewage and water facilities.

ZONING OFFICER - The agent appointed by the legislative body of the Township who is herein charged with the administration and enforcement of the Zoning Ordinance, or his duly authorized representative.

ZONING MAP - Conemaugh Township Zoning Map.

ZONING ORDINANCE - Conemaugh Township Zoning Ordinance as herein established.

ZONING PERMIT - A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this Ordinance for the zone in which it is located or to be located.

## **ARTICLE II – ESTABLISHMENT OF DISTRICTS**

### **Section 201 – ESTABLISHMENT OF ZONING DISTRICTS**

#### 201.01. Zoning districts

Conemaugh Township is hereby classified and divided into nine districts designated as follows:

- C – Conservation District
- RR – Rural Residential District
- R1 – Residential Single-Family District
- R2 – Residential Multiple-Family District
- R3 – Residential Manufactured Home District
- CN – Commercial-Neighborhood District
- CT – Commercial-Travelers District
- LI – Light Industrial District
- HI – Heavy Industrial District

#### 201.02. Interpretation of District Boundaries

- A. Where district boundaries are indicated as approximately following center lines of streets, highways, street lines, highway right-of-way lines, railroads or railroad rights-of-way, or streams, such center lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.

- C. Where district boundaries are so indicated that they approximately follow or are parallel to the center lines of streets, highways, or the rights-of-way of the same, such district boundaries shall be construed to be parallel thereto and at such distance from the center lines as indicated on the Zoning Map.
- D. Where the boundary of a district follows a stream or other body of water abutting another municipality, the boundary shall be deemed to be the limits of jurisdiction of Conemaugh Township, unless otherwise indicated.
- E. Where the boundary of a district traverses a lot, parcel, or tract of record, the zoning district designation shall be determined by the location of the primary use structure or building first established on the lot, parcel, or tract of record. In the event of future subdivision of the lot, parcel, or tract of record, the zoning district in which the majority of that specific lot area is located shall establish the zoning district designated for that lot, parcel, or tract.

### 201.03. Zoning Map

The map herein referred to, which is identified by the title, "Conemaugh Township Zoning Map", and which is hereby declared to be a part of the Ordinance, shall be known as the "Zoning Map".

### 201.04. Federal, State, County or Municipally Owned Property.

Wherever federal, state or county owned property is included in one or more zoning districts, it shall be subject to the provisions of this chapter only insofar as is permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania. In the case of municipally owned property, the use provisions of this chapter shall not apply.

## **ARTICLE III – GENERAL PROVISIONS**

### **Section 301 - GENERAL**

#### 301-01. Conformance and Permits.

No building or land shall, after the effective date of this chapter, except for existing nonconforming uses, be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district and licenses required by all laws and ordinances.

#### 301-02. Compliance with Regulations.

No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller rear yard, side yard or front yard than is herein specified for the district in which the building is located except as authorized by the Zoning Hearing Board pursuant to Article X.

### 301-03. Yards.

No part of a yard or other open space about any building required for the purpose of complying with the provisions of this chapter shall be included as part of a yard or open space similarly required for another building.

### 301-04. Substandard Dwellings.

A. No structure shall be occupied as a dwelling unless said structure is permanently attached to the ground by a permanent foundation, crawl space or permanently attached to an on-grade slab, except for manufactured homes located in a manufactured home park.

B. No structure shall be used or occupied that is not in conformity with the Conemaugh Township adoption of the Pennsylvania Uniform Building Code, as amended, or such other building codes as are now, or may hereafter be, in effect.

### 301-05. Uses Requiring Site Plan Approval.

A. Requirement; exceptions.

(1) Zoning approval issued for any purpose specified in an R3, CN, CT, LI or HI District shall require site plan approval by the Conemaugh Township Planning Commission, except for any of the following:

(a) A change from a more restrictive permitted use to a less restrictive permitted use. For purposes of this section, a less restrictive permitted use is sought when the proposed use of the site plan would require less restrictive area and height limitations, parking requirements, storm sewer drainage requirements and/or floodplain requirements than those limitations and requirements applying to the site use existing at the time of the zoning approval.

(b) Signs.

(c) Plans for one single-family or one two-family residence.

(2) The Zoning Officer shall have discretion to waive the requirement of site plan approval for an addition to an existing structure or the construction of an accessory building where the addition or the accessory building does not exceed 500 square feet. In exercising said discretion, the Zoning Officer shall evaluate the effect of the addition or accessory building considering all relevant factors set forth in Subsection B(1) through (11) below.

B. Three copies of the site plan shall be submitted to the Commission at least fourteen days prior to the regularly scheduled or special meeting at which it is to be reviewed. The fourteen-day requirement may be waived by the Planning Commission if a majority of the members present at the meeting agree that they have had sufficient time to review the site plan. All site plans must be approved by a majority of members present. In addition

to conforming to any specific requirements set forth in this chapter, the Planning Commission may recommend changes in the site plans which are deemed necessary to promote orderly development of the area. In addition to specific requirements of the district regulations, the site plan, as defined in Section 103-01, shall provide for and contain the following:

- (1) Location of the lot or lots with respect to adjacent streets and property owners.
- (2) Critical dimensions of setback, yard area, paving, driveways, parking areas, landscape areas and other prominent features.
- (3) Traffic circulation within the site.
- (4) Location of vehicular access to the site.
- (5) The height and bulk of structures.
- (6) Location and size of signs, walls and fences to be constructed on the site.
- (7) Provisions for storm drainage, including the drainage flow, catch-basin size and location of any storm sewers and discharge points from the site.
- (8) Connections to all public utilities that are serving the site.
- (9) Location, size and content of all underground storage tanks.
- (10) Such additional information as may be required by Chapter 76, Floodplain Management, as amended.
- (11) Such additional information as may be necessary to show compliance with Stormwater Management regulations, as enacted or amended.
- (12) Parking calculations.

C. In considering any plan hereunder, the Planning Commission shall endeavor to ensure safety and convenience of traffic movement. In this connection, the Planning Commission shall refer to any traffic plan or study adopted by the Conemaugh Township. Likewise, the Planning Commission shall seek to assure harmonious and beneficial relationship of buildings and uses on the site as well as to contiguous properties and overall development in a manner not detrimental to the public at large. The Planning Commission shall report its findings and recommendations, in writing, to the Zoning Officer within 48 hours following the review meeting. The approval, for the purpose of obtaining zoning approval and a building permit, shall be valid for a period of 180 days, unless extended by the Planning Commission for reasonable cause shown.

D. Where a lot in the C-T District is to be used for a use permitted in the CN or CT Districts and is next to an R District and is not separated from the R District by streets (does not include alleys), then a solid fence or solid screen planting, at least six (6) feet high shall be provided along all property lines adjoining the R District.

#### 301.06. Public Utility Uses.

Public utility uses for the transportation, distribution and control of water, gas, electricity, oil, steam, telegraph and telephone communications, cable television and their supporting members other than buildings and railroads shall not be required to be located on a zoning lot nor be held to reduce yard dimensions for other buildings on a lot.

#### 301.07. Temporary Structures.

Temporary structures may be constructed in side and rear yard areas for a period not to exceed 60 days. If the structure is not removed after the sixty-day period expires, the structure shall be in compliance with the yard areas and setbacks for the district in which the property is located and shall be subject to building code and permit requirements.

#### 301.08. Property Survey Required.

Prior to all new construction, except for accessory use structures less than 1000 square feet, the owner and/or developer must have each lot or lots properly surveyed by a certified land surveyor and the location of the proposed building or buildings (drawn to scale) indicated on said survey. The corners of any proposed building or structure shall be physically staked on the lot by the surveyor. The location of the proposed building or structure may be utilized during the building permit review process to determine if any additional considerations are necessary prior to issuance of the building permit.

#### 301.09. Safety Limitations on Fences and Shrubbery.

No fence shall be constructed or maintained nor shall any shrubbery be planted or maintained within the township in a manner or at a location which creates a traffic hazard by impairing visibility from or of a public highway. Any fencing or shrubbery located at the intersection of two public streets shall have a maximum height of thirty (30) inches, measured at the intersection of the pavement or cartway of the two streets. Said fencing or shrubbery shall maintain that maximum thirty (30) inch height for a distance of thirty (30) feet from the intersection along each street.

#### 301.10. Drains, Driveways and Other Means of Egress.

##### Permit Required:

No person, firm, or corporation shall grade, construct, reconstruct, install or erect a drain, culvert, foot walk, drive or driveway, or other means of ingress or egress, or affecting discharge or passage of drain water or runoff water, onto or along a Township road unless and until the

Township has granted a permit for such grading, construction, installation, erection or reconstruction.

Application requirements:

Application for such permit shall be made by the owner or occupier, or by his contractor or agent, in writing, on forms provided by the Township and in accordance with such rules and regulations as may be established by the Township. There shall be appended to each application a drawing or plan depicting the outlines of the property affected with existing improvements thereon, existing drains, culverts, foot walks, drives and driveways, with the proposed drain, culvert, foot walk, drive or driveway proposed to be added, altered, or reconstructed, and the relationship of the foregoing to the Township roadway, particularly with the relationship to the effect on the drainage of said road.

Fees:

The costs of filing such application and permit to be issued thereon, and the cost of any inspection deemed necessary by the Supervisors, shall be determined according to a schedule of fees which will be adopted by the Conemaugh Township Supervisors by resolution. All such fees shall be paid to the Township treasury.

Alteration of Plans:

The Supervisors may alter plans filed with any application, and specify any changes or modifications of any kind which they may deem necessary and make their approval of the granting of any permits subject to any such alterations, changes, or modifications.

Compliance with Permit Requirements:

All grading, construction, installation, and erection shall be in strict compliance with the plans and specifications on the basis of which the permit is granted.

## **ARTICLE IV – USE REGULATIONS**

### **Section 401 - C – CONSERVATION DISTRICT**

#### 401.01. Permitted Uses.

The following uses shall be permitted in the C – Conservation District:

- a. Single-family Dwelling
- b. Farm
- c. Church or similar place of worship.
- d. Convent, monastery, rectory or parish house to be occupied by not more than ten persons.
- e. Public Recreation (township, county, state or federal) area, including Municipal Park.

- f. Government building and/or government use for a township office, fire station, police station, maintenance shed and/or equipment storage area, provided that a substantial purpose of the building or use is to deliver the citizens of Conemaugh Township fire protection, police protection or local government services.
- g. Drilling / extraction of natural gas, methane gas, or oil. (Not including permanent compressor stations / facilities.)

401.02. Uses permitted by special exception:

- a. Hospitals, religious and philanthropic institutions....
- b. Privately owned outdoor recreation activities and/or supporting facilities.
- c. Surface Mining, or surface aspects of Deep Mining Operations
- d. Permanent Compressor Stations / Facility Buildings associated with the extraction of Natural Gas, Methane Gas or Oil.

401.03. Accessory Uses.

- a. Detached Private Garage
- b. Garage, shed, or building for domestic storage. (Sheds or similar small structures less than 800 square feet shall be exempt from permitting, but shall meet the required setbacks for this district.)
- c. Fence or ornamental wall, not over six (6) feet in height.
- d. Swimming pool
- e. Private greenhouse – (non-commercial)
- f. Vegetable and flower gardens, non-commercial (no permit required)
- g. Raising and keeping of domestic animals as pets, but not on a commercial basis or on a scale objectionable to neighboring property owners, and provided specifically that all horses, pigs, cattle, poultry, sheep, goats, and similar farm animals not be permitted, unless the property is operated as a farm or farmette. (no permit required)
- h. Farmette – as defined under Section 103.01
- i. Home Occupation – Home Office
- j. Small scale wind generators, as per Section 604
- k. Outdoor furnace, as per Section 607

401.04. Accessory Uses Permitted by Special Exception:

- a. Home Occupation – Home Business
- b. Temporary Metrologic Towers, as per Section 606

401.05. Conditional Uses:

- a. Commercial Power Generating Windmills, as per Section 605

401.06. Area Regulations

- a. Minimum lot area. There shall be a minimum lot area of not less than ten (10) acre. Each lot shall have a minimum width of not less than three hundred (300) feet.

b. Yard Areas. There shall be a minimum yard area / setback for all structures of not less than one hundred (100) feet from the front, side and rear lot lines. Fences or ornamental walls shall be not less than ten (10) feet from the front lot line when located along public streets.

401.07. Height. The maximum height, to the highest point of the roof, of buildings hereafter erected or altered shall be as follows:

- a. Single-Family Dwelling: 35 feet
- b. Farm – Primary building: 45 feet
- c. Church - Primary building: 45 feet
- d. Accessory Building: 25 feet
- e. Recreation facility or other similar use building: 45 feet

401.08. Dwelling Standards. Every one story dwelling hereafter erected shall contain a minimum 1400 square feet of habitable living area. Every two-story dwelling hereafter erected shall contain a minimum of 1800 square feet of habitable living area.

401.09. Building Area. All buildings, including accessory uses, shall cover not more than 20% of the area of the lot.

## **Section 402 - RR – RURAL RESIDENTIAL DISTRICT**

402.01. Permitted Uses.

The following uses shall be permitted in the RR – Rural Residential District:

- a. Single-family Dwelling
- b. Farm
- c. Public parks and recreation areas
- d. Church or similar place of worship.
- e. Convent, monastery, rectory or parish house to be occupied by not more than ten persons.
- f. Government building / government use.
- g. Drilling / extraction of natural gas, methane gas, or oil. (Not including permanent compressor stations / facilities.)

402.02. Uses Permitted by Special Exception:

- a. Hospitals, religious and philanthropic institutions.
- b. Permanent Compressor Stations / facility Buildings associated with the extraction of Natural Gas, Methane gas or Oil.

402.03. Accessory Uses.

- a. Detached Private Garage

- b. Garage, shed, or building for domestic storage. (Sheds or similar small structures less than 800 square feet shall be exempt from permitting, but shall meet the required setbacks for this district.)
- c. Fence or ornamental wall, not over six (6) feet in height.
- d. Swimming pool
- e. Private greenhouse – (non-commercial)
- f. Raising and keeping of domestic animals as pets, but not on a commercial basis or on a scale objectionable to neighboring property owners, and provided specifically that all horses, pigs, cattle, poultry, sheep, goats, and similar farm animals not be permitted, unless the property is operated as a farm or farmette. (no permit required)
- g. Farmette – as defined under Section 103.01
- h. Home Occupation – Home Office
- i. Small scale wind generators, as per Section 604
- j. Outdoor furnace, as per Section 607

402.04. Accessory Uses Permitted by Special Exception:

- a. Home Occupation – Home Business
- b. Temporary Metrologic Towers, as per Section 606

402.05 Conditional Uses:

- a. Commercial Power Generating Windmills, as per Section 605

402.06. Area Regulations

- a. Minimum lot area. There shall be a minimum lot area of not less than one (1) acre. Each lot shall have a minimum width of not less than one hundred and twenty (120) feet.
- b. Yard Areas. No building or structure shall be erected or enlarged unless the following yard areas are provided and maintained:
  - (1) Front yard: Not less than thirty (30) feet. Fences or ornamental walls shall be not less than ten (10) feet when located along a public street.
  - (2) Side yard: Not less than twenty (20) feet on each side. Side yards on corner lots shall be not less than thirty (30) feet.
  - (3) Rear Yard: Not less than fifty (50) feet.

402.07. Height. The maximum height, to the highest point of the roof, of buildings hereafter erected or altered shall be as follows:

- a. Single-Family Dwelling: 35 feet
- b. Farm – Primary building: 45 feet
- c. Church - Primary building: 45 feet
- d. Accessory Building: 25 feet
- e. Recreation facility or other similar use building: 45 feet

402.08. Dwelling Standards. Every one story dwelling hereafter erected shall contain a minimum 1400 square feet of habitable living area. Every two-story dwelling hereafter erected shall contain a minimum of 1800 square feet of habitable living area.

402.09. Building Area. All buildings, including accessory uses, shall cover not more than 35% of the area of the lot.

### **Section 403 - R1 – RESIDENTIAL SINGLE-FAMILY DISTRICT**

403.01. Permitted Uses.

The following uses shall be permitted in the R1 – Residential Single-Family District:

- a. Single-family Dwelling
- b. Farm
- c. Public parks and recreation areas
- d. Church or similar place of worship.
- e. Convent, monastery, rectory or parish house to be occupied by not more than ten persons.
- f. Public or private schools
- g. Community buildings, library, or similar type use.
- h. Government building / government use.
- i. Drilling / extraction of natural gas, methane gas, or oil. (Not including permanent compressor stations / facilities.

403.02. Uses permitted by special exception:

- a. Hospitals, religious and philanthropic institutions.
- b. Planned residential development.
- c. Permanent Compressor Stations / facility Buildings associated with the extraction of Natural Gas, Methane gas or Oil.

403.03. Accessory Uses.

- a. Detached Private Garage
- b. Garage, shed, or building for domestic storage. (Sheds or similar small structures less than 800 square feet shall be exempt from permitting, but shall meet the required setbacks for this district.)
- c. Fence or ornamental wall, not over six (6) feet in height.
- d. Swimming pool
- e. Private greenhouse – (non-commercial)
- f. Raising and keeping of domestic animals as pets, but not on a commercial basis or on a scale objectionable to neighboring property owners, and provided specifically that all horses, pigs, cattle, poultry, sheep, goats, and similar farm animals not be permitted, unless the property is operated as a farm or farmette. (no permit required)
- g. Farmette – as defined under Section 103.01
- h. Home Occupation – Home Office

- i. Small scale wind generators, as per Section 604

403.04. Accessory Uses Permitted by Special Exception:

- a. Home Occupation – Home Business
- b. Temporary Metrologic Towers, as per Section 606

403.05. Conditional Uses:

- a. Commercial Power Generating Windmills, as per Section 605

403.06. Area Regulations

- a. Minimum lot area. There shall be a minimum lot area of not less than 20,000 square feet. Each lot shall have a minimum width of not less than eighty (80) feet.
- b. Yard Areas. No building or structure shall be erected or enlarged unless the following yard areas are provided and maintained:
  - (1) Front yard: Not less than thirty (30) feet. Fences or ornamental walls shall be not less than ten (10) feet when located along a public street.
  - (2) Side yard: Not less than twenty (20) feet on each side. Side yards on corner lots shall be not less than thirty (30) feet.
  - (3) Rear yard: Not less than twenty-five (25) feet.

403.07. Height. The maximum height, to the highest point of the roof, of buildings hereafter erected or altered shall be as follows:

- (1) Single-Family Dwelling: 35 feet
- (2) Farm – Primary building: 45 feet
- (3) Church - Primary building: 45 feet
- (4) Accessory Building: 25 feet
- (5) Recreation facility or other similar use building: 45 feet

403.08. Dwelling Standards. Every one story dwelling hereafter erected shall contain a minimum 1400 square feet of habitable living area. Every two-story dwelling hereafter erected shall contain a minimum of 1800 square feet of habitable living area.

403.09. Building Area. All buildings, including accessory uses, shall cover not more than 40% of the area of the lot.

**Section 404 - R2 – RESIDENTIAL MULTIPLE-FAMILY DISTRICT**

404.01. Permitted Uses.

The following uses shall be permitted in the R-2 – Residential Multiple-Family District:

- a. Single-family Dwelling
- b. Two-Family Dwelling
- c. Farm
- d. Public parks and recreation areas
- e. Church or similar place of worship.
- f. Convent, monastery, rectory or parish house to be occupied by not more than ten persons.
- g. Public or private schools
- h. Community buildings, library, or similar type use.
- i. Government building / government use.
- j. Drilling / extraction of natural gas, methane gas, or oil. (Not including permanent compressor stations / facilities.

404.02. Uses Permitted by Special Exception:

- a. Hospitals, religious and philanthropic institutions.
- b. Multiple-family structures.
- c. Planned Residential Development.
- d. Permanent Compressor Stations / Facility Buildings associated with the extraction of Natural Gas, Methane gas or Oil.

404.03. Accessory Uses.

- a. Detached Private Garage
- b. Garage, shed, or building for domestic storage. (Sheds or similar small structures less than 800 square feet shall be exempt from permitting, but shall meet the required setbacks for this district.)
- c. Fence or ornamental wall, not over six (6) feet in height.
- d. Swimming pool
- e. Private greenhouse – (non-commercial)
- f. Raising and keeping of domestic animals as pets, but not on a commercial basis or on a scale objectionable to neighboring property owners, and provided specifically that all horses, pigs, cattle, poultry, sheep, goats, and similar farm animals not be permitted, unless the property is operated as a farm or farmette. (no permit required)
- g. Farmette – as defined under Section 103.01
- h. Home Occupation – Home Office
- i. Small scale wind generators, as per Section 604

404.04. Accessory Uses Permitted by Special Exception:

- a. Home Occupation – Home Business
- b. Temporary Metrologic Towers, as per Section 606

404.05. Conditional Uses:

- a. Commercial Power Generating Windmills, as per Section 605

#### 404.06. Area Regulations

a. Minimum lot area. There shall be a minimum lot area of not less than 13,000 square feet. Each lot shall have a minimum width of not less than sixty-five (65) feet.

b. Yard Areas. No building or structure shall be erected or enlarged unless the following yard areas are provided and maintained:

(1) Front yard: Not less than twenty-five (25) feet. Fences or ornamental walls shall be not less than ten (10) feet when located along a public street.

(2) Side yard: Not less than fifteen (15) feet on each side. Side yards on corner lots shall be not less than twenty (20) feet.

(3) Rear yard: Not less than twenty-five (25) feet.

Accessory buildings appurtenant to a residential structure shall maintain a minimum yard area of not less than ten (10) feet to the side and rear lot lines.

404.07. Height. The maximum height, to the highest point of the roof, of buildings hereafter erected or altered shall be as follows:

a. Single-Family Dwelling: 35 feet

b. Farm – Primary building: 45 feet

c. Church - Primary building: 45 feet

d. Accessory Building: 25 feet

e. Recreation facility or other similar use building: 45 feet

#### 404.08. Dwelling Standards.

Every one story single-family dwelling hereafter erected shall contain a minimum 900 square feet of habitable living area. Every two-story dwelling hereafter erected shall contain a minimum of 1200 square feet of habitable living area. Each dwelling unit of a two-family dwelling structure shall have a minimum of 900 square feet of habitable living area.

Each dwelling unit of a multiple-family structure shall have a minimum of 750 square feet of habitable living area.

#### 404.09. Building Area.

All buildings, including accessory uses, shall cover not more than 50% of the area of the lot.

### **Section 405 - R3 – RESIDENTIAL MULTIPLE-FAMILY / MANUFACTURED HOME DISTRICT**

#### 405.01. Permitted Uses.

The following uses shall be permitted in the R3 – Residential Multiple-Family / Manufactured Home District:

- a. Single-family Dwelling
- b. Two-Family Dwelling
- c. Farm
- d. Public parks and recreation areas
- e. Church or similar place of worship.
- f. Convent, monastery, rectory or parish house to be occupied by not more than ten persons.
- g. Public or private schools
- h. Community buildings, library, or similar type use.
- i. Government building / government use.
- j. Drilling / extraction of natural gas, methane gas, or oil. (Not including permanent compressor stations / facilities.

405.02. Uses permitted by special exception:

- a. Hospitals, religious and philanthropic institutions.
- b. Multiple-family structures.
- c. Planned Residential Development.
- d. Manufactured Home Park
- e. Permanent Compressor Stations / facility Buildings associated with the extraction of Natural Gas, Methane gas or Oil.

405.03. Accessory Uses.

- a. Detached Private Garage
- b. Garage, shed, or building for domestic storage. (Sheds or similar small structures less than 800 square feet shall be exempt from permitting, but shall meet the required setbacks for this district.)
- c. Fence or ornamental wall, not over six (6) feet in height.
- d. Swimming pool
- e. Private greenhouse – (non-commercial)
- f. Raising and keeping of domestic animals as pets, but not on a commercial basis or on a scale objectionable to neighboring property owners, and provided specifically that all horses, pigs, cattle, poultry, sheep, goats, and similar farm animals not be permitted, unless the property is operated as a farm or farmette. (no permit required)
- g. Farmette – as defined under Section 103.01
- h. Home Occupation – Home Office
- i. Small scale wind generators, as per Section 604

405.04. Accessory Uses Permitted by Special Exception:

- c. Home Occupation – Home Business

#### 405.05. Area Regulations

a. Minimum lot area. There shall be a minimum lot area of not less than 5000 square feet. Each lot shall have a minimum width of not less than fifty (50) feet.

b. Yard Areas. No building or structure shall be erected or enlarged unless the following yard areas are provided and maintained:

(1) Front yard: Not less than twenty-five (25) feet. Fences or ornamental walls shall be not less than ten (10) feet when located along a public street.

(2) Side yard: Not less than ten (10) feet on each side. Side yards on corner lots shall be not less than twenty (20) feet.

(3) Rear yard: Not less than twenty-five (25) feet.

Accessory buildings appurtenant to a residential structure shall maintain a minimum yard area of not less than ten (10) feet to the side and rear lot lines.

405.06. Height. The maximum height, to the highest point of the roof, of buildings hereafter erected or altered shall be as follows:

(1) Single-Family Dwelling: 35 feet

(2) Farm – Primary building: 45 feet

(3) Church - Primary building: 45 feet

(4) Accessory Building: 25 feet

(5) Recreation facility or other similar use building: 45 feet

405.07. Dwelling Standards. Every one story single-family dwelling hereafter erected shall contain a minimum 900 square feet of habitable living area. Every two-story dwelling hereafter erected shall contain a minimum of 1200 square feet of habitable living area. Each dwelling unit of a two-family dwelling structure shall have a minimum of 900 square feet of habitable living area.

Each dwelling unit of a multiple-family structure shall have a minimum of 750 square feet of habitable living area.

405.08. Building Area. All buildings, including accessory uses, shall cover not more than 50% of the area of the lot.

### **Section 406 - CN – NEIGHBORHOOD-COMMERCIAL DISTRICT**

406.01. Permitted Uses:

The following uses shall be permitted in the C-N Neighborhood-Commercial District:

a. Office buildings, provided that no goods, wares, or merchandise shall be prepared on the premises.

b. Personal service shops such as beauty shops and barber shops.

- c. Studios of artists and photographers.
- d. Retail stores.
- e. Parking lots, provided that the parking area shall be paved and used for passenger vehicle parking only and in no case for sale of vehicles.
- f. Commercial schools.
- g. Commercial greenhouses and nurseries.
- h. Shops for repair and servicing of bicycles, electrical radio and television appliances, keys, typewriters and similar articles where no individual establishment provides more than 2500 square feet of floor space.
- i. Sale of goods and products at retail but excluding new and used car sales.
- j. Theaters but not drive-in theaters.
- k. Commercial recreation facilities.
- l. Banks.
- m. Mortuary parlors.
- n. Dressmaking, millinery, tailoring, shoe repair and similar trades, and bakeries, laundries and dry cleaning, provided that no individual establishment provides more than 2500 square feet of floor space.
- o. Animal hospitals.
- p. Restaurants.
- q. Laundromats
- r. Service stations and auto body shops.
- s. A single-family dwelling which is part of a building used for purposes permitted in a Neighborhood Commercial District, and which dwelling is occupied by the owners of the commercial enterprises being conducted in such building.
- t. Drilling / extraction of natural gas, methane gas, or oil. (Not including permanent compressor stations / facilities.)
- u. Single-Family Dwelling

406.02. Uses Permitted by Special Exception:

- a. Permanent Compressor Stations / facility Buildings associated with the extraction of Natural Gas, Methane gas or Oil.

406.03. Accessory Uses:

- a. Detached Private Garage
- b. Garage, shed, or building for domestic storage. (Sheds or similar small structures less than 800 square feet shall be exempt from permitting, but shall meet the required setbacks for this district.)
- c. Fence or ornamental wall, not over six (6) feet in height.
- d. Swimming pool
- e. Private greenhouse – (non-commercial)
- f. Raising and keeping of domestic animals as pets, but not on a commercial basis or on a scale objectionable to neighboring property owners, and provided specifically that all horses, pigs, cattle, poultry, sheep, goats, and similar farm animals not be permitted, unless the property is operated as a farm or farmette. (no permit required)

- g. Farmette – as defined under Section 103.01
- h. Home Occupation – Home Office
- i. Small scale wind generators, as per Section 604

#### 406.04. Area Regulations

a. Minimum lot area. There shall be a minimum lot area of not less than 5000 square feet. Each lot shall have a minimum width of not less than eighty (80) feet.

b. Yard Areas. No building or structure shall be erected or enlarged unless the following yard areas are provided and maintained:

- (1) Front yard: Not less than twenty-five (25) feet. Fences or ornamental walls shall be not less than ten (10) feet when located along a public street.
- (2) Side yard: Not less than ten (10) feet on each side. Side yards on corner lots shall be not less than twenty (20) feet.
- (3) Rear yard: Not less than twenty (20) feet.

406.05. Height. The maximum height, to the highest point of the roof, of buildings hereafter erected or altered shall be as follows:

- a. Primary Buildings: Not greater than sixty (60) feet.
- b. Accessory buildings: Not greater than thirty-five (35) feet.

406.06. Dwelling Standards. Every one story single-family dwelling hereafter erected shall contain a minimum 900 square feet of habitable living area. Every two-story dwelling hereafter erected shall contain a minimum of 1200 square feet of habitable living area.

406.07. Building Area. All buildings, including accessory uses, shall cover not more than 75% of the area of the lot.

### **Section 407 - CT – TRAVELERS-COMMERCIAL DISTRICT**

407.01. Permitted Uses:

The following uses shall be permitted in the CT Travelers-Commercial District:

- a. Any use permitted and regulated in the "CN" District., except detached Single-Family Dwellings
- b. Drive-in restaurants and theaters.
- c. New and used car sales.
- d. Machinery equipment sales and service.
- e. Bus terminals.
- f. Apartment hotels, hotels and motels.
- g. Laundromats.

- h. A single-family dwelling which is part of a building used for purposes permitted in a Traveler's Commercial District, and which dwelling is occupied by the owners of the commercial enterprises being conducted in such building.
- i. Drilling / extraction of natural gas, methane gas, or oil. (Not including permanent compressor stations / facilities.)
- j. Small scale wind generators, as per Section 604

407.02. Uses Permitted by special Exception:

- b. Permanent Compressor Stations / facility Buildings associated with the extraction of Natural Gas, Methane gas or Oil.

407.03. Area Regulations

a. Minimum lot area. There shall be a minimum lot area of not less than 10,000 square feet. Each lot shall have a minimum width of not less than one hundred (100) feet.

b. Yard Areas. No building or structure shall be erected or enlarged unless the following yard areas are provided and maintained:

- (1) Front yard: Not less than fifty (50) feet. Fences or ornamental walls shall be not less than ten (10) feet when located along a public street.
- (2) Side yard: Not less than twenty-five (25) feet on each side. Side yards on corner lots shall be not less than fifty (50) feet.
- (3) Rear yard: Not less than twenty-five (25) feet.

407.04. Height. The maximum height, to the highest point of the roof, of buildings hereafter erected or altered shall be as follows:

- a. Primary Buildings: Not greater than sixty (60) feet.
- b. Accessory buildings: Not greater than thirty-five (35) feet.

407.05. Dwelling Standards. Every one story single-family dwelling hereafter erected shall contain a minimum 900 square feet of habitable living area. Every two-story dwelling hereafter erected shall contain a minimum of 1200 square feet of habitable living area.

407.06. Building Area. All buildings, including accessory uses, shall cover not more than 75% of the area of the lot.

## **Section 408 - IL – LIGHT INDUSTRIAL DISTRICT**

408.01. Permitted Uses:

The following uses shall be permitted in the IL Light Industrial District:

- a. Light industrial uses, provided that such occupied for manufacturing purposes shall not be operated in such a manner as to create excessive noise or vibration; excessive

- smoke, dust, dirt or other form of air pollution; electrical or other similar type disturbance; excessive glare; and shall not be operated in such a manner as to create any dangerous, injurious, noxious condition or fire, explosive or other similar hazard or other nuisance, condition or element adversely affecting the surrounding area. Any light industrial operation shall be conducted within a building, or shall be enclosed by a solid fence or screen planting not less than six feet in height along boundary line bordering a conservation, rural residential, single-family residential, multi-family residential or R-3 district. Junk yards, auto salvage and scrap yards are prohibited.
- b. Any use permitted and regulated in the "C-N" or "C-T" Districts, except apartment hotels, hotels, motels, and detached Single-Family Dwellings.
  - c. Assembly plants.
  - d. Bookbinderies.
  - e. Bottled gas sales and/or service.
  - f. Canneries, fruit and vegetable.
  - g. Cellophane products manufacturing.
  - h. Ceramic products manufacturing.
  - i. Cold storage or refrigerating plants.
  - j. Concrete mixing or batching plants.
  - k. Confectionery manufacturing.
  - l. Dairy products manufacturing.
  - m. Electrical products manufacturing and assembly.
  - n. Fiber products manufacturing.
  - o. Roof products and manufacturing.
  - p. Foundry, casting lightweight nonferrous metals.
  - q. Furniture manufacturing.
  - r. Garment manufacturing.
  - s. Glass products manufacturing.
  - t. Ironworks, ornamental (no foundry, drop hammer and no punch presses over 20 tons capacity).
  - u. Leather products manufacturing (previously prepared leather).
  - v. Millwork.
  - w. Paint mixing and treatment.
  - x. Petroleum products, bulk terminal.
  - y. Paper products manufacturing (previously prepared materials).
  - z. Pharmaceutical manufacturing.
  - aa. Plastic products manufacturing (previously prepared materials).
  - bb. Railroad freight terminals.
  - cc. Sheet metal products manufacturing.
  - dd. Sign manufacture.
  - ee. Television and radio broadcasting transmitters.
  - ff. Textile products manufacturing.
  - gg. Tire retreading, recapping or rebuilding.
  - hh. Tool manufacturing (no drop-hammer or punch press of over 20 tons).
  - ii. Toy manufacturing.
  - jj. Warehouse or storage buildings.
  - kk. Well drilling services.
  - ll. Wood products manufacturing (assembling and finishing).

- mm. Recycling plant.
- nn. Drilling / extraction of natural gas, methane gas, or oil. (Not including permanent compressor stations / facilities.)
- oo. Small scale wind generators, as per Section 604

408.02. Uses Permitted by Special Exception:

- a. Permanent Compressor Stations / facility Buildings associated with the extraction of Natural Gas, Methane gas or Oil.
- b. Surface Mining, or surface aspects of deep mining operations.

408.03. Area Regulations

- a. Minimum lot area. There shall be a minimum lot area of not less than 43,560 square feet. Each lot shall have a minimum width of not less than one hundred (100) feet.
- b. Yard Areas. No building or structure shall be erected or enlarged unless the following yard areas are provided and maintained:
  - (1) Front yard: Not less than fifty (50) feet. Fences or ornamental walls shall be not less than ten (10) feet when located along a public street.
  - (2) Side yard: Not less than twenty-five (25) feet on each side. Side yards on corner lots shall be not less than fifty (50) feet.
  - (3) Rear yard: Not less than thirty (30) feet.

408.04. Height. The maximum height, to the highest point of the roof, of buildings hereafter erected or altered shall be as follows:

- a. Primary Buildings: Not greater than sixty (60) feet.
- b. Accessory buildings: Not greater than thirty-five (35) feet.

408.05. Building Area. All buildings, including accessory uses, shall cover not more than 75% of the area of the lot.

**Section 409 - IH – HEAVY INDUSTRIAL DISTRICT**

409.01. Permitted Uses:

The following uses shall be permitted in the IH Heavy Industrial District:

- a. Any land use is permitted in this zoning district, except that no building, manufactured home, modular home, may be erected for residential use.
- b. Junk yard, auto salvage and scrap yards shall be surrounded by either a fence or screen planting at least six (6) feet in height, so that such use can not be seen from a public street, or from any conservation, rural residential, single-family residential, multi-family residential, R-3 neighborhood commercial, or travelers commercial district; provided, however, that if more restrictive standards are required by any other ordinance or

regulation of the Township, such junk yard, auto salvage and scrap yard operation shall comply with such more restrictive standards.

- c. Small scale wind generators, as per Section 604

409.02. Uses Permitted by Special Exception:

- a. Surface Mining, or surface aspects of Deep Mining Operations, as per Section 6

409.03 Conditional Uses:

- a. Commercial Power Generating Windmills, as per Section 605
- b. Adult Entertainment Establishments, as per Section 609

409.04. Area Regulations

- c. Minimum lot area. There shall be a minimum lot area of not less than 5000 square feet. Each lot shall have a minimum width of not less than eighty (80) feet.
- d. Yard Areas. No building or structure shall be erected or enlarged unless the following yard areas are provided and maintained:

- (1) Front yard: Not less than twenty-five (25) feet. Fences or ornamental walls shall be not less than ten (10) feet when located along a public street.
- (2) Side yard: Not less than twenty-five (25) feet on each side. Side yards on corner lots shall be not less than twenty-five (25) feet.
- (3) Rear yard: Not less than thirty (30) feet.

409.05. Height. The maximum height, to the highest point of the roof, of buildings hereafter erected or altered shall be as follows:

- a. Primary Buildings: Not greater than sixty (60) feet.
- b. Accessory buildings: Not greater than thirty-five (35) feet.

409.06. Building Area. All buildings, including accessory uses, shall cover not more than 75% of the area of the lot.

## **ARTICLE V – NONCONFORMING USES**

### **Section 501 - GENERAL**

501.01 The lawful use of land existing at the time of the adoption of this Ordinance, or of any amendment thereto, although such use does not conform to the provisions hereof, may be continued except as provided in 302.06, but if such nonconforming use is discontinued, any future use of said land shall be in conformity with the provisions of this Ordinance.

501.02 The lawful use of a building or structure, existing at the time of the adoption of this Ordinance, or of any amendment thereto, although such use does not conform to the provisions hereof, may be continued and such use may be extended throughout the building, provided no

structural alterations are made, other than those ordered by an authorized public officer to assure the safety of the building; and provided further, that such extension does not displace any residence use in a residential district established by this Ordinance.

501.03 A non-conforming use of a building may be changed to another non-conforming use of the same or of a more restrictive classification, by special exception as per Section 608 of this Ordinance, provided, no structural alterations are made, other than those ordered by an authorized public officer to assure the safety of the building, and provided further, that such extension does not displace any residential use in a residential district established by this Ordinance.

501.04 Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

501.05 Whenever a non-conforming use of a building, or portion thereof, has been abandoned for a period of at least one (1) year, such non-conforming use shall not be thereafter reestablished, and the future use shall be in conformity with the provisions of this Ordinance.

501.06 Passage of this Ordinance in no way legalizes any illegal uses existing at the time of its adoption.

501.07 Whenever one non-conforming use is proposed to be changed to another non-conforming use, or if an existing non-conforming use is proposed to be expanded, and said access to the property in question is via a private easement or roadway that traverses another property, said applicant for the change or expansion of the non-conforming use shall obtain written approval from the property owner(s) of the property(s) over which said private easement or roadway crosses.

## **Section 502 - REGISTRATION OF NON-CONFORMING USES AND STRUCTURES**

502.01 All owners or operators of non-conforming uses and structures are required to obtain a certificate of non-conformance, showing identification of the property, type of use, kind or degree of non-conformance, length of time non-conformance has been in operation, and anticipated date of conversion (if any). Such certificate will be issued on request to the Zoning Officer.

502.02 The Zoning Officer shall keep in the Township offices an up-to-date register of nonconforming uses and structures.

## **Section 503 - PERMITTED NON-CONFORMING USES**

503.01 Those persons who have received permits to carry on deep mining and strip mining of bituminous coal and who are actively conducting such mining operations in Conemaugh Township on the date of adoption of this Ordinance, and who are in compliance with the Bituminous Coal Mining Laws of Pennsylvania, shall be permitted to create waste piles on land owned by them, on which mining operations are being conducted on the date of adoption of this Ordinance, provided such waste piles shall be placed and maintained in compliance with all laws

and regulations of the Commonwealth of Pennsylvania and the Federal Government and their regulatory agencies, now in force or hereinafter enacted or promulgated.

## **ARTICLE VI – SUPPLEMENTARY REGULATIONS**

### **Section 601 – Floodplain Areas**

601.01. This Section is incorporated into this ordinance to comply with the National Flood Insurance Program. All construction in any identified floodplain shall be in accordance with any other ordinance or regulation of the Township. Any construction standards, setbacks, minimum elevations, or other regulations set forth in said regulations, shall be met. Any drawings, plans, or other required information for the purposes of obtaining a building permit or zoning approval under this Ordinance, shall meet or contain information necessary to determine compliance with any floodplain management regulations in effect. The extent or completeness of any drawings, plans or other required information shall be determined by the Zoning Officer.

### **Section 602 – HOME OCCUPATION – HOME BUSINESS**

602.01. An accessory use of a service character within a dwelling by residents which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small sign.

602.02 Criteria for Special Exception Review:

The Zoning Hearing Board shall take into consideration the following issues when reviewing any Home Occupation – Home Business petition for a Special Exception:

- a. Adequate provisions for off-street parking for clients, along with adequate access to the driveway or parking area at the property.
- b. The proposed use will be conducted indoors.
- c. The proposed use will not require the storage of materials or equipment in exterior areas of the property.
- d. The proposed use shall not employ more than two (2) persons other than resident family members.
- e. The proposed use will not constitute more than 25% of the habitable living space of the dwelling unit.

### **Section 603 – GAS AND OIL EXTRACTION**

603.01. GENERAL

Oil and Gas drilling and extraction shall be permitted in all areas of Conemaugh Township, and require only submission and approval of a site plan to the Township Planning Commission and Board of Supervisors

603.02 Criteria for Special Exception Review:

The Zoning Hearing Board shall take into consideration the following issues when reviewing any petition for a special exception for permanent compressor station buildings or facilities associated with the extraction, collection, or distribution of natural gas, methane gas, or oil:

Oil or Natural gas compressors may be approved and authorized as a special exception in an area of the township as a Special Exception, which shall only be granted following a showing to the Zoning Hearing Board of the following;

- a. Setback at least 1000 feet from an occupied structure unless a waiver has been obtained from the owner of the structure.
- b. Provisions for noise attenuation using best available practices, including mufflers and sound attenuating building materials for a structure around a compressor. Sound shall be no greater than 30 db at the nearest occupied structure for which a waiver has not been obtained.
- c. Compliance with lot coverage, property line setback and height restrictions as provided for in the underlying zoning district.
- d. Landscape planting, painting or other features of construction to limit visual impact of the compressor building, when located in an RR, R1 or R2 district.
- e. Driveway access approved by the governmental agency responsible for maintenance and operation of the public roadway.
- f. Sufficient on site, parking to avoid vehicles being parked upon public roadways.
- g. A maintenance plan including schedule for maintenance and standards to assure safe and noise free operation in the future, which plan shall be made a condition of ongoing use and operation of the compressor station.
- h. All buildings, facilities, equipment, and land areas shall be properly maintained, so as to not create a public nuisance or unsightly condition.

#### **Section 604 - SMALL SCALE WIND GENERATORS**

Small scale windmills for the purpose of serving residential or commercial buildings on site shall be permitted as an accessory use in all Zoning Districts. The following criteria shall be met prior to issuance of a permit for any small scale windmill:

- (1) The structure employed shall be subject to site plan approval by the Conemaugh Township Planning Commission. The site plan shall be drawn to an appropriate scale and shall provide construction details and show the location of all existing public roads, existing structures, utility lines and all structures, facilities and power lines to be constructed on the site, as well as identifying adjoining property owners, and the location of any structures on adjoining properties within 100 feet of the common property lines.
- (2) Facilities, including but not limited to towers, shall be safe and neat construction to be approved by the Planning Commission and subject to any requirements of the Uniform Construction Code and manufacturer's recommendations.
- (3) Towers shall be located at least 100 feet from all property lines. Other facilities must follow generally applicable setbacks within the particular zoning district.
- (4) Towers shall be no more than 35 feet in height from the elevation of the

ground at the base of the tower, before the placement of fill, to the top of the blade.

(5) No more than two towers shall be located upon a property or serve a single commercial or residential structure.

(6) The property owner must use at least two-thirds of the power generated by the windmills in his home or business located on site. The property owner receiving site plan approval shall annually provide a verified report of electricity generated and electricity sold from the windmills. Failure to provide an annual report within 60 days of the end of each calendar year shall result in the termination of the authorization to maintain the windmill and subject the property owner to an order for immediate removal of the tower.

(7) The property owner shall construct and maintain the windmill and tower in a safe a neat manner so as not to present a danger to neighbors or to present an unsightly appearance. The property owner receiving site plan approval shall annually provide a verified report of a qualified contractor as to the structural integrity of the tower and windmill assembly. Failure to provide an annual report within 60 days of the end of each calendar year shall result in the termination of the authorization to maintain the windmill and subject the property owner to an order for immediate removal of the tower.

## **Section 605 - COMMERCIAL POWER GENERATING WINDMILLS**

Nothing in this Article is intended to apply to small windmills constructed on a person's property for the purpose of providing power for use on the property or those providing meteorological data and which otherwise meet the requirements of Section 604 of this Ordinance.

A. Commercial Power Production from Windmills will be permitted in the C, RR, R1, and R2 Zoning Districts as a conditional use provided that the Board of Supervisors determines that:

1. No facility shall be closer than a "tower setback distance", of 5 times the distance to the top of the hub of the tower, to an existing residential structure, or the proposer has received a waiver or consent from the owner of any such residential structure.
2. The Developer has submitted a Site Plan containing all information required under Section 301.05 of this Ordinance. The Site Plan shall show each facility proposed as part of the development and shall include:
  - a) A future no build area around the base of each tower equal in radius to the total height of the tower plus 50 feet.
  - b) The traffic route to be utilized in bringing construction materials to (and from) the site. (May be a separate sheet with a different scale)
  - c) Names and addresses of all property owners and location of all structures within the "tower setback distance" plus 2,500 feet of any the facilities. The applicant must provide written notice of

application to all property owners and tenants occupying property with structures located within the “tower setback distance” of any of the proposed facilities. Proof of service of such notice by Certified Mail or notarized Affidavit of hand delivery must be provided with the application.

- d) Major construction details of all facilities including size, and materials and power output specifications for each wind turbine.
  - e) Location and construction details including E&S controls, stormwater management, drainage for of all private roads to be constructed on site for the construction, maintenance and operation of the facilities.
- 3. The Developer submits a transportation plan outlining access to the site during construction which avoids to the greatest extent possible schools, playgrounds and residential areas of the township.
  - 4. The Developer provides a calculation of the costs of removal and salvage value of each facility and provides a bond, cash or irrevocable letter of credit to cover any deficiency. As a condition of approval the calculation must be revised and resubmitted to the Township every two (2) years.
  - 5. The Developer shall provide a list of conditions to be followed during construction to ensure that erosion and sedimentation standards shall be met during construction and operation of the facilities.
  - 6. The Developer shall provide evidence that lighting, except as required by FAA rules and regulations, shall not interfere with other adjoining properties or uses. Developer shall demonstrate that extraneous lighting has been minimized to the greatest extent possible.
  - 7. The Developer provides evidence that any sound created by operation of the wind turbine at the nearest occupied residential structure is no more than 45 db

B. **Setbacks.** The wind turbine generators shall comply with the following setbacks:

(1) **Structures.**

(i) **Civil Structures.** Each wind turbine generator shall be set back from the nearest existing (at the time of the building permit issuance) residence, school, hospital, church or public library, a distance of no less than 2,000 feet.

(ii) **Participating Residences.** For existing (at the time of the building permit issuance or notice from the building code enforcement officer that no building permit is required) Participating primary occupied residences the setback distance from a wind turbine generator shall be at least 600

feet unless the property owner provides written permission allowing for a lesser distance. In no event shall the setback distance be less than 1.1 times the total height of the wind turbine generator (measured at the highest point of the blade tip).

(iii) Non-Participating Residences. For existing (at the time of the building permit issuance or notice from the building code enforcement officer that no building permit is required) Non-Participating primary occupied residences the setback distance from a wind turbine generator shall be at least 2500 feet unless the property owner provides written permission allowing for a lesser distance. In the event the property owner provides written permission, the setback distance shall not be less than 1.1 times the total height of the wind turbine generator (measured at the highest point of the blade tip).

(iv) Definition of Participating and Non-Participating. For purposes of this Agreement “Participating” shall mean a property owner or property (including a residence) that is subject to an agreement or lease with Developer/ Permittee. “Non-Participating” shall mean all property owners or property (including a residence) which are not Participating property owners or property.

(v) No wind turbine generator shall be located within a distance of 2500 feet from any Non-Participating occupied residence or occupied commercial structure existing at the time of the erection of the wind turbine generators, unless the owner of such existing residential or commercial structure shall have executed a written waiver or non-disturbance easement, covenant or consent, any of the aforementioned which has been recorded in the Office of the Recorder of Deeds of Somerset County, Pennsylvania. Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind turbine generator within the established setback distance of an existing residential or commercial structure on the property of the owner executing same. Such easement, covenant or consent shall meet such requirements as to form and content consistent with this Agreement as may be required by the Township.

(2) Property Lines. In addition to set backs from structures set forth above, Each wind turbine generator shall be set back from the nearest property line a distance of no less than 1.1 times its total height. This distance may be waived among both participating and non participating property owners with written permission by adjacent property owners.

(3) Public Roads. In addition to set backs from structures set forth above, each wind turbine generator shall be set back from the nearest public road a distance of no less than 1.1 times its total height, determined at the nearest boundary of the right-of-way for such public road. Unless conclusive evidence exists to the contrary, the public road right-of-way is presumed to be 66 feet.

(4) Communication and Electric Lines. Each wind turbine generator shall be set back from the nearest above-ground public electric power line or public telephone line a distance of no less than 1.1 times its total height, determined from the existing power line or telephone line, unless otherwise agreed to or waived by the easement holder.

C. Noise. Developer/Permittee shall comply with the following noise standards:

(a) Developer/Permittee shall maintain a noise level attributable to the wind turbine generators of not more than 45dbA within a reasonable margin of error as measured at existing Non-Participating residences;

(b) The Parties acknowledge that the Project's construction will be the source of intermittent noise. Developer/Permittee shall require all contractors to incorporate reasonable noise reduction measures in order to mitigate the amount of noise generated during the construction phase.

D. Safety. Developer/Permittee shall comply with the following safety standards:

(a) All wiring between the wind turbine generators and the substation shall be underground to the extent practicable;

(b) The outside of the wind turbine generator towers shall not be climbable;

(c) All access doors to the towers and electrical equipment shall be locked;

(d) Appropriate warning signage shall be placed on each tower, all electrical equipment, and all entrances;

(e) Developer/Permittee shall abide by all applicable local, state and federal fire code and emergency services guidelines;

(f) All wind turbine generators shall be equipped with portable fire extinguishers, unless the local fire department or municipal engineer provides written documentation establishing that the same is not necessary;

E. Maintenance, Repair & Replacement. Developer/Permittee shall repair, maintain and replace the wind turbine generators and associated equipment during the Term of this Agreement in a manner consistent with Good Utility Practice as needed to keep the Project in good repair and operating condition. Developer/Permittee shall cause its Operations and Maintenance provider ("O&M Personnel") to comply with the following schedule:

1. At least once every thirty-six (36) months the individual wind turbine generators shall be inspected by O&M Personnel, or its agent, who is regularly involved in the maintenance, inspection and/or erection of wind turbine generators, towers and antennas. At a minimum, this inspection shall be conducted in accordance with the provisions of this Agreement and in accordance with the wind turbine generator inspection check list provided by the Parties respective Engineers, as applicable. This is considered a major inspection.

2. At least once every twelve (12) months a visual inspection from ground shall be conducted by O&M Personnel. This inspection shall include, but not be limited to, visual inspection of wind turbine generator foundations, structures, guys, and connections for evidence of settlement or lateral movement; soil erosion; condition of paint or galvanizing; rust or corrosion, loose or missing bolts, loose or corroded lightning protection connectors; wind turbine generator tower plumbness; significant variation in guy sags (i.e. guy tensions), and other material areas or matters relating to the structural integrity of the wind turbine generator. This is considered a minor inspection.

3. In addition to the regularly scheduled major and minor inspections set forth in paragraphs 1 and 2 above, a minor inspection, at a minimum will be conducted if a wind turbine generator or its appurtenances are noted at any time to be visibly damaged. Additionally a major inspection should be conducted if the visible damage to a wind turbine generator is significant or when, after conducting a minor inspection, significant questions remain about the structural integrity of a wind turbine generator.

4. Developer/Permittee shall provide an annual letter to the Township certifying compliance with the inspection requirements of this Section

**F. Wind Turbine Generator Removal.** Each wind turbine generator and all related improvements shall be removed within 12 months of the date when the use of the particular wind turbine generator has been discontinued or abandoned by Developer/Permittee, or upon expiration of this Agreement, whichever is earlier. At the time of its removal, a wind turbine generator will be decommissioned and removed except for any concrete structure four feet below grade. Upon removal, the land used for the removed wind turbine generator and associated equipment will be restored to its original condition. Roads, at the property owner's request, may be left intact.

Developer/Permittee shall assure funding of these removal obligations by providing a security instrument to the Township in a form, amount and containing such terms and provisions mutually agreed to by the Township and Developer/Permittee. The security shall be maintained in effect upon the commencement of construction and for the entire life of the Project and adjusted annually for inflation in an amount equal to the preceding year's annual increase in the Consumer Price Index.

Developer/Permittee shall also furnish satisfactory evidence to the Township that the Developer/Permittee has included in a lease agreement or other agreement with property owner a provision for the decommissioning and removal of the wind turbine generators and restoration of

the site at the time when a wind turbine generator no longer has a useful life, has been discontinued, abandoned, and/or upon expiration of this Agreement, whichever occurs first. Developer/Permitee shall demonstrate sufficient security by meeting the following requirement:

Developer/Permitee shall immediately following the first year of operation and every fifth year thereafter, at its own expense, retain an independent engineer acceptable to the Township to estimate the cost of decommissioning and removal of the wind turbine generators and restoration of the site. Developer/Permitee shall submit such report to the Township upon receipt. Developer/Permitee shall maintain the security in an amount using the greater of either fifty percent (50%) of the cost of decommissioning the wind turbine generators without regard to salvage value of the wind turbine generators, or the actual cost of decommissioning the wind turbine generators taking into account the salvage value of the wind turbine generators.

The Parties agree that the Township shall have the right to enter the property to remove the wind turbine generators in the event that the same is not removed in twelve months with the Township keeping any salvage value obtained from such removal.

The estimated cost of decommissioning will be updated every fifth year, to take into account inflation or other factors deemed relevant by the independent engineer, and approved by the Township engineer, including, but not limited to, any increase or decrease of the market value of the structure and its related components being decommissioned and the cost of labor to perform the decommissioning. Any costs of decommissioning, removal and restoration in excess of the decommissioning shall be promptly paid by the Developer/Permitee to the contractor retained for the removal and restoration.

**G. Building Codes; Safety Standards.** To ensure the integrity of the wind turbine generators, Developer/Permitee shall maintain the wind turbine generators in compliance with Good Utility Practice for wind turbine generators. If, upon inspection by the Township and/or any other regulatory entity with lawful jurisdiction over the Wind Farm, the Township or such entity provides written notice that any of the wind turbine generators fail to comply with Good Utility Practice or constitutes a danger to persons or property, then Developer/Permitee shall immediately commence corrective action for any failure and/or danger, and shall complete corrective action to bring the non-compliant wind turbine generator(s) into compliance with such standards within 60 days of receipt of notice. If Developer/Permitee is unable to bring the non-compliant wind turbine generator(s) into compliance with such standards within 60 days of receipt of notice, Developer/Permitee shall request an extension from the Township, which shall not be unreasonably withheld and which may include reasonable conditions in order for Developer/Permitee to receive and maintain such extension. Failure to bring such non-compliant wind turbine generator(s) into compliance shall constitute grounds for the Township to request removal of said wind turbine generator(s) at Developer/Permitee's expense. The Township is authorized to file an action for injunctive relief in the Court of Common Pleas of Cambria County, Pennsylvania, to require Developer/Permitee to remove the non-compliant wind turbine generator(s).

**H. State and Federal Requirements.** The wind turbine generators shall meet current standards and regulations, if any, of any other agency of the state or federal government with the

authority to regulate wind turbine generators. If such standards and regulations are changed, then Developer/Permittee shall bring the wind turbine generators into compliance with such applicable revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency or approved by the Township. Failure to bring the wind turbine generators into compliance with such applicable revised standards and regulations shall constitute an Event of Default. The wind turbine generators shall be marked as required by the Federal Aviation Administration (FAA). A Determination of No Hazard for each wind turbine generator must be obtained from the FAA as a condition precedent for the installation of each turbine. Developer/Permittee shall comply with any and all future state and/or federal regulations which are applicable to wind turbine generators or the Wind Farm, unless grandfathered.

**I. Design.** Each wind turbine generator shall consist of a tubular support, generator, nacelle, and three blades. Each wind turbine generators site will have access roads, underground transmission cabling to connect the generators to an electric substation, and underground fiber optic lines. All wind turbine generator sites shall be designed and constructed in such a fashion as to avoid any disruption and or interference with private wells, springs and/or other water sources. In the event any problems occur with any private water source, which problems are proximately caused by Developer/Permittee, Developer/Permittee shall immediately supply potable water in such quality and quantity as supplied by the original private water source.

**J. Signs.** No advertising material or signage other than warning, equipment information or indicia of ownership shall be allowed on the wind turbine generators. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices, but not including weather devices.

**K. Lighting.** The wind turbine generators shall not be artificially illuminated except as required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen will seek to minimize the disturbance to the surrounding views.

**L. Aesthetics.** The towers and generators of the wind turbine generators shall have a non-reflective, painted steel finish in a neutral color, subject to any applicable standards of the FAA or other regulatory requirements. The blades of the wind turbine generators are not covered by this section.

**M. Stray Voltage/Electromagnetic Fields (EMF).** Developer/Permittee will utilize Good Utility Practice to minimize, to the extent practicable, the impact, if any, of stray voltage and/or EMF on Non-Participating property. Developer/Permittee expects there will be no stray voltage impacts from the Project because such impacts occur only on distribution facilities which are not included in the Project.

## **Section 606 - TEMPORARY METROLOGIC TOWERS**

The Zoning Hearing Board may approve a special exception for the establishment of temporary meteorological towers within the C, RR, R-1, and R-2 Zoning Districts upon the following criteria:

- a. The Developer has submitted a Site Plan for approval which complies with the requirements for a Site Plan under Section 301.05 of this Ordinance;
- b. The grant of the special exception will be for a period of no more than 12 months, upon the conclusion of which the tower will be entirely dismantled and removed and the conditions returned to original; and
- c. The developer installs and maintains visible fencing around all site facilities.
- d. The location of the meteorological tower is at least five times the height of the tower from an occupied residential structure, or the proposer has received a waiver or consent from the owner of any such residential structure.

## **Section 607 - OUTDOOR FURNACES**

1. Outdoor furnaces shall not be placed less than forty (40') feet from the nearest point of intersection of any other adjacent property owner's structure and shall have a chimney stack, smokestack and/or other source of smoke utilized for the purposes of emitting smoke from a building heating system of at least twenty (20') feet and/or at least two (2') feet above the roof line of the highest structure within two hundred (200'), when installed. Said chimney stack shall also have a spark arrestor installed on top.
2. Outdoor furnaces shall not be placed less than twenty (20') feet from the nearest point of intersection of the property line of another property owner.
3. An area of twenty (20') feet around the outdoor furnace structure shall be free of combustible material, including vegetation, except grass not exceeding four (4") inches in height.
4. The minimum required lot size for an outdoor furnace is 40,000 square feet.
5. No fuel other than natural wood without additive, wood pellets without additive, coal, # 2 heating oil and agricultural seeds in their natural state may be burned in an outdoor furnace or building heating system. Processed wood products and other non-wood products, recyclable materials, plastics, rubber, paper products, garbage and painted or treated wood are prohibited.
6. Furnaces are prohibited to burn between June 1<sup>st</sup> and August 30<sup>th</sup>.
7. Outdoor furnaces which are designed to heat structures ten percent (10%) greater than the

size of the structure(s) to be heated are not permitted.

8. Outdoor furnaces and associated installation shall be subject to inspection by the Township Code Enforcement Officer at any reasonable time to assure compliance with the terms hereof.

9. Outdoor furnace installation is subject to the permit provisions of the other Township ordinances including, but not limited to, building code ordinances including furnishing the following information:

- a. A drawing providing and identifying all of the information necessary to assure compliance herewith, including property lines, location of neighboring properties and structures, height of nearby buildings, etc.
- b. Manufacturer's specifications for the outdoor furnace.
- c. Compliance with all applicable State and Federal statutes including the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing.

10. Nothing contained herein shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.

11. This Section of this Ordinance shall not be a defense to any civil claims.

## **Section 608 - CHANGES TO NONCONFORMING USES**

1. The lawful use of a building existing at the time of the effective date of this Ordinance may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted character, as a special exception approved by the zoning hearing board. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted one. Whenever the use of a building becomes non-conforming through a change in the Zoning Ordinance or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted character.

2. In determining whether a use is of a more or less restrictive character, than a pre existing non conforming use, the zoning hearing board shall take into account, the difference between the historical use and the proposed use for each of the following factors

- a. hours of operation
- b. amount of out door lighting
- c. amount of lot coverage

- d. amount of landscaping, or natural buffer
- e. noise generated in the non conforming use audible at neighboring property lines.
- f. noxious fumes, dust or particulate emissions from the property
- g. stormwater runoff from the property
- h. degree of impediment to air and light to neighboring properties
- i. traffic impacts and trips to and from property
- j. number of persons to be occupying or using the structure
- k. risks or danger to the public health and safety.

**Section 609 - ADULT ENTERTAINMENT ESTABLISHMENTS**

1. Adult business uses, as defined herein, are only permitted in the H-I - Heavy Industrial District, and only as a conditional use subject to the specific criteria expressed in this and other applicable Ordinances.
2. A conditional use permit for such uses shall be issued by the Conemaugh Township Supervisors, providing the following specific conditions are met:

Applications for a conditional use permit for an adult business use shall be submitted to the Zoning Officer at least 15 days prior to the next regular meeting of the Conemaugh Township Supervisors. At that meeting, the Supervisors shall receive the application and all information required by this Section. The Supervisors shall refer a complete application to the Planning Commission for its review before taking action on the conditional use permit application.

Upon receipt of an application for an adult business use conditional use permit, the Supervisors shall establish the date, time and place for a public hearing on the application. Notice of the public hearing shall be published at least once in a newspaper with general circulation in the municipality not less than 10 days nor more than 20 days from the date of the hearing. The notice shall establish the time, date and place of the hearing and shall describe the proposal in general terms. In addition to the public hearing notice, a written notice shall be mailed to the owners of all property within 500 feet of the site proposed for the adult business use. Such public hearing shall be held not later than 60 days following the meeting at which the Conemaugh Township Supervisors receives such application.

The Planning Commission shall review the application at its next legally-advertised regular meeting following the receipt of the application from the Conemaugh Township Supervisors. Within seven (7) days of such review, the Planning Commission shall submit a written report to the Supervisors on its findings on the conformity of the adult business use conditional use permit application with the requirements of this and other applicable Ordinances.

At the first regular or special meeting of the Conemaugh Township Supervisors subsequent to Supervisors conducting the public hearing, Supervisors shall take action on such application. The Supervisors may approve the conditional use permit subject to specific conditions or changes, or may disapprove the conditional use permit with a specific list of reasons for such disapproval.

Written notification of the Supervisors' action, with reasons therefore, shall be mailed to the applicant by the Zoning Officer within five (5) days of said action by Supervisors.

All applications for an adult business use conditional use permit shall be accompanied by a site plan. The minimum information required on the site plan shall include:

- a. The adult business use intended.
- b. The location and elevations of all buildings, structures, walls, fences and landscaping on the site.
- c. Off-street parking areas and traffic circulation patterns, and all signs, displays and advertising, including location(s).

Other Requirements:

- a. All storage and displays shall be located within the building.
- b. All business transactions on the premises shall be conducted within the building.
- c. No exterior changes, excluding maintenance, to a building proposed to be used for an adult business use shall be made without the approval of Township Supervisors. In no case shall opaque covering of display windows be permitted.
- d. All new construction shall be in keeping with the scale and architectural styles of the buildings surrounding the site proposed for an adult business use.
- e. Not more than one type of adult business use, as defined herein, may operate on any lot.
- f. Advertisements, displays or other promotional materials of specified sexual activities or specified anatomical areas shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
- g. In adult mini-motion picture theaters, no openings are permitted through walls separating private viewing booths.

Signs and Other Visible Messages:

In addition to the regulations of applicable state laws, the following shall apply to all adult business uses:

- a. Sign messages shall be limited to written description of material or services available on the premises.
- b. Sign messages may not include any graphic or pictorial depiction of material related to specific sexual activities or specified anatomical areas.
- c. Adult business uses shall be limited to 20 square feet in sign area, with lettering on said signs not exceeding 4 inches in height.

Location Requirements / Restrictions:

- a. No adult business use shall be located within 1,000 feet of any other existing adult business use, measured from the property lines of the lot on which the Adult Business Use is located.
- b. No adult business use shall be located within 500 feet of any residential zoning district or within 500 feet of the lots on which the following uses are located:
  - Churches, monasteries, chapels, synagogues, convents or rectories.
  - Schools up to and including the 12th grade and their adjunct play areas.
  - Public playgrounds, public parks, public swimming pools and public libraries.

Statement of Ownership:

Applications for a conditional use permit for an adult business use shall include a statement providing specific information on each individual, partner, limited partner, corporate officer, corporate director, or corporate stockholder owning more than 3 per centum of the issued and outstanding stock of a corporate applicant, comprising the applicant, to include the following:

Name, residence address and social security number.

Termination or Modification of Conditional Use Permit:

When a conditional use permit for an adult business use is authorized by the Supervisors, the continuation of such use shall be dependent upon the conditions established under the permit and this Ordinance; in the event of a change of conditions or non-compliance of conditions, the Supervisors shall have the responsibility and right to terminate or revoke the conditional use permit.

A conditional use permit may be modified subject to the criteria and procedures established in this Ordinance.

**Section 610 - SURFACE MINING, OR SURFACE ASPECTS OF DEEP MINING OPERATIONS**

Mining activities are a permitted use by special exception in the C, I-I and I-H zoning districts and subject to the following regulations:

1. The application for special exception shall include a copy of all information and materials submitted as a part of the PA Department of Environmental (PA DEP) Protection permit application process. The special exception status will be conditional upon the issuance of a PA DEP mining permit.
2. Time of operation – Mining operations may be permitted to operate 24 hours per day, provided said operations do not interfere with closely adjacent residential areas. If mining

operations are to be in close proximity (fifteen hundred (1500) feet) to residential areas, mining operations shall be limited to daylight hours.

3. Use of local roads and streets – Mine vehicles are prohibited from using local streets in residential areas from 6:30pm to 6:30am.
4. Weight limits for coal and equipment hauling vehicles – The use of locally maintained Township roadways by mining vehicles, that exceed the weight limits of said Township roads, is strictly prohibited. Any utilization of Township roadways by mining vehicles shall be accompanied by a bond, issued by the mining operator, covering all costs involved in repairing and/or replacing damaged roadways, bridges, drainage structures, and other components of the Township roadways caused by said mining vehicles.
5. Setback Requirements – All mining, excavating, and blasting activities shall maintain, at a minimum:
  - a. A 1,000 feet horizontal distance from all residential structures;
  - b. A 1,000 feet horizontal distance from all municipal watershed areas;
  - c. A 300 feet horizontal distance from all perennial streams and wetlands; and
  - d. A 100 feet horizontal distance from all adjoining property lines and public roads.
6. Diminution and/or pollution of ground water – Any diminution and/or pollution of ground water used by local residents shall be remedied by the mining operator (at its expense) thereby insuring a drinkable and dependable water supply to the residents whose water supply was affected by said mining operations.
7. Backfilling of strip cuts – All strip (surface) mining operations shall be properly backfilled according to PA DEP regulations.
8. Reclamation – Post-mining land use will be the same as pre-mining land use. Where a previously abandoned mine is re-mined, post-mining land use will be the same as the land use prior to the original mining. Changes in land use can be granted only by special exception, and only prior to commencement of mining activity. Where a change is proposed, the mine operator must submit a plan which shows the feasibility of the proposed post-mining land use related to land use trends and markets, a schedule showing how the proposed use will be developed and achieved, and the landowner's approval of the plan. And proposed land use shall be in accordance with the permitted uses of the zoning district in which the property is located, as set forth in this Ordinance.
9. Mine operator must permit the Conemaugh Township Zoning Officer, or his agent, any Township official, or any Township Police Officer free access to the site during all working hours to observe operations or collect samples.

## **ARTICLE VII – PLANNED RESIDENTIAL DEVELOPMENT**

### **Section 701 – GENERAL**

The regulations of this Ordinance as hereinafter defined may be modified to include a Planned Residential Development in order that this act may be furthered in a time of growing demand for economies in buildings and utilities layout; to insure the uniform treatment of the improvement of land consistent with the objectives of sound zoning; to encourage innovation in design and layout of structures and land areas to conserve and more efficiently use open space; to provide flexibility of provisions governing land development. Greater concentration on density or intensity of land use is permitted within certain sections provided that this greater concentration be offset by a smaller concentration, or by appropriate reservation of open space on other sections.

701.01. Principal Uses Permitted include only:

- a. Large scale residential developments, including single-family, two-family and multi-family dwellings as regulated in Section 213.
- b. Churches and parish houses.
- c. Essential services.
- d. Public and recreation areas.
- e. Schools except trade schools for adults.
- f. Temporary tract houses and tract signs.
- g. Seasonal dwellings.

701.02. Special Uses Permitted include only:

- a. Cemeteries, country clubs, golf courses.
- b. Electric and telephone transmission and distribution facilities including substations and water pumping stations.
- c. Essential services.
- d. Hospitals and sanitariums, except animal hospitals.
- e. Institutions for children and the aged.
- f. Nursing homes.
- g. Other institutional and educational uses.

701.03. Accessory Uses Permitted include only:

- a. Home occupations.
- b. Private parking areas and garages.
- c. Signs as regulated by Article VITI, Section 804.
- d. Private swimming pools.
- e. Other accessory uses and structures customarily appurtenant to a principal permitted use.

## **Section 702 - PLANNED RESIDENTIAL DEVELOPMENT REGULATIONS**

Planned Residential Development as defined herein shall be permitted as a Special Exception and shall be developed in accordance with the following requirements.

### **702.01. Conformity with Master Plan.**

The proposed Planned Residential Development shall conform to the municipality's Master Plan in terms of general location.

### **702.02. Planned Residential Developments.**

The purpose of this Section shall be to permit the large-scale development of housing in such a manner as to provide for the flexibility of design and arrangement of dwelling structures which would achieve the objectives of this Ordinance but would not be bound by the standards establishment for individual lot by lot developments. Such developments shall, however, be subject to the broader standards set forth below.

### **702.03. Spacing and Orientation of Residential Developments.**

Spacing between buildings and orientation in residential building groups shall be as follows:

- a. In buildings containing multiple dwelling units, walls containing main window exposures or main entrances, shall be so oriented as to insure adequate light and air exposures.
- b. Such buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
- c. A building group may not be so arranged that any temporary or permanently inhabited building is inaccessible by emergency vehicles.

### **702.04. Vehicle and Pedestrian Circulation.**

Adequate provision for vehicle and pedestrian circulation shall be designed as follows:

- a. Safe and convenient arrangement of walks, roadways, driveways, and off-street parking and loading space.
- b. Separation of general vehicle traffic from pedestrian walks and public transportation loading places, such as grass or landscaped areas, curb, fence, guide rail, as deemed appropriate by the Conemaugh Township Planning Commission.

### **702.05. Paving and Drainage.**

The developer shall install throughout any proposed planned residential

development, streets that are installed in accordance with Township Subdivision and Land Development standards, which shall include curbs or gutters, catch basins and storm sewers.

### **Section 703 - DEVELOPMENT STANDARDS FOR PRD'S**

#### **703.01. Minimum Lot Area per Dwelling Unit:**

##### **Single-Family Detached and Attached Dwellings.**

Although the average minimum lot area per dwelling unit shall not be less than a minimum area requirement for the District where the development is located, the size of each lot may be reduced as needed, to not less than two-thirds of the minimum required in the "R1" District provided, however, that for cluster developments each lot may be reduced to one-third of the minimum lot area, but the average area per dwelling unit within each development section including open space shall not be less than the minimum otherwise required for the "R1" District.

##### **Two-Family Dwellings, Garden Apartments and Other Multi-Family Dwellings.**

The average minimum lot area per dwelling unit shall not be less than the minimum area required for each respective type of dwelling structure in the district where such principal permitted uses are first permitted. The dimensions of each individual lot may, however, be reduced by not more than one-third of the minimum requirement, provided that the average lot area per dwelling unit within each development district shall not be less than the area otherwise required.

#### **703.02. Minimum Lot Size:**

There shall be no minimum lot size requirements for any housing types other than the average minimum lot area required for such dwellings as described in Subsection 703.01.a. hereof.

#### **703.03. Minimum Lot Frontage:**

There shall be no minimum lot frontage required except as follows:

- a. One-family and two-family dwellings detached: 80 feet.
- b. One-family and two-family dwellings, semi-detached: 50 feet for each side.
- c. One-family dwellings, attached (town houses): 25 feet per dwelling unit, plus an additional 25 feet at each end of all rows.
- d. One-family cluster development: none.
- e. Multi-family garden apartments: none.
- f. Other multi-family dwelling structures: none.

703.04. Minimum Lot Depth:

No lot for any residential structure or group of residential structures shall have a lot depth of less than 100 feet.

703.05. Minimum Front Yards:

The minimum front yard for all residential structures shall be 25 feet, except that garden apartments and other multi-family structures not including town houses shall have a minimum front yard of not less than 50 feet.

703.06. Minimum Side Yards and Other Distances between Buildings:

Minimum side yards for all single-family dwellings including cluster developments shall be as specified for each zoning district for one-family dwellings. There shall be no side yard requirements for all other residential structures, except, as follows:

- a. Side yards adjoining public rights-of-way or other thoroughfares shall be not less than 50.
- b. All other distances between buildings shall be as set forth under the zoning district regulations in which the Planned Residential Development is located.

703.07. Maximum Lot Coverage:

There shall be no maximum lot coverage limitation on a lot-by-lot basis; provided however, that the overall coverage of land by buildings within any Planned Residential Development shall not exceed 25 percent of the net land area (excluding land used for public street rights-of way).

**Section 704 - COMMERCIAL USES IN "PRD'S"**

Local retail and service commercial facilities, including those uses permitted as principal permitted uses in a "CN" Commercial District may be permitted in a large-scale residential development provided that such commercial development including required off-street parking, off-street loading and landscaping shall not exceed 10 percent of the net land area of the large-scale residential development and, provided further, that the location of such commercial facilities shall be approved by the Planning Commission.

**Section 705 - AESTHETIC CONSIDERATIONS IN "PRD'S"**

Due to the potential impact of a large-scale development on the municipality as a whole; and, since the developer is provided the opportunity to modify otherwise minimum development standards, the Planning Commission may withhold the overall approval of such projects as well as the approval of reduced standards pending their review and approval of the proposed overall design, arrangement and layout of the buildings to be erected, including the exterior design of such buildings provided that the architectural character of the large-scale development area will be compatible with that of the adjoining areas.

**Section 706 - "PRD" PROCEDURES FOR APPLICATION**

Procedures for application and approval of a Planned Residential Development plan shall be as provided by the Conemaugh Township Zoning & Subdivision Regulations and the Pennsylvania Municipalities Planning Code, Act 247 and its subsequent amendments. Applications shall be submitted to the Township Supervisors, along with the required fee(s), as set forth by resolution.

**ARTICLE VIII – MANUFACTURED HOME PARK**

**Section 801 - CRITERIA FOR SPECIAL EXCEPTION REVIEW:**

A manufactured home park may be permitted as a special exception in the R3 Residential District with the minimum requirements as hereinafter set forth:

- a. No manufactured home park shall be located or constructed in a designated floodplain area of the Township.

801.01. Lot area.

The minimum area for every manufactured home park hereafter developed shall be 10 acres.

801.02. Plot plan.

Each application shall be accompanied by three copies of a plot plan drawn at a scale of one inch equals 20 feet prepared by a licensed surveyor or engineer, showing limits and square footage of the proposed manufactured home park and location and size of driveways, parking areas, drying areas, playgrounds, service buildings, other buildings and manufactured home lots, together with required setbacks from rights-of-way and property lines. All manufactured home lots shall be numbered in sequence on the plot plan.

801.03. Minimum lot area for each manufactured home.

The minimum unit area for each lot used or occupied by and under each manufactured home shall be as follows:

- a. Seventy-five percent of the lots in one manufactured home park shall be not less than 2,600 square feet in area.
- b. Twenty-five percent of the lots in any one manufactured home park shall be not less than 2,100 square feet in area.
- c. Density in any manufactured home park shall not exceed 10 units per gross acre.

801.04 Minimum width of manufactured home lots.

The minimum width of each manufactured home lot shall be 35 feet.

801.05. Minimum distance between manufactured homes.

No manufactured home shall be placed within 20 feet of one another, provided that, with respect to manufactured homes parked end-to-end, the distance between manufactured homes so parked shall be not less than 25 feet.

801.06. Setbacks.

The distance between manufactured homes and the manufactured home park boundary shall be not less than the yard setback required in the zoning district which abuts each boundary line. In no case shall a manufactured home be parked less than 25 feet from the manufactured home park boundary.

801.07. Manufactured home stands.

The area of the manufactured home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, rotation and overturning. All requirements of the Pennsylvania Uniform Construction Code shall be met.

801.08. Permanent markers.

Every manufactured home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the plot plan.

801.09. Streets and driveways.

The lane or driveway on which an individual manufactured home lot fronts shall be not less than 24 feet in width. In cases where driveways dead-end, there shall be constructed at each dead end a cul-de-sac with a minimum turning radius of 60 feet. All streets and driveways shall be paved in accordance with standards and specifications required for local streets contained in the Conemaugh Township Subdivision and Land Development regulations. All construction material for such roads shall meet established township requirements. Where any manufactured home park has an entrance from a state highway, approval of said entrance from the State Department of Transportation must be secured before said development is approved.

801.10. Water and sewer facilities.

An adequate supply of water approved by the Department of Environmental Resources shall be furnished from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, with supply faucets located on each manufactured home lot. In each manufactured home park, all wastewater from a faucet, toilet,

tub, shower, sink, drain, washing machine, garbage disposal unit or laundry shall empty into an approved sewer system installed in accordance with state and township regulations.

#### 801.11. Service buildings.

Each manufactured home park shall provide service buildings to house the following facilities:

- a. All service buildings shall be permanent structures complying with ordinances regulating the construction of buildings.
- b. All service buildings shall be adequately lighted at all times of the day and night, shall be well ventilated, shall be constructed of such moisture proof material, including painted woodwork, as shall permit repeated cleaning and washing and shall be maintained at a temperature of not less than 68° F. during the period from October 1 to May 1.
- c. All service buildings and the grounds of the park shall be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance or fire hazard.

#### 801.12. Storage tanks.

Gasoline, liquefied petroleum, gas or oil storage tanks shall be so installed as to comply with all township, county, state and national fire prevention code regulations.

#### 801.13. Playgrounds.

The purpose of this section is to provide for area facilities for recreational purposes appropriate to the needs of the occupants. At least 250 square feet of playground space shall be developed and maintained for each manufactured home lot. Each manufactured home park must provide not less than one playground, and no playground shall be less than 2,500 square feet in area. Such areas shall be used exclusively for playground purposes.

#### 801.14. Additions to manufactured homes.

No permanent or semi-permanent structures shall be affixed to any mobile home as an addition to such manufactured home, nor shall any accessory structure be permitted on any manufactured home lot, except one accessory building per manufactured home not to exceed 120 square feet in area, and further excepting those accessory structures required by these regulations and an office structure. The prohibition herein against any addition or accessory building to a manufactured home or manufactured home lot shall not apply to a canopy or awning designed for use with a manufactured home. The manufactured home and any accessory building shall not exceed 40% of the total manufactured home lot.

#### 801.15. Parking.

Parking shall be provided as follows:

- a. Off-street parking shall be provided at the rate of two spaces for each manufactured home lot.
- b. All parking areas shall be paved in accordance with paving standards established by the township.

801.16. Procedures for development.

All procedures for development of a manufactured home park shall be the same as required for a special use exception as specified within this Ordinance and as per the Pennsylvania Municipalities Code.

801.17. Compliance with other regulations.

Plans and supporting information shall be required to show compliance with the Stormwater Management Ordinances or regulations, as hereafter enacted or amended.

## **ARTICLE IX – SIGNS**

### **Section 901 - SIGNS – GENERAL**

#### Section 901.01. General Sign Requirements

- A. Any sign hereafter erected or maintained shall conform to the provisions of this article and any other ordinance or regulations of the township.
- B. Zoning approval and a separate building permit shall be required for all signs and billboards, unless otherwise noted within this article.
- C. All signs shall be erected and maintained in safe, orderly condition. The Zoning Officer may order the repair or removal of any sign which he has declared unsafe. In the event that the owner fails to remove or repair an unsafe sign within 10 days following such notification by the Zoning Officer, it may be removed by the township at the owner's expense.
- D. All signs shall be erected in a manner which will not obstruct vision or in any way impede the safe movement of vehicular and/or pedestrian traffic.
- E. No sign mounted on a building shall project above the ridgeline of a sloping roof or above the eave line of a flat roof.
- F. No sign shall project over a public sidewalk unless authorized as a special exception by the Zoning Hearing Board and approved by the Township Supervisors.
- G. Each sign must be maintained in good condition and repair.

- H. All signs shall be made a part of the architectural design of a new commercial construction or major alterations of existing buildings. Drawings submitted for sign permits shall show size, location and illumination in detail.
- I. All nonconforming signs and billboards at the effective date of this chapter shall not be altered, expanded or enlarged without approval of the Zoning Hearing Board.
- J. All signs or billboards shall also comply with all state and federal regulations relating to signage along highways.

## **Section 902 - RESIDENTIAL DISTRICTS**

### 902.01. Signs Permitted in Residential Districts.

- A. The following types of signs shall be permitted in RR, R1, R2, R3, and CN districts, except as otherwise provided in the district regulations:
  - 1. Traffic control signs, installed and maintained by the township, Somerset County, Commonwealth of Pennsylvania or any other governmental authority, shall not require a permit.
  - 2. Professional, accessory use or name signs. Indicating the name, profession or activity of the occupant of the dwelling, provided that:
    - a. The size of any such sign shall not exceed 10 square feet.
    - b. Not more than one such sign shall be erected for each permitted use or dwelling.
    - c. No such sign shall be illuminated.
    - d. No such sign shall stand more than 10 feet from ground level to the top of the sign.
  - 3. Identification signs. For farms or estates, schools, churches, hospitals, supporting commercial facility uses, and similar permitted uses other than dwellings, provided that:
    - a. The size of any such sign shall not exceed 32 square feet.
    - b. Not more than one sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case one such sign may be erected on each street frontage.
    - c. No such sign shall be illuminated except by concealed or indirect light attached to the sign itself.
    - d. No such sign shall stand more than 10 feet from the ground level to the top of the sign.

4. Signs advertising the sale or rental of premises, provided that:
  - a. Zoning approval and building permits shall not be required for these types of signs.
  - b. The size of any such sign shall not exceed 12 square feet.
  - c. Not more than two such signs shall be erected for any property held in single and separate ownership.
  - d. No such signs shall be illuminated.
  - e. No such sign shall stand more than 10 feet from the ground level to the top of the sign.
5. Signs indicating the location and direction of premises in the process of development (subdivisions, land development...), provided that:
  - a. Zoning approval and building permits shall not be required for these types of signs.
  - b. The size of any such sign shall not exceed 12 square feet.
  - c. Not more than two such signs shall be erected on each 500 feet of street frontage.
  - d. No such sign shall be illuminated.
  - e. All such signs shall be removed on completion or when active work on the development ceases.
6. Temporary signs for contractors and artisans, provided that:
  - a. Zoning approval and building permits shall not be required for these types of signs.
  - b. Such signs shall be erected only on the premises where such work is being performed.
  - c. The size of any such sign shall not exceed 12 square feet.
  - d. Such signs shall not be illuminated.
  - e. Such signs shall be removed promptly upon completion of active work.
7. Directional sign: one, not exceeding 1-1/2 square feet.
8. Directional signs in connection with a parking facility: not to exceed 8 square feet.
9. Any use other than specified in Subsection A(1) through (9) herein, which use is a permitted use in a residential district, and signs for uses which are preexisting, nonconforming uses, provided that:
  - a. The size of any such sign shall not exceed 20 square feet.

- b. Not more than one sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case one such sign may be erected on each street frontage.
- c. No such sign shall be illuminated except by concealed or indirect light attached to the sign itself.

10. Signs for nonconforming uses:

- a. The total area of such signs relating to a single use at the effective date of this chapter or at the effective date of any amendment of this chapter by which any sign shall be made nonconforming shall not be increased.
- b. No such signs shall be changed or replaced except when such change or replacement results in a new sign being in conformity with the following sign regulations:
  - (1) One freestanding business sign or identification sign, not to exceed 32 square feet and shall be set back at least 10 feet from a lot or street line.
  - (2) The total area on one side of all signs attached to a building and facing any one street frontage on any one premises shall not exceed 8% of the area of the wall surface, including window and door areas on which they are displayed.

11. Any signs in any residential district. Shall be non-flashing and non-animated; those not attached to a building shall be set back at least 15 feet from a lot or right-of-way line.

12. No-trespassing sign or sign indicating the private nature of a driveway or premises: provided that the size of any such sign shall not exceed two square feet.

**Section 903 - NONRESIDENTIAL DISTRICT SIGNS**

903.01. Signs Permitted in all Nonresidential Districts:

- A. The following types of signs shall be permitted in the CT, IL, and IH Districts.
  - 1. Any sign permitted in a residential district which relates to a use permitted in the district.
  - 2. Real estate signs. Advertising the sale or rental of premises, provided that:
    - a. Zoning approval and building permits shall not be required for these types of signs.
    - b. The size of any such sign shall not exceed 24 square feet.
    - c. Not more than two such signs shall be erected for any property held in single and separate ownership.

3. Signs indicating the location and direction of premises in the process of development (subdivisions, land development...), provided that:
  - a. Zoning approval and building permits shall not be required for these types of signs.
  - b. The size of any such sign shall not exceed 50 square feet.
  - c. Not more than two such signs shall be erected on each 500 feet of street frontage.
  - d. No such sign shall be illuminated.
  - e. All such signs shall be removed on completion or when active work on the development ceases.
4. Temporary signs for contractors and artisans, provided that:
  - a. Zoning approval and building permits shall not be required for these types of signs.
  - b. Such signs shall be erected only on the premises where such work is being performed.
  - c. The size of any such sign shall not exceed 12 square feet.
  - d. Such signs shall not be illuminated.
  - e. Such signs shall be removed promptly upon completion of active work.
5. Directional signs in connection with a parking facility: not to exceed 8 square feet.
6. Freestanding business or related signs. Freestanding business or related signs shall be permitted as follows:
  - a. Any sign permitted in a residential district.
  - b. One freestanding business sign or identification sign, not to exceed 50 square feet for any one business, except as provided in Subsection A(3)(c).
  - c. Where a group of three or more businesses are located on one parcel or tract, one freestanding business or identification sign shall be permitted per street, and no such sign shall exceed 100 square feet per street.
7. Signs not attached to a building shall be set back at least 10 feet from a lot or street line or any required buffer area. Signs located on a corner lot shall be set back a minimum of 15 feet from the front and side street lines. A freestanding sign shall not exceed 40 feet in height, as measured from the ground to the top of the sign. No sign mounted on a building shall project above the ridgeline of a sloping roof or above the eave line of a flat roof.
8. The total area on one side of all signs attached to a building and facing any one street frontage on any one premises shall not exceed 12% of the area of the wall surface, including window and door areas on which they are displayed.

9. All signs in any CT, IL, and IH District shall be stationary, non-revolving, non-flashing and non-animated; if illuminated, they shall utilize reflected or refracted light in such manner as shall not detrimentally affect any property in another zoning district, except as follows:
  - a. Electronic / changeable message signs shall have a message that does not change more than one time in any eight (8) second time frame.
  - b. The display shall contain a default mechanism that will freeze the sign in one position if a malfunction occurs.
  - c. The display shall not display light of such intensity or brilliance to cause glare or otherwise impair the vision of any motor vehicle operator, or cause a nuisance to any motor vehicle operator.
  - d. The display shall not be configured to resemble a warning or danger signal or to cause a driver to mistake the digital image as a warning or danger sign or symbol, or any official traffic control devices.
  - e. A display shall be equipped with a dimmer control and a photocell, which automatically adjusts the display's intensity according to natural ambient light conditions.
10. Wall signs shall not project over 12 inches from the face of a building.
11. Temporary/portable signs which shall not exceed 12 square feet and not more than two such signs shall be placed on any 100 feet of street frontage. No temporary/portable sign shall be on display for a period of more than 30 days. Temporary/portable signage shall not be displayed more than three times in any one calendar year. "Temporary/Portable sign" shall be defined as a sign which is not permanent and is capable of being carried and/or easily moved.

## **Section 904 - TEMPORARY SIGNS**

### **904.01. Temporary Sign Regulations.**

- A. No stringing of light bulbs, no animated sign nor signs that revolve, swing or have movable parts or have flashing lights or reflectors shall be permitted after the effective date of this chapter, except when authorized as a special exception by the Zoning Hearing Board, and no advertising signs, banner, pennant balance, spinners or display constructed of cloth, canvas, wallboard or other like materials shall be erected, suspended or hung on any property except as otherwise permitted for temporary/portable signs, provided that:
  1. No such sign or display shall exceed in the size the area permitted for permanent signs as provided for each zoning district.
  2. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.

3. No such sign or display shall be permitted within the lines of any public street or public sidewalk, or shall be closer to a curb than 10 feet, unless specifically authorized by other ordinances and regulations of Conemaugh Township.
4. No sign or display shall be permitted to be placed across a public street or highway.

## **Section 905 - BILLBOARDS**

### 905.01. Billboards

A. Billboards shall be permitted by special exception in CN, CT, IL, and IH Districts.

1. Any billboard permitted in the CN District shall not exceed 75 square feet.
2. Any billboard permitted in the CT District shall not exceed 300 square feet.
3. Any billboard permitted in the IL and IH Districts shall not exceed 600 square feet.
4. Setbacks from public road rights-of-way or property lines shall be a minimum of fifty (50) feet.

## **ARTICLE X - OFF-STREET PARKING & LOADING REQUIREMENTS**

### **Section 1001 - TERMS RELATING TO PARKING AND LOADING ARE DEFINED:**

1001.01. FLOOR AREA means the square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar.

1001.02. LOADING SPACE is a space within the main building or on the same lot having a minimum dimension of twelve feet by fifty-five feet.

1001.03. MANEUVERING SPACE is the unobstructed area needed for a truck to back in a single movement directly from the access street into a loading space, the depth of which is measured perpendicular to and from the front of the loading space to the curbside of the most remote lane in the access street.

1001.04. PARKING SPACE is an area on a lot (or within a building) sufficient in size to store one automobile (not less than ten feet wide and twenty feet long) connected to a public street or alley by a driveway not less than ten feet wide. Except for single-family dwellings, the parking space and connecting driveways shall be surfaced with a permanent dust-free paving, except that the pavement for the apron within the street right-of-way shall be the same as specified for the street.

**Section 1002 - THE FOLLOWING OFF-STREET PARKING SPACES SHALL BE PROVIDED:**

1002.01. For DWELLINGS, one space on the lot for each living unit in the building. For dwelling units found in apartments with more than four living units one and one-half spaces for each living unit in the building. For dwellings having a permitted home occupation, one space for resident and two (2) for patron use.

1002.02. For CHURCHES erected on new sites, one parking space on the lot for each four seats in the main auditorium, or each sixty-four (64) square feet where there are no seats.

1002.03. For PLACES OF PUBLIC ASSEMBLY, including auditoriums and theatres, one space for each four seats provided or each thirty-two (32) square feet of assembly area where there are no seats.

1002.04. For ELEMENTARY SCHOOLS, two spaces for each classroom; for JUNIOR HIGH OR MIDDLE SCHOOLS, four spaces for each classroom; and, for SENIOR HIGH SCHOOLS, seven spaces for each classroom.

1002.05. For HOSPITALS, one space for each hospital bed, plus one space for every two employees.

1002.06. For HOTELS OR MOTELS, one space for each guest unit, plus one space for every two employees.

1002.07. For INSTITUTIONS, CLUBS, LODGES, and other PUBLIC AND SEMI-PUBLIC BUILDINGS, one space for each fifty (50) square feet of floor area.

1002.08. For Commercial uses in "CN", "CT", "R1", "R2", and "R3" Districts, sufficient off-street parking to eliminate parking on the street and to reduce the hazards of motorists stopping on the street or highway. (Z.A.- 11/09/88)

1002.09. For industrial uses in the "IL" and "IH" Districts, one space for each two employees on the premises at any one time.

1002.10. For retail and wholesale uses in the "RR", sufficient off-street parking to eliminate parking on the street and to reduce the hazard of motorist stopping on the street or highway.

**Section 1003 - THE FOREGOING REQUIREMENTS ARE SUBJECT TO THE FOLLOWING GENERAL RULES AND EXCEPTIONS:**

1003.01. In the "CN", "CT", and "IL" Districts parking spaces may be provided on a separate lot if within three hundred (300) feet of a building and two or more owners may join together in the provision of this parking space.

1003.02. Parking spaces may be provided in side and rear yards in the "R" Districts and in any yard in the "RR", "C", and "I" Districts except that in the "CT", "C", and "I" Districts, no parking space shall be provided in a front yard unless the building is set back at least forty (40) feet from the street right-of-way line.

**Section 1004 - THE FOLLOWING OFF-STREET LOADING SPACE SHALL BE PROVIDED:**

1004.01. No loading space shall be required for commercial or industrial buildings having a floor area of less than five thousand (5,000) square feet; however, should a loading space be provided, it shall conform to Section 704.02.

1004.02. Commercial or industrial buildings with a floor area of more than five thousand (5,000) square feet shall provide one loading space on the lot for each twelve thousand (12,000) square feet of floor area or fraction thereof. Where such space is located in such a manner that a truck must back directly into the loading space, a maneuvering space of fifty-five (55) feet shall be provided. A minimum vertical clearance of sixteen (16) feet shall be provided for trucks.

**Section 1005 - ALTERATION OF REQUIREMENTS:**

1005.01. Existing buildings not complying with off-street parking or loading requirements may be remodeled, repaired and structurally altered, but any enlargement must provide the parking space as required by the enlargement.

1005.02. For any off-street parking facility as required by this Ordinance, a layout plan showing entrances, drives and parking stalls shall be submitted to the Planning Commission, and before a building permit is issued, the layout must be approved by the Planning Commission.

1005.03. Before an occupancy permit is issued for the building which the required parking facility is to serve, the parking facility must be constructed and certified by the Zoning Officer as being in conformance with all requirements of this Ordinance.

1005.04. Alteration or reduction of these requirements may be made by the Planning Commission where the applicant demonstrates that the specific use of a building would make unnecessary the full number of parking spaces required by this Ordinance.

**ARTICLE IX - ZONING HEARING BOARD - POWERS, DUTIES & ESTABLISHMENT ARE PRESCRIBED**

**Section 1101 - ZONING HEARING BOARD IS CREATED**

1101.01. A Zoning Hearing Board is hereby established. The word "Board" when used in this Ordinance shall be construed to mean the "Zoning Hearing Board". The Board shall consist of three members to be appointed by the Township Supervisors, one of whom shall be designated to

serve until the first day of January in the year following the adoption of this Ordinance; one until the first day of the second January thereafter, and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms, to serve three years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. A Board Member, whose term expires, can be re-elected following a one- year period.

### **Section 1102 - BOARD MEETINGS**

1102.01. The Board shall elect their own officers and adopt rules in accordance with the provisions of this Ordinance. No regular meetings shall be scheduled; however, the Board shall convene upon request of a hearing. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be public records. The concurring vote of two members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation, except as may otherwise be provided in the Pennsylvania Municipalities Planning Code.

1102.02. The Board 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 of copies. In other cases the party requesting the original transcript shall bear the cost thereof.

### **Section 1103 - APPEALS TO THE BOARD**

1103.01. Appeals to the Zoning Hearing Board shall be handled as set forth in the Municipalities Planning Code.

1103.02. Mediation.

a. With respect to proceedings before the Board, the parties may attempt to use mediation as an aid to completing such proceedings. However, in no case shall the Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article and the provisions of the Municipal Planning Code once they have been formally initiated.

b. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. In each case, the mediating parties, assisted by the mediator as appropriate, shall develop terms and conditions for:

- (1) Funding mediation.
- (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- (3) Completing mediation, including time limits for such completion.
- (4) Suspending time limits otherwise authorized in this act, provided there is written consent by the mediating parties, and by an applicant or Board or Township Supervisors or Township Planning Commission if any of them are not a party to the mediation.
- (5) Identifying all parties and affording them the opportunity to participate.
- (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- (7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other sections of this act.

c. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

#### **Section 1104 - POWERS OF THE BOARD**

1104.01. Powers shall be as prescribed by the Municipalities Planning Code.

1104.02. To permit the following two exceptions:

a. Use of premises for public utility and railroad purposes; provided that the Board shall find some compelling necessity for the use, and that any office, repair storage or garage uses are accessory to the main use, and providing use(s) would not be detrimental to the public welfare, would not adversely affect the adjoining property owners, would not unreasonably impair the scheme of zoning use established by the Ordinance, and providing that such exception, as granted, would be the minimum exception required to accomplish the purpose of the request for exception.

b. To permit the reconstruction of a non-conforming building which has been destroyed, or partially destroyed, by fire or Act of God where the Board shall find some compelling public necessity requiring a continuance of the non-conforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.

#### **Section 1105 - PUBLIC HEARING AND PERMITS ISSUED BY THE BOARD**

In exercising the above mentioned powers the Board may, in conformity with the provisions of this Ordinance, reserve or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, appealed from and may take such order, requirement, decision, or

determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. Every change granted or denied by the Board shall be accompanied by a written record specifying the reason for granting or denying the variation.

Any person or persons jointly or severally, aggrieved by a decision of the Board may then appeal as provided by law. Any person applying to the Board, or taking an appeal to the Board, for permission to vary from the provision of this Ordinance, shall pay An application fee to the Township at the time of making such application or appeal, to pay for the advertising and other costs of such application or appeal.

The Zoning Officer shall keep records of all such appeals or applications and of all fees paid thereafter and shall transmit all of such fees collected to the Township Supervisors for deposit to the General Fund of the Township.

## **ARTICLE XII – CONDITIONAL USES**

### **Section 1201 - CONDITIONS FOR APPROVAL**

The uses named in this chapter and the establishment or enlargement thereof shall be considered conditional uses which cannot be adjusted to their environments with a maximum of mutual protection by a rigid application of the district regulations of this Zoning Ordinance which apply uniformly and in detail to the great majority of properties within any particular district. They may be permitted in the districts herein designated by the Supervisors after a public hearing, report and recommendation by the Planning Commission, subject to:

- a) Approval of a site plan and location;
- b) The conditions hereunder prescribed, without variance;
- c) All other applicable provisions of this Zoning Ordinance, unless otherwise prescribed or excepted hereunder, without variance; and
- d) Such other conditions and safeguards that the Planning Commission or Supervisors may recommend and that the Supervisors may approve to protect the best interests of surrounding properties, and the development goals and objectives expressed in the Conemaugh Township Zoning Ordinance

### **Section 1202 - PROCEDURES FOR CONDITIONAL USES**

**A. Submission of Application** - The Application for Conditional Use shall be submitted to the Township Supervisors together with eight (8) additional copies. All information submitted by the proposed conditional use developer shall be considered a part of the application and incorporated into the final permit, by reference. The Plan may contain provisions for phasing of development of a project. The request shall be reviewed by the Township Planning Commission and the application either approved and passed onto the Supervisors for approval or rejected with the reasons for rejection noted. If a Developer feels the application has been unreasonably or

wrongfully rejected, it may request consideration by the Township Supervisors notwithstanding the rejection by the Planning Commission.

**B. Notice Of Application** - The applicant must provide written notice of application to all property owners and tenants occupying property within 2,500 feet of the boundaries of the property upon which the conditional will be located. Proof of service of such notice by Certified Mail or notarized Affidavit of hand delivery must be provided with the application.

### **Section 1203 - APPLICATION AND PERMIT FEES FOR CONDITIONAL USES**

A. Application fees for Commercial Power Generating Windmills:

1. An Application Fee, in accordance with a resolution approved by the Township Supervisors, shall be submitted with the application. In addition, the Applicant shall be responsible for payment of any review fees incurred by the Township in obtaining technical review of any portion of the application submitted which are in excess of the application fee collected.
2. A Permit Fee, in accordance with a resolution approved by the Township Supervisors, per megawatt shall be paid following approval of the conditional use and prior to the issuance of the conditional use permit. Any approval given shall be void if payment of the permit fee has not been made within 5 years of approval. The permit fee shall be utilized to pay the costs of assuring that the project commences in accordance with the approval conditions granted. The Applicant shall be responsible for payment of any costs or fees incurred by the Township in inspecting and reviewing of any portion of the construction or of the facilities to determine that they are proceeding in compliance with the conditions of approval. A conditional use permit once paid and issued shall remain effective for a construction period of 24 months. The construction period may be extended by the Township Supervisors for good cause shown.

B. Application fees for Adult Entertainment Establishments:

1. An Application Fee, in accordance with a resolution approved by the Township Supervisors, shall be submitted with the application. In addition, the Applicant shall be responsible for payment of any review fees incurred by the Township in obtaining technical or legal review of any portion of the application submitted which are in excess of the application fee collected.

2. A Permit Fee, in accordance with a resolution approved by the Township Supervisors, shall be paid upon approval of the conditional use by the Planning Commission and the Township Supervisors, and the issuance of said permit by the Zoning Officer.
- C. Where appropriate, an Impact Fee, payable either annually, or as a lump sum, shall be negotiated between the Supervisors and Developer.

#### **Section 1204 - PROCEDURES FOR APPROVAL**

- A. Planning Commission Public Meeting - Upon receipt of a complete application for approval of a conditional use, the Planning Commission shall advertise for a public meeting. All property owners within the zone of interest shall be notified of the public hearing. A notice of the public meeting shall be advertised one time in a newspaper of general public distribution within Conemaugh Township no more than thirty (30) days nor less than seven (7) days before the public meeting. The Developer shall have the opportunity to request a continuance of the public meeting to provide answers to any objections raised at the public meeting. Continued meetings shall be adjourned Sine Die and shall not require additional advertisements. Following conclusion of the last meeting, the Planning Commission shall prepare a written recommendation to the Supervisors. Notwithstanding any other provision, the Planning Commission shall present its report to the Supervisors within forty (40) days of Developer's application unless the Developer has requested an extension of time, in writing.
- B. Upon presentation of the report of the Planning Commission, or in the event of a failure of the Planning Commission to present the report within the time prescribed, the Supervisors shall consider the Developer's application for conditional use approval and approve or reject the same subject to any conditions deemed appropriate. In the case of denial or conditions being imposed which are not accepted by the Developer, the Supervisors' determination shall be accompanied within five (5) days a written statement of reasons.
- C. Approval shall be in the form of a building permit in substantially the form issued for all permits, subject to any conditions placed thereon through this conditional use approval.

## **Section 1205 - CONTINUED COMPLIANCE**

A Conditional Use granted pursuant to this Chapter shall be conditioned upon full compliance, on a continuing basis, with the requirements set forth in this section and the performance standards identified in the Developer's application and as set forth in the permit document itself.

## **ARTICLE XIII – ENFORCEMENT**

### **Section 1301 – ZONING OFFICER POWERS & DUTIES**

1301.01. The Zoning Officer shall enforce this Ordinance; appeals from his decision may be taken to the Board. (See Article IX) Enforcement shall be pursuant to the procedures and requirements as set forth in the Municipal Planning Code.

### **Section 1302 – BUILDING PERMIT REQUIRED**

1302.01. No building may be undertaken in the Township without an occupancy permit as required by Section 1303.

### **Section 1303 – CERTIFICATE OF OCCUPANCY**

1303.01. Each application for an occupancy permit shall be accompanied by a plat in duplicate, drawn to scale, showing the name of the person making the application, the actual dimensions of the lot to be built upon as shown by a survey, the size, shape, the location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this Ordinance. A record of applications and plats shall be kept in the offices of the Township.

1303..02. Subsequent to the effective date of this Ordinance no change in the use or occupancy of land, or any change of use or occupancy in an existing building other than for dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Zoning Officer.

Every certificate of occupancy shall state that the new occupancy complies with all provisions of this Ordinance. It shall be a statement based on an inspection by the Zoning Officer setting forth either that a building, structure, sign, and/or land complies with this Zoning Ordinance or that a building, structure, sign and/or land may lawfully be employed for specified uses or both.

No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued. A record of all certificates of occupancy shall be kept on file in the office of the Township Supervisors and copies shall be furnished on request to any interested person.

## **Section 1304 – MINOR DIMENSIONAL SETBACK VARIANCE**

1304.01. Minor dimensional side or rear yard variances for decks, pools, or other similar non-enclosed structures, may be approved by the Zoning Officer where the adjoining landowner(s) has executed a consent to waiver of setback, in a form approved by the Township. In any event, said minor dimensional variance shall not permit the side or rear setback to be reduced to less than two (2) feet from the neighboring property line.

## **ARTICLE XIV - AMENDMENTS OF THE ORDINANCE**

### **Section 1400 - GENERAL**

The Township Supervisors may amend this Ordinance upon their own motion or upon action through a petition.

### **Section 1401 - PROCEDURE**

- a. Before voting on the enactment of an amendment, the Township Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the Township Supervisors along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- b. In the case of an amendment other than that prepared by the Township Planning Commission, the Township Supervisors shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Township Planning Commission an opportunity to submit recommendations.
- c. If after any public hearing held upon an amendment the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- d. The Township Supervisors shall, at least thirty (30) days prior to the public hearing on the amendment by them, submit the proposed amendment to the Somerset County Planning Commission for recommendations.
- e. The Township may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Section 904.02.
- f. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Somerset County Planning Commission.

## **ARTICLE XV - VIOLATION AND PENALTY**

### **Section 1501 - VIOLATIONS**

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, the Township Supervisors or, with the approval of the Township Supervisors, the Zoning Officer, or any aggrieved owner or tenant or 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 Township Supervisors. No such action may be maintained until such notice has been given.

### **Section 1502 – PENALTIES**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township.

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

## **ARTICLE XVI - VALIDITY**

### **Section 1601 - VALIDATION**

Should any article or section or any provisions of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, the Township

Supervisors hereby declaring that it would have passed those parts of this Ordinance which are valid, and omitted any parts which may be unconstitutional or otherwise invalid if it had known that such parts were invalid at the time of the adoption of this Ordinance.

**EFFECTIVE DATE:**

This Ordinance shall be in full force and become effective five (5) days after passage as provided by Law. Enacted and ordained into an Ordinance this \_\_\_\_ day of \_\_\_\_\_, 2010.

**BOARD OF SUPERVISORS, CONEMAUGH  
TOWNSHIP, SOMERSET COUNTY**

\_\_\_\_\_  
Steven M. Buncich, Chairman

\_\_\_\_\_  
Wayne A. Kauffman, Vice-Chairman

\_\_\_\_\_  
Albert E. Zuccolotto, Secretary-Treasurer

ATTEST:

\_\_\_\_\_  
Cindy L. Walerysiak, Secretary (Seal)