

HICKORY TOWNSHIP ZONING ORDINANCE

Adopted: December 6, 1999

Amended: April 2, 2001

(Page 9 - Non-Operating Vehicle under Junkyard;

Page 19 - adding Non-Operating Vehicle as Conditional Use Page 33 - adding stipulations to Section 308.13 Junkyards)

Amended: September 4, 2001

(Change of zoning map: from R (Residential) to MUH (Mixed Use Highway) on Route 168 to allow the building of office building with storage in rear of building)

(Deletion of Convenience store; Light Industry; Municipal Uses; Professional Business Office as Conditional Uses) (Renumbering and alphabetizing of all Conditional Uses) (Update of Table of Contents)

Amended: November 3, 2003

(Page 23 - Accessory Living Unit - square footage changed)

Amended: December 3, 2007

(Page 18 - adding Cellular Communications Towers and Antennas as a Conditional Use in the "A" Agriculture zoning district)

Amended: August 4, 2014

(Update Table of Contents) (Redefined Cartway on Page 6) (Changed Garage Repair to Repair Garage and redefined on Page 9) (Added Bakery to definitions on Page 6) (Added Forestry to definitions on Page 9) (Added No Impact Home-Based Business to definitions on Page 11) (Redefined Service Station, Automobile on Page 14) (Added "Use by Special Exception" to Specialized Animal Care on Page 14) (Added "Uses Not Specifically Listed" to definitions on Page 16) (Amended yard definition on Page 16) (Redefined Yard-front on Page 16 to be the full width of the lot between the structure and center line of street which the structure faces) (Beginning on page 19 reestablished permitted uses, conditional uses and special exceptions on all zoning districts) (308.4, Page 26, retitled "Automobile and Repair Garage") (Amended 308.4, Page 26, subparagraph 1-"All vehicles kept outside shall have current registration and be state inspected.") (Amended 308.4, Page 27, subparagraph (6) to read "For automobile service stations, parking shall meet the requirements of Section 407) (Page 35, section 308.16, the words "before issuing an occupancy permit" is deleted) (Table 307.1 on Page 22 amends minimum front yard to 65 feet from center line of the street) (Amended 308.20 on Page 37 subparagraph (b) no oil or gas operation shall be conducted closer than 500 feet) (Amended 308.7, Page 30, subparagraph T-setback of cellular communication tower and communication antenna increases to 1 ½ times the height of tower and antenna) (Pages 60 and 61 anywhere the term "zoning certificate" exists will be deleted and replaced by the term "building permit")

The Hickory Township Zoning Ordinance was written in cooperation with and with the assistance of the following groups:

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ZONING ORDINANCE TOWNSHIP OF HICKORY

An ordinance dividing the township into various zoning districts and regulating the construction, alteration and use of buildings or land within each such district. Be it hereby ordained by the Board of Supervisors of the Township of Hickory, Lawrence County, Pennsylvania that:

ARTICLE 1 – GENERAL PROVISIONS

101- Title: The official title of this ordinance shall be the Zoning Ordinance of the Township of Hickory.

102- Effective Date: This ordinance shall take effect on the 6th day of December, 1999.

103- Purpose and Authority: This ordinance is adopted by virtue of the authority granted to the Township under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and as further amended. The provisions of this Zoning Ordinance are designed for the purpose of protecting the public health, safety, morals, and general welfare.

104- Community Development 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, civil defense, the provisions of adequate Light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements as well as 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. The specific objectives upon which this ordinance has been based include the following:

104.1 - To support and encourage order and beauty in the development of the Township's environment for the convenience and pleasure of present citizens and future residents through provisions of sound and adequate Land development practices and the provision of adequate public utilities and facilities.

104.2 - To protect and maintain the integrity of existing residential areas.

104.3 - To encourage future residential use to occur in a harmonious arrangement with existing neighborhoods.

104.4 - To protect property values to insure a suitable attractive and efficient community development.

104.5 - To ensure harmonious development of commercial and industrial uses.

104.6 - To encourage those industrial uses most compatible with existing and projected land use.

104.7 - To guide commercial development in such a way as to minimize adverse influence on adjacent roads or land values; to maintain and protect existing commercial uses, and to encourage new commercial facilities to locate in functionally designed centers with safe and adequate roadway access.

104.8 - To assure that all land development entities, particularly those of major dimension and with environmental impact, incorporate in their activities sound principals of ecological and environmental preservation and natural resources conservation.

105- Compliance: No structure shall be located, erected, constructed, reconstructed, moved, altered, externally converted, or enlarged, nor shall any structure or land be used or be designed to be used except in full compliance with all the certificates required by this ordinance. Any use not specifically permitted is prohibited.

106- Severability: If any provision of this ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the ordinance or the application of such provision to other circumstances shall not be affected.

107- Repeal: Any resolution or ordinance or any part of any resolution or ordinance conflicting with the provisions of this ordinance is hereby repealed to the extent of such conflict.

ARTICLE 2 - DEFINITIONS

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive. The word "used" or "occupied" as applied to any land or building shall be constructed to include the words "intended, arranged, or designed to be used or occupied."

Accessory Use - A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Accessory Living Unit - Detached living quarters on a single family lot subordinate in size, location, and appearance to the primary residence and providing complete housekeeping facilities for the exclusive use of occupants.

Adult Uses/Establishments

Adult Bookstore - Any establishment having as a substantial or significant portion (25% or greater) of its stock in:

- a) books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
- b) instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult Cabaret - (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

Adult Mini Motion Picture Theater - An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical activities.

Adult Model Studio - A motel or similar establishment offering public

accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

Adult Motion Picture Arcade - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult Newsrack - Any coin operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

Adult Theater - A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

Bath House - An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

Body Painting Studio - Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

Massage Parlor - Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist Licensed by the Commonwealth. This definition does not include an

athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.

Out Call Service Activity - An establishment or business which operates out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

Sexual Encounter Center - Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner as defined in 2A (10) licensed by the Commonwealth, to engage in sexual therapy.

Specified Anatomical Areas - Shall mean and include any of the following:

- 1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae, or;
- 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities - shall include the following:

- 1) showing of human genitals in a state of sexual stimulation or arousal;
- 2) acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sad-masochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
- 3) fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

Agriculture - The production, keeping or maintenance, for sale, Lease, or personal use, of plants and animals useful to man, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; Livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, berries; vegetables; nursery, floral ornamentals, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Alley - A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

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

Bakery – A retail store which sells baked goods to businesses and the general public which may involve on site processing of the goods offered for sale on the premises, but which will not include on site processing of goods for delivery to other retail or wholesale outlets.

Basement - A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet.

Bed and Breakfast - Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

Board - Zoning Hearing Board of the Township of Hickory, Lawrence County, Pennsylvania.

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process equipment, goods or materials of any kind.

Building Height - The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

Building Materials Sales Yard - Any building, premises, or land in which equipment and supplies, for the purpose of constructing buildings, is stored and sold.

Building or Set-back Line - Imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of structure may extend nearer the lot line than the required front yard depth.

Building Permit - Written permission issued by the Zoning Officer for the construction, repair, alteration, or addition to a structure.

Car Wash - A structure containing facilities for washing automobiles and automatic or semi-automatic application of cleaner, brushes, rinse waters, and heat for drying.

Cartway – That portion of a street which is paved graded or improved, including curbs and shoulders, for travel by vehicles.

Cellular Tower - Towers which link a wireless network of radio wave transmitting devices to conventional ground wired communications systems.

Cemetery - Property used for the interring of the dead.

Church - A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Civic/Municipal Use - A building or complex of buildings that house municipal offices and services and that may include cultural, recreational, athletic, garage and material storage, convention and entertainment facilities.

Commission (or Planning Commission) - The Hickory Township Planning Commission of Lawrence County, Pennsylvania.

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

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

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

Conditional Use - A use which is subject to the conditional approval by the Board of Township Supervisors under the terms, procedures and conditions prescribed herein after review and recommendation by the Township Planning Commission as specified by the ordinance.

Contractor Yards - A yard used by contractors to store equipment, vehicles and material.

Convenience Store - Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods such as salads, for offsite consumption.

Coverage - That percentage of the lot area covered by principal and accessory use structures.

Density - The number of families housed on a lot or group of lots divided by the area in acres of the lot or group of lots computed exclusive of any portion of the right-of-way of any road.

Dwelling - A structure or portion thereof that is used exclusively for human habitation.

Dwelling, Multi-family - A building containing three (3) to eight (8) dwelling units, including units that are located one over the other.

Dwelling, Single-family - A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space and yards.

Dwelling, Two-family - A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwellings.

Dwelling Unit - One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Essential Services - The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communication towers and communication antennas.

Family - A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Farm - A parcel of ground devoted to agricultural production whose main business is farming intending to make a profit.

Farm Market - A year round retail sales business specializing in products locally grown.

Farm Produce Sales - The seasonal sale of products raised on a farm from a stand located on the farm.

Fire Station - Any building premises or land in which or upon which municipally supported fire apparatus is housed.

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

Repair Garage – Any building, premises and land or part thereof in which or upon which a business, service or industry involving the maintenance, servicing, repair, body work, engine overhaul, recapping/retreading tires or painting of vehicles is conducted or rendered. All storage of parts and dismantled vehicles and all repair work, car washing and lubrication must be conducted entirely inside an enclosed building. All vehicles kept outside shall be operable, have current registration and be state inspected. All automobile parts, dismantled vehicles and similar materials, tires, batteries, or cars used for parts shall be stored within a completely enclosed building. The premises are limited to no more than six (6) vehicles at any one time (not including employees' vehicles).

Gas Station Mini-mart - Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads for consumption, also for the retail dispensing or selling of fuel and lubricants for vehicles.

Height of a Communications Tower - The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Home Occupation - Any for profit home business carried out by a resident which results in the manufacture or provisions of goods and/or services and is conducted as a customary incidental and accessory use in a dwelling unit.

Junkyard - Any area, lot, land parcel, building or structure or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk. The storage, for any reason, of more than two uninsured and current unlicensed motor vehicles shall constitute a junkyard. The following shall also be considered as junk:

Abandoned Vehicle - shall be prima facie abandoned when the physical possession or control of which has been voluntarily or intentionally relinquished or disclaimed by its owner without reference to any particular persons or purpose and without the intention of returning to reclaim or appropriate such vehicle.

Non-Operating Vehicle - shall be prima facie non-operating when it does not display thereon a current Pennsylvania registration plate and inspection

sticker, or if such current registration plate and inspection sticker are displayed thereon, does not presently meet the requirements of the Pennsylvania Motor Code concerning the condition of vehicles and the necessary equipment to be attached to vehicles in order to pass current state inspection standards. (Ordinance No. 2 of 2001, 4/2/01)

Library - A place in which literary, musical, artistic, or reference materials (as books, manuscripts, recordings, or films) are kept for use but not for sale.

Loading Space/Zone • An off-street space or berth used for the Loading or unloading of cargo, products, or materials from vehicles.

Lot/Parcel/Plot • For purposes of this ordinance, a Lot is a parcel of Land of at Least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as required by this ordinance.

Lot, corner • A Lot at the junction of and fronting on two (2) or more intersecting street rights-of-ways.

Lot coverage -That portion of the Lot that is covered by buildings or other improvements on the ground that are more impervious than the natural surface, such as paving, patios, pools, and driveways.

Lot, depth of -A mean horizontal distance between the front and rear lot lines.

Lot of Record - Any lot which individually or as part of a subdivision has been recorded in the office of the Recorder of Deeds of Lawrence County as of the date of enactment of this ordinance.

Lot, minimum area of -The area of a Lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot, width of -The mean width measured at right angles to its depth.

Lumber Processing and Storage - Any building, premises, or land in which lumber is cut, processed, stored, and shipped to other Locations.

Manufactured Housing - Factory built, single unit, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Housing and Urban Development) code.

Manufactured Housing Community - A site containing spaces with required improvements and utilities that are Leased for the Long term placement of manufactured houses and that may include services and facilities for the resident.

Manufacturing. Light -The assembly, fabrication, manufacture, production, processing and storage of goods or products, including production and storage of chemicals used for sealants. No process involved will produce: noise, Light, vibrations, air pollutants, fire hazard, or emissions noxious or dangerous to neighboring properties.

Mining and Mineral Excavating -The extraction of minerals, including solids, such as coal and ores; Liquids such as crude petroleum; and gasses such as natural gasses.

Mobile Home - A transportable single-family dwelling manufactured prior to January, 1976, intended for permanent occupancy, office use, or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of 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.

Municipal Uses - A land use that typically includes a municipal building, meeting hall, offices, mineral and road material storage, maintenance garage, all under municipal control.

No Impact Home-Based Business – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use and which use complies with all of the following requirement:

- a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b) The business shall employ no employees other than family members residing in the dwelling.
- c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature
- d) There shall be no outside appearance of a business use, including but not limited to parking, signs or lights.
- e) The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception which is detectable in the neighborhood.

- f) The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- g) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- h) The business shall not involve any illegal activity.

Non-Conforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to non-conforming signs.

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

Permitted Use - Any use allowed in a zoning district and subject to the restrictions applicable to the zoning district.

Planning Code - The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Plat - A map representing a tract of land showing the boundaries of individual properties and streets.

Professional/Business Office - The office of a member of a recognized profession maintained for the conduct of that profession.

Public Utility Transmission Tower - A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Race Track - A commercial facility designed for the public accommodation of spectators who pay admission to view automotive competition.

Recreation. Commercial - An enterprise operated by other than a public entity for profit for the indoor or outdoor pursuit of sports, recreation and leisure activities, including, but not limited to, miniature golf, golf or batting practice facilities, ice or roller rinks, racquet clubs, swimming pools, amusement parks, racetracks, video arcades, and similar facilities.

Recreation. Noncommercial - An enterprise operated by an individual, association or corporation, other than a public entity, whether or not for profit and whether or not the facilities are advertised to the general public including either indoor or outdoor facilities for the pursuit of sports, recreation and leisure activities, the use of which is limited to members and their guests, including, but not limited to, country clubs, golf courses, sportsmen 's clubs, golf practice facilities, playing fields, tennis or racquet clubs, fitness clubs, walking or bike trails, and similar facilities.

Recreation. Public - An enterprise operated and maintained by a public entity available to the general public whether or not a user or admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or Leisure activities including, but not Limited to, parks, playgrounds, playing fields, tennis and basketball courts, and similar facilities.

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

Recreation/Community Center - A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency.

Restaurant - An establishment where food and drink are prepared and consumed within the principal building.

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

Sanitary Landfill - A land site used primarily for the disposal by dumping, burial, burning, or other means and for whatever purposes, of garbage, sewage, trash, ref use, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap, or discarded material of any kind.

Saw Mills - A production facility used for converting raw timber into various sizes of lumber.

Screening - A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, beams, or densely planted vegetation.

School - Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

Self-Service Storage Facility - A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Service Station. Automobile – A retail place of business, engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorists' needs, including the sale of petroleum products, sale and service of tires, batteries, automotive accessories and replacement items, washing and lubrication services; the supplying of other incidental automotive customer services and products; and the performing of automotive maintenance and repair, excluding such repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/retreading of tires. A service station may also include the operation of a convenience food store.

Sign - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Building Sign - Any sign attached to any part of a building, as contrasted to a free standing sign.

Canopy Sign - Any sign which is a part of, or attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Commercial Message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

Freestanding Sign - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Incidental Sign - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located such as "no parking", "entrance", "loading only", and "telephone" and other similar directives. No sign with a commercial message legible from a position of the lot on which the sign is located shall be considered incidental.

Non-Conforming Sign - Any sign which does not conform to the requirement of this amendment.

Portable Sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day business.

Projecting Sign - Any sign affixed to a building or a wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Residential Sign - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods and services legally offered on the premises where the sign is located, if the offering such service at such location conforms with all requirements of the zoning ordinance.

Suspended Sign - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign - Any sign that is used only temporarily and is not permanently mounted, including, but not limited to signs announcing special events.

Wall Sign - Any sign attached parallel to, but within six (6) inches of a wall, painted on the wall surface, or etched and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Window Sign - Any sign, picture symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Specialized Animal Care – Use By Special Exception: An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria in this ordinance after public hearing. The use of land and structure for the raising and care of fur-bearing animals, the stabling and care of horses, animal kennels, bird raising, fish hatching, or similar operations.

Street - Any vehicular way that (1) is an existing state or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; includes the Land between the street Lines whether improved or unimproved.

Structure - A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

Subdivision - Major - Any subdivision not classified as a minor subdivision.

Subdivision - Minor - The subdivision of land into not more than ten (10) parcels, including the residual located on an existing improved street that does not involve:

Installation of improvements as required by the Hickory Township Subdivision Ordinance; extension of utilities; frontage on an arterial or collector street; adverse effect to adjoining properties; and conflict with Lawrence County's Comprehensive Plan, any portion of the Hickory Township Subdivision Ordinance or other State, County or Municipal ordinances, laws or regulations.

Temporary Structure - A structure without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

USES NOT SPECIFICALLY LISTED - A use which is not specifically listed in a particular zoning district, but which is determined by the Zoning Hearing Board in accordance with expressed standards and criteria set forth in this ordinance to be similar in characteristics and impacts to another use which is specifically listed in the same zoning district as a permitted use, conditional use or use by special exception.

Variance - Relief from technical requirements in the zoning ordinance which would prevent or restrict a use that is otherwise a legitimate use within a zoning district due to a hardship related to the property in question.

Veterinary Hospital - Place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Yard - Any open space located on the same lot with a building, unoccupied and non-obstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted by this ordinance. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line or street center line and the nearest point of the structure.

Yard. front - An open space extending the full width of the lot between the structure and the center line of the street on which the structure faces.

Yard. rear - An open space extending the full width of the lot line.

Yard. side - An open space extending from the front yard to the rear yard between a structure and the nearest side lot line.

Zoning Certificate - The written authorization issued by the Zoning Officer, for the use of land, or building, or other structure.

Zoning Map - The map containing the zoning districts of Hickory Township, Lawrence County, Pennsylvania, together with all amendments subsequently adopted.

Zoning Officer - The Zoning Officer or his/her authorized representative, appointed by the Board of Hickory Township Supervisors, Lawrence County, Pennsylvania.

ARTICLE 3 – DISTRICT REGULATIONS

301- Zoning Map: A map entitled the Township of Hickory Zoning Map is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file and be available for examination at the Township offices.

302- Zoning Districts: The Township is divided into the following districts stated in this Ordinance as shown by the district boundaries on the Zoning Map:

R	Residential	C - Conservation
A	Agriculture	MUH – Mixed Use Highway
LI	Light Industrial	

303- Annexed Areas: Any territory hereafter annexed by the Township of Hickory will automatically be zoned A - Agriculture, until otherwise classified by the Township.

304- District Boundaries:

304.1-District boundaries that are shown between the lines of streets, streams, and transportation rights-of-ways shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location by a district boundary by such centerlines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this Ordinance.

304.2-When a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations as to the use in a less restricted district shall extend over the portion of the lot in the more restricted district, a distance of not more than 100 feet beyond the district boundary line.

305- Zoning District Changes: All approved changes to zoning districts shall be promptly recorded on the Zoning Map.

306- Permitted Uses. and Conditional Uses: The Permitted Uses and Conditional Uses for each district are shown in Section 306.1 and are considered principal uses unless clearly noted. Conditional Uses may be granted or denied by the Board of Supervisors after the recommendation of the Planning Commission and in accordance with the provisions of this Ordinance. In granting a Conditional Use, the Board of Supervisors may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this ordinance and protect the neighborhood.

Uses in each category shall be according to the common meaning of the term or according to definition set forth in Article 2. Only one (1) principal use per lot in any district will be allowed.

Where a use is proposed, which is similar in nature and intent to those already listed in a zoning district, but not actually listed herein, the Zoning Officer shall refer the request to the Zoning Hearing Board. The Zoning Hearing Board shall approve or deny the request based upon:

1. The purpose and intent of this Ordinance.
2. The similarity of the use to the listed uses and intent of the district.

306.1 - Zoning Districts – Permitted, Conditional Uses and Special Exceptions

R (Residential)

Permitted Uses

Accessory Uses
Single Family Dwelling
Manufactured Housing (308.16)
No Impact Home-Based Business

Conditional Uses

Agriculture (308.3)
Fire Station (308.10)
School and Churches (308.29)

Special Exceptions

Accessory Living Unit (308.1)
Day Care Facilities (308.9)
Home Occupation (308.12)
Two Family Dwelling (308.32)
Uses Not Specifically Listed

A (Agriculture):

Permitted Uses

Accessory Use
Agricultural Service Business
Agriculture
Farm Markets
Farm Produce Sales
Hunting Preserves and Gamelands
Oil and Gas Wells (308.20)
Single Family Dwelling
Essential Services
Forestry
Manufactured Housing (308.16)
No Impact Home Based Business

Conditional Uses

Cemetery (308.8)
Fire Station (308.10)
Library (308.14)
Manufactured Housing Communities (308.17)
Mining (308.18)
Recreation/Community Center (308.22)
Schools and Churches (308.29)

Special Exceptions

Accessory Living Unit (308.10)
Bed and Breakfast (308.5)
Cellular Communications Towers & Antennas
(308.7) (Ord. #2, 12/3/07)
Day Care Facilities (308.9)
Home Occupation (308.12)
Recreational Trails (308.23)
Specialized Anima Care (308.31)
Two Family Dwelling (308.32)
Uses Not Specifically Listed

MUH (MIXED USE HIGHWAY):

Permitted Uses

Accessory Use
Bakery
Convenience Stores
Fire Stations (308.10)
Home Occupation (308.12)
Manufactured Housing (308.16)
Municipal Use
Professional/Business Office
Single Family Dwelling
School/Churches (308.29)
Two Family Dwelling (308.32)
Repair Garage (308.4)
Restaurant (308.25)
Retail Sales (308.26)
Self-Storage Facility (308.30)
Veterinary Hospital (308.33)
Agriculture (308.3)
Essential Services

Conditional Uses

Automobile Service Station (308.4)
Car Wash (308.6)
Gas Station Mini-Mart (308.11)
Oil & Gas Wells (308.20)
Racetrack (308.21)

Special Exceptions

Accessory Living Unit (308.1)
Multi-Family Dwelling (308.19)
Recreational Vehicle Park (308.24)
Uses Not Specifically Listed

(Ordinance No. 2 of 2001, 4/2/01 adding Convenience Stores; Fire Stations; Home Occupation; Manufactured Housing; Municipal Use; Professional Business Office; School/Churches as Permitted Uses and deleting those from Conditional Uses)

C (CONSERVATION)

Permitted Uses

Agriculture (308.3)
Accessory Use
Single Family Dwelling
Manufactured Housing (308.16)

Conditional Uses

Schools/Churches (308.29)
Oil/Gas (308.20)

Special Exceptions

Accessory Living (308.1)
Uses Not Specifically Listed
Cellular Communication Towers & Antennas (308.7)

LI (LIGHT INDUSTRIAL)

Permitted Uses

Agriculture (308.3)
Building Materials Sales Yard
Civic/Municipal Use
Contractors
Light Industry
Truck Terminal Yard
Wholesale and Warehousing
Lumber Processing and Storage (308.15)
Saw Mills (308.28)
Repair Garage (308.40)
Single Family Dwelling

Conditional Uses

Adult Entertainment Establishment (308.2)
Junkyard (308.13) (Ord. #2 of 2001 adopted 4/2/2001)
Mining (308.18)
Oil & Gas Wells (308.20)
Sanitary Landfills (308.27)

Special Exceptions

Accessory Living Unit (308.1)
Cellular Communication Towers & Antennas
Uses Not Specifically Listed

307 - Lot. Yard and Height Requirements: The minimum lot area per family, maximum lot coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, side yard requirements, maximum height of structures for each district shall be as specified in Table 307.1.

308 - Conditional Uses and Special Exceptions: Applications for Conditional Uses or Special Exceptions shall be made to the Zoning Officer. Conditional Uses are to be allowed or denied by the Township Supervisors after recommendations by the Planning Commission. Procedures shall follow those specified in this Ordinance and the Planning Code. The purpose of the Conditional Use and Special Exception category is to provide flexibility within specific zoning districts. However, it is not the intent of this Zoning Ordinance to allow such uses automatically. The chief criteria or standard that any Conditional Use or Special Exception must meet is the effect such a use would have on its immediate surroundings. If such an effect is adverse due to potential noise, traffic congestion, pedestrian traffic, hours of operation, safety or general environment degradation then, regardless of the fact such a proposed use may meet other criteria as listed in this ordinance, it shall be denied. In each case for a Conditional Use, the Supervisors may reasonably place any conditions on the applicant to ensure the integrity of the neighborhood. Special Exceptions are to be allowed or denied by the Zoning Hearing Board. In each case for a Special Exception the Zoning Hearing Board may reasonably place any conditions on the applicant to ensure the integrity of the neighborhood.

TABLE 307.1

LOT, YARD AND HEIGHT REQUIREMENTS

ZONING DISTRICT	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Structure Height (Feet)	Maximum Lot Coverage (%)
<u>R-Residential</u>	1 acre w/o sewers ¹ or water ½ acre with sewers ¹ and water	100 Feet	65 Feet ⁴	10 Feet	10 Feet	35 Feet ²	30%
<u>A-Agricultural</u>	1 Acre ¹	100 Feet	65 Feet ⁴	10 Feet	10 Feet	35 Feet ²	30%
<u>MUH- Mixed Use Highway</u>	1 Acre	100 Feet	65 Feet ⁴	10 Feet	10 Feet	35 Feet ²	30%
<u>C-Conservation</u>	2 Acres ¹	200 Feet	65 Feet ⁴	15 Feet	10 Feet	35 Feet ²	30%
<u>LI-Light Industrial</u>	5 Acres	500 Feet	65 Feet ⁴	15 Feet ³	10 Feet ³	35 Feet ²	40%

¹ Conservation Subdivision Design (see next page)

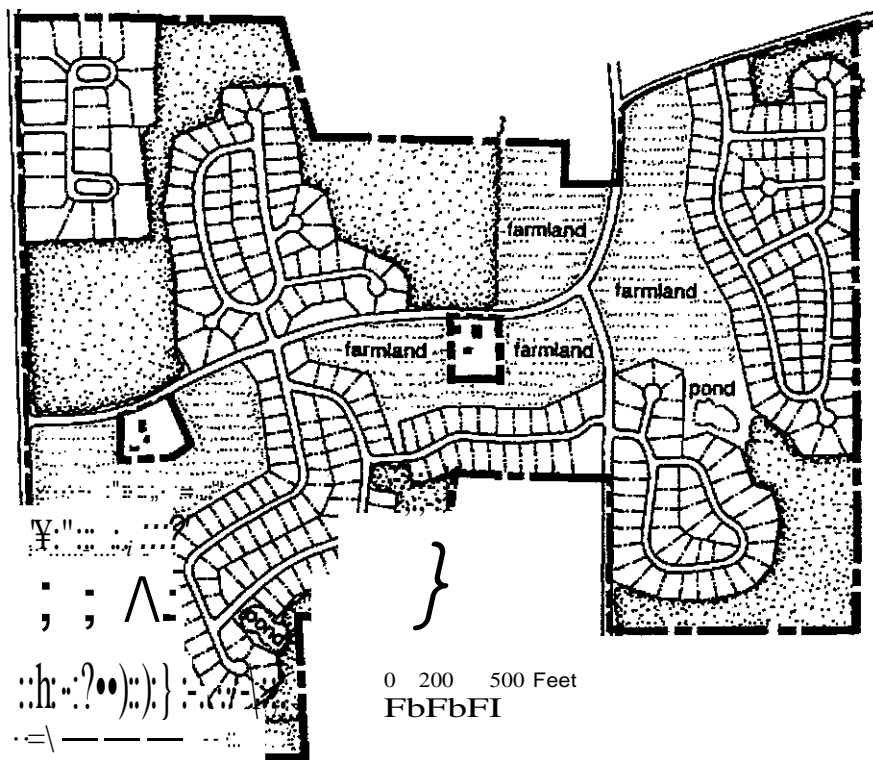
² Agricultural Silos Exempted

³ All LI - Light Industrial uses must be located 100 feet from any non-LI - Light Industrial Zone or any Non-LI-Light Industrial use property line

⁴ From the center line of the street

Conservation Subdivision Design - In the R-Residential, A-Agricultural, and C-Conservation zones, a density bonus shall be given that will allow lot size to be reduced by 50% in all major subdivisions when 40% of the land area (exclusive of right-of-way) is reserved as permanently protected open space.

The most effective means to accomplish this is a permanent conservation easement on the affected property specifying the various conservation uses that may occur on the property. Typically, these may include farming (both tree and crop), open space, and parkland. Ownership may remain with the original landowners, a homeowners association, a land trust, a municipality or a combination of the above. Taxes continue to be paid at the current (pre-development) levels.



Conservation Subdivision
Example No. 1

The following standards are designed to apply to uses only when they are a Conditional Use or Special Exception:

308.1 1 - Accessory Living Unit:

- 1) Department of Environmental Protection/Sewage Enforcement Officer approval for sewer system is required.
- 2) The Accessory Living Unit is for the use of and occupancy of infirm, handicapped, or elderly relatives of the occupants of the primary residence.
- 3) The property shall be Large enough to accommodate the unit within the maximum bt coverage requirement of the applicable zone and offer suitable space for rear and side Lot requirements and utilities.
- 4) The Accessory Living Unit may not be constructed or placed in the front yard of any Lot.
- 5) No Accessory Living Unit may be placed or constructed where there is not a principle residence.
- 6) The total floor area of the Accessory Living Unit shall not be Less than 900 square feet. The maximum height shall be one story. (Amended by Ordinance No. 2, 2003 on November 3, 2003)
- 7) The unit shall be constructed so as to be easily removable. The unit's foundation shall be constructed in such a way as to provide firm and safe anchorage and be easily removable so the bt can be restored to its original use and appearance.
- 8) At least one resident of the Accessory Living Unit must be either infirm, handicapped or elderly (50 years or older).
- 9) The Accessory Living Unit shall be removed upon the death of the dependent occupant. Removal shall be completed within ninety (90) days of such event.

308.2 - Adult Entertainment Establishment:

- 1) Minimum Spacing and Proximity Requirements:
 - a) No adult entertainment shall be bcated within 1,000 feet of any other adult entertainment establishment.

b) No adult entertainment establishment shall be Located within specified distances of certain Land uses as set forth below:

--No such establishment shall be Located within 1,000 feet of a dwelling.

--No such establishment shall be Located within 1,000 feet of any parcel of Land which contains any one or more of the following specified Land uses:

- * Amusement park;
- * Camp (for minors' activities);
- * Child care facility;
- * Church;
- * Community center;
- * Museum;
- * Park;
- * Playground;
- * School and school bus stops;
- * Other Lands where minors congregate.
- * Library
- * School Bus Stop

c) The distance between any two adult entertainment establishments shall be measured in a straight Line, without regard to intervening structures, from the closest point on the exterior parcel Line of each establishment and any Land use specified in subparagraph (B) above shall be measured in a straight Line, without regard to intervening structures, from the closest point on the exterior parcel Line of the adult entertainment establishment to the closest point on the property line of said Land use.

2) No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

3) The following are considered adult uses under this ordinance:

- Adult
- Bookstore
- Adult Cabaret
- Adult Motion Picture Theater
- Adult Model Studio
- Adult Motel

- Adult Motion Picture Arcade
- Adult Motion Picture Theater
- Adult Newsrack
- Adult Theater
- Bath House
- Body Painting Studio
- Massage Parlor
- Out Call Service Activity
- Sexual Encounter Center
- Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

308.3 Agriculture:

- 1) Growing or producing for use on the lot or for sale of domestic livestock, farm grains, feeds or hay, fruits, nursery stock, vegetables, dairy products, poultry, eggs or other crops or produce typical of farm activity in the County of Lawrence, Pennsylvania and related use of equipment and structures necessary for the foregoing purposes.
- 2) The keeping of dairy animals, poultry, or livestock shall require a minimum lot size of two (2) acres.
- 3) The keeping of livestock on area less than five (5) acres in size shall require that a management plan be submitted for review by the Hickory Township Supervisors which spells out the number and description of livestock, nutrient management plan, waste disposal plan, and a fencing or containment plan for poultry or livestock.

308.4 Automobile Service Station and Repair Garage:

- 1) All vehicles kept outside shall have current registration and be state inspected.
- 2) Department of Environmental Protection Regulations regarding underground storage tanks must be followed.
- 3) There is to be no outside storage of tires, batteries, cars used for parts, etc.
- 4) The use shall be screened by a permanent opaque vegetative buffer from residential uses.

- 5) A minimum of thirty (30) percent of the site shall be landscaped in a manner that is compatible with the character of adjoining uses.
- 6) For automobile service stations, parking shall meet the requirements of Section 407.

308.5 Bed and Breakfast:

- 1) Operators shall live on the premises.
- 2) Storm water runoff shall be contained on site.
- 3) No more than eight (8) guest rooms will be permitted.
- 4) One (1) parking space is required for each guest room.
- 5) All signs shall be no larger than four (4) square feet.

308.6 Car Washes:

- 1) The entrance to the car wash shall be designed as to permit a waiting line of at least four (4) cars per wash bay. In no event shall cars be permitted to use the public right-of-way while waiting to use the wash facility.
- 2) All such facilities shall present a drainage plan to the Board.
- 3) Outdoor lighting shall be designed to prevent glare to adjoining uses.
- 4) The use shall be screened by a permanent opaque vegetative buffer from all other uses.
- 5) Must meet the Department of Environmental Protection regulations for water disposal.
- 6) Minimum lot size is one (1) acre.

308.7 Cellular Communications Towers and Antennas:

The following uses is, by right, when conditions A through J are met:

Communications Antennas mounted on an existing Public Utility Transmission Tower, Building or other structure, and Communications Equipment Buildings.

The following use is subject to the conditions set forth in this Ordinance (A through CC):

Communications Towers subject to the Standards for Communications Towers as set forth in Section 4 of this ordinance, and Communications Equipment Buildings.

1) Regulations Governing Communications Antennas and Communications

Equipment Buildings:

- A) Building mounted Communications Antennas shall not be located on any single family dwelling or multi-family dwelling.
- B) Building mounted Communications Antennas shall be permitted.
- C) Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- D) Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.
- E) Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structure capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- F) Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawing indicating how the antennas will be mounted on the structure for review by the Township Engineer with a fee sufficient to cover costs.
- G) Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence or agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- H) Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- I) Communications Antennas shall not cause radio frequency interference with other communications facilities located in Hickory Township.

- J) The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas.

Standards For New Communications Towers

- K) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.
- L) The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- M) Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- N) Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:
1. The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
 2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.
 3. Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

5. A commercially reasonable agreement could not be reached with the owners of such Structures.
- O) Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.
 - P) A Communications Tower may be located on a lot occupied by other principal Structures.
 - Q) Recording of a plat of subdivision or land development shall be required for a Lease parcel on which a Communications Tower is proposed to be constructed.
 - R) The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.
 - S) The maximum height of any Communications Tower shall be set back from the property line (not lease line) at least one and one half times the height of the cellular communications tower and the communication antenna.
 - T) The foundation and base of any Communications Tower shall be set back from a property line (not lease line) at least one and one half times the height of the cellular communication tower and the communication antenna.
 - U) The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
 - V) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association.
 - W) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and

emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.

- X) All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be Located within a fenced enclosure.
- Y) The site of a Communications Tower shall be secured by a fence with a maximum height of eight (8) feet to Limit accessibility by the general public.
- Z) No signs or Lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

- AA) Communications Towers shall be protected and maintained in accordance with the requirements of the industry standards.

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

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

308.8 Cemetery:

- 1) File a site plan to demonstrate the design and layout of the proposed cemetery or cemetery expansion and specifically illustrating: the proposed drainage plan, the internal circulation plan, and the location of accessory building(s).
- 2) Connections to existing township streets will be no closer than fifty (50) feet to an intersection and thirty (30) feet to a driveway on the same side of the street and shall avoid streets or driveways opposite proposed means of ingress and egress.
- 3) Shall demonstrate compliance with applicable state laws.
- 4) All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- 5) All new facilities shall have a size of at least two (2) acres.

- 6) Crematories and mausoleums are strictly prohibited.

308.9 Day Care:

- 1) State inspection and certificate of occupancy issued by Bureau of Labor and Industry.
- 2) Parking and Loading requirements shall meet the requirements of Section 407.2 and 407.2B.
- 3) A fenced play area of not less than 100 square feet per child enrolled must be provided.
- 4) No more than 1 daycare center may be located within 1,000 feet of any other day care center.

308.10 Fire Stations:

- 1) Shall abut by principal frontage on an arterial roadway.
- 2) Proposed site shall provide adequate land area so that vehicles can pull through from the rear. At no time shall abutting road be used to turn vehicles around.
- 3) Proposed location of station must be submitted to the American Insurance Association for comment, before issued a construction permit.

308.11 Gas Station Mini-Mart:

- 1) Building shall not be larger than one thousand five hundred (1,500) square feet in size.
- 2) Outdoor lighting shall be designed to prevent glare to adjoining uses.
- 3) Premises shall be screened by a permanent opaque vegetative buffer from all other uses.
- 4) Litter receptacles shall be placed at the main entrance and adjacent to the parking areas and be emptied daily.
- 5) Dumpsters shall be screened on all four (4) sides by a six (6) foot tall permanent opaque enclosure.
- 6) Dumpsters shall be closed and locked.

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- 7) Trash must be picked up by a licensed hauler once a week.
- 8) All Department of Environmental Protection regulations for underground storage tanks and sewage removal shall be met.
- 9) All of the Americans With Disabilities Act requirements shall be met.
- 10) Storm water runoff shall be contained on site.

308.12 Home Occupations:

- 1) In addition to providing the required parking spaces for residents of the dwelling unit, off-street parking must be provided for employees and customers in accordance with the criteria set forth by this ordinance.
- 2) No home occupation which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. Among the activities prohibited include kennels, veterinary offices, restaurants, small motor repair, automotive repair, automobile bodywork and similar undertaking.
- 3) Home occupations may include, but are not limited to art studios, music studios (limited to one student at a time), professional services, beauty shops, and dress makers.
- 4) The nature of the home occupation shall not change the outward characteristics of the home as a residential unit.
- 5) No more than twenty-five (25) percent aggregate of the home and accessory buildings may be used for a home occupation.
- 6) Signs advertising a home occupation shall be no larger than four (4) square feet.
- 7) Any retail sales shall consist primarily of items made on the premises. No more than twenty-five (25) percent of on-premises sales shall be from items not made on the premises.
- 8) The home occupation shall be customary, incidental and accessory.

308.13 Junkyard:

Junkyards deal with scrap material, junk vehicles and similar material. As such, they serve a valuable role in recycling. However, the potential for environmental problems does not exist. Therefore, such uses:

- 1) Shall be screened on all sides by a fence or acceptable screening at least eight (8) feet high.
- 2) Shall provide proof of compliance with D.E.P. regulations concerning used oil, auto batteries, and other hazardous materials.
- 3) Shall not allow used tires to accumulate. Any accumulation beyond one hundred (100) tires shall be considered a violation of this ordinance. (Ordinance No. 2, 2001 4/2/01)

308.14 Library:

- 1) Parking shall meet the requirements in section 407.
- 2) Storm water runoff shall be contained on site.
- 3) Shall be open to the public during normal business hours.
- 4) The Americans With Disabilities Act requirements shall be met.

308.15 Lumber Processing and Storage:

- 1) Hours of operation shall be between the hours of dawn to dusk.
- 2) The Lumber storage area shall be inspected and approved by the Hickory Township Fire Chief.
- 3) Any operation shall maintain the roads in accordance with the Hickory Township road specifications.
- 4) Any repair to roads shall be completed within one (1) year of the companies evacuation of the site.

308.16 Manufactured Housing

- 1) A manufactured home shall be considered a single-family dwelling subject to all privileges and restrictions of such dwelling. An individual manufactured home implies that it is not in a manufactured home park, but is on its own lot as the principal permitted use.

- 2) A manufactured home shall be placed on a permanent foundation within sixty (60) days of arrival on its lot. The foundation shall be at least four (4) masonry piers set on concrete footers, with a continuous masonry peripheral wall, set on concrete footers, the bottom of which shall be at least three (3) feet below finished grade. A manufactured home shall be securely tied to its foundation by over-the-top or built-in steel straps or cables sufficient to hold the manufactured home to its foundation under high wind conditions. The spacing between the home's floor and the ground below shall be well ventilated and the continuous masonry wall maintained in good condition.
- 3) Before a manufactured home can be occupied, the Sewage Enforcement Officer shall inspect the premises and shall determine that the sewage disposal system has been installed and is in working order.
- 4) Before a manufactured home is removed from its lot, the occupant shall present to the Tax Collector receipts showing that all Township, County and School District taxes, past and present, have been paid in full. When a manufactured home has been removed, and a second manufactured home will not immediately replace it on the same foundation, the lot owner shall backfill the site to the original grade within sixty (60) days after removal of the home.
- 5) Any manufactured home brought into the Township after the effective date of this ordinance shall display evidence that it complies with the National Manufactured Housing Construction and Safety Standards Act of 1976, and amendments thereto.

308.17 - Manufactured Housing Communities:

- 1) All requirements of the Subdivision and Land Development Ordinance for Lawrence County must be met.
- 2) All requirements of the Lawrence Conservation District for erosion and sediment control must be met.
- 3) An opaque vegetative buffer must be used to screen a manufacture housing community from all adjacent residential properties.
- 4) Trash must be picked up by a licensed hauler at least once a week.

- 5) Before a manufactured home may be occupied the Zoning Officer shall inspect the premises and determine that the home has been properly installed and that proper water and sewer attachments have been made.
- 6) Before a manufactured home is removed from its lot, the occupant shall present to the Tax Collector receipts showing that all Township, School District, and County taxes have been paid in full.

308.18 Mining:

Mineral excavation and oil and gas well operations: excavations of sand, gravel, coal and other material from the ground may be permitted in certain districts if approved by the Board of Supervisors in accordance with this section. (Note: This section is intended to apply to both above ground and below ground operations.) It is further the intention of Hickory Township that all activities which are governed by the rules and regulations of the Pennsylvania Department of Environmental Protection shall evidence compliance to those regulations. Therefore, the issuance of any permit or certificate by the Township shall be conditional upon clear evidence, submitted by the developer, of successful compliance with D.E.P. regulations. Such evidence shall consist of permits, official approval letters, or similar official documents of D.E.P. In addition, copies of all applications and permits are to be filed with the Township.

All mineral extraction, except oil and gas shallow wells shall comply with the following minimum requirements and any other measure that the Township might reasonably specify. A zoning certificate shall be required for each property.

- 1) No operation shall be conducted closer than one hundred (100) feet to an adjacent property, unless under common lease or ownership, and no closer than one hundred (100) feet to any road right-of-way lane.
- 2) No operation shall be conducted closer than three hundred (300) feet to an existing dwelling, school, hospital or similar residential use. Isolation distances of one hundred fifty (150) feet to water wells shall be observed.
- 3) The operator shall submit with the zoning application a plan for the restoration of the area to be excavated. It is assumed that such plan will be required by the D.E.P. or other permitting agency. In that event, a copy of the required plan is not required by any other agency, it will be required by the Township.
- 4) The operator shall file with the Township written proof that all regulation and bonding requirements of the Pennsylvania Department of Environmental Protection have been met.

308.19 Multi-Family Dwelling:

- 1) Each unit shall be at least one thousand (1,000) square feet.
- 2) Multi-family structures shall be served by public water and sewer.
- 3) There shall be two (2) parking spaces provided for each unit.
- 4) The use shall be screened by a permanent opaque vegetative buffer from other residential uses.
- 5) Storm water runoff is to be contained on site.

308.20 Oil and Gas Wells

Oil and gas well operations shall be a conditional use provided that the requirements of this subsection of the oil and gas act (58 P.S. §601.101 et seq.), as amended are met.

- a) No operation shall be conducted closer than one hundred (100) feet to an adjacent property, unless under common Lease or ownership, and no closer than one hundred (100) feet to any public road right-of-way.
- b) No operation shall be conducted closer than five hundred (500) feet to an existing dwelling, school, hospital or similar residential use or water source for those uses.
- c) In areas where a zoning certificate shall be required, the Zoning Officer shall issue it. No zoning certificate shall be issued until the following is submitted with the application for a zoning certificate.

--A copy of the permit from the Department of Environmental Protection for the operation and a copy of the well Location map and notice of proposed or existing location form as required by the Department of Environmental Protection.

--The Zoning Officer may require, prior to the permit issuance, a performance and/or a maintenance guaranty. The performance guaranty shall include, at a minimum, but not be limited to provision for adequate protection from any adverse conditions which may result from the well drilling operation.

--The maintenance guaranty shall contain, at a minimum, but not be limited to adequate protection from any damage to adjacent roads and other related property damage.

--The performance and maintenance guarantees, amount and time limit shall be for the period of well development.

- d) As an addendum to the zoning application, a plan accurately drawn to scale, showing the location of all wells as referenced by the location of adjacent properties, roads and natural features.
- e) The gas or oil well and any appurtenant facility or structure shall be screened from all surrounding land uses by an opaque vegetative buffer.

308.21 Race Track:

- 1) Owner shall produce proof of liability insurance upon request of the zoning officer, local police or the supervisors of Hickory Township.
- 2) On no occasion shall engines be run before 4:00 p.m. or after 12:00 midnight.
- 3) Owner is responsible for maintenance of driveway from Route 108 to the facility in a dust free manner.
- 4) Restroom facilities meeting Americans with Disabilities Act regulations shall be provided on the site.
- 5) There shall not be racing on any two (2) consecutive days.
- 6) No cars shall remain on the property after the conclusion of racing for a day.
- 7) The racing area, parking area and pit area shall be cleaned after every race.
- 8) All possible precautions should be taken to reduce noise and dust coming from the track.

308.22 Recreation and Community Centers:

- 1) Parking shall meet the requirements of section 407.
- 2) Consumption of alcohol is only as permitted by the Pennsylvania Liquor Control Board.

- 3) Activities meeting the definition of adult entertainment is strictly prohibited.
- 4) Dumpster shall be screened on all four (4) sides by a six (6) foot tall permanent opaque enclosure.
- 5) Dumpsters shall be closed and secured.
- 6) Trash must be picked up by a licensed hauler once a week.
- 7) Outdoor lighting shall be designed to prevent glare to adjoining properties.

308.23 Recreational Trails:

Any recreation facility used as a nature, hiking or walking, bike or riding trails shall comply with the following regulations:

- 1) The terminus location or primary point of access to the trail facility shall include off-street parking facilities at a ratio of verified maximum trail uses to vehicle spaces not to exceed four to one (4 to 1), and at least one portable toilet facility which shall be serviced on at least a monthly basis.
- 2) Where the trail facility right-of-way abuts a residentially zoned and developed property boundary, the perimeter of the right-of-way shall be planted with a fifty/fifty (50/50) mix of deciduous and evergreen trees, a minimum of two inch (2") caliper, ten feet (10') on center, for the entire length of the abutting residential property.
- 3) The owner/operator of the trail facility shall file with the Township a "user monitor" plan which establishes a regular schedule for inspections for the purpose of trail maintenance, trash removal and security. Failure to maintain said plan shall constitute a violation of this ordinance and subject the owner/operator to all penalties and enforcement remedies provided herein.
- 4) Where the trail facility intersects with duly recorded private or public rights-of-ways or public transportation facilities, warning signs, mobile barriers, closeable gates, or a combination of all three (3) shall be installed within the trail facility right-of-way to prevent a conflict of vehicular and pedestrian movements.
- 5) Motorized vehicles and horses shall not be permitted on the trail facility.
- 6) A notice shall be posted in at least two (2) conspicuous locations along the trail facility within the right-of-way, announcing the hours of operation, rules of conduct, and responsibilities of trail users.
- 7) The operator/owner of the trail shall establish a trail committee with representation shared equally by the operator/owner of the trail and surrounding land owners; to direct the safety and maintenance efforts of the trail.

- 8) The operator/owner of the trail shall file an annual report to the Township Supervisors. Such report shall include complete financial data, committee membership, incident reports and yearly maintenance plan.
- 9) Adequate financial assurance shall be provided to the Township on an annual basis for trail maintenance and upkeep.
- 10) Rest stops and benches shall be provided along the trail within the Township.
- 11) Coordination with Lawrence/Hickory Municipal Authority shall occur to assure access to their sewer line along the railroad right-of-way.

308.24 Recreational Vehicle Park:

- 1) Minimum lot size shall be at least ten (10) acres.
- 2) Ingress and egress from the park shall be to an arterial street.
- 3) All recreational vehicle parks shall conform to the standards of the Hickory Township and Lawrence County Subdivision Regulations.

308.25 Restaurant:

- 1) Parking shall conform to section 407.2.
- 2) Trash disposal receptacles shall be screened on all four (4) sides by a six (6) foot tall permanent opaque enclosure.
- 3) Dumpsters shall be closed and locked.
- 4) Trash must be picked up by a licensed hauler once a week.
- 5) The use is to be screened by a permanent opaque vegetative buffer from all non-commercial uses.
- 6) Outdoor lighting shall be designed to prevent glare to adjoining properties.
- 7) Storm water runoff shall be contained on site.

308.26 Retail Sales:

- 1) Parking shall meet the requirements of section 407.

- 2) The design and landscaping shall be compatible with, and preserve the character of adjoining uses. At least twenty-five (25) percent of the lot shall be landscaped.
- 3) The use shall be screened by a permanent opaque vegetative buffer from residential uses.
- 4) The Americans With Disabilities Act requirements shall be met.
- 5) Outdoor lighting shall be designed to prevent glare to adjoining uses.
- 6) Litter receptacles shall be placed at the main entrance and adjacent to the parking areas and be emptied daily.
- 7) Dumpsters shall be closed and Locked.
- 8) Trash must be picked up by a Licensed hauler once a week.
- 9) ALL Department of Environmental Protection regulations for underground storage tanks and sewage removal shall be met.
- 10) Storm water runoff shall be contained on site.

308.27 - Sanitary Landfill Areas:

- 1) ALL sanitary Landfills shall, at all times, be operated, maintained, and used in strict and full compliance with each and every applicable Law, rule, ordinance and regulation and in addition to the other requirements of this Ordinance shall comply with the following specific requirements;
 - a) The minimum size of the lot or site proposed to be used for a sanitary landfill shall be twenty (20) acres and no part of such lot or site shall be in a flood prone area;
 - b) No disposal, keeping, placing, accumulating, storage, incineration, treatment, processing, recycling, burying or management of solid waste shall occur or be maintained within three hundred (300) feet from the center line of any road, an adjacent property line or the boundary line of the IP - Industrial Park District nor within:
 - 1,500 feet of any dwelling or any other building or structure which, from time to time, is utilized for human occupancy;
 - 3,000 feet of any public school building, hospital, nursing home, home for the aged, municipal building, fire house, church, park or playground;

--1,000 feet of any active agriculturally related business or use;

--2,640 feet of another sanitary landfill facility;

--1,500 feet of any creek, stream, well, aquifer or other body of water that serves as a source of water supply for humans, animals or crops or a community water source.

Each of the above distances or setbacks set forth in subparagraphs B above shall be measured by a straight line from the nearest part of a building or structure, the nearest edge of any part of an agricultural use, creek, water source or property Line of another sanitary landfill to the edge of the actual landfill where refuse and solid waste is to be deposited, disposed of, recycled, buried, processed, managed, stored or treated.

- 2) Fencing at least six (6) feet in height shall be erected, provided and maintained at all times around any work area where sanitary landfill operations are being conducted and the fence shall be of such a nature so as to provide adequate security and safety and to control windblown refuse and waste.
- 3) All property lines adjoining a residential use or residential zoning district classification shall be screened by a buffer area which is at least fifteen (15) feet in depth measured from the property line. The buffer area shall consist of a landscaped area which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping materials and shall consist of a mix of types and sizes of plant material which within three (3) years of planting meets the standard of providing a compact, year-round visual screen at least six (6) feet in height or an existing natural or constructed physical barrier which duplicated the effect of the required buffer area. Trees utilized shall be of a size not less than two (2") inches caliper and the following trees shall not be planted: all varieties of poplar, willow and aspen; common black locust; white or silver maple.
- 4) In addition to the other requirements of this Ordinance, the person applying for a Zoning Certificate and approval for a sanitary landfill shall also submit as part of the person's application, sworn statements which shall include:
 - a) a description of the proposed plans for operating the sanitary landfill and the nature of the solid waste, material garbage and refuse to be received, stored, processed, buried, treated or disposed of at the facility;
 - b) proof of the financial responsibility of the owners or operators of the sanitary landfill as necessary or desirable for the operation and maintenance of the facility, closure of the facility, post-closure monitoring and maintenance, sudden and accidental occurrences, non-sudden and accidental occurrences and compliance with all applicable

laws, rules, regulations and ordinances;

- c) a description of the means of access for vehicles and pedestrians to the facility,
 - d) the names and addresses of the adjoining landowners to whom the Board of Supervisors shall give written notice of the application for conditional use and such other information and materials as the Board of Supervisors may require to review, consider, evaluate and decide upon the issuance of the conditional use authorization.
- 5) If the access to the proposed sanitary landfill facility requires the use of Township streets, roads or thoroughfares, the applicant shall be required to supply sworn statements concerning the size and weight of vehicles which will be used to transport materials to and from the landfill and the frequency and number of vehicles which will use the roads or thoroughfares on a daily basis. After receipt of such information the Township may restrict or prohibit use of streets or roads or require the posting of a bond or providing of security by the owners and operators of the facility to ensure that the owners and operators of the facility will be able to repair, restore and/or replace the roads as the result of any damages or destruction caused by the vehicles transporting solid waste or other refuse to or from the facility.
- 6) The person applying for the permit and/or the owners and operators of the sanitary landfill shall prove that the proposed use and operation of the sanitary landfill will comply with all applicable state, federal and local laws, rules, ordinances and regulations including, but not limited to the Solid Waste Management Act, Act No. 97 of 1980, as such laws, rules, ordinances and regulations may be amended from time to time.
- 7) At least thirty (30) days prior to commencing or initiating any use or operation of the proposed site for sanitary landfill purposes, the applicant and the owners or operators of the sanitary landfill shall provide to the Board of Supervisors written evidence, under oath, showing that they have complied with all applicable state, federal and local laws, rules, ordinances and regulations and have obtained all required permits from all governments and governmental agencies and shall give to the Township true and correct copies of each permit that they have obtained and true and correct copies of all plans, specifications and materials in the final format as they have been approved by the applicable government or governmental agencies. In the event that the final plans, specifications and materials as approved by the necessary governments or governmental agencies differ from the plans submitted to the Township at the time the approval for the conditional use was issued, then the Township may cause the applicant, owners and operators of the landfill to appear before the Board for further hearings prior to the commencement of the use of the premises.

- 8) All required State, Federal and Local permits shall, at all times, be maintained and conspicuously displayed throughout the duration of all landfill operations.
- 9) Any suspension or revocation of any of the required State, Federal or Local permits shall constitute a violation of this Ordinance and will result in immediate suspension or revocation of the Zoning Certificate and approval, enforcement of the penalty provisions of this Ordinance or any and all applicable remedies available to the Township at Law, equity or otherwise, or any combination of the above.
- 10) In January of each year, the owner of the premises and the operator of the sanitary Landfill shall apply to the Zoning Officer for renewal of the zoning certificate and approval and shall present written evidence under oath, of continuing compliance with all conditions of approval and all required State, Federal and local laws, rules, regulations and permits.
- 11) Effect upon the requirements of the Commonwealth of Pennsylvania. To the extent that the requirements hereof differ from those established or to be established by State or Federal Law, by regulation of the Commonwealth of Pennsylvania, Department of Environmental Protection, or by any other Commonwealth or Federal agency, the Federal and Commonwealth requirements and the requirements of this Ordinance shall be deemed to be applicable, it being the intent of this Ordinance to impose requirements more stringent than those applied by the Commonwealth of Pennsylvania, except for engineering or geological standards, which shall not be stricter than those applied by the Commonwealth. Should the requirements hereof be determined to be unlawfully incompatible or unlawfully in conflict with Federal or State Law or regulations, the provisions hereof shall be deemed null and void and of no effect only to the extent of such unlawful incompatibility or conflict.

In the alternative and in the event that any of the provisions of this Ordinance are ultimately found to be invalid or unenforceable and a person obtains all necessary permits, licenses and authorizations to lawfully operate a sanitary landfill or in any manner to store, process, treat, recycle, accumulate, manage, bury or dispose of radioactive, toxic or hazardous materials and wastes of any kind excluded herein, on or under any land or waters in the Township, then and in such event such use may only be made in the IP - Industrial Park District and pursuant to a conditional use authorization and the use must be made in strict and full compliance with all valid provisions of this Ordinance relating to sanitary landfills which provisions are declared to be applicable wherever such use may be Lawfully made in the Township.

308.28 Saw Mills

- 1) Hours of operation shall be between dawn and dusk.
- 2) Shall have an erosion and sedimentation control plan approved by the Lawrence Conservation District.
- 3) Any operation shall maintain the roads in accordance with the Hickory Township road specifications.
- 4) Any repair to roads shall be completed within one (1) year of the companies evacuation of the site.

308.29 Schools and Churches:

- 1) Shall provide all parking and loading/unloading requirements as required by this ordinance.
- 2) Shall be located on a paved, public street with a minimum cartway width of twenty (20) feet.
- 3) The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
- 4) All parking and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
- 5) Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- 6) Such uses shall have, and present, all needed local, county, state, or federal permits in the application stages, the final approval for same shall be a condition prior to issuing a certificate of occupancy.
- 7) In addition to the yard requirements in a particular district, each side yard shall be increased by fifteen (15) feet, front yards by ten (10) feet and rear yards by twenty (20) feet.
- 8) Accessory uses and buildings for such facilities are those which are reasonable and necessary to accommodate the immediate users of the facility. Facilities designed to accommodate other uses (for example a sports complex for an entire school district) shall be viewed as a principal use. Such facilities must present a plot plan, parking facilities, and a traffic impact study.

- 9) Schools and churches shall be serviced by public water and sewer.

308.30 Self-Storage Facilities:

- 1) There shall be no outside storage of any type, at any time.
- 2) In addition to the required side yard and rear yards, and additional ten (10) foot buffer yard shall be required. This buffer yard is to be planted in evergreen trees to provide a visual buffer to surrounding properties. Each such facility shall be serviced by at Least two (2) well-marked driveways of ten (10) to twelve (12) feet in width.
- 3) The entire complex shall be surrounded by a security fence at Least six (6) feet, but not greater than eight (8) feet in height. Said fence shall be no closer to any Lot Line than ten (10) feet. Said fence shall also be kept inside the vegetative buffer.
- 4) There shall be no storage of explosive, hazardous, flammable, incendiary material, or medical waste.
- 5) Signs shall meet the requirements of Section 409.
- 6) Minimum lot size is one (1) acre.

308.31 Specialized Animal Care:

- 1) Any accessory buildings or hatchery ponds for this use shall be kept in setback Lines.
- 2) Animal waste or waste water shall not leave the site, but shall be disposed of in an environmentally approved manner.

308.32 Two Family Dwellings:

- 1) Parking shall be in driveways, garages, side or rear yards. Parking shall not be allowed in front.
- 2) The Sewage Enforcement Officer must agree that the septic system can accommodate two (2) equivalent Dwelling Units.
- 3) There shall be two (2) parking spaces provided for each unit.

308.33 Veterinary Hospital:

- 1) Animals shall be kept inside.
- 2) Outdoor access for animals shall be Limited to the hours between dawn and dusk.
- 3) The use shall be screened by a permanent opaque vegetative buffer from residential uses.
- 4) Department of Environmental Protection Regulations shall be met.

ARTICLE 4 - SUPPLEMENTARY REGULATIONS

401 - Non-conforming uses:

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

- 401 .1** Any non-conforming use may be continued but may not be extended or expanded or changed unless to a conforming use, except as permitted by the Board in accordance with the provision of this Ordinance.
- 401.2** Any non-conforming building may be reconstructed and used as before, if such reconstruction is performed within twelve (12) months of discontinuance of use, if restored building covers no greater area and contains no greater cubic content.
- 401 .3** In the event that any non-conforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one (1) year, such non-conforming use shall not be resumed and further use shall be in conformity with the provisions of this Ordinance.
- 401.4** Nothing contained herein shall require any change on the overall layout plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted, or where no approvals are necessary, where construction has been legally started before the enactment of this Ordinance, and completed within a one (1) year period.
- 401.5** Any structure or portion thereof declared unsafe by a proper authority shall be restored to a safe condition.
- 401.6** Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.
- 401 .7** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to a district of a different classification, this Article shall apply to any uses which thereby become non-conforming.
- 401 .8** The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this ordinance. A non-conforming building or structure may, with the approval of the Planning Commission and Township Supervisors, be extended, enlarged, or replaced if such structure meets the minimum yard coverage, set-back, and height regulations of the district in which the structure is located and must meet all off-street

parking and loading requirements of this ordinance, if applicable.

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 districts in which it is located, even though its dimensions are less than the minimum requirements of this Ordinance, except as set forth hereafter. Where two or more adjacent lots of record with less than the required area and width, are held by one owner, on or before the date of enactment of this Ordinance, or Ordinance No. 2 of 1962, the request for a permit shall be referred to the Zoning Hearing Board which shall require replotting to fewer lots, which would comply with the minimum requirements of this Ordinance.

403 - Application of yard requirements:

- 403.1** Lots which abut on more than one street shall provide the required front yard along every street.
- 403.2** All structures, whether attached to the principal structures or not, whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yard, except as noted in this ordinance. Cornices, eaves, gutters, balconies, steps, stoops, bay windows, or chimneys may project into required spaces provided such projection is not more than twenty-four (24) inches.
- 403.3** A wall or fence six (6) feet or less in height within the limits of any rear or side yard may be erected within the limits of any yard. Front yard fences may be erected provided they do not exceed three (3) feet in height and do not obstruct the view from driveways or adjacent streets. Building permit shall be required for all non-agricultural fences. Retaining wall and fences required for screening under section 408.2 (d), 410.5, 413.1 of this Ordinance, are not subject to the six (6) feet height limitation.
- 403.4** Non-residential buildings hereafter constructed, or uses hereafter established, shall not be located or constructed closer to any lot line, in or adjacent to, any of the residential districts, than the distance specified in the following schedule:

USE

MINIMUM SIDE OR REAR YARD

Off-street parking space and access drives for nonresidential uses; 10 feet

All other nonresidential uses or structures 20 feet

403.5 Location of any accessory building shall adhere to side yard requirements and shall be no Less than ten (10) feet from any rear lot line.

404 - Temporary structures:

Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six (6) month period.

405 - Basement structures:

Residing in basements or foundation structures before completion of total structure, shall not be permitted.

406 - Performance standards:

No use, land, or structure in any district, shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the Township. Furthermore, every use of land or structure in any district must observe the following performance requirements:

406.1 Fire protection: Fire protection and fighting equipment, acceptable to the Board of Fire Underwriters, shall be readily available when any activity the handling or storage of flammable or explosive material is carried on.

406.2 **Electrical disturbances:** No activity shall cause electrical disturbances adversely affecting radio or other equipment in the neighboring area.

406.3 **Noise:** Noise which is determined to be objectionable because of volume or frequency, shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public purposes, which shall be exempt from this requirement.

406.4 **Smoke:** The maximum amount of smoke emission permissible shall be determined by use of the Standard Ringlemen Chart issued by the United States Bureau of Mines. No smoke of a shade darker than No. 2 will be allowed.

- 406.5 Odors:** In any district except the Industrial District, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. This shall not apply to any form of fertilizer in districts where agriculture is a permitted use.
- 406.6 Air pollution:** No pollution of air by fly-ash, dust, vapors, or other substances, shall be permitted which is harmful to health, or to animals, vegetation or other property.
- 406.7 Glare:** Lighting devices which produce an objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
- 406.8 Erosion:** No activity which would cause erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- 406.9 Water pollution:** The method for discharging wastes to surface waters, public sewers, drains, or watercourses shall be acceptable under the provision of the Pennsylvania Sewage Facilities Act (act 537 of 1968), as same may be amended from time to time.

In cases involving performance standards, the Zoning Hearing Board may require a plan of the proposed construction or development, a description of machinery proposed, and specifications for the mechanisms and techniques to be used, and the Board may obtain qualified expert consultants to testify as to whether a proposed use will conform to the performance requirements. The cost of such services shall be borne by the applicant.

- 406.10 Maintenance of Township Roads in a Dust and Dirt Free Condition:** No activity shall be permitted which will result in dust or dirt being carried onto the Township roads. In the event that an activity is anticipated to occur which will necessitate Township cleanup, a deposit of not to exceed \$500.00 shall be made to the Township for the period the activity takes place. The \$500.00 deposit may only be drawn upon after proper notice to the individual or organization is made and the condition is not rectified to the satisfaction of the Township.

407 - Off-street loading and parking:

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

407.1 - Off-street loading:

Every use which requires the receipt or distribution, by vehicle, of material

or merchandise, shall provide off-street Loading berths in accordance with the table which follows:

Off-street loading space requirements

Use	<u>Sq. Feet of floor space</u>	<u>Required off-street loading berths</u>
Schools Churches	15,000 or more	1
Hospitals (in addition to space for ambulance)	10,000-300,000; For each additional 300,000 or more major fractions thereof	1 1 additional
Undertaker and funeral parlors	5,000; For each additional 5,000 or major fraction thereof	1 1 additional
Hotels/Offices	10,000 or more	1
Commercial, Wholesale, Manufacturing, or Storage	Up to 25,000 25,000 to 40,000 40,000 to 60,000 60,000 to 100,000; For each additional 50,000 Or major fractions thereof	1 2 3 4 1 additional
Day care	300 or more	2

Each loading space shall not be less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet in height, and so designed as not to encroach upon the public right-of-way.

407.2 - Off-street parking:

407.2 (a) - Size and access:

Each off-street parking space shall have an area of not Less than 180square feet, exclusive of access drives or aisles, and be usable shape and condition. Except in the case of dwellings, no parking area shall contain less than three spaces: Parking areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back onto major roads or collector or arterial roads. Where a lot does not abut on a public or private alley, or easement of access, there shall be provided an access drive leading to the parking or storage areas or Loading spaces.

Such access drive shall not be less than ten (10) feet wide. Access to off - street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

407.2 (b) Number of parking spaces required:

The number of off -street parking spaces required is set forth in the list below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.

Off-street parking space requirements

	<u>Uses</u>	<u>Required parking spaces</u>
1.	Carwash	5 for each wash lane
2.	Automobile sales/ service garages	1 for each 400 sq ft of floor area
3.	Service Station/Repair Garage	1 for each 100 sq ft of floor or ground area devoted to repair or service facilities
4.	Dwellings	2 for each family including space in garage
5.	Apartment houses	1 for each dwelling unit
6.	Hotels/ motels	1 for each guest room •
7.	Funeral Homes, Mortuaries	10 for first parlor, 5 for each additional parlor
8.	Hospitals, Nursing/Convalescent Homes	1 for each bed for visitors, and 1 for each 1.5 employees (including staff) based upon the peak shift
9.	Churches and Schools	1 for each 3 seats in an auditorium or other place of public or private assembly, or 1 for each 17 classroom seats, whichever is greater

Off-street parking space requirements

<u>Uses</u>	<u>Required parking spaces</u>
10. Community/Civic Buildings and Social Halls	1 for each 50 sq ft of floor area
11. Dance halls, Roller rinks, Clubs and Lodges	1 for each 100 sq ft of floor area
12. Bowling Alleys	8 for each lane
13. Banks and Offices	1 for each 100 sq ft of floor area
14. Medical Offices	8 for each doctor
15. Dental Office	5 for each dentist
16. Retail Stores and Shops	1 for each 100 sq ft of floor area
17. Furniture/Appliance Store	1 for each 200 sq ft of floor area
18. Food Supermarkets	1 for each 100 sq ft of floor area
19. Restaurants/Taverns or Night Clubs	1 for each 2 seats
20. Swimming Pools	1 for each 3 persons for whom baskets or locations are provided
21. Industrial/Manufacturing Establishments	1.2 for each employee on the major shift
22. Wholesale/Warehouses/Truck Terminal	1.2 for each employee on the major shift
23. Day Care	1 for every 3 children enrolled
* If a motel has restaurant facilities included, it must also comply with the off-street parking provisions for same as No. 19 (Restaurant/Taverns and Night Clubs).	

407.2 (c) - Location of parking area:

Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit parking spaces to be Located not more than 200 feet from the Lot of principal use, if located in the same zoning district as principal use, and the board finds that it is impractical to provide parking on the same lot with the principal use.

407.2 (d) - Screening and landscaping:

Off-street parking areas for more than five (5) vehicles, and off-street Loading areas, shall be effectively screened on each side which adjoins or faces any residential district. (See definition of screening)

407.2 (e) - Minimum distance and set backs:

No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property containing a dwelling, school, hospital, or similar institution, and in accordance with section 403.4 of this Ordinance.

407.2 (f) - Surfacing:

With the exception of dwellings, all parking and Loading areas and access drives shall be paved or graded and drained to dispose of all surface water, and designed to provide for orderly and safe loading and parking in accordance with the regulations of the Commonwealth of Pennsylvania.

407.2 (g) - Lighting:

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

408 - Convenience Store:

- 408. 1** Building shall not be Larger than one thousand five hundred (1,500) square feet in size.
- 408.2** Outdoor Lighting shall be designed to prevent glare to adjoining properties.
- 408.3** Premises shall be screened from residential uses by a permanent opaque vegetative buffer.
- 408.4** Litter receptacles shall be placed at the main entrance and adjacent to parking areas and be emptied daily.

- 408.5 Dumpsters shall be screened on all four (4) sides by a six (6) foot tall permanent opaque enclosure.
- 408.6 Dumpsters shall be closed and locked.
- 408.7 The Americans with Disabilities Act requirements shall be met.
- 408.8 Storm water runoff shall be contained on site.

409 - Water recreation and storage areas:

Any facility for water recreation such as private swimming pools, swimming clubs, commercial fishing ponds, or any other water storage facility such as reservoirs, fish hatcheries, sewage lagoons and farm ponds, shall comply with the following regulations:

- 409.1 The facility must meet the yard requirements for the applicable district.
- 409.2 Before a permit shall be issued to the operator or owner of the facility, a plan shall be approved by the Township Supervisors after recommendations by the planning commission as to the size of the facility, proposed use, parking arrangement, and the use of buildings on the site, surrounding properties and their usage, and any other pertinent information.
- 409.3 Adequate screening shall be provided as required.
- 409.4 Where required, each facility shall secure the necessary permits from the Pennsylvania Department of Environmental Protection.

410 - Signs:

No sign, billboard, or exterior graphic display shall be permitted in any district except as herein provided.

- 410.1 In any district, a sign not exceeding two (2) square feet in surface size is permitted which announces the name, address, or professional activity of the occupant, of the premises, on which said sign is located. No zoning certificate or fee shall be required.
- 410.2 A bulletin board not exceeding twenty (20) square feet is permitted in connection with any church, school, or similar public structure.
- 410.3 A temporary real estate or construction sign, not more than forty (40) square feet in area, is permitted on the property being sold, leased, or developed. Such signs shall be removed within ninety (90) days once it has fulfilled its function.
- 410.4 Signs shall be permitted in connection with any commercial activity or

industry when located on the same premises, and if they meet the following requirements:

- 410.5** Signs shall not contain information or advertising for any product not sold on the premises.
- 410.6** Signs shall not have a combined aggregate surface size greater than one-half square feet for each foot of width of the principal structure on the premises.
- 410.7** Signs shall not project over, or be placed upon, public right-of-way or publically owned property.
- 410.8** Signs and structures shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic; nor shall they be constructed as to cause undue glare to neighboring properties.
- 410.9** Directional signs, in connection with any legal commercial activity or industry, may be permitted by the Zoning Board as a special exception, provided they contain no information other than instructions for convenience of vehicular traffic in reaching such commercial activity.
- 410.10** Signs in the commercial and industrial districts may be placed no less than twenty (20) feet from the front lot line. In residential districts, no sign shall be located less than twenty-five (25) feet from the front lot line.

411 - Signs exempt from regulations under this Ordinance:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the zone lot or parcel on which such sign is located.
3. Works of art that do not include a commercial message.
4. Holiday lights and decorations with no commercial message.
5. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.
6. Emergency warning signs erected by governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

7. Political signs, provided they are installed on private property, with the consent of the landowner, no more than sixty (60) days prior to an election and ten (10) days following the election for which they are posted.

412 - Sign Permits:

1. A sign permit is required for all signs except for residential signs.
2. One permit is good for the life of the sign.
3. Any changes made to an existing sign, even if already permitted, requires a new sign permit.
4. Permits for temporary signs:
 - A) A temporary sign permit shall allow the use of a temporary sign for a specified sixty (60) day period.
 - B) A deposit of \$ 50.00 is required with every temporary sign permit. If signs are removed within the sixty (60) day period, the \$50.00 deposit is returned. If the signs remain past sixty (60) days, the Township retains the deposit and may remove the signs.
5. All signs currently in use are permitted under this Ordinance, however, any modifications to the signs have 1) to file a sign permit and 2) must be in conformance with this Ordinance.
6. See Appendix I for sign permit form.

413 - Maximum Structure Height:

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

- 413.1** Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one **(1)** foot for each additional foot of height, however, such increases shall be limited to no more than ten (10) additional feet.
- 413.2** The following structures are exempt from height regulations provided they do not constitute a hazard: communications towers, church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, agriculture silos, stand pipes, elevated water tanks, derricks and similar structures. However, for the above structures, all yard and set-back requirements must be met; in addition, any structure with a height in

excess of fifty (50) feet will be first referred to the Township Engineer relative to public safety considerations.

413.3 For all residential uses, accessory buildings shall not exceed twenty-four (24) feet in height. This regulation is not to be applied to operating farms and buildings used for agricultural purposes.

ARTICLE 5 – ADMINISTRATION, ENFORCEMENT AND APPEALS

501 - Zoning Officer:

The Board of Supervisors shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

502 - Duties of the Zoning Officer:

The Zoning Officer shall literally interpret and enforce all the provisions of the Zoning Ordinance and shall have such duties and powers as are conferred on him/her by the Zoning Ordinance and are reasonably implied for that purpose.

502.1 - Applications. Building Permits and Inspections:

He/She shall receive applications for building permits and may make all inspections in accordance with the provision of the Zoning Ordinance.

502.2- Inspection:

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

502.3- Non-conforming uses:

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

503 – Building permits/Requirements:

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

503.1

- a) Occupy or use any vacant Land.
- b) Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged.
- c) Change the use of a structure or Land to a different use.
- d) Change a non-conforming use.

503.2 - Expiration of Building Permit:

The building permit shall expire one (1) year from the date of its issuance.

503.3 - Application and fees:

Each applicant for a building permit shall present, with the application, a plan of the property showing, clearly and completely, the location, dimensions and nature of any structure involved and any other information the Zoning Officer may require as to comply with this Ordinance, together with a filing fee in accordance with the schedule of same as fixed annually by the Board of Supervisors.

503.4 - Records:

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

504 - Building Permits:

Each applicant who applies for a building permit as required by this Ordinance shall include a filing fee in accordance with the schedule as fixed annually by the Board of Supervisors. No building permit shall be required for exterior maintenance work (replacing roofing materials, siding, paint, etc.) or interior maintenance (painting, floor coverings, wiring or plumbing upgrades).

All exterior additions of over \$100.00 including adding to existing structures, any outbuilding with foundation or conversions to a new use shall require a building permit.

505 Violations:

When it appears to the Township and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

AA) The name of the owner of record and any other person against whom the Township intends to take action.

BB) The location of the property in violation.

- CC)** The specific violation with a description of the requirements which have not been met, citing, in each instance, the applicable provisions of the Ordinance.
- DD)** The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- EE)** That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- FF)** That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

505.1 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, the Zoning Officer of the Township, or any aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a Landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township of Hickory. No such action may be maintained until such notice has been given.

505.2 District Justices shall have initial jurisdiction over proceedings brought under this section.

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

District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event, there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation continues shall constitute a separate violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation . All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

506 -Appeals:

The procedure and time limitations for appeal from any ordinance, decision, determination, or order of the Board of Supervisors, Zoning Officer, Zoning Hearing Board, or other applicable agency or officer of the municipality, in the enactment of administration of this Ordinance, shall be in conformance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended), which time limitations are stated to be thirty (30) days.

ARTICLE 6 – ZONING HEARING BOARD

601 - General:

In accordance with Article IX of the Pennsylvania Municipalities Planning Code, a Zoning Hearing Board shall be appointed and organized. This Board may 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, render decisions in writing within forty-five (45) days after hearing or continued hearing, all as required by law. For filing of any appeal or proceeding with the Board, a fee shall be charged in accordance with a schedule annually fixed by the Board of Supervisors.

- 601.2** Except as provided in sections 910, 912, 1004, and 1005 of the Pennsylvania Municipalities Planning Code, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the Supervisors.

602 - Appeals:

Any person or Township official aggrieved or affected by any provision of this Ordinance or by any decision of the Zoning Officer, may appeal to the Board within a reasonable time, as provided by rules of the Board, 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.

- 602.2** Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth exactly the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed the variance should be granted.
- 602.3** The hearings shall be conducted in accordance with section 908 of the Pennsylvania Municipalities Planning Code. The Board may appoint any member as a Hearing Officer. The decision, or where no decision is called for, the findings, shall be made by the Board, but the parties may waive decision of findings by the Board and accept the decision of the Hearing Officer as final.
- 602.4** Where the Zoning Hearing Board has jurisdiction over a zoning matter, it shall also hear all appeals which an applicant may elect to bring before it with the respect to any municipal ordinance or requirement

pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon, as provided in section 908 of the Planning Code. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of record on appeal to court.

603 - Variances:

In accordance with Section 912 of the Pennsylvania Municipalities Planning Code, the Zoning Hearing Board, upon appeal, shall have power to authorize variances from the provision of this Ordinance. The applicant must provide evidence to the Zoning Hearing Board of the need for the variance based upon following criteria provided in said §912 of the MPC, as may be amended from time to time by the Pennsylvania legislature.

- 603.1** In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Zoning Ordinance.
- 603.2** That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 603.3** That such unnecessary hardship has not been created by the appellant.
- 603.4** That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 603.5** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

604 - Performance standards:

See Section 406.

605 - Non-conforming uses:

The Board shall have the power to authorize changes of lawful non-conforming uses as follows in accordance with Article 4:

605.1 A non-conforming 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 structure or premises is located.

605.2 The Board may impose such conditions as it deems necessary for the protection of adjacent property and public interest. No changes of a non-conforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.

606 - Appeal from Board's decision:

Any person aggrieved by any decision of the Board, or any taxpayer of the Township of Hickory, may within thirty (30) days after notice of such decision of the Board, appeal in accordance with Article X of the Pennsylvania Planning Code.

ARTICLE 7 - AMENDMENTS

701 - General:

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

702 - Petitions:

Petitions for amendments shall be filed with the Planning Commission and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a schedule affixed by resolution by the Board of Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Supervisors.

703 - Referral:

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Hickory Township Planning Commission and the Lawrence County Planning Commission, shall be referred to these agencies for review prior to public hearing by the Township Supervisors. A thirty (30) day review period shall be allowed before the Township Supervisors may take final action on the amendment.

704 - Action:

Before acting upon a proposed amendment, the Board of Supervisors shall hold a public hearing thereon. Notice of such public hearing, containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, shall be published once a week for two successive weeks in a newspaper of general circulation and in the Legal newspaper of the Township. The first publication shall be at least fourteen (14) days, but not more than thirty (30) days prior to the date of the hearing.

705 - Curative amendments:

A Landowner who desires to challenge on substantive grounds, the validity of this Zoning Ordinance or Map, or any provision thereof, which prohibits or restricts the use of development of Land in which he/she has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his/her challenge and proposed amendment be heard and decided as provided in section 609.1 and 1004 of the Pennsylvania Municipalities Planning Code (Act 247) as amended. As with other proposed amendments, the curative amendment shall be referred to the Hickory Township Planning Commission and the Lawrence County Planning Commission at Least thirty (30) days before the hearings conducted in accordance with Subsections (4) and (8) of Section 908 of Act 247.

