

***AMITY TOWNSHIP***  
***ZONING ORDINANCE***

AMITY TOWNSHIP ZONING ORDINANCE

ERIE COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 2001-2

AN ORDINANCE DIVIDING THE TOWNSHIP INTO VARIOUS ZONING DISTRICTS AND REGULATING THE CONSTRUCTION, ALTERATION AND USE OF THE BUILDINGS OR LAND WITHIN EACH OF THESE DISTRICTS: DEFINING TERMS: AND PRESCRIBING MINIMUM STANDARDS, PROCEDURES, PENALTIES AND VIOLATIONS.

WHEREAS, the Planning Commission of the Board of Supervisors, after properly advertised public meeting has recommended passage; and

WHEREAS, after due and timely notice by publication as required by law, public hearing upon the proposed Ordinance making districts and classifications as herein set forth having been held by the Amity Township Board of Supervisors, and the Supervisors approved the Ordinance as herein set forth;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors, Ordinance Number 2001-2, known as the Amity Township Zoning Ordinance, and it is hereby enacted and ordained by the authority of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, as follows:

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## ARTICLE 1 GENERAL PROVISIONS

### 101 Title:

The official title of this Ordinance is "Amity Township Zoning Ordinance of 2001".

### 102 Effective Date:

These regulations shall become effective on September 4, 2001 and shall remain in effect until modified or rescinded by the governing body.

### 103 Objectives:

This Ordinance and Zoning Map are intended to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population; emergency management preparedness and operations, airports, and national defense facilities; the provisions of adequate light and air; access to incident solar energy; police protection, vehicle parking and loading space transportation, water, sewerage, schools, recreational facilities, public grounds and other public requirements, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements, preservation of the natural, scenic and historic values in the environment as well as preventing the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other dangers; to preserve prime agricultural and farmland considering topography, soil type, and classification, and present use; to provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing. More specifically, these broad purposes are designed to clearly achieve the objectives of the 1999 Amity Township Comprehensive Plan.

### 104 Compliance:

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

### 105 Severability:

If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of this Ordinance or the application of such provisions to other circumstances shall not be affected.

### 106 Conflict:

Whenever there is a difference between minimum standards or dimensions or provisions specified herein and those contained in other regulations, resolutions or ordinances of the municipality the highest standards shall govern.

**107 Repeal:**

Any resolution or ordinance of the municipality, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict. This Ordinance repeals Amity Township Ordinance No. 73-1 and all amendments thereto.

**108 Municipal Responsibility and Liability:**

The provisions within this Ordinance are designed to fulfill the objectives cited in Section 104. The degree of protection sought by the conditions and requirements of this Ordinance for the present and future residents and landowners in the municipality is considered reasonable for regulatory purposes in the various zoning districts. This Ordinance does not imply that compliance with the minimum requirements or the land uses permitted within such districts will be free from inconvenience, conflicts, dangers or damages. Therefore, this Ordinance shall not create liability on the part of individual members of the governing body or any officer, appointee or employee of the municipality for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

**109 Landowner/Developer Responsibility:**

An applicant under the administration of this Ordinance, which is the owner of land or structures and/or the developer of land or structures, in the municipality is responsible for compliance with all federal, state, county or municipal authority laws, rules and regulations. The municipality is responsible only for compliance with those laws, rules and regulations that it adopts.

## ARTICLE 2 DISTRICT REGULATIONS

### 201 Zoning Map:

A map entitled "Amity Township Zoning Map" is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file, available for examination at the Municipal Building.

### 202 Zoning Districts:

The municipality is divided into the following districts as shown by the district boundaries on the Zoning Map.

C = Conservation

RR = Rural Resource

G = Growth

### 203 District Boundaries:

Boundaries shown within the line of streets, streams, alleys, and transportation rights-of-way between districts shall follow their centerline. The vacation of streets shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerline, by the scale or dimension stated on the Zoning Map or by the fact that it clearly coincides with a property line shown on the Zoning Map, he shall deny the application, and the Planning Commission shall interpret the location of the boundary with reference to the scale of the Zoning Map and the intentions and purposes set forth in all relevant provisions of this Ordinance.

### 204 Description of Districts:

**204.1 Conservation:** Areas designated within these districts primarily contain bottomlands, flood plains, flood fringe areas and wetlands and are intended for stormwater management facilities and all types of agricultural uses, and related uses such as State Game Lands and open land uses, and includes the "Agricultural Operation" uses as defined in the Pennsylvania Municipalities Planning Code.

**204.2 Rural Resource:** Areas designated within these districts are intended for all types of agricultural uses, and related uses such as State Game Lands and open land uses, single-family dwellings, and uses normally associated with rural residential areas, and includes the "Rural Resource Area" uses as defined in the Pennsylvania Municipalities Planning Code.

**204.3 Growth:** Areas designated within these districts are intended for all types of residential uses and uses normally associated with compact residential neighborhoods, and also intended for all types of commercial and industrial businesses, and includes the "Future Growth Area" uses as defined in the Pennsylvania Municipalities Planning Code.

205 Permitted Uses:

The principal uses for each district as shown in the following table shall be according to the common meaning of the term or according to the term in the definitions given in Article 3. Uses within a flood plain shall conform to the uses designated for the underlying district, however, no use shall be permitted that is not in compliance with the provisions of the Amity Township Flood Plain Ordinance and the PA Flood Plain Management Act 166 of 1978 as amended.

<u>Uses</u>	<u>District</u>		
	C	RR	G
Accessory Buildings & Uses	X	X	X
Essential Services	X	X	X
Institutional Services		X	X
All Agricultural Uses	X	X	X
Single-Family Dwellings	X	X	X*
Multi-Family Dwellings			X*
All Businesses			X

\*Note: It will be necessary for the developer to sign a waiver indicating that he is aware that he is building in a Growth District.

206 Lot and Yard Requirements:

The minimum lot area, minimum lot width, minimum depth of front yard, rear yard, and side yard requirements for each District shall be as specified in the following table, and may be reduced in certain circumstances.

Lot and Yard Requirement Table

<u>Zoning District</u>	<u>Minimum Lot Area (Acres) (1)</u>	<u>Minimum Lot Width (Feet) (2)</u>	<u>Minimum Front Yard (Feet) (3) (3.1)</u>
<u>Conservation/Rural Resource</u>			
All Uses	2.0	150	50
<u>Growth</u>			
All Uses (7)	1.0	100	50

The depth of lots shall not be less than one or more than 4 times their width.



	imum Each Side Yard (Feet) (4)	Minimum Rear Yard (Feet) (5)	Maximum Lot Coverage (%) (6)
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Zoning District

**Conservation/Rural Resource**

All Uses 15 15 20

**Growth**

All Uses 15 15 40

(1) Lot area is measured exclusive of a public road right-of-way or private street.

(1) (2) (4) Lot area, lot width and side yard requirements: are for each dwelling unit or business unit; may be reduced in the Growth District for two or more dwelling units or business units on the same parcel by one quarter the requirement for each of the following state/county approved facilities: a sewage collection/treatment system or a water supply/treatment system.

(1) (2) (3) Lot area, width and front yard are measured: at seventy-five (75) feet from centerline of the public road; or along the front of the lots along a private street in a private development, such as a major subdivision, apartment complex, plaza, mall, industrial park, etc.

(3.1) For arterials (Routes 8 and 89) front yards shall be 100 feet and measured from the centerline of road.

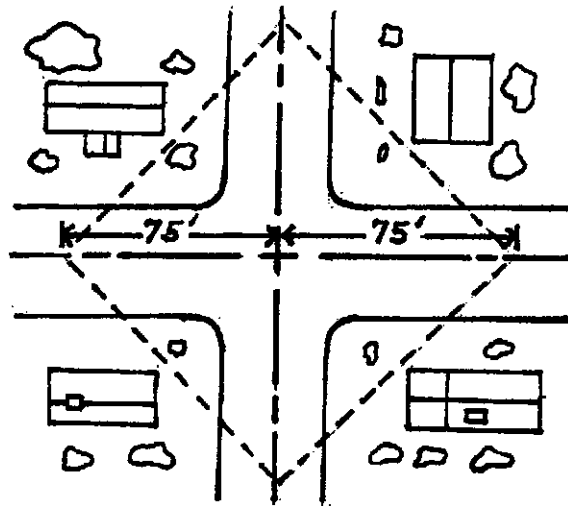
(3) (4) (5) Front, side and rear yard requirements are: for all accessory and principal structures and buildings; not for accessory uses such as fences, crops, livestock, lawns, parking areas, etc. No structure or building shall be closer to the side and rear lot lines than its total height.

(6) Lot coverage is the total ground floor area for all accessory and principal structures and buildings.

(7) In addition to the front yard requirements of this Ordinance, a mobile home park shall comply with the provisions of the Amity Township Mobile Home Park Ordinance No. 310 and the Erie County Mobile Home Park Ordinance, as administered by the Erie County Department of Health.

207 Clear Sight Triangle:

For the purpose of public safety, proper sight lines shall be maintained at all street intersections. Measured along the center-line, there shall be a clear sight triangle of seventy-five (75) feet from the point of intersection. No structure or obstruction such as trees, shrubs, etc., over two (2) feet above grade level shall be allowed in said clear sight triangle. See following illustration.



## ARTICLE 3 DEFINITIONS

### 301 Interpretation:

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is mandatory. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance or in the Pennsylvania Municipalities Planning Code, all words and phrases shall have their normal meaning and usage.

### 302 Specific Terms:

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

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

Accessory Use - a use incidental and subordinate to and located on the same lot occupied by the principal use to which it relates, and includes fences, parking areas, landscaping, etc.

Agricultural Uses - all production, keeping, or maintenance of plants or animals for sale or lease, including forestry and agricultural services.

Applicant - a landowner or developer, as defined in this Ordinance who has filed an application for development including his heirs, successors and assigns.

Application for Development - every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Board - The Zoning Hearing Board of the municipality.

Business Unit - a building or portion thereof containing one (1) or more rooms for a business enterprise accessible from the outdoors either directly or through an entrance hall shared with other business units, and used or intended to be used by one (1) business.

Commercial Businesses - all enterprises primarily related to: retail trade, wholesale trade, services, finance, insurance, real estate, entertainment, etc.

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

Determination - final action by an officer, body or agency charged with the administration of any land use ordinance or application thereunder, except the following: the governing body; the zoning hearing board; or the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development or a new land use.

Dwelling - a building arranged, intended, designed or used as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" includes "home occupation".

- (a) Single family dwelling - a detached building containing only one (1) dwelling unit on a separate lot of record.
- (b) Multi-family dwelling - a building or parcel containing two (2) or more dwelling units, including apartment houses, townhouses, flats, condominiums, duplexes, etc. This term includes "mobile home park".

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

Essential Services - the erection, construction, alteration or maintenance by public utilities or municipal authority or other governmental agencies of underground or overhead: gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection thereof; reasonably necessary for the furnishing of adequate services by

such public utilities or municipal authority or other governmental agencies or for the public health or safety or general welfare, including structures; which are designated as tax-exempt property by the Erie County Tax Assessment Bureau. If not tax-exempt, these services are considered industrial businesses.

Forestry - the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Governing Body - the Board of Supervisors of the municipality.

Home Occupation - any use customarily carried on entirely within a dwelling by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof.

Industrial Businesses - all enterprises primarily related to: manufacturing, transportation, construction, processing, private utilities (including telecommunication facilities), disposal and/or storage (including landfills, injection wells, saw mills, junkyards and recycling operations), and all other businesses not considered commercial by the governing body.

Institutional Services - all public land and buildings related to: governments, municipal authorities, education, health, religion, recreation, utilities, etc.; and non-profit organizations and clubs; which are designated as tax exempt property by the Erie County Tax Assessment Bureau. If not tax exempt, these services are considered commercial businesses.

Landowner - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

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.

Mobile Home - a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. (Refer to Section 406.) (A mobile home shall be verified as being three years old or newer before placement in the municipality.)

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

Mobile Home Park - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Municipal Authority - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945.

Municipality - the Township of Amity, Erie County, Pennsylvania.

Natural Resource Extraction - all mining operations related to: removing solids, liquids, and/or gases from the surface of or below ground.

Nonconforming Lot - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

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

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

Open Land Uses - these private recreational uses involve the need for large areas of open land and include: golf courses, country clubs, fairgrounds, fishing and bird watching clubs and/or animal preserves, skiing and/or hiking, riding stables, and campgrounds, etc.; and do not include firearm discharging, hunting or shooting clubs and/or preserves, or motorized racetracks or clubs, all of which are considered commercial businesses.

Planning Agency - the Planning Committee or Commission of the municipality.

Public Hearing - a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting - a forum held pursuant to notice under the Act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

Public Notice - notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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 7 days for the date of the hearing.

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

Sign - any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representation used for announcement, direction, advertisement of identification.

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

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

Yard - that portion of a lot which is unoccupied and open to the sky and extends from the lot line to the yard line.

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

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

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

Zoning Officer - the Zoning Officer of the municipality.



## ARTICLE 4 SUPPLEMENTARY REGULATIONS

### 401 NONCONFORMING USES AND STRUCTURES:

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

401.1 Any nonconforming use may be continued, or may be changed to a use of the same or a more restrictive classification, but may not be extended or expanded unless to a conforming use, except as permitted by the provisions of this Ordinance.

401.2 Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if such reconstruction is performed within one (1) year of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located, and it must meet the off-street parking and loading requirements of this Ordinance.

401.3 In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance.

401.4 The nonconforming use of a building may be extended throughout those parts thereof which were arranged or designed for such use at the time of adoption of this Ordinance. A nonconforming building or structure may be extended, enlarged or replaced if such expansion does not occupy an area greater than fifty percent (50%) more than the structure occupied prior to such expansion, enlargement or reconstruction. Furthermore, such activities must meet the minimum lot and yard regulations of the district in which the structure is located, and must meet all off-street parking and loading requirements of this Ordinance.

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

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

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

**402 Existing Lots of Record:**

Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and/or width are less than the minimum required by this Ordinance, however, such lot must comply with the yard and coverage standards of the zoning district wherein it is located.

**403 Performance Standards:**

All accessory or principal structures or uses shall not project onto any adjoining lot an unauthorized: odor, smoke, dust, vibration, noise, heat, glare, electrical disturbance or erosion; with the exception of those operations protected within agricultural security areas. Refer to Section 109 of this Ordinance.

**404 Temporary Structures:**

Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress.

**405 Flood Hazard Areas:**

The governing body has adopted an ordinance regulating development within floodplains. All development within designated areas are required to follow the regulations contained in the PA Flood Plain Management Act of 1978 as amended.

**406 Permanent Foundations:**

All principal uses shall be placed on permanent foundations including steel, concrete, concrete block or pressure treated wood extending below the frost line, and properly anchored. All above ground principal buildings shall be properly skirted with durable materials including masonry, fiberglass, aluminum, rigid plastic or other weatherproof building materials. All lightweight fabricated accessory buildings shall be anchored.

**407 Dwellings:**

Any dwelling unit must have a minimum of 800 square feet of living space.

408 Off-Street Parking and Loading:

408.1 Each off-street parking space shall be nine (9) feet by twenty (20) feet exclusive of access drives or aisles, and be in usable shape and condition. There shall be adequate ingress and egress to all parking spaces. Parking or loading areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back into arterials. No parking spaces or areas are allowed within any public road right-of-way.

408.2 Access to off-street parking or loading areas shall be limited to no more than two (2) well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

408.3 Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from adjoining premises of any residential district.

409 Home Occupation:

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed.

409.1 The occupation is customarily carried on in a dwelling unit or in a structure or building accessory to a dwelling unit; and

409.2 The occupation is carried on by a member of the family residing in the dwelling unit. With not more than one employee outside the family; and

409.3 The occupation is carried on wholly within the principal structure or accessory structure; and

409.4 There shall be no exterior display or exterior sign other than permitted by Section 410, no exterior storage or materials, and no exterior indication of the home occupation or variation from the residential character of the principal structure; and

409.5 No offensive odor, smoke, dust, vibration, noise, heat or glare shall be produced; and

409.6 The occupation shall occupy no more than thirty percent (30%) of the principal use.

410 Signs:

No sign shall be permitted except as herein provided:

410.1 In any district, all signs except those maintained pursuant to and in the discharge of any law, ordinance, governmental regulation or function shall comply with the following general requirements:

a.) Signs shall not be illuminated in any manner which will cause undue distraction, confusion or hazard to vehicular traffic. Signs, which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, temperature, weather, or similar information in the Business Districts.

b.) Signs greater than ten (10) square feet in area shall be located not closer than seventy-five (75) feet to a road intersection.

c.) Signs shall not be located to interfere with highway horizontal sight distances, nor shall be located at curves.

d.) Permanent signs must be of professional quality and constructed of durable materials, must be kept in good condition and repair, and not allowed to become dilapidated.

e.) Any permanent off-premise sign which has remained without bona fide advertising for twelve (12) months or which has been without a current lease from the landowner for more than ninety (90) days shall be presumed abandoned and shall be removed within sixty (60) days after notice from the municipality of the abandonment. The word "sign" shall include the structure which supports the sign face as well as the sign face itself.

f.) Hospitals, schools, churches, or industries may place not more than two (2) signs indicating the direction to their facilities. Such signs shall be for directional purposes and shall include only the name of the facility with arrows. Each sign shall not exceed six hundred (600) square inches in area.

g.) One temporary sign naming the contractor, mechanic, or painter engaged in the construction on premises where the sign is located shall be permitted, during the period in which actual construction is taking place, but must be removed no later than thirty (30) days after construction. No permit shall be required.

h.) One development sign not exceeding thirty (30) square feet and advertising a building or improvement or future use of a building being constructed or altered upon the premises may be erected sixty (60) days prior to the start of construction,

during active construction and for not more than thirty (30) days after completion.

i.) One bulletin board not exceeding thirty-five (35) square feet in area will be permitted in connection with any church, school or similar public premises.

j.) One permanent residential development sign, not exceeding thirty-two (32) square feet in area, shall be permitted at major entrances to a residential subdivision designed to identify the subdivision and shall contain no commercial advertising.

k.) Permanent signs advertising a business, commodity, service, or entertainment conducted, sold or offered elsewhere than on the premises shall have an area not to exceed fifty (50) square feet, nor any single dimension exceeding ten (10) feet. Such signs shall not be located within three hundred (300) feet of any other sign on the same side of the road. A signed statement of permission from the landowner must be filed with the zoning application for off premise signage.

l.) Temporary signs, on and off premises, indicating the location and occurrence of a non-profit organizations fund raising sale or event shall be permitted during and thirty (30) days prior to the time period for the sale. Such signs shall not exceed thirty-two (32) square feet in area and shall be removed within two (2) weeks after the end of the event of sale. Said organizations shall not be charged an application fee.

m.) Temporary signs, on and off premises, advertising the sale of edible farm and/or garden products shall be permitted for the duration that such products are available. Such signs shall not exceed thirty-two (32) square feet in area in Rural and Growth zones, and six (6) square feet in area in Rural zones. No permit shall be required.

n.) Temporary real estate sale or political signs not exceeding eight (8) square feet in area shall be permitted on a property. Such signs shall be removed within thirty (30) days following the sale of real estate and/or election.

o.) Zoning permits shall be required for all signs ten (10) square feet in area or larger which shall be regarded as structures within this Ordinance unless specifically excluded.

p.) Application for a zoning permit for sign placements shall include the following information:

1. Name, address, and phone number of the applicant and property owner.

2. A map or site plan showing the location of the building, structure or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings, existing signs, and thoroughfares. Such map or site plan must be to scale.

3. A plan showing the design of sign, materials used, and method of construction and means of attachment to the building or the ground.

4. Name of person, firm, corporation or association erecting, altering, or moving said sign.

**411 Agricultural Buildings:**

Intensively used facilities for animal raising and care, including but not limited to such facilities as feedlots, runs, and pens, shall not be constructed within four hundred (400) feet of a neighboring residential building.

## ARTICLE 5 ADMINISTRATION, ENFORCEMENT AND VIOLATIONS

### 501 Zoning Administration Officer:

The governing body shall appoint a Zoning Officer for the administration of this Zoning Ordinance. The Zoning Officer shall not hold any elective office in the municipality. The Zoning Officer shall meet qualifications established by the municipality and shall be able to demonstrate to the satisfaction of the municipality a working knowledge of municipal zoning.

### 502 Duties of the Zoning Officer:

The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or any change of use which does not conform to this Zoning Ordinance. The Zoning Officer shall be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

#### 502.1 Applications:

The Zoning Officer shall receive applications for zoning permits in accordance with the provisions of the Zoning Ordinance. In addition, the Zoning Officer shall receive all application for appeals and forward same to the appropriate body.

#### 502.2 Zoning Permits:

The Zoning Officer shall issue a zoning permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances. Prior to the issuance of any zoning permit the Zoning Officer shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act, the Pennsylvania Dam Safety and Encroachment Act, the Pennsylvania Clean Water Act, and the U.S. Clean Water Act. No permit shall be issued until this determination has been made.

#### 502.3 Inspection:

The Zoning Officer may examine or cause to be examined all structures and or land for which an application has been filed for zoning permits, and he may conduct such inspections from time to time during and at the completion of the work for which a zoning permit has been issued.

#### 502.4 Nonconforming Uses:

The Zoning Officer shall keep an up-to-date list of all nonconforming uses.

**503     Power of the Zoning Officer:**

The Zoning Officer shall have the following powers:

503.1     The right to make arrangements with property owners to enter and examine any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out his duties.

503.2     The right to issue permits as provided in this Ordinance and keep a record of all permits issued with a notation of all special conditions involved.

503.3     The right to issue "stop work" orders by notice in writing when any construction work is being done contrary to the provisions of this Ordinance or a permit issued under it.

**504     Zoning Permits:**

**504.1     Requirements:**

Until the Zoning Officer has issued a zoning permit applicable thereto, no person shall:

- a.)     Occupy or use any vacant land;
- b.)     Construct, reconstruct, move or enlarge any structure;
- c.)     Change a nonconforming use;
- d.)     Carry on a home occupation;
- e.)     Erect a sign.

**504.2     Applications and Fees:**

Each application for a zoning permit shall present with the application, a plot plan showing clearly and completely the location, dimensions and nature of any structures involved, and such other information as the Zoning Officer may require as to compliance with this Ordinance, together with a filing fee in accordance with a schedule annually affixed by resolution of the governing body. This fee resolution may contain penalty provisions requiring the payment of an additional fee by anyone failing to obtain advance approval of the project.

**504.3     Contractors:**

No contractor, subcontractor or builder shall commence construction of any structure or sign without first ascertaining that a permit has been obtained. Failure to do so shall constitute a violation of this Ordinance.

**504.4     Temporary Permits:**

A temporary permit may be authorized by the Zoning Officer for a period not to exceed one (1) year for nonconforming uses incidental to housing and construction projects, and including but not limited to such structures and uses as storage of building supplies and machinery, and occupation as a residence during the construction period. Any extensions thereof shall,



at the option of the Zoning Officer, be referred to the Zoning Hearing Board.

**504.5 Records:**

The Zoning Officer shall maintain a permanent file of all zoning permits and applications as public record.

**504.6 Permits:**

Any permit shall be exercised within one (1) calendar year from the date of its issue; otherwise it shall become null and void.

**505 Enforcement Notice:**

If it appears to the municipality that a violation of the Zoning Ordinance has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

505.1 The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

505.2 An enforcement notice shall state at least the following:

a.) Name of the owner of record and any other person against whom the municipality intends to take action.

b.) Location of the property in violation.

c.) Specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.

d.) Date before which the steps for compliance must be commenced and the date before which the steps must be completed.

e.) Recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.

f.) Failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**506 Causes of Action:**

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

**506.1 Jurisdiction:**

District Justices shall have initial jurisdiction over proceedings brought under Section 506.2

**506.2 Enforcement Remedies:**

a.) 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 municipality, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was good faith bases 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 (5<sup>th</sup>) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the governing body whose ordinance has been violated.

b.) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

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

507 **Finances and Expenditures:**

507.1 The governing body may appropriate funds to finance the preparation of zoning ordinances and shall appropriate funds for administration, for enforcement and for actions to support or oppose, upon appeal to the courts, decisions of the Zoning Hearing Board.

507.2 The governing body shall make provision in its budget and appropriate funds for the operation of the Zoning Hearing Board.

507.3 The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the municipal solicitor. The Board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed that appropriated by the governing body for this use. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the governing body, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the governing body. Alternate members may receive compensation when designated as alternate members.

507.4 For the same purposes, the governing body may accept gifts and grants of money and services from a private source and from the County, State, and Federal governments.

507.5 The governing body may prescribe reasonable fees with respect to the administration of the zoning ordinance and with respect to hearings before the Zoning Hearing Board. Fees for these hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

508 Exemptions:

This article shall not apply to existing or proposed building, or extension thereof, used by a public utility corporation, if, upon petition, of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

## ARTICLE 6 ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS

### 601 General:

In accordance with Article IX of the PA Municipalities Planning Code, a Zoning Hearing Board shall be appointed and organized, which Board shall adopt rules to govern its procedure. The Board shall hold meetings, keep minutes, and pursuant to notice, conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions in writing within forty-five (45) days after hearing or continued hearing, all as required by law. For the filing of an appeal or proceeding with the Board, a fee shall be charged in accordance with a schedule annually fixed by the governing body.

### 602 Membership of Board:

The Board shall be appointed by the governing body and shall consist of three (3) members, one (1) of whom shall be designated to serve until the first day of January following the adoption of this Ordinance, one (1) until the second January thereafter, and one (1) until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve three (3) years. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant. Members of the Board shall hold no other office in the municipality.

a.) The governing body may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings and shall have all the duties and powers set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the municipality, including Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 507.3 unless designated as a voting alternate member pursuant to Section 604.

### 603 Removal of Members:

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

604 Organization of Board:

604.1 The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 606.

604.2 If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate, as may alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

604.3 The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be, the property of the municipality, and shall submit a report of its activities to the governing body as requested by the governing body.

605 Appeals:

Any person or municipal official aggrieved or affected by any decision of the Zoning Officer may appeal to the Zoning Hearing Board within thirty (30) days by filing a notice of Appeal specifying the grounds thereof. The Board shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made by the Zoning Officer in the administration of this Ordinance. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board.

606 Hearings:

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

606.1 Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board.

606.2 The governing body may prescribe reasonable fees with respect to hearings before the Zoning Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

606.3 The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

606.4 The Board shall conduct the hearings or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to municipality, may, prior to the decision of the hearing, waive decisions of findings by the Board and accept the decision or findings of the hearing officer as final.

606.5 The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

606.6 The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.

606.7 The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

606.8 Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

606.9 The Board or the hearing office, as the case may be, shall keep a stenographic record of the proceedings. The applicant and the Board shall share the appearance fee for a stenographer equally. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either

event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

606.10 The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are give an opportunity to be present.

606.11 The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with reasons therefore. Conclusions based on any provisions to the PA Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that has decision or findings are final, the hearing officer shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision with the period required by this subsection or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor or the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.



606.12 A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with the Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**607 Jurisdiction:**

The Zoning Hearing Board of the governing body shall have exclusive jurisdiction to hear and render final adjudication in matters as delineated in Section 909.1 of the PA Municipalities Planning Code.

607.1 **Applicability of Judicial Remedies:** Nothing contained in this article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091.

**608 Zoning Hearing Board Function:**

**608.1 Variances:**

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

a.) That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

b.) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

c.) That such unnecessary hardship has not been created by the applicant.

d.) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

e.) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

f.) In granting any variances, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the PA Municipalities Planning Code and this Zoning Ordinance.

#### **608.2 Performance Standards**

In cases involving performance standards:

a.) The Board may require a plan of the proposed construction or development, a description of machinery proposed and the specifications for the mechanisms and techniques to be used;

b.) The Board may obtain qualified expert consultants to testify as to whether a proposed use will conform to the performance requirements.

#### **608.3 Nonconforming Uses**

The Board shall have the powers to authorize changes of lawful nonconforming uses as follows:

a.) A nonconforming use which occupies a portion of a structure or premises may be extended within such structure or premises as they existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the district in which such structures or premises are located.

b.) The Board may impose such conditions, as it deems necessary for the protection of adjacent property and the public interest. No change of a nonconforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.

c.) If any nonconforming use of land ceases for any continuous period exceeding one (1) year, any subsequent use of the land shall be in conformity to the regulations of this Ordinance.

#### **608.4 Challenges and Appeals**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

a.) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the PA Municipalities Planning Code.

b.) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.

c.) Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any case and desist order or the registration or refusal to register any nonconforming use, structure or lot.

d.) Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any flood hazard ordinance or such provisions within a land use ordinance.

**609 Governing Body Functions:**

**609.1 Amendments**

a.) The governing body shall hear and decide applications for curative amendment to the Zoning Ordinance pursuant to Sections 609.1 and 916.1 of the PA Municipalities Planning Code.

b.) The governing body shall hear and decide all petitions for amendment of the Zoning Ordinance, pursuant to the procedures set forth in Section 609 of the PA Municipalities Planning Code. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

**610 Validity of Ordinance:**

A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use of development of land in which he has an interest shall submit the challenge as outlined in Section 916.1 of the PA Municipalities Planning Code.

**611 Appeal from Decision:**

Any person(s) aggrieved by any decision (or any taxpayer or any officer of the municipality) may, within thirty (30) days after a decision is rendered by the Board, appeal to the Court of Common Pleas of Erie County, Pennsylvania, in accordance with Article X of the PA Municipalities Planning Code.

## ARTICLE 7 AMENDMENTS

### 701 General:

The governing body may introduce and consider amendments to this Ordinance and to the Zoning Map as Proposed by a member of the governing body, by the Planning Commission, or by a petition of a person residing or owning property within the municipality. Enactment of Zoning Ordinance or amendments shall be pursuant to Sections 609, 609.1 and 609.2 of the procedures set forth in the PA Municipalities Planning Code.

### 702 Petitions:

Petitions for amendment shall be filed with the governing body and referred to the Planning Commission and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee payable to the municipality in accordance with a schedule fixed by the governing body.

### 703 Referral:

Any proposed amendment presented to the governing body without written findings and recommendation from the Planning Commission shall be referred to the Planning Commission and the Erie County Planning Department for review prior to public hearing by the governing body. The Planning Commission and the County Planning Department shall report their findings and recommendations in writing to the governing body within thirty (30) days of the referring action.

### 704 Action:

Before acting upon a proposed amendment, the governing body shall hold a public hearing thereon. Notice of such public hearing, containing a brief summary of the proposed amendment and a reference to the place where copies of the same may be examined, shall be published in a newspaper or general circulation in the municipality for two (2) successive weeks, per the requirements of a public notice.