

**EAST DEER TOWNSHIP**

**ZONING ORDINANCE**

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ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Commissioners, Township of East Deer, County of Allegheny, State of Pennsylvania, by authority of and pursuant to the provisions of Act 247, as amended, of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

ARTICLE I

GENERAL PROVISIONS

Section 100 TITLE

An ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; and providing for the administration of such ordinance.

Section 101 SHORT TITLE

This ordinance shall be known and may be cited as the "East Deer Township Zoning Ordinance."

Section 102 PURPOSE

This ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and National defense facilities, and the provision 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
- B. To prevent one or more of the following: overcrowding of Land, blight, danger and congestion in travel and

transportation, loss of health, life or property from fire, flood, panic or other dangers.

- C. This ordinance is inclusive zoning in that no use may be operated in a District unless it is specifically listed as a use by the right for the District.

Section 103 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health and safety, morals, and the general welfare of East Deer Township and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the heights of the building, or requires a larger open space than is imposed or required by such Ordinance, rules, regulations, or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

Section 104 EFFECTIVE DATE

The effective date of this ordinance is April 12, 1987.

## ARTICLE II

### STATEMENT OF COMMUNITY DEVELOPMENT

#### Section 200 PURPOSE

In addition to the foregoing purpose, this Ordinance is intended to assist in achieving to the extent possible the Implementation of the East Deer Township Comprehensive Plan, 1975, as amended.

#### Section 201 GOALS

The specific objectives of this Ordinance are a summary of the goals extracted from the East Deer Township Comprehensive Plan, 1975, as amended. The specific objectives relate to the physical resources, enhancement of environmental conditions and the provisions of a community identity.

##### A. Land Use

1. Encourage the proper development of vacant lands by preserving scenic beauty, encouraging proper development techniques and coordinating with adjacent communities.
7. Discourage inharmonious and incompatible land use combinations.
3. Guide development through arrangement of land uses that will encourage quick, convenient and safe access between working, shopping, living and recreation areas, and encourage the provision of necessary community facilities.
4. Protect wooded or agricultural lands for recreational uses, especially in areas of steep slope.

##### B. Environment

1. Encourage protection of the natural ground cover, prevention of soil erosion and proper methods of storm water drainage in developed areas.
2. Protect watersheds and streams from pollution to insure both the availability and the quality of water for current and future needs of the Township residents.
3. Propose development densities according to the Holding capacities determined by surface and slope characteristics.



4. Prevent the local occurrences of air pollution and work regionally toward an effective clean air program.
5. Provide safeguards for mineral extraction activities to minimize negative environmental effects.

C. Housing

1. Encourage the rehabilitation of deteriorating housing, the continued upkeep of existing sound housing units, and the removal of dilapidated structures.
2. Relate all housing to surrounding land uses, roadways and slope characteristics through zoning and subdivision regulations.
3. Encourage the development of housing and building Codes to insure sound construction of new housing units and the proper maintenance of existing housing.

D. Community Facilities

1. Combine the efforts of the Township with those of the Deer Lakes Region, County, and the State to provide better community facilities.
2. Develop priority scheduling and fiscal planning for the development of additional community facilities.
3. Encourage the modernization of existing public facilities and buildings.

E. Economics

1. Preserve existing industry in the Township
2. Promote the preservation of land well suited for industrial use.
3. Promote the further development of social overhead Capital, i.e. sewers, water, utilities.

F. Transportation

1. Correct existing roadway deficiencies to provide a more efficient roadway system for present needs and to prevent future deficiencies.
2. Promote the development, of a street and road system that is capable of accommodating existing and future residential, commercial and recreational development.

3. Encourage the expansion of arterial streets in a manner which will take full advantage of presently developing State and Regional highways.

Section 202 STATEMENT OF CONSISTENCY

This Ordinance is made in accordance with an overall program, the "East Deer Township Comprehensive Plan, 1975, as amended", and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

## ARTICLE III

### DEFINITIONS

#### Section 300 GENERAL INTERPRETATION

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular shall include the plural.
- C. The word "person" includes a corporation as well as an individual, or an association of individuals.
- D. The word "lot" includes the words "plot" or "parcels".
- E. The words "shall" and "will" are always mandatory.
- F. The term "may" is always permissive.
- G. The words "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged or designated to be used or occupied.
- H. Unless otherwise specified, all distances shall be measured horizontally.

#### Section 301 DEFINITIONS

- 1. ACCESSORY BUILDING: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.
- 2. ACCESSORY USE: A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use; and not occupying more than 40 percent of the net floor area of any one floor in the principal structure or not more than 40 percent of the lot area
- 3. ALLEY: A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
- 4. ALTERATIONS: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side, front or back or by increasing height, or the moving from one location or position to another.

5. ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- G. AMENDMENT: A change in use in any district which includes revisions to the zoning ordinance text and/or the official zoning map, and the authority for any amendment lies entirely on the Governing Body.
7. ANIMAL HOSPITAL: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian.
- B. AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.
9. AUTOMOBILE REPAIR SHOPS: Any premise used for major automotive and vehicle repairs such as: (1) spray painting; (2) body, fender, clutch, transmission, differential, axle, spring and frame repairs; (3) major overhauling of engines requiring removal there from of cylinder head of crankcase pan; (4) repairs of radiator requiring removal thereof, or (5) complete recapping or retreading of tires.
10. BASEMENT: A story partly underground but having at least one half of its height above the average level of the adjoining ground. A basement shall be counted as a story for living purposes and for purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet.
- 11: BILLBOARDS: A sign other than one indicating a business conducted on the premises; a sign upon which advertising matter of any character is printed, posted or lettered; and it may either be freestanding or attached to a surface of a building or other structure.
12. BOARD: The Board of Commissioners of East Deer Township.
13. BOARDING HOUSE: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a Boarding House.
14. BUILDING OR STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

15. BUILDING, FRONTLINE OF: The line of that face of the building nearest the frontline of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
16. BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean heights between eaves and ridge for gable, ship and gambrel roofs.
17. BUILDING LINE: The line within the property defining the required minimum distance between any enclosed structure and the adjacent street right-of-way.
18. BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is located.
19. CARPORT: An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.
20. CARTWAY: That portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.
21. CELLAR: A story partly underground having more than one-half of the clear height below the average level of adjoining ground. A cellar shall not be considered in determining the permissible number of stories.
22. CERTIFICATE OF OCCUPANCY: A statement, based on an inspection, signed by the Zoning Officer, setting forth either that a building or structure complies with this Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for specified use or both.
23. CLEAR SIGHT TRIANGLE: A triangular area of unobstructed vision on corner lots formed by a 100 foot sight line along the centerline of a secondary or primary road, by a 75 foot sight line along the centerline of a local street and by a line adjoining these two sight lines at the greatest distance from their intersection. The entire area is to remain unobstructed to sight above a plane established three and one-half feet in elevation from grade level at the intersection of the street centerline

24. CLUSTER DESIGN OR DEVELOPMENT: A subdivision in which individual lots are designated in somewhat tighter arrangements than a conventional subdivision with a significant percentage of the total plot or parcel being dedicated and held as common open space.
25. COMMERCIAL: Engaging in a business, enterprise, activity of other undertaking for profit.
26. COMMISSION, PLANNING: The East Deer Township Planning Commission.
27. COMPREHENSIVE PLAN: A Comprehensive Plan (overall program consists of maps, charts and textual matter and indicates the recommendations of the Planning Commission for the continuing development of a municipality. The Comprehensive Plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to adjacent municipalities and areas.
28. CONDITIONAL USE: A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain locations within the district only when specific conditions and factors prescribed for such cases within this ordinance are present. Conditional uses are allowed or denied by the Municipal Governing Body after recommendations by the Planning Commission.
29. CONVENTIONAL SUBDIVISION: A subdivision in which all or most of a plot or parcel is divided into lots and streets with little or no area reserved as common open space. (See Cluster Design or Development).
30. CONVERSION APARTMENT: The remodeling of a single-family dwelling unit into two or more separate living units, exclusive of basement and/or cellar dwellings; and a minimum of one off street parking space per living unit.
31. COVERAGE, BUILDING: That portion or percentage of the plot or lot area covered by the building area.
32. DENSITY: A measure of the number of dwelling units which occupy, or may occupy, an area of land.
33. DISTRICT OR ZONING DISTRICT: An area authorized by or pursuant to this ordinance and delineated by text and map as to location, extent, nature and contents.

34. DWELLING: A building designed or used as the living quarters for one or more families. The terms "dwelling", "one family dwelling", "multiple dwelling", "two family dwelling", or "dwelling group" shall not be deemed to include automobile court, rooming house, tourist home or hotel.
35. DWELLING TYPE:
- A. Single-family Detached: A dwelling unit accommodating a single family and having two side yards.
  - B. Two-family Dwelling: A building having two dwelling units and containing but two families and may be either semi-detached with one family living on either side of a common party wall, or with one family living over the other each with its own exterior entrance door.
  - C. Multi-family Dwelling: A building having three or more dwelling units and designated to be used or occupied as a residence by the three or more families living independently of each other and each with its own exterior entrance door.
36. DWELLING UNIT: Any building or portion thereof which is designed and used exclusively for residential purposes of one-family, and includes kitchen and bathroom facilities.
37. DWELLING UNIT AREA: The minimum of average square footage necessary to constitute a dwelling unit in a multiple dwelling structure.
38. ERECTED: Includes built, constructed, reconstructed, moved upon or physical operations on the land required for the building. Excavation, fill drainage and the like shall be considered part of the erection.
39. ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of; underground gas, electrical, telephone transmission or distribution systems; and public water, public sanitary sewer and public storm sewer facilities including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith; including buildings necessary for the finishing or adequate services for the public health, safety and general welfare.

40. FAMILY: One or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or two or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous quests.
41. FARM: Any parcel of land containing ten or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.
42. FLOOR AREA, NET: (As applied to Off-Street Parking): The areas used or intended for services to the public as customers, patrons, clients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. Floor areas may be excluded which are used exclusively for storage, housing of mechanical equipment integral with the building for maintenance facilities or for those areas so restricted that customers, patients, clients, salesmen and the general public are denied access.
43. FLOOR AREA RETAIL, NET: All that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customer; but not to include office space, storage space and other general administrative areas.
44. FLOOR SPACE, GROSS (Also Gross Floor Area): The sum of the gross horizontal areas of several floors of a building and its necessary buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between the exterior faces of walls
45. FLORICULTURE: The cultivation and management of Ornamental and flowering plants.
46. GARAGE, PRIVATE: An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.
47. GARAGE, PUBLIC: A building or structure where motor vehicles can be temporarily stored or 1.,,leksel\_



48. GASOLINE STATION: Any premises used for supplying gasolines, oil, motor accessories and service for automobiles at retail direct to the motorist consumer, including the making of minor repairs, but not including major repairs, such as spray painting, body, fender, clutch, transmission, differential, axle, spring and frame repairs; major overhauling of engine requiring removal therefrom of cylinder head or crankcase pan, repairs of radiator requiring removal thereof; complete recapping or retreading of tires.
49. GOVERNING BODY: The Board of Commissioners of East Deer Township, Allegheny County, Pennsylvania
50. GROUP HOUSING PROJECT: Where two or more residential buildings are constructed on a plot of ground not subdivided into customary lots and streets subject to the approval of the Planning Commission and the Board of Commissioners.
51. HOME GARDENING: The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock.
52. HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are provided herein, including, but not limited to the following architecture, law and engineering; artists, beauticians, barbers and veterinarians, excluding stables or kennels, and does not permit the employment of more than two persons not living on the premises.
53. HORTICULTURE: The science and act of growing fruits, vegetables, flowers or ornamental plants.
54. HOSPITAL: Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, clinic, rest home, nursing home, convalescent home and other places for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis; treatment or other care of human ailments.
55. HOTEL: A building containing rooms intended or designed to be used or which are used, rented or hired or to be occupied or which are occupied for sleeping purposes by

guests and where only a general kitchen and dining room are provided within the building or in any accessory building.

56. ILLUMINATED SIGN: Signs which are illuminated by electrical, mechanical or other means as well as those using luminous paint or reflectorized glass to reflect light.
57. INDUSTRIAL: The manufacturing, compounding, Assembling, processing, packaging or treatment of raw material or other products.
58. INSTITUTIONS; A non-profit organization, society or corporation established within or outside of the community, especially one of a public character for the purpose of promulgating the health, welfare and wellbeing of the community.
59. JUNK: Any worn, cast off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.
60. JUNK, AUTOMOBILE: A motor vehicle not in running condition, stored in the open, not being restored to operation, unlicensed and without a current Pennsylvania State Inspection sticker.
61. JUNKYARD: The use of more than 100 square feet of the area of any lot for the storage, keeping or abandonment of junk, including scrap material from the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereto. A "junkyard" shall include an automobile graveyard or motor vehicle graveyard.
62. LAUNDERETTE: A business premise equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.
63. LIGHTING:
  - A. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.

- B. Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
  - C. Indirect: That form of lighting where in the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.
64. LOADING SPACE OR UNIT: An off street space or berth on the same lot with a building or contiguous to a group of buildings, from the temporary stopping of commercial vehicles while loading or unloading merchandise or materials and which abuts upon an alley, street or other appropriate means of access, and which is not less than 12 feet wide, 45 feet in length, and 15 feet in height.
  65. LODGING HOUSE: A building in which three or more, but not more than 15 rooms, are rented and in which no table board is furnished.
  66. LOT: A track or parcel of land designed for conveyance, or transfer of ownership; improvement or sale, whether immediate or future.
  67. LOT AREA: The area of a lot on which a building and its accessories are located, provided that the area shall be measured to the street right-of-way line only, and not including any part of a street, alley or areaway used in common with the owner or occupier of other lots.
  68. LOT, CORNER: A lot, abutting two or more streets at their intersection, on which the building line for all streets must be observed.
  69. LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line.
  70. LOT LINES: The lines bounding a lot as defined.
  71. LOT, INTERIOR: A lot other than a corner lot.
  72. LOT WIDTH: The mean horizontal distance across the lot, between the side lines measured at the building line.
  73. MINERAL EXTRACTION: Mineral extraction shall include all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position.

Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

74. **MOBILE HOME:** A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
75. **MOBILE HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections therein of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected in the lot.
76. **MOBILE HOME PARK:** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for no transient use, consisting of two or more mobile home lots.
77. **MOTEL:** Any group of attached or detached buildings containing individuals sleeping or housekeeping units designed for transients including an auto court, motor court, motor lodge or cabins,
78. **NONCONFORMING STRUCTURE:** A structure or part of a structure not designated to comply with the applicable use provisions of the ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
79. **NONCONFORMING USE:** A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this ordinance or prior to the application of this ordinance or amendment to its location by reason of annexation.
- BO. **NONRESIDENTS:** A person or party who does not have a permanent place of dwelling within the community as defined by a local post office address and/or registration to vote within the community.

81. NURSING, CONVALESCENT HOME OR HOME FOR THE AGED: Any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire, or a home operated by a nonprofit group and operated as an institution.
82. OFF-SITE SEWER SERVICE: A sanitary sewage collection system approved by the Township in which sewage is carried from individual lot or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.
83. OFF-SITE WATER SERVICE: A portable water distribution system approved by the Township in which water is carried to individual lots or dwelling units by a system of pipes from a central water source located beyond the limits of the lot being served which may be publicly or privately owned and operated.
84. ON-SITE SEWER SERVICE: A single system of piping, tanks or other facilities serving only a single lot and obtaining the water either in whole or in part from a primary source located within the limits of the lot being served.
85. ON-SITE WATER SERVICE: A single system of piping, tanks or other facilities serving only a single lot and obtaining the water either in whole or in part from a primary source located within the limits of the lot being served.
86. OPEN SPACE: An unoccupied space open to the sky.
87. OWNER: The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or equitable interest in the lot in question.
88. PARKING SPACE: An off-street space having an area of not less than 200 square feet, whether inside or outside of a structure, for the temporary standing of automobile vehicles to be used exclusively as a parking stall for one automobile vehicle plus 150 square feet used exclusively for turning and access to the parking stall.
89. PATIO: An outside surfaced area having no roof and no more than three sides walled or fenced.
90. PERMANENT FOUNDATION: An underlying prepared base or support of cemented concrete blocks or similar masonry placed upon a footer (the footer must be below the frost line) upon which a structure is placed and completely encloses the structure exclusive of half-windows, windows or doors

91. PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units. The development plan for which does not correspond in lot size, bulk or type of dwelling, density lot coverage and required open space to the regulations established in any one residential district.
92. PLOT: A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.
93. PORCH: A roofed over structure projecting from the front, side or rear wall of a building. For the purpose of the Zoning Ordinance, a porch is considered a part of the principal building is not permitted to extend into any required yards.
94. PREFABRICATED DWELLING UNIT: Two or more portable units designed, and built to be towed on a chassis and permanently combined on site to form a single immobile dwelling unit, and having a minimum of 900 square feet of habitable floor area, shall be regarded as a single family detached dwelling.
95. PREMISES: Any lot, parcel or tract of land and any building constructed thereon.
96. PRINCIPAL USE: The major dominant use of the lot on which it is located.
97. PRIVATE CLUB: An organization catering exclusively to members and their guests; or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing that any vending stands, merchandise or commercial activities are conducted only as required generally for the membership of such club.
98. PROFESSIONAL OFFICE: Any office or business conducted by an individual or association including engineers, lawyers, doctors, dentists, architects, chiropractors and veterinarians who or that must be licensed under the laws of the State.
99. PUBLIC HEARING: A meeting open to the general public held pursuant to proper "public notice" as defined by ct 247.
100. PUBLIC NOTICE: Notice published once each week for two successive weeks in a newspaper of general circulation

in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than 24 days from the date of the hearing.

101. PUBLIC RIGHT OF WAY: Any public highway, street or alley accepted by different levels of government for public use; all must be recorded in the Recorder of Deeds Office, Allegheny County, Pittsburgh, Pennsylvania.
102. RIDING ACADEMY: Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.
103. SANITARIUM, SANATORIUM: A private hospital, whether or not such facility is operated for profit.
104. SCREEN PLANTING: A vegetable material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.
105. SIGN: Any surface, fabric, device or structure being lettered, pictorial or sculptured matter intended, designed, or used to convey information visually and exposed to public view, which direct attention to an object, product, place, activity, person, institution, organization or business. The term "sign" does not apply to a flag, emblem or insignia of a nation, political unit, school, or religious group.
106. SIGN, GROSS SURFACE AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of such sign. All signs shall be limited to not more than two faces. All area limitations shall be computed in square feet. Each face of a double-face sign may equal the maximum size permitted for the particular type of sign. When insidual letters are used separately on the surface of a building wall, the spaces between said letters shall be included in computing the area of the sign.
107. SIGN, BUSINESS: A sign which directs attention to a business, profession, or industry, located upon the premises where the sign is displayed, to type of products sold, manufactured or assembled upon the premises and/or to service of entertainment offered on said premises.

108. SIGN, IDENTIFICATION: A sign used to identify only the name of the individual or organization occupying the premises, the profession of the occupant, the name of the building on which the sign is displayed, and the address of the property.
109. SIGN, NAMEPLATE: A sign used to identify only the name of the individual occupying the premises, and the address of the occupant.
110. SIGN, FLASHING: Any illuminated sign or device in which the artificial light is not maintained stationary and/or constant in intensity and color at all times.
111. SIGN, SELF SUPPORTING: A sign mounted on its own self-supporting structure and constructed on a permanent base.
112. SIGN, WALL MOUNTED: A sign mounted, attached or painted on a building.
113. SIGN, MOVING: Any sign or any part thereof located on said sign which oscillates, rotates or moves.
114. SIGN, REAL ESTATE: A sign pertaining only to the rental, lease or sale of the property on which it is located.
115. SIGNBOARDS OR BILLBOARDS: Shall include any sign or any size which relates to any product, service or other pictorial information which is not directly related to the principal use of the land on which the sign is located.
116. SPECIAL EXCEPTION: The granting of a modification of the provisions of this Ordinance as authorized in specific instances listed and under the terms, procedures and conditions prescribed herein. Special exceptions are administered by the Zoning Hearing Board.
117. STOOP: A covered or uncovered area at a front, side or rear door not exceeding four feet by five feet or 20 square feet in area
118. STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.
119. STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which are on at least two



opposite exterior walls, are not more than two feet above the floor of such story.

120. STORY, HEIGHT OF: The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or where there is no ceiling, to the top of the roof rafters.
121. STREET: A public way which affords principal means of access to abutting properties.
122. STREET LINE: The dividing line between the street and the lot, usually referred to as the right-of-way line.
123. SUBDIVISION: The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease transfer of ownership or building of lot development; provided, however, that the division of land for agriculture purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.
124. SWIMMING POOL, PRIVATE: Any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. Such pool or open tank shall be enclosed with a solid barrier of not less than four feet, but not more than six feet in height. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
125. TRAILER: (Camping and Recreational Equipment): Shall including travel trailers, pickup coaches, motorized homes and recreational equipment as follows:
- A. Travel Trailer: A portable structure built on a Chassis, designed to be towed and used as a temporary dwelling for travel, recreational and vacation purposes, and permanently identified as a travel trailer by the manufacturer of the trailer.
  - B. Pickup Coach: A structure designed primarily to be mounted on a pickup or other truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling, travel, recreational and vacation purposes.

- C. Motorized Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
  - D. Boat: A vessel designed to travel on water.
  - E. Boat Trailer: A trailer designed to haul a boat-as defined above.
126. USE: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
  127. USE, MIXED: The occupancy of a building or of a lot for more than one use, such as: both a business and a residential use; both an industrial and residential use, etc.
  128. VARIANCE: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the ordinance. A variance applies to that particular piece of property for which it is granted and only to the modification of the land development standards. It does not apply to the modification of the permitted uses within the district.
  129. YARD: An open unoccupied space on the same lot with a building or structure.
  130. YARD, FRONT: The open space extending the entire width of the lot between the front building line and the street right-of-way.
  131. YARD, REAR: The required open space extending from the rear of the main building along the rear lot line (not necessarily a street line) throughout the entire width of the lot.
  132. YARD, SIDE: The required open space extending from the side of any building along the side lot line through the entire depth of the building.

133. ZONING: Is a legal and administrative process whereby a municipality divides its territory into Districts and applies to each District a number of regulations to control the use of the land, the height and bulk of buildings, and the area of ground built upon.
134. ZONING HEARING BOARD; The Zoning Hearing Board of East Deer Township as duly constituted by and established pursuant to this ordinance.
135. ZONING OFFICER: The individual authorized by the Board of Commissioners to be the administrator of the daily application of the provisions contained in this Zoning Ordinance.

ARTICLE IV

DESIGNATION OF DISTRICTS

Section 400 DESIGNATION OF DISTRICTS

For the purpose of this Ordinance, the Township of East Deer, Allegheny County, Pennsylvania, is hereby divided into Districts which shall be designated as follows:

- R-1 Urban Residential
- R-2 Suburban Residential
- C Neighborhood and Highway Commercial
- I Industrial
- SC Special Conservation

Section 401 OFFICIAL ZONING MAP

The Boundaries of said Districts are hereby established as shown on the map entitled "East Deer Township, Allegheny County, Pennsylvania, Official Zoning Map on file in the offices of the Board of Commissioners. The said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

Section 402 DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any District as shown on said map, the following rules shall apply:

- A. District boundary lines are intended to follow or be parallel to the centerline of streets, and streams; and to lot or property lines as they exist on a recorded deed or plan of record in the Allegheny County Recorder of Deeds' Office at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where a District boundary is not fixed by dimensions and where it approximately follows a lot line or municipal limits, and where it does not scale more than ten feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- C. In unsubdivided land or where a District boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.

Section 403 INTERPRETATION OF BOUNDARIES

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by Section 402, District Boundaries, the Zoning Hearing Board shall interpret the District Boundaries.

## ARTICLE V

### APPLICATION OF REGULATIONS

#### Section 500 USE OF PROPERTY

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the District in which it is located.

#### Section 501 RESTRICTIONS

- A. No building shall hereafter be erected or altered.
  - 1. To exceed the height.
  - 2. To accommodate a greater number of families.
  - 3. To occupy a greater percentage of lot area.
  - 4. To have narrower or smaller rear yards, front yards or side yards than are specified herein for the District in which such building is located.
- B. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
- C. Lots containing a slope of 3z 1 (three feet horizontal to one foot vertical) or greater for a distance of 50 percent of its total depth shall have a minimum of 25 percent total increase in lot depth than is required by this Ordinance before a zoning permit is granted.
- D. No dwelling unit as defined in Article III, Definitions, shall be permitted in any zone having a floor area of less than 750 square feet provided that mobile home or house trailers having less than 750 square feet should be permitted if situate in mobile home parks as provided for in this ordinance.
- E. Minimum floor area for multi-family and two-family dwelling units is 650 square feet per dwelling unit.

ARTICLE VI

R-1 URBAN RESIDENTIAL DISTRICT

Section 600            PURPOSE

The purpose of the R-1 Urban Residential District is to provide for development of residential and other compatible uses in an orderly manner where public services are most readily available, to preserve the existing character of the land uses that are not compatible with the existing land uses.

Section 601            PERMISSIVE USES

A. Principal uses:

1. Single-family detached dwelling units.
2. two-family dwelling units.
3. Multi-family dwelling units.
4. Parks, playgrounds and other publicly owned and/or operated recreational uses,
5. Educational and religious institutions. Libraries, police and fire stations, and government buildings provided the building is designed and constructed for these purposes.
6. Essential service installations.

B. Accessory uses:

1. Private garages.
2. Private swimming pool, tennis court, tool or storage shed, private greenhouse.
3. Private shelter for household pets.
4. Other accessory uses customarily incidental to a permitted principal use.
5. Signs as provided in Article XI.
6. Parking facilities as provided in Article XII.

Section 602            SPECIAL EXCEPTION USES

Where the Zoning Hearing Board has held a public hearing, been assured the following conditions have been met within the spirit of this Zoning Ordinance and that no hazardous conditions will result.

- A. Home occupations and professional office, are permitted as a special exception as a subsidiary and subordinate use to residential units provided:

1. Official residence shall be maintained by the occupant who may be an owner, a renter or a lessee.
  2. The accessory use shall be located in a principal dwelling building.
  3. The use shall not occupy more than 40 percent of the ground floor area of the principal dwelling building.
  4. There shall not be more than two nonresidents employed on the premises.
- B. Nursing homes, rest homes, clinics, hospitals and funeral homes are permitted as special exceptions under the following conditions.
1. Minimum lot area requirements. 10,000 square feet.
  2. Minimum lot width requirements - 100 feet.
  3. Minimum front yard requirements - 10 feet.
    - (a) No accessory uses are permitted within the front yard.
  4. Minimum side yard requirements.
    - (a) Principal use - 15 feet total, five feet minimum, one side.
    - (b) Accessory uses - 5 feet.
  5. Minimum rear yard requirements.
    - (a) Principal use - 30 feet.
    - (b) Accessory use - 5 feet.
  6. Maximum building height requirements.
    - (a) Principal use - 42 feet.
    - (b) Accessory use - 20 feet.
  7. Maximum lot coverage requirements - no requirement.
  8. The architecture of the structure is in keeping with the general residential character of the District.
  9. Off-street parking requirements.
    - (a) Nursing homes, hospitals and rest homes - one Off-street parking space for every two employees plus one off-street parking space for every six patient beds.

Section 603 LOT AND AREA REQUIREMENTS

- A. Minimum lot area requirements:
1. Single-family detached dwelling units- 3,500 square feet.
  2. Two-family dwelling units - 3,000 square feet per dwelling unit.
  3. Multi-family dwelling units - 6,000 square feet plus 1,000 square feet for each dwelling unit more than two
  4. Parks, playgrounds, and other publicly owned and/or operated recreational uses - no requirements.



5. Minimum lot width requirements:

1. Single family detached dwelling units - 35 feet.
2. Two-family dwelling units - 70 feet.
3. Multi-family dwelling units - 100 feet.
4. Parks, playgrounds and other publicly owned and/or operated recreational uses - no requirement.
5. Other principal permitted uses - 100 feet.

C. Minimum front yard requirements:

1. Principal permitted uses - 15 feet total, 5 feet minimum, one side.
2. Accessory uses - 5 feet.
3. Whenever a lot of record existing at the time of the passage of the Ordinance has a width of less than 35 feet, the side yard on each side may be reduced to 15 percent of the lot width for construction or reconstruction of a single-family detached dwelling unit.

D. Minimum rear yard requirements:

1. Principal permitted use - 30 feet.
2. Accessory uses - 5 feet.

E. Maximum building height requirements:

1. Principal permitted uses - 42 feet.
2. Accessory uses - 20 feet (excluding fences).

F. Maximum lot coverage - no requirement.

## ARTICLE VII

### R-2 SUBURBAN RESIDENTIAL DISTRICT

#### Section 700 PURPOSE

The purpose of the R-2, Suburban Residential District is to provide for the development of the broadest range of suburban residential uses in an orderly manner in those areas where public services are or will be most readily available. Further, it is the intent of the Suburban Residential District to provide for innovative and flexible designs in development.

#### Section 701 PERMISSIVE USES

##### A. Principal uses:

1. Single-family detached dwelling units.
2. Two-family dwelling units.
3. Multi-family dwelling units.
4. Parks, playgrounds and other publicly owned and/or operated recreational uses.
5. Educational and religious institutions, libraries, police and fire stations, and government buildings provided the building is designed and constructed for those purposes.
6. Essential service installations (as defined in this Zoning Ordinance) essential to the adequate distribution facility, repair facility, storage of materials outside a structure, storage of a vehicle or housing or quarters for an installation or repair crew. The installation shall be subject to approval of the Planning Commission with respect to use, design, yard area, setback and height.
7. Home gardening with the sale of product provided.
8. Cemeteries.
9. Mobile homes on individual lots provided.
  - (a) The track which the mobile home is installed shall conform with the minimum lot size requirements of this district.
  - (b) The mobile home shall be installed so as to conform with all front yard, side yard and rear yard setback lines applicable to immobile housing in this district.
  - (c) The mobile home shall be installed upon, and securely fastened to a permanent frost-free foundation, and in no event shall it be erected on jacks, loose blocks, or other temporary materials.

- (d) An enclosure of compatible design and materials shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure, and the device to be used for ventilation shall be supplied with a screen of not less than 16 mesh per inch.
- (e) The mobile home shall be connected to public water and sewer systems, if available. If not, the owner shall provide a portable water supply from his own or an adjacent well, and shall provide a septic system that shall meet the standards of the Pennsylvania Department of Environmental Resources.
- (f) Any garage, utility shed, or other out-building constructed on the tract shall conform with the standards applicable to such structures as contained in the East Deer Township Zoning Ordinance.

B. Accessory uses:

- 1. Private garages.
- 2. Private swimming pool, tennis court, tool or storage shed, private greenhouse.
- 3. Private shelter for household pets.
- 4. Other accessory uses customarily incidental to a permitted principal use.
- 5. Signs as provided in Article XI.
- 6. Parking facilities as provided in Article XII>

Section 702 SPECIAL EXCEPTION USES

Where the Zoning Hearing Board has held a public hearing, been assured the following conditions have been met within the spirit of this Zoning Ordinance and that no hazardous conditions will result.

- A. Home occupations and professional offices are permitted as a special exception as a subsidiary and subordinate use to residential units provided:
  - 1. Official residence shall be maintained by the occupant who may be an owner, a renter or a lessee.
  - 2. The accessory use shall be located in a principal dwelling building.
  - 3. The use shall not occupy more than 40 percent of the ground floor area of the principal dwelling building.
  - 4. There shall not be more than two nonresidents employed on the premises.

Section 703                    CONDITIONAL USES

A lot or parcel may be used and buildings or structures may be erected and used for any of the following purposes, in the Suburban Residential District, subject to the granting of a conditional use under the regulations and procedures of this Ordinance by the East Deer Township Board of Commissioners.

A. Planned Residential Development.

B. Cluster Design.

Mobile Home Parks Provided.

1. No mobile home park may be less than three acres in size.
2. Mobile home parks must be serviced by off-site sewer service.
3. Minimum yard and area requirements shall be required for individual spaces as follows:
  - a. Lot area - 6,000 square feet.
  - b. Lot width -- may vary in accordance with the design of the plan.
  - c. Lot depth - may vary in accordance with the design of the plan.
  - d. Front yard - 20 feet.
  - e. Side Yard - 24 feet combined, ten feet minimum, one side.
  - f. Rear Yard - 25 feet.
  - g. Maximum height - 16 feet.
4. Off Street parking space shall be provided at the rate of at least two car spaces for each mobile home plus an additional car space for each four lots to provide for guest parking, for two car tenants and for delivery and service vehicles.
5. All streets are public, constructed in accordance with Township road specifications within 50 foot minimum rights of way, and maintained by the Township.
6. Mobile home parks shall provide a six foot screen planting of trees, evergreens, or hedges or shrubs two feet wide on the side and rear property lines.
7. In addition to meeting the above requirements and conforming to other laws of the Township, County or State including the PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES REGULATIONS FOR MOBILE HOME PARKS, mobile home parks shall also conform to the requirements set forth in sections or chapters of "Mobile Home Court Development Guide", in 1970, of the

Federal Housing Administration, provided where provisions of such regulations conflict with those of the existing Township, County or State, the most restrictive of those imposing the higher standards shall govern.

8. Recreation facilities shall be provided as follows:

a. Extent:

Recreation areas and facilities, such as playgrounds, swimming pools and community buildings, should be provided to the extent necessary to meet the anticipated needs of the clientele the court is designed to serve. Provisions of separate adult and toilet recreation areas are encouraged.

b. Location:

Recreation facilities generally should be provided in a central location and should be convenient to the project community center. A location adjacent to the community center is preferable for efficient construction, use and maintenance of all facilities. In larger courts, however, recreation facilities can be decentralized.

c. Recreation area:

(1) Size: Not less than eight percent of the gross site area shall be devoted to recreational facilities.

(2) Design: The area shall be designed appropriately for its intended use and location.

d. Equipment:

(1) Design: Appropriate for intended use and location.

(2) Construction: Durable to withstand weather and use; firmly fixed in place where applicable.

g. Plans for mobile home parks, showing the location and design of all facilities shall be submitted to the Planning Commission and the Board of Commissioners for review and approval prior to the issuance of a Zoning permit.

D. All conditional uses stated in this section shall be serviced by offsite sewer service.

Section 704      LOT AND AREA REQUIREMENTS

A. Minimum lot area requirements:

1. Single family detached dwelling units - 20,000 square feet; with offsite sewer service - 10,000 square feet.
2. Two-family dwelling units - 15,000 square feet per dwelling unit; with offsite sewer service - 8,000 square feet per dwelling unit.
3. Multi-family dwelling units - 10,000 square feet plus 2,000 square feet for each dwelling unit more than three; must be serviced by offsite sewer service.
4. Parks, playgrounds and other publicly owned and/or operated recreational uses - no requirements.

B. Minimum lot width requirements:

1. Single-family detached dwelling units - 80 feet; with offsite sewer service - 70 feet.
2. Two-family dwelling units - 100 feet; with off site sewer service - 80 feet.
3. Multi-family dwelling units - 100 feet.
4. Parks, playgrounds and other publicly owned and/or operated recreational uses - no requirements.

C. Minimum front yard requirements:

1. Principal permitted uses - 35 feet.
2. Accessory uses are not permitted within the front yard.

D. Minimum side yard requirements:

1. Principal permitted uses - 24 feet total, 10 feet minimum one side.
2. Accessory uses - 5 feet.
3. Street side of a corner lot - 25 feet.
4. Whenever a lot of record existing at the time of the passage of the ordinance has a width of less than 70 feet, the side yard on each side may be reduced to ten percent of the lot width for construction or reconstruction of a single-family detached dwelling unit.

E. Minimum rear yard requirements:

1. Principal permitted uses - 40 feet.
2. Accessory uses - 5 feet.

F. Maximum building height requirements:

1. Principal permitted uses - 35 feet.
2. Accessory uses - 20 feet (excluding fences).

G. Maximum lot coverage:

1. Principal permitted uses - 35 percent of the total lot area.
2. Accessory uses - 40 percent of the rear yard area.

## ARTICLE VIII

### C - NEIGHBORHOOD AND HIGHWAY COMMERCIAL

#### Section 800 PURPOSE

The purpose of the C, Neighborhood and Highway Commercial District is to provide those commercial facilities that will serve the local community needs in such a manner so as to provide convenience, safety and efficiency. Further, it is the intent of this District to provide for those highway oriented commercial uses that will serve the immediate needs of the automobile user.

#### Section 801 PERMISSIVE USES

##### A. Principal uses:

1. Retail sales for local or neighborhood needs to the following limited extent and when such business is conducted entirely within a building.
  - a. The sale of baked goods and pastries, candy and confectioneries, dairy products and ice cream, groceries and meats and fruit and vegetables.
  - b. The sale of books, magazines, newspapers, tobacco, drugs, gifts and stationery.
  - c. Eating places, lunchrooms, restaurants and cafeterias and places for the sale and consumption of soft drinks, juices and ice cream, and places providing dancing and entertainment in harmony with the community.
  - d. Service establishments including barber and beauty shops, custom tailor shops, laundry agencies, self-service laundries, shoe repair, dry cleaning, pressing or tailoring shops and florist retail outlets in which only nonexplosive and nonflammable solvents and materials are used and where no work is done on the premises for retail outlets elsewhere.
  - e. General merchandise and retail stores, including variety stores, sporting goods and drug stores.
  - f. Apparel and accessories stores, including shoe stores, furriers and custom tailors.
  - g. Furniture, home furnishings and equipment, including household appliance stores, hardware, and paint and glass stores.
  - h. Gift shops, including camera, book, stationery and music shops, cosmetics, cigarettes and tobaccos, flowers, hobby, jewelry, leather and luggage shops.
  - i. Indoor theaters and commercial recreation uses



such as bowling alleys, indoor pools and skating rinks.

2. Financial institutions and professional offices provided such uses are intended to serve only the adjacent residential areas.
3. Essential service installations.
4. Parking lots and parking garages.
5. Medical, veterinary, dental, photographic or similar laboratories and clinics or hospitals.
6. Fraternal clubs, lodges and social and recreational clubs.
7. Retail establishments primarily providing drive-in or in-car service.
- S. Vehicle gasoline stations, repair garages, sales, including mobile home sales, and washing uses, provided that all vehicle repair operations are conducted entirely within an enclosed building.

B. Accessory uses:

1. Accessory uses customarily incidental to a permitted principle use.
2. Signs in accordance with Article XI.
3. Parking and loading facilities in accordance with Article XII.

Section 802 LOT AND AREA REQUIREMENTS

- A. Minimum lot area and lot width requirements.
  1. A lot in the C, Neighborhood and Highway Commercial District shall be of such size and dimensions as shall be necessary to properly accommodate the intended use or structure in accordance with all applicable regulations of this Zoning Ordinance and<sup>d</sup> other State laws and local ordinances.
- B. Minimum front yard requirement - 10 feet.
- C. Minimum side yard requirements:
  1. Contiguous to a Commercial or Industrial District - no requirements.
  2. Adjoining Residential District - 5 feet.
- D. Minimum rear yard requirement - 20 feet.
- E. Maximum building height requirement - 42 feet.
- F. Maximum lot coverage - no requirement except as necessary for off-street parking and loading as required herein.

## ARTICLE

### EC — EXPANDED COMMERCIAL

#### SECTION 800A

The purpose of the EC, Expanded Commercial District is to allow commercial and limited industrial facilities to make productive use of former industrial property.

#### SECTION 801A PERMISSIVE USES

##### A. PRINCIPLE USES

1. Retail sales for local or neighborhood needs to the following limited extent and when such business is conducted entirely within a building.
  - a. The sale of baked goods and pastries, candy and confectioneries, dairy products and ice cream, groceries and meats and fruit and vegetables.
  - b. The sale of books, magazines, newspapers, tobacco, drugs, gifts and stationery.
  - c. Eating places, lunchrooms, restaurants and cafeterias and places for the sale and consumption of soft drinks, juices and ice cream, and places providing dancing and entertainment in harmony with the community.
  - d. Service establishments including barber and beauty shops, custom tailor shops, laundry agencies, self-service laundries, shoe repair, dry cleaning, pressing or tailoring shops and florist retail outlets in which only nonexplosive and nonflammable solvents and materials are used.
  - e. General merchandise and retail stores, including variety stores, sporting goods and drug stores.
  - f. Apparel and accessories stores, including shoe stores, furriers and custom tailors.
  - g. Furniture, home furnishings and equipment, including household appliance stores, hardware, paint and glass stores.
  - h. Gift shops, including camera, book, stationery and music shops, cosmetics, cigarettes and tobaccos, flowers, hobby, jewelry, leather and luggage shops.
  - i. Indoor theaters and commercial recreation uses such as bowling alleys, indoor pools and skating rinks.
2. Financial institutions and professional offices provided such uses are intended to serve the adjacent residential areas.
3. Essential service installations.

4. Parking lots and parking garages.
5. Medical, veterinary, dental, photographic or similar laboratories and clinics or hospitals.
6. Fraternal clubs, lodges and social and recreational clubs.
7. Retail establishments primarily providing drive-in or in-car service.
8. Vehicle gasoline stations, repair garages, sales, including mobile home sales, and washing uses, provided that all vehicle repair operations are conducted entirely within an enclosed building.
9. Offices
10. Distribution centers.
11. Trade School
12. Contractor's yard.
13. Building material supply
14. Printing, publishing and allied products
15. Carpentry, electrical, plumbing, welding, heating or sheet metal shops.
16. Wholesale, warehousing and storage.
17. Distributing plants, beverages bottling and/or distribution

B. Accessory Uses

1. Accessory uses customarily incidental to a permitted principle use.
2. Signs in accordance with Article XI.
3. Parking and loading facilities in accordance with Article XII.

### C. Conditional Uses

1. Community use
2. Storage of nonorganic material may *be* permitted provided:
  - a. The storage area is limited to the yard requirements as specified in Article XIII, Section 1319.
  - b. The storage area is completely enclosed by a sight-obscuring screen, masonry wall, wooden fence or compact evergreen vines at least eight feet in height.

### D. Special Provision

- I. A sight obscuring fence will be erected along Baffles Run Creek for the benefit of the residential property adjoining the Expanded Commercial Zone. Height of said fence to comply with ordinance 597, amending ordinance 364. Shrubs or other vegetation may be substituted to achieve the same goal
2. Any occupants may not produce or emit excessive dust, smoke, refuse matter, toxic or noxious odors, gasses and fumes, noise or vibration, or similar substances and conditions.

## Section 802 LOT AND AREA REQUIREMENTS

### A. Minimum lot area and lot width requirements.

1. A lot in the EC, Expanded Commercial District shall be of such size and dimensions as shall be necessary to properly accommodate the intended use or structure in accordance with all applicable regulations of this Zoning Ordinance and other State laws and local ordinances.

### B. Minimum front yard requirements — 10 feet.

### C. Minimum side yard requirements -:

1. Contiguous to a Commercial or Industrial District — no requirements.
2. Adjoining Residential District — 5 feet.

D. Minimum rear yard requirement — 20 feet.

E. Maximum building height requirement — 42 feet.

F. Maximum lot coverage — no requirement except as necessary for off-street parking and loading as required herein.

MUST ALSO CHANGE SECTION 1102 TO INCLUDE EC-EXPANDED  
COMMERCIAL DISTRICT

ARTICLE IX

INDUSTRIAL

Section 900 PURPOSE

The purpose of the I, Industrial District is to provide for a District where industrial uses may be conveniently located with respect to services and transportation modes; to complement the existing industrial base; to provide for expansion of the existing industrial base and the development of new industrial activities.

Section 901 PERMISSIVE USES

A. Principal uses:

1. Manufacturing, compounding, processing, packaging, treatment and assembly excluding such uses or processes which produce or emit dust, smoke, refuse matter, toxic or noxious odors, gases and fumes, excessive noise or vibration or similar substances and conditions.
2. Building material supply except stone crushing and concrete mixing.
3. Laboratories devoted to research, experimentation, processing and fabrication incidental thereto.
4. Printing, publishing and allied products.
5. Utility operations, electric and gas companies.
6. Food, and kindred products, packaging, storage and distribution.
7. Carpentry, electrical, plumbing, welding, heating or sheet metal shops.
8. Laundry, clothes cleaning and dyeing establishments.
9. Wholesale, warehousing and storage.
10. Highway, freight, transportation and warehousing.
11. Transportation terminals.
12. Distributing plants, beverages bottling and/or distribution.
13. Essential service installations.

B. Accessory uses:

1. Accessory uses customarily incidental to a principal permitted use.
2. Signs in accordance with Article XI.
3. Parking and loading facilities in accordance with Article XII.

Section 902            CONDITIONAL USES

A lot or parcel may be used and buildings or structure may be erected and used for any of the following purposes, in the I, Industrial District subject to the granting of a conditional use under the regulations and procedures of this Ordinance by the East Deer Township Board of Commissioners.

- A. Acid Manufacturing.
- B. Cement, lime, gypsum or plaster of paris manufacturing.
- C. Distillation of bones.
- D. Fat rendering: soap, tallow, grease or lard manufacturing.
- E. Fertilizer manufacturing.
- F. Gas manufacturing.
- G. Glue, size or gelatin manufacturing.
- H. Smelting of aluminum, tin, copper, zinc or iron ores.
- I. Stockyards or slaughter of animals.
- J. Rubber or gutta-percha manufacturing or treatment.
- K. Paper or pulp manufacturing.
- L. Tanning, curing, or storage of raw hides.
- M. Wholesale storage of gasoline and petroleum products.
- N. Wholesale storage of liquefied petroleum gases.
- O. Auto wrecking, junkyards, iron or rag storage where;
  - 1. The site is completely enclosed by a sight-obscuring screen, masonry walls, wooden fence, compact evergreen hedge of chain-link fence with evergreen vines at least eight feet in height.
  - 2. The site shall contain one entrance and one exit less than 30 feet in width.
  - 3. Storage is limited to nonorganic materials.
  - 4. The site is located a minimum of 300 feet from and adjoining Zoning District other than an Industrial District.
  - 5. The site is located a minimum of 100 feet from any highway, Township road or street, or access road. 6 Off-street parking is provided within the site enclosure.

7. On-site burning or incineration of vehicles is prohibited unless said burning is carried out in a completely enclosed incinerator, as approved by the Township's Fire Department and/or the Department of Environmental Resources.

P. Mineral extraction including coal, oil, gas limestone, and said, gravel, salt and other open-pit subsurface activities provided:

- 1 Mineral extraction shall be limited to land parcels greater than five acres in size.
- 2 Lot, area and yard requirements are those specified in Article XIII, Section 1319.
3. The excavation area shall be backfilled and revegetated in such a manner as to permit future reuse of the land, and meet the requirements specified in Article XIII, Section 1312.
- 4 The mineral extraction process including cuts, slopes, and embankments shall be in accordance with appropriate State open-pit mineral extraction safety requirements of the Bituminous Coal Open-Pit Mining Conservation Act, as amended.

Q Storage of nonorganic material may be permitted provided:

The storage area is limited to the yard requirements as specified in Article XIII, Section 1319.

2. The storage area is completely enclosed by a sight-obscuring screen, masonry wall, wooden fence or compact evergreen vines at least eight feet in height.

Section 903 LOT AND AREA REQUIREMENTS

A. Minimum lot area and lot width requirements:

1. A lot in the I, Industrial District shall be of such size and dimensions as shall be necessary to properly accommodate the intended use of structures in accordance with all applicable regulations of this Zoning Ordinance and other State laws and local ordinances.

B. Minimum front yard requirement:

1. Minimum eighty feet from the highway or street right-of-way.



- C. Minimum side yard requirements:
  - 1. Contiguous to a commercial or industrial district - no requirement.
  - 2. Adjoining a residential district - 80 feet.
- D. Minimum rear yard requirement - 50 feet.
- E. Maximum building height requirement - 35 feet.
- F. Maximum lot coverage - no requirement except as necessary for off-site parking and loading as required herein.

ARTICLE X

SC - SPECIAL CONSERVATION

Section 1000 PURPOSE

The purpose of the SC, Special Conservation District is to protect and conserve those areas of the Township that have excessive slopes, that are inaccessible or remnants of land not suited for general use and are subject to flooding and/or mudslides.

Section 1001 PERMISSIVE USES

A. Principal uses:

1. Parks, playgrounds and other publicly owned and/or operated recreational uses.
2. Cemeteries.
3. Tree nurseries.
4. Commercial Forestry.
5. Animal grazing.

Section 1002 CONDITIONAL USES

A lot or parcel may be used and buildings or structures may be erected and used for any of the following purposes, in the SC, Special Conservation District, subject to the granting of a conditional use under the regulations and procedures of this ordinance by the East Deer Township Board of Commissioners.

A. Single-family detached dwelling units and accessory uses customarily incidental thereto in accordance with the following requirements.

1. Minimum lot area - 43,560 square feet.
2. Minimum lot width - 150 feet.
3. Minimum front yard - 35 feet; accessory uses are not permitted in the front yard.
4. Minimum side yard - 50 feet total, 20 feet one side; accessory uses -- 5 feet.
5. Minimum rear yard - 50 feet, accessory uses - 5 feet.
6. Maximum building heights - 35 feet accessory uses - 20 feet (excluding fences).
7. Maximum lot coverage - 35 percent of the total lot area; accessory uses - 40 percent of the rear yard area.

ARTICLE XI

SIGNS

Section 1100 APPLICATION

Signs may be erected and maintained only in compliance with the provisions of this Article, other Articles of this Ordinance and any and all regulations of the Township of East Deer relating in any way to the erection, location, size, height, use, number, lighting, operation, alteration or maintenance of signs, billboards, banners and other similar advertising devices as defined herein.

Section 1101 PERMITTED USE IN THE R-1 AND R-2 RESIDENTIAL DISTRICT

- A. Real estate signs advertising the sale or rental of the premises upon which they are erected, may be erected and maintained by a broker or other person interested in the sale or rental of such premises, provided:
1. The size of such sign is not in excess of four square feet in area and located not less than 5 feet from the right-of-way line of any street or flush on the face of the building, whichever is less.
  2. No more than 2 signs are places upon any property in single and separate ownership, unless such property fronts upon more than one street in which event one sign may be erected on each frontage.
  3. No sale or rental sign may be illuminated.
- B. Signs advertising the sale and development of the premises upon which they are erected, may be erected and maintained in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, provided:
1. The size of any such sign is not in excess of 20 square feet in area and shall be located not less than 10 feet from any side property line or flush on the face or the side of the building, whichever is less.
  2. No sign used for development purposes may be illuminated nor shall it exceed 6 feet in total height above ground grade. Not more than 2 signs may be placed upon any property held in single and separate ownership.
- C. Signs indicating the location and direction of premises available for or in process of development but not

erected upon such premises, and having inscribed thereon the name of the owner, developer, building, or agent may be erected and maintained, provided:

1. The size of any such sign is not in excess of four square feet.
2. No more than two such signs shall be erected.
3. No such sign may be illuminated.

D. Nameplate signs indicating the name and address of the occupant of the premises may be erected and maintained, provided:

1. No more than two such signs are erected and maintained on a property in single or separate ownership. One such sign may be a self-supporting sign and one such sign may be a wall mounted sign.
2. The size of any such sign shall not be in excess of one and one-half square feet in area.
3. Such sign shall be located not less than five feet from the street right-of-way line or flush on the face of the building whichever is less.
4. Such signs may be illuminated as described under Section 1104.

E. An identification sign, located on the premises or building which serves only to tell the name or use of any public or semipublic building or recreational place, fire department, lodge, club, church, apartment building, farm or estate, school, hospital, sanitariums, or other institution of a similar approved nature may be erected and maintained, provided:

The size of any such sign is not in excess of thirty-two square feet. Such signs may use one-fourth of their sign area for messages or announcements related to the use of the building or property.

No more than one such sign shall be erected on a property in single or separate ownership which sign may be either self-supporting, or wall mounted.

a. Self-supporting sign:

- (1) Shall be located not less than five feet from the street right-of-way line or flush on the face of the building whichever is less.
- (2) Shall be located not less than five feet from any side of the building whichever is less.
- (3) The total height shall not exceed ten feet in height above the established adjacent grade level.

- (4) Shall be erected in conjunction with or mounted on a permanent base, decorative in design, landscaped with permanent shrubs, simple in design, and complement and accentuate the best features of the site and the area.
  - b. Wall sign:
    - (1) Shall be affixed to or displayed on the face of the building.
    - (2) Shall not project above the roof or be mounted on a building above the eave line of a roof of the building.
    - (3) Shall not project more than eighteen inches in front of the face wall of the building.
  - 3. Illumination: Identification signs may be illuminated as described under Section 1104.
- F Signs may be erected and maintained as herein permitted, provided such signs are located in accordance with the following minimum eight visibility requirements.
- 1. Sight visibility at public street or highway intersections.
    - a. No sign, structure, wall or other obstruction to sight view shall be erected or maintained within the clear sight area above a height of three and one-half feet in elevation above the grade level.
    - b. A clear sight area shall be maintained at all street intersections, or other established or proposed points of entry on to a public road or street.
- G. Signs may be erected and maintained upon the premises of professional offices, provided that, all provisions of Section 1104 are fulfilled.

Section 1102 PERMITTED USE IN THE C, NEIGHBORHOOD AND HIGHWAY COMMERCIAL DISTRICT

- A. Signs may be erected in a C, Neighborhood and Highway Commercial District, provided that they meet all the applicable standards and restrictions for signs in R-1 and R-2 Residential Districts, as well as those hereinafter provided.
- B. One business wall sign or one self-supporting business sign, but not both may be erected and maintained for each business enterprise provided:

1. Business Wall Sign

- a. Projections shall not exceed two feet measured from the main wall of the building.
- b. Shall be affixed to or displayed on the face of the building and shall not project above the main roof line of a building.
- c. Area shall not exceed fifty square feet for any single business enterprise.

2. Self-supporting business sign:

- a. Signs shall be installed on a standard which shall be attached to permanent foundation and all signs shall be located behind the street right of-way line.
- b. No part of any such sign shall be located less than five feet from any side or rear property line or flush to the side or rear of the building, whichever is less.
- c. No part of any such sign shall exceed a total height above the established or proposed curb elevation or twenty five feet.
- d. There shall be only one sign of any nature on any standard erected to hold a self-supporting sign.
- e. Time, date and temperature signs may include devices indicating digital time and temperature, but shall not change in any interval which indicates flashing.

3. Each business may erect signs directing and guiding traffic and parking on private property, but bearing no advertising matter. Such signs shall be limited to the words "entrance", "in", "exit", "out", "parking", and may also have arrows or other appropriate directional indicators.

- a. The area for any such sign shall not exceed three square feet for each sign.
- b. Such sign shall not be less than eight feet nor more than ten feet high from ground grade for a low type mounting when specified or required for sight distance.
- c. Such signs shall be located on premises only at exit and entrance drives.

C. Two or more businesses located on a parcel held in single and separate ownership may erect and maintain one self-supporting identification sign, per parcel, provided:

The size of any such sign is not in excess of fifty square feet and no part of such sign shall exceed a

total height above the established or proposed curb elevation or greater than twenty-five feet. There shall be only one self-supporting sign of any type herein permitted on any property held in a single and separate ownership and no combination of businesses may combine their interest to permit larger signs or to increase the number of signs.

- D. All permitted signs may be illuminated in accordance with Section 1104.
- E. Signs may be erected and maintained as herein permitted, provided such signs are located in accordance with the following minimum sight visibility requirements.
  - 1 Sight visibility at public street, highway or commercial business driveway intersections.
    - a. No sign, structure, wall or other obstruction to sight view shall be erected or maintained within the clear sight area above a height of three and one-half feet or below a grade elevation at any point within the clear sight area.
    - b. A clear sight area shall be maintained at all street intersections, commercial business driveway entrances to streets, or other established or proposed points of entry onto a public road or street.

Section 1103 PERMITTED USE IN THE - INDUSTRIAL DISTRICT

Signs may be erected in the I - Industrial District, provided, they meet all the applicable standards and restrictions for signs in R•1 and R-2 Residential Districts and the C - Neighborhood and Highway Commercial District.

Section 1104 ADDITIONAL SIGN REQUIREMENTS

- A. In addition to the other requirements of this Ordinance, every sign referred to in this Article must be constructed of durable materials, must be kept in good condition and repair, and not allowed to become dilapidate d.
- B. Each sign shall be removed when the circumstances leading to its erection no longer apply.
- C. The construction or erection of any sign within tho, right-of-way lines of a public highway or street is hereby prohibited, except as a permanent sign built in

conjunction with an ornamental entrance to a development stating only the name of such development of plan.

1. An approved building permit shall be obtained before any such sign or structure is built.

D No signs shall be constructed, altered or illuminated in any way to confuse, blind, distract or hinder the view of pedestrians and operators of motor vehicles on the highways or streets adjacent to such signs.

No artificial light or reflecting devices shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for a traffic signal.

2. Flood lighting shall be arranged so that the source of light is not visible from any point off the lot, and that only the sign is directly illuminated thereby.
3. The sign may be illuminated internally, provided the source of reflected light is not directly visible or glaring.
4. No sign may be illuminated red, green or yellow or any combination thereof, if such sign will interfere with the effective visibility of a traffic signal or is to be located adjacent to a roadway so as to give the appearance or impression of a traffic signal.
5. No illumination involving flashing or movement or causing the illusion of movement by reason of the lighting arrangement shall be permitted, and all lighting which flashes, moves, or oscillates is expressly prohibited.

E. A nonconforming sign or similar device, located on a street or public highway, which is not kept in good repair or which creates a public nuisance or hazard shall be removed by the owners of said sign at any time they are so notified by the Board of Commissioners.

F. No sign shall be used for display or advertising, except that pertaining to the use conducted on the property or carried on within such building.

G. No sign shall be placed in such a location or at such height that it will cause danger to traffic on a street or highway by obstructing the sight distance or view.

H. All signs requiring permits when located where their vertical height exceeds the horizontal distance to any highway or street right-of-way line or any property line shall, when required, submit stress sheets and calculations showing the structure is designed for dead



load and wind pressure in any direction in accordance with the National Building Code Specifications for wind pressure on signs.

A temporary business or identification sign in accordance with the provisions of this Ordinance may be displayed for not more than a fourteen day period, semi-annually in R-1, R-2, C and I Districts by obtaining a temporary sign permit, provided:

1. In R-1 and R-2 Districts, no other signs are erected upon the same property except a nameplate sign.
- J. No sign shall be erected, placed or constructed in any district on a movable or portable base, sled, trailer, vehicle or device of any type where the principal use of the base, sled, trailer vehicle or device is for the purpose of displaying a sign which is capable of being moved or transported from one location to another.

Section 1105 PERMITS AND FEES FOR ERECTION OF SIGNS

- A A permit shall be required for the erection of all signs in R-1, R-2, C and I Districts regulated by this Ordinance, except no permit shall be required for signs that meet the following requirements in R-1, R-2, C and Districts:
1. Real Estate signs in compliance with the requirements of Section 1101, subsection A.
  2. Directional signs in compliance with the requirement of Section 1101, subsection D.
  3. Nameplate signs in compliance with the requirements of Section 1101, subsection D.
  4. Traffic and parking signs in compliance with the requirements of Section 1101, subsection E.
- B. The applicant shall submit his application for a sign permit on a form furnished by the Zoning Officer, submitting all such information and plans as may be required.

ARTICLE XII

OFF STREET PARKING, LOADING  
AND UNLOADING REGULATIONS

Section 1200 GENERAL REGULATIONS

- An Off-street parking, loading and unloading facilities shall be provided in lessen congestion in the streets. The facilities required herein shall be available throughout the house of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off or beyond the public right-of-way.
- B Each parking space shall have an area of not less than two hundred square feet, whether inside or outside of a structure, for the temporary standing of automobile vehicles to be used exclusively as a parking stall for one automobile vehicle plus one hundred fifty square feet used exclusively for turning and access to the parking stall.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
- D. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Board of Commissioners.
- E. Surfacing: Any off street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.
- F. Lighting! Any lighting used to illuminate any off street parking area shall be so arranged as to reflect the light away from adjoining premises and public right-of-way.
- G, There shall be adequate provision for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people

and/or the general public. Where a parking or loading area does not abut on a public right-of-way, or private alley or easement of access, there shall be provided an access drive of not less than twelve feet in width per lane of traffic; and not less than eighteen feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.

Section 1201 PARKING FACILITIES REQUIRED

Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with no less than the minimum spaces, as set forth below. Said space shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number. The final number of parking spaces shall be subject to review and approval of the Planning Commission and/or the Board of Commissioners.

A. Residential Parking:

1. In the R-1, Urban Residential District, off-street parking shall be provided at the rate of one off-street parking space per dwelling unit.
2. in the R-2, Suburban Residential District, off-street parking shall be provided at the rate of two off-street parking spaces per dwelling unit.

B. Commercial Parking:

1. Theaters, auditoriums, churches, schools, stadiums, or any other places of public or private assembly: At least one parking space for each three seats provided for public or private assembly.
2. Retail stores and other places of trade or business: One parking space for each one hundred square feet of floor area for public use.
  - a. Food markets and grocery stores: One parking space for each one hundred square feet of floor area for public use.
4. Restaurants, tearooms and cafeterias: One parking space for each fifty square feet of floor area for public use.
5. Bowling alleys: Five parking spaces for each alley.
6. Office buildings: At least one parking space for each three hundred and fifty square feet of floor area or fraction thereof.
7. Public garages, automobile and gasoline service stations. At least one parking space for each two hundred square feet of floor area, or fraction thereof, devoted to repair or service facilities, and one parking space for each employee on the largest

shift. This shall be in addition to the space allocated for the normal storage of motor vehicles. No parking shall be permitted on the public right-of-way.

- S. Hospitals and sanitariums: At least one parking space for each three beds. Such spaces shall be in addition to those necessary for doctors, administrative personnel and other regular employees. One parking space shall be provided for each employee on the largest shift.
- 9 Other commercial buildings: At least one parking space for each four hundred square feet of floor area, or fraction thereof, except when otherwise authorized as a Special Exception consistent with the principles set forth herein for comparable buildings.
10. Drive-in dairies and restaurants: Provisions for parking for drive-in facilities must meet with the approval of the Board of Commissioners and no parking on the public right--of-way shall be permitted.
- 11 Dance halls, roller rinks, clubs, lodges and other similar places: At least one parking space for each two hundred square feet of floor area.
12. Swimming pools: At least one parking space for each three persons for whom facilities for dressing are provided: or at least one parking space for every twelve square feet of water surface, including areas for swimming, wading and diving, whichever requirement is the greater.
13. Open areas used for commercial purposes:
  - a. Golf driving range: At least one parking space for each tee provided.
  - b. Miniature golf: At least one parking space for each tee.
  - c. Other open areas: At least one parking space for each two thousand five hundred (2, 500) square feet of area or fraction thereof.
14. Mortuaries, funeral homes and undertaking establishments: At least one parking space for each one hundred square feet of floor area for public use. Such space shall be in addition to:
  - a. Employee parking needs.
  - b. A service area for mobile equipment, such as hearses and ambulances.
15. Home occupations: At least two parking spaces for the resident, one parking space for each nonresident employee and two parking spaces for patron use.
16. No off-street parking space or area shall be located or arranged so as to permit or cause any vehicle to be backed out onto any public street or highway, except item "a" of this section.

C. **Industrial Parking:**

These regulations shall apply to industrial expansion and industrial installations erected after the effective date of this ordinance. Off-street parking shall be provided on the premises in accordance with the following schedule:

1. Industrial and manufacturing establishments: One parking space for each two employees on the combined major and next largest shift.
2. Truck terminals and wholesale warehouses: One parking space for each two employees on the combined major and next largest shift.
3. Visitors and salesmen: Space shall be provided in addition to the above parking and requirements according to the specific needs.

Section 1202      **LOADING AND UNLOADING SPACE**

- A. In addition to the off-street parking space required above, any building erected, converted or enlarged in any district for commercial, office building, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be fifty feet in length, twelve feet in width, with an overhead clearance of fourteen feet.
- B. All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking.
1. In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purpose shall the public right-of-way be used for loading or unloading of materials.

Section 1203      **ACCESS TO OFF-STREET PARKING AND LOADING AREAS**

Access to and from all off-street parking, loading and vehicle service areas along public rights-of-ways shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions.

- A. Access drives shall not open upon any public right-of-way:
1. Within eighty feet of the nearest right-of-way line of any intersecting public street or highway.

2. Where the sight distance in either direction along the public thoroughfare would be less than five hundred feet when the posted speed limit exceeds thirty five miles per hour; however, when the posted speed limit is thirty five miles per hour or less, the sight distance requirement may be reduced to two hundred fifty feet.

B. All access drives entering onto a State Highway shall not be approved by the Township unless and until a State Curb Cut Permit has been approved and presented.

Section 1204 PARKING AND LOADING AREA SETBACKS

All nonresidential parking and loading areas and parallel circulation and service lanes shall be separated from the right-of-way line of a public thoroughfare of adjoining property line by a planting strip at least twenty feet in depth, unless adjoining owners mutually agree to common facilities subject to greater setbacks as may be required elsewhere in this Ordinance.

ARTICLE XIII

SUPPLEMENTAL REGULATIONS

The provisions of this Zoning Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplemental regulations.

Section 1300      ADDITIONAL DWELLINGS

- A. Residential Uses:      Individual lots or subdivided parcels ten acres or less in size shall have no building or buildings in addition to the principal building on the same lot used for living purposes.      Undivided land parcels of ten acres or greater in size shall be limited to one single-family detached residential structure per ten acre unit of undivided land area.
- S. Nonresidential Uses      Where a lot or tract is used for a nonresidential purpose, more than one principal building may be located upon the lot or tract, but only when such buildings conform to all open space and yard requirements around the lot for the district in which the lot or tract is located.

Section 1301      CELLAR DWELLINGS

No living quarters other than a game or recreational room shall be placed in a cellar structure in any other room or space having less than one-half its height (floor to ceiling) above the average ground level as measured from front to rear of the structure.

Section 1302      CLEAR SIGHT TRIANGLE

In order to prevent the creation of a traffic hazard by limiting visibility at a street intersection, no structure, building, earthen bank or vegetation exceeding three and one-half feet in height above the finished paved area at the center of the roadway shall be allowed within the clear sight triangle on corner lots.

Section 1303      CONSTRUCTION OF ACCESSORY BUILDING

No accessory building shall be constructed upon a lot until the construction of the principal building has been actually commenced and except as provided elsewhere in this Zoning

Ordinance, no accessory building shall be used for residential purposes. Provided, however, that one residential unit for a caretaker may be permitted in conjunction with any industrial establishment.

Section 1304 ESSENTIAL SERVICES

Essential services as defined in the Ordinance, shall be permitted in all districts, subject to restrictions recommended by the Planning Commission and approved by the Zoning Hearing Board with respect to use, design, yard area, setback and heights.

Section 1305 FENCES OR HEDGES

Subject to the following conditions, fences may be erected along the boundaries of a lot:

- A. Fences, hedges or other plantings, structures or walls at street corners shall not be located so as to interfere with the clear sight triangle on corner lots. The heights of such objects is restricted to three and onehalf feet within the clear sight triangle above the centerline of the adjacent road surface.
- B. In all Residential Districts and Commercial Districts, fences may be erected to a height not exceeding four feet where the openings between the materials used to construct the fence represent less than 70 percent of the total surface area of the fence.

Section 1306 GENERAL STORAGE

No lot or premise shall be used as a storage area for junk automobiles, appliances or the storage or collection of any other miscellaneous items unless permitted under the I, Industrial District. Also, no lot or premise shall be used as a garbage dump or a dead animal rendering plant nor may manure, rubbish or miscellaneous refuse be stored in the open within any District where the same may be construed as a menace to the public health or safety. No exceptions shall be made except by official action of the Board of Commissioners.

Section 1307 GROUP HOUSING

In cases where group housing, two or more buildings constructed on a plot of ground, not subdivided into the



customary lots and streets and which will not be subdivided, or where the existing or contemplated street and lot layout made it impractical to apply the requirements of this Zoning Ordinance to the individual building units in such group housing, the application to the terms of this Zoning Ordinance may be varied by the Board of Commissioners upon recommendation from the Planning Commission in a manner which will be in harmony with the character of the immediate area. Requests for Group Housing shall be subject to the provisions of Article XVIII, Conditional Uses. Group housing is permitted only in the Residential Districts.

The Board of Commissioners shall authorize such construction subject to the following:

- A. Only uses as permitted within the District where such requests are to be located.
- 3 Per family lot area in accordance with minimum lot requirements in the District where such requests are to be located.
- C. Height, yard and lot coverage requirements in accordance with requirements in the District where such requests are to be located.

Section 1308 HEIGHT REGULATION EXCEPTIONS

- A. Public, semi-public or public services building, hospitals, public institutions or schools when permitted in a district, may be erected to a height not exceeding 60 feet, and churches or temples may be erected to a height no exceeding 65 feet if the building is set back from each yard line at least one foot for each additional two feet of building height above the height limit, otherwise provided in the district in which the building is located.
- B. Special industrial structures such as cooling towers, elevator bulkheads, fire towers, tanks, water towers which require a greater height than provided in the District may be erected to a greater height than permitted providing:
  - The structure shall not occupy more than 25 percent of the lot area, and;
  - 2. The yard requirements of the district in which the structure is erected shall be increased by one foot for each foot of height over the maximum height permitted.

- C. The height limitations of this Zoning Ordinance shall not apply to flagpoles, church spires, belfries, chimneys or antennas.

Section 1309 HOUSEHOLD PETS

A domesticated animal that is normally or can generally be kept within the immediate living quarters of a residential structure. Any member of the swine, sheep, poultry, bovine or equidac family of quadrapeds, or reptiles having a venomous or constrictor nature, does not constitute a household pet under provisions of this ordinance.

Section 1310 JUNK YARDS

All junk yards existing at the effective date of this Ordinance, within one year thereafter, and all new junk yards, where permitted, shall comply with the following provisions:

- A. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water.
- B. No oil, grease, tires, gasoline or other similar materials shall be burned at any time, and all other burning shall be attended and controlled at all times.
- C. Any junk yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.

Section 1311 LOT AREA MEASUREMENTS, DEEP LOTS

- A. Deep lots: For purposes of measuring lot area on exceptionally deep lots, only the part of the depth which is less than four times the average width of the lot may be utilized in calculations.

Section 1312 MINERAL EXTRACTION

- A. Mineral extraction in any district other than the Industrial District, is considered a nonconforming use. Mineral extraction in the Industrial District is subject to the conditional use provisions of this Ordinance and the specific criteria stated under this section are

needed to carry out a conditional use for mineral extraction in the Township of East Deer.

**B. Operational Requirements:**

- 1\_ Vibrations-Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership of public right-of-way.
2. Emissions-The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property at any point beyond the property line of the use creating the emission are hereby prohibited.
3. Fencing-A six foot fence the completely encloses the portion of the property in which an open excavation or quarry is located shall be provided and shall be so constructed as to have openings no larger than six inches, and if pickets are used, the openings shall not exceed six inches.
4. Buffer Planting-Where adjacent to Residential Areas, trees and shrubs must be planted to screen the operation from normal view. The same shall be applicable when such operation is adjacent to a public right-of-way.
- 5 Setbacks:
  - a. Residential-When adjacent to a Residential Area, no stockpiles, waste piles, processing or manufacturing equipment and no part of the open excavation quarrying pit shall be located closer than 500 feet to the Residential area.
  - b. Street-From the right-of-way line of a public street or highway no part of quarrying or excavating operation shall be closer than 100 feet. Where both sides of the right-of-way are in a quarry or excavation operation in single ownership the required street setback may be reduced to 50 feet on each side of the right-of-way. In no case shall an open excavation be closer than 100 feet.

c. General property line setbacks:

1. Commercial Use - No part of the quarrying or excavating operation shall be located closer than 200 feet to a Commercial District.
2. Industrial Use - No part of the quarrying or excavation operation shall be closer than 100 feet to an Industrial Use.
3. Where a quarry property abuts another quarry property or an operating railroad's right-of-way no part of the operation shall be closer than 75 feet.

6. General provisions:

- a. In no case shall any use impede the flow of natural watercourses.
- b. All uses of land or processes which pollute natural watercourses shall be prohibited.
- c. All uses of land shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in quarries or excavations.

C. Submission of operational data for natural extraction uses:

1. The operations plan shall include but need not be limited to:
  - a. Ownership and acreage of the land proposed for use.
  - b. Type of resources to be extracted or quarried.
  - d. Estimated depth of the proposed operation.
  - d. Location map at a scale of one inch equals 800 feet which shall show:
    - I. The land area to be excavated or quarried with the dimensions and the total property.
    2. Private access roads and abutting streets and highways.
    3. Abutting and/or adjacent districts and land uses.

4. Existing watercourses, and proposed alterations to assure stream quantity and quality.
5. Fencing and buffer planting. If fencing is to be vegetation, give details of the size and type.
6. Title, scale, north arrow and date.
7. Ownership.

D. Rehabilitation-reclamation plan for natural production uses:

1. At the time the operations plan is submitted a rehabilitation-reclamation plan shall also be submitted setting forth the following information<sup>2</sup>
  - a. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries and legal description of the tract.
  - b. A description of the location, type, extent, methods and time schedule for the operations proposed.
  - c. A drawing showing the location and/or proposed relocations of land, trees, buildings, structures, public roads, streams, drainage facilities and utility lines on the tract or adjacent tracts as may require protection, repairs, clearance, demolition, restoration either during or following completion of the operations proposed.
  - d. A statement describing methods for handling operations with respect to the "Operational Requirements," plus any drainage, air pollution, soil erosion or other environmental problems created during the operations including production, transportation, processing, stockpiling, storage and disposal of by-product and wastes.
  - e. A plan for reuse of the land after completion of the operations which shall permit the carrying out of the purpose of this Ordinance and appropriately provide for any restoration, reclamation, reforestation of other correction work deemed necessary.

- E. General rehabilitation-reclamation requirements and standards for natural production uses:
1. Time. Within three years after the termination of operations the area must be rehabilitated to conform with the rehabilitation plan as approved.
  2. Standards. In the rehabilitation of an area the following standards must be met:
    - a. The entire area disturbed by excavating, quarrying, mining or other natural production use shall be planted in such a manner so as to control soil erosion.
    - b. The entire area shall be graded wherever necessary to provide for the conveyance of storm water. Finished grade shall not have a slope of less than two percent so as to provide for natural drainage.
    - c. Stockpiles, overburden, refuse, plant facilities or equipment shall be removed immediately upon the termination of operations and in no case shall removal exceed one year.
    - d. Where screen planting and/or fencing has been provided, the same shall remain where necessary for safety, and shall be continuously maintained in good repair.
- P. Existing natural production uses: Operations existing prior to the effective date of this Ordinance, which are nonconforming as to setback requirements, shall not be required to correct such existing nonconformity. A rehabilitation plan and any required fencing and/or screen planting shall be provided within six months after the effective date of this ordinance.

Section 1313 PATIOS

A patio as defined in this Ordinance may extend into the front, side, or rear yards of the principal building. A patio is not considered a part of the principal building (see patio definition) and is therefore permitted to extend into any required yards.

Section 1314 PRIVATE SWIMMING POOLS

Private swimming pools, in Districts were permitted shall

comply with the following conditions and requirements.

- A. The pool is intended, and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- B. It may be located only in the rear yard or side yard of the property on which it is an accessory use.
- C. It may not be located, including any walls, or paved areas or accessory structures adjacent thereto, closer than 20 feet to any property line of the property on which located.
- D. The swimming pool area or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access by children from the street or from adjacent properties. Said barrier shall not be less than four feet but not more than six feet in height and maintained in good condition. When a fence is used, it shall not have any openings greater than two inches in width, except for necessary gates; and when said fence is formed of metal or wire, such metal or wire shall be not less than number six gauge.

Section 1315 RECREATIONAL VEHICLES AND RECREATIONAL EQUIPMENT

Trailers as defined within the terms of this Zoning Ordinance and including travel trailers, pickup coaches, motorized homes and boat trailers may be parked or stored subject to the following requirements:

- A. Camping and recreation equipment belonging to persons other than owner of the property may be temporarily parked on a residential property in Residential Districts provided a temporary trailer parking permit is obtained. Temporary trailer parking permits shall be limited to a maximum of one consecutive two-week period in any one calendar year.
- B. Permanent parking and storing of camping and recreational equipment shall be limited to the interior of automobile garages or other available on-lot accessory buildings or to that portion of the lot behind the principal building.

Section 1316 REDUCTION IN LOT AREA

No lot area though it may consist of one or more adjacent

lots or record, shall be reduced in area so that the yard lot area per family, lot width, building area or other requirements of the Ordinance are not maintained, public utilities excepted.

Section 1317 STRUCTURE ON SMALL LOT OF RECORD

Notwithstanding the limitations imposed by any other provisions of this Ordinance, the Zoning Officer may permit erection of a structure on any lot of record separately owned or under contract of sale and containing, at the time of the passage of this Ordinance, an arch or a width smaller than that required in this Ordinance. In no way shall any structure be permitted within six feet of a lot line as measured at the building line. It shall be the responsibility of the Zoning Officer to review all permits issued under this section with both the Planning Commission and the Board of Commissioners prior to issuing of said permit has been reviewed.

Section 1318 TEMPORARY USES

Only the following uses are permitted temporarily (from period of one to four weeks in one calendar year). (See Article XVII, Section 1701, Item D).

- A. Christmas tree sales in commercial districts.
- B. Carnival, circus and street fairs in commercial or industrial districts.
- C. Mobile amusement and lighting equipment for promotion, advertisement and grand openings in commercial and industrial districts.

Section 1319 YARD REQUIREMENTS

- A. All yards required to be provided under this Zoning Ordinance shall be unobstructed by any building or structure except for accessory buildings in the rear and side yards and fences.
- B. The following may project into the required yards as established in this Zoning Ordinance:
  - 1 Steps and stoops not exceeding 24 square feet.
  - 2. Open and lattice enclosed fire entrances, fireproof



outside stairways and balconies opening upon fire towers and the ordinary projection of chimneys and flues into the rear yard not exceeding three and onehalf feet in width and places so as to obstruct light or ventilation.

Sills, caves, belt courses, cornices and ornamental features not exceeding two feet width.

4. Patios,

C. The front yard requirements heretofore established shall be adjusted in the following cases:

1. Where 40% or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five feet or less), a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
2. Where 40% or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:
  - a. Where a building is to be erected on parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front cornices of the adjacent structures on the two sides; or
  - b. When a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

Irregular Lots: Where any main wall of a structure located on any irregularly shaped lot does not parallel the lot line which the wall faces, the yard or minimum distance to the lot line at every point shall be at least equal to the minimum dimension required for the yard of a distance to the lot line.

ARTICLE XV  
ADOPTION AND AMENDMENT

Section 1500 ADOPTION

The Zoning Ordinance shall be adopted in compliance with the provisions of Article VI, Section 607 and 608 of Act 247, as amended, known and cited as the "Pennsylvania Municipalities Planning Code".

Section 1501 AMENDMENT

This Zoning Ordinance may be amended from time to time as deemed necessary for the public welfare or convenience, in compliance with the provisions of Article VI, Section 608 and Section 609.1 of Act 247, as amended, known and cited as the Pennsylvania Municipalities Planning Code.

- A. Enactment of Amendments: An amendment to this Ordinance may be initiated by the Board of Commissioners of the Planning Commission. Before voting on the enactment of an amendment, the Board of Commissioners shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment prepared by other than the Planning Commission, the Board of Commissioners shall submit said amendment to the Planning Commission for recommendations, at least 30 days prior to the public hearing. If, posed amendment is revised, or further revised, to include land not previously affected by it, the Board of Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. Forty five days prior to the public hearing held by the Board of Commissioners, the Township Planning Commission shall submit the proposed amendment to the Allegheny County Planning Commission for recommendations.
- B Procedure upon curative amendment. A landowner who desire to challenge on substantive grounds the validity of this Ordinance, the Zoning Map attached and ma a part hereof or any provision hereof, which prohibits or restricts the use or development of land in which he has an interest and may submit a curative amendment to the Board of Commissioners with a written request that his challenge and proposed amendment or amendments be heard and decided in the manner prescribed by Act 247, the "Pennsylvania Municipalities Planning Code" and further defined as follows:
1. Procedure for filing for curative amendment:

- B. A lawful nonconforming building destroyed to the extent of less than 60% by fire, explosion, floor or other casualty or legally condemned, may be reconstructed and used for the same nonconforming use, provided that (a) the reconstructed building shall not exceed in height, area or volume, the building destroyed or condemned and (b) building reconstruction shall be commenced within one year from the date the building was destroyed or condemned and shall be completed within one year.

Section 1406 ABANDONMENT

- A. The nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when one of the following conditions exists:
1. When the intent of the owner to discontinue the use is apparent.
  2. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within six months unless other facts show intention to resume the nonconforming use
  3. When a nonconforming use has been discontinued for a period of one year.
  4. When it has been replaced by a conforming use.
- B. Any nonconforming use of sign or billboard which is discontinued or not used for three months shall not be resumed; and if any sign or billboard is removed, it shall not be reconstructed.

Section 1407 UNSAFE STRUCTURE

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building declared unsafe by a proper authority.

Section 1408 UNLAWFUL USE NOT AUTHORIZED

Nothing in the Zoning Ordinance shall be interpreted as authorization for or approval of the continuance of this illegal use of a structure or premises in violation of zoning controls in existence at the time of enactment of the Zoning Ordinance.

Section 1409 DISTRICT CHANGES

Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District of a different classification, the foregoing provisions of this Article shall apply to any nonconforming uses in existence therein.

Section 1410 CONSTRUCTION APPROVED PRIOR TO LEGAL ENACTMENT OF ORDINANCE

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a permit has been issued and the construction of which shall have diligently prosecuted within two months of the date of such permit, and the ground story framework of which shall have been completed within four months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from the date of the permit.

Section 1411 REGISTRATION

The Zoning Officer shall prepare a list registering all nonconforming uses, and nonconforming structures existing at the time of the legal enactment of this Ordinance. Said list shall include a general description of the nature and extent of the nonconformity and may include photographs as documentation. Further, said list shall be maintained for public use and information.

ARTICLE XIV  
NONCONFORMING USES

Section 1400 DEFINITION

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

Section 1401 PERMITTED CONTINUATION

A nonconforming use may continue, be bought or sold, altered, restored or extended subject to the provisions of this Article even though such use does not conform to the regulations established for that Zoning District in which it is located. However, one nonconforming use cannot be changed to another type of nonconforming use

Section 1402 ALTERATIONS

- A. A nonconforming building or structure may be altered, improved or reconstructed provided:
1. Such alterations do not result in the expansion of the exterior dimensions of the nonconforming building or structure.
  2. Such work does not exceed 50 percent of the fair market value of the building or structure as determined by the Allegheny County Assessor.

A nonconforming building or structure may be altered, improved or reconstructed in excess of 50 percent of the fair market value of the building or structure, but not exceeding 100 percent of the fair market value as determined by the Allegheny County Assessor if approved as a Special Exception by the Zoning Hearing Board.

- C A nonconforming building or structure may be altered to the extent necessary if such alteration is intended and will result in the building or structure conversion to a conforming use

Section 1403 EXTENSION OR EXPANSION

A nonconforming use may be extended upon approval as a Special Exception by the Zoning Fearing Board subject to and provided the following:

- A. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
- B. The extension does not encroach upon the lot area requirements and the maximum building height requirements of the District in which the nonconforming use is presently located.
- C. The extension is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Zoning Ordinance.
- D. Such extension does not result in an increase in total floor area or lot use area of more than 50% of the original floor area or lot area.
- E. Adequate parking can be provided in conformance with this Ordinance to serve both the original plus expanded use.
- F. Such expansion does not present a threat to the health or safety of the community of its residents.

Section 1404 CHANGES

No nonconforming building, structure or use shall be changed to another type of nonconforming use.

Section 1405 RESTORATIONS

- A. A building which is damaged by fire, explosion, flood or other casualty to the extent of 60% or more of its value (exclusive of walls below grade) as at the date of the damage and determined by fair market value by the Allegheny County Assessor of the building, regulations of this Ordinance, shall not be restored except in conformity with the regulations for the use district in which such building is located.

- a. The landowner shall make a written request to the Board of Commissioners that they hold a hearing on his challenge. The request shall contain a short statement reasonably informing the Board of Commissioners of the matters that are in issue and the grounds for the challenge.
- h. Such request; may be submitted at any time but if an application for a permit or approval is denied under this Ordinance the request shall be made not later than 30 days after notification of such denial. In such case, if the landowner elects to make the request to the Board of Commissioners and the request is timely, the time within which he may seek review of the denial of the permit or approval on other issues shall not begin to run until the request is finally disposed of.
- c. The request shall be accompanied by plans and other materials describing the use or development proposed by the landowner. Such plans and other material may be general in nature, but should provide a sufficient base for evaluating the challenge.

2. Public Hearings:

- a. Upon petition, the Board of Commissioners shall hold a hearing thereon within 60 days of the filing of the request.
- b. At least 45 days prior to the hearing the Board of Commissioners shall refer the proposed amendment to the Township Planning Commission and the Allegheny County Planning Commission for recommendations.
- c. The public notices for the hearing, in addition to the requirements for advertisement, for any amendment indicate that the validity of this Ordinance or Zoning Map is in question and shall indicate the place and times when a copy of the landowner's request, including all plans submitted and the proposed amendments may be examined by the public.
- d. The public hearing shall be conducted within the following guidelines:
  - 1. The Chairman or Acting Chairman of the Board of Commissioners presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers including witnesses and documents requested by the parties.

2. The parties have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
  3. Formal rules of evidence shall not apply but irrelevant, immaterial or unduly repetitious evidence may be excluded.
  4. The Board of Commissioners shall keep a stenographic record of the proceedings and a transcript of the proceedings as well as copies of graphic or written material received in evidence shall be made available to any party at cost.
  5. The Board of Commissioner shall not communicate, directly or indirectly, with any party or his representative in connection with any issues involved except upon notice and opportunity for all parties to participate; shall not take memoranda, or other materials unless the parties are afforded an opportunity to contest the material or notices; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.
- c. The hearing may be postponed or continued at the request of the landowner or by mutual consent of the parties.
3. Procedures for rendering formal action: Upon completion of the hearing a decision and communicate said decision to all parties within 30 days.
    - a. Approval of the amendment shall be granted by formal affirmative vote at a regular or special meeting of the Board of Commissioners.
    - b. The landowner's request shall be considered denied when:
      1. The Board of Commissioners notifies the landowner that it will not adopt the amendment.
      2. The Board of Commissioner's adopts another amendment which is unacceptable to the landowner.
      3. The Board of Commissioners fails to act on the



landowner's request within 30 days of the close of the last hearing, unless the time is extended by mutual consent to the landowner and Board of Commissioners.

4. Appeal.: Any action taken or decision rendered under this Article may be appealed by any parties aggrieved by said action or decision under the provisions and procedures provided in Act 247, as amended.

ARTICLE XVI  
ZONING HEARING BOARDS

Section 1600 CREATION AND APPOINTMENT

A Zoning Hearing Board is hereby created. The membership of said Board shall consist of five residents of the Township appointed by the Board of Commissioners. Their terms of office shall be three years. After expiration of their initial terms, said initial term shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Commissioners of any vacancies which occur. Appointment to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township except that no more than one member of the Zoning Hearing Board may also be a member of the Planning Commission.

Section 1601 REMOVAL OF MEMBERS

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

Section 1602 ORGANIZATION OF ZONING BOARD

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer, from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, Section 908 of the "Pennsylvania Municipalities Planning Code," Act 247 as amended. The forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Board of Commissioners once a year.

Section 1603 POWER AND DUTIES

- A. The Zoning Hearing Board shall hear and decide appeals from an order, requirement, decision or determination made by the Zoning Officer in the administration of this ordinance.
- B. The Zoning Hearing Board shall hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
- C. The Zoning Hearing Board shall hear requests for variances from the requirements of this Ordinance where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the application following the procedures set forth in Section 1504. The Zoning Hearing Board may grant a variance provided the following findings are made where relevant in a given case.
  - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness, topographical property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
  - 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.
  - 3. That such unnecessary hardship has not been created by the appellant.
  - 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.
  - 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 issue.

In granting any variance, the Zoning Hearing Board may attach

such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this act and the Zoning Ordinance.

- D. The Zoning Hearing Board shall hear and decide requests for such Special Exceptions in those cases where this Ordinance indicates a Special Exception may be granted subject to compliance with the standards and criteria prescribed. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purpose of this ordinance.
- E. The Zoning Hearing Board may conduct a hearing and take evidence on a substantive challenge and amendment to this Ordinance filed by a landowner. The Zoning Hearing Board may further make findings of fact relative to the challenge and cause to be made a record or transcript, which may serve as the basis for further action. The Zoning Hearing Board shall not make recommendations or render an opinion in such matters, and has no authority to alter, change, or otherwise grant relief in such cases.

Section 1604 PROCEDURES

A. Variance

- 1. The landowner shall file a written request for a variance with the Zoning Officer along with all maps, plans and text which may be relevant to the request. Said request shall be accompanied by a fee specified by the Board of Commissioners.
- 2. The Zoning Officer shall transmit the request and information received therewith, along with his file on said issue forthwith to the Zoning Hearing Board.
- 3. Upon receipt of a request for variance the Zoning Hearing Board shall establish a time and place to hear said request within 30 days.
- 4. The Zoning Hearing Board shall render a written decision and inform the applicant of said decision within 30 days of the final hearing date.
- 5. Hearings by the Zoning Hearing Board shall be conducted in accordance with Section 908 of Act 247, the "Pennsylvania Municipalities Planning Code."

B. Appeal of Zoning Officer's Decision

1. Appeals arising from the Zoning Officer's decision on a specific provision of this Ordinance shall be handled in the same manner as a variance request.

C. Special Exception

1. The landowner shall file a written request for the granting of a Special Exception along with all maps, plans and text which may be necessary to explain the development proposed and its conformance with the standards and criteria of this Ordinance with the Zoning Officer. Said request shall be accompanied by a fee specified by the Board of Commissioners.
2. The Zoning Officer shall transmit the request and background data forthwith to the Zoning Hearing Board.
3. The Zoning Hearing Board shall schedule a public hearing with the public notice within 60 days of said request.
4. The Zoning Hearing Board shall render a written decision and inform the applicant of said decision with 30 days of the final hearing date, unless upon mutual consent of the Zoning Hearing Board and applicant it is agreed to continue proceedings.
5. The Zoning Hearing Board shall make its decision in accordance with Section 913 of Act 247, the "Pennsylvania Municipalities Planning Code."

- D. Expiration - When the landowner is notified of the decision of the Zoning Hearing Board granting a variance or special exception, the landowner must effectuate the Zoning Hearing Board's decision within six months of said notification. Otherwise, said notification becomes null and void and the filing of a subsequent request for a variance or special exception will be necessitated.

Section 1605 TIME LIMITATIONS

Any person aggrieved by the rendering of a decision by the Board of Commissioners, Planning Commission or Zoning Officer shall have 30 days in which to file an appeal or request for review with the Zoning Hearing Board from the date of said decision. The Zoning Hearing Board may grant a re-hearing when new testimony or evidence is to be presented.

Section 1606 APPEALS

Appeals from a decision of the Zoning Hearing Board shall be filed and handled in the manner prescribed by Act 247, as amended, the "Pennsylvania Municipalities Planning Code," Article X, Appeals.

ARTICLE XVII  
ADMINISTRATION

Section 1700 ZONING OFFICER

- A. Appointment: The Board of Commissioners shall appoint a Zoning Officer pursuant to the provisions of Section 614 of Act 247, as amended, the "Pennsylvania Municipalities Planning Code."
- B. Powers and Duties: The Zoning Officer shall administer this ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the requirements of this Ordinance. Within this power, the Zoning Officer shall have duties as follows:
1. The Zoning Officer shall receive applications for, and issue zoning and sign permits, certificates of use and occupancy and stop work orders in accordance with the provisions of this Ordinance.
  2. The Zoning Officer shall make all the required inspections or he may, subject to the approval of the Board of Commissioners, engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise.
  3. At least annually, the Zoning Officer shall submit to the Board of Commissioners a written statement of all zoning and sign permits, certificates of use and occupancy issued, and notices and orders issued.
  4. An official record shall be kept on all business and activities of the office of the Zoning Officer specified by provisions of this Zoning Ordinance and all such records shall be open to public inspection at all appropriate times.

Section 1701 PERMITS

- A. Zoning Permit: A zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use of change in use of a building or land,; and prior to the changes or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use until a permit has been duly issued therefore. No zoning permit shall be required in cases of normal maintenance activities, minor repairs and alterations which do not

structurally change a building or structure. No zoning permit shall be issued for a lot with a private sewer system until a septic system permit has been obtained from the Pennsylvania Department of Environmental Resources.

Application for permits - All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings.

- a. Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage, or change the use of the parcel or building is exempt from this specific requirement provided the estimated cost of such activities does not exceed 50% of the fair market value as determined by the Allegheny County Assessor.

All requests for zoning permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use as intended of the building and shall be accompanied by two copies of a layout or plat plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Zoning Ordinance. When complete and accurate information is not readily available from existing records, the Zoning Officer may require an applicant to furnish a survey of the lot by a registered engineer or registered surveyor.

- a. One copy of such layout or plat plan shall be returned when approved by the Zoning Officer together with the permit to the applicant upon payment of a fee as predetermined from a fee schedule adopted by the Board of Commissioners.

## B. Occupancy Permit

1. A certificate of occupancy, either for the whole or a part of a new building or for the structural alteration of an existing building shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alteration of such building or part of a



building shall have been completed and after due inspection shows the same to be in conformance with the provisions of this Zoning Ordinance.

2. A certificate of occupancy for the use or occupancy of vacant land or for a change of use in an existing building shall be applied for and issued before any such land or building shall be occupied, used or changed in use and such certificate of occupancy shall be issued within ten days after application has been made, provided such proposed use is in conformance with the provisions of this Ordinance.
3. No fee shall be charged for an application for a certificate of occupancy as required herein, but for the issue of each copy of said certificate of occupancy there will be a charge as per a fee schedule adopted by the Board of Commissioners.
4. Refusal by the Zoning Officer to issue an occupancy permit shall include a written statement to the applicant citing specific sections of this Ordinance containing reasons for such denial.
5. Occupancy permits are required for the following:
  - a. Occupancy of a new building.
  - b. Occupancy and use of a building hereafter moved or altered so as to require a building permit.
  - c. Change in the use of an existing building other than to a use of the same type.
  - d. Change in the use of land except to another use of the same type.
  - e. Any change in use of nonconforming use to a conforming use.
  - f. Any vacant, public, commercial or industrial building.
6. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of law and of this Zoning Ordinance and all other ordinances of the municipality. They are deemed to authorize and are required for both initial and continued occupancy and use of the building and land so long as such building and use is in full conformity with the provisions of this ordinance.

C. Sign permit

No permanent or temporary sign as described in this ordinance shall be erected until a permit therefore has been issued by the Zoning Officer.

- 2 Application to the Zoning Officer shall be processed within one week upon receipt of the written request to erect a sign and payment of a fee as predetermined from a fee schedule adopted by the Board of Commissioners provided the size and nature of the sign is in conformity with provisions of this ordinance, and all other effective and applicable ordinances. Refusal for a sign permit shall include a written statement to the applicant citing specific sections of this ordinance containing the reasons for denial.
3. Negligence to apply for a sign permit is punishable by a fine as prescribed by this ordinance. Payment of said fine does not grant approval to erect a sign.

Temporary Permit

1. Temporary permits are required where it is intended that a mobile, temporary or seasonal use be located anywhere within the Township for a very short period of time. Temporary permits are limited to a one week period renewable for a maximum of three additional weeks during any one calendar year unless otherwise specified in this ordinance.
2. Temporary permits are required for and in accordance with the following:
  - a. Selling of Christmas trees in Commercial Districts or at churches, schools, clubs and lodges.
  - b. Carnival, circus or street fairs.
  - c. Mobile amusements and lighting equipment for promotion, advertisement and grand openings.
  - d. Temporary parking of camping or recreational equipment in Residential Districts. (See Article XI, Section 1115)
3. No temporary permit shall be used for any temporary use where said use would violate any of the provisions of this Zoning Ordinance except upon approval of the Board of Commissioners.

- 4, Written request to the Zoning Officer for a temporary permit shall be processed within one week upon receipt of the request and payment of a fee as predetermined from a fee schedule adopted by the Board of Commissioners.
- E. When the Zoning Officer issues any permit for building, occupancy, signs, or a temporary permit, the applicant must act upon the receipt of said issuance within one year; otherwise, such issuance becomes null and void and another application for a permit, must be permitted.

Section 1702 INSPECTION

It shall be the duty of the Zoning Officer, or his fully appointed representative, to make the following minimum number of inspections on property for which a permit has been issued.

- A. At the beginning of Construction: A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building.
  - 1, If the actual construction does not conform to the application, a written notice of a violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
- B. At the Completion of Construction: A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Ordinance; and the opinion of the Zoning Officer in regard to the issuance of an occupancy permit.

ARTICLE XVIII  
CONDITIONAL USE

Section 1800 POWERS AND DUTIES

The Board of Commissioners shall hear and decide all requests for the Conditional Uses in those cases where this Ordinance indicates a Conditional Use may be granted subject to compliance with the standards and criteria prescribed and a finding by the Board of Commissioners that said use is consistent with the purpose of this Ordinance and the Township's Comprehensive Plan. In granting a Conditional Use, the Board of Commissioners may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Ordinance.

Section 1801 PROCEDURES

- A The landowner shall file a request for the granting of a Conditional Use along with all maps, plans, and text which may be necessary to explain the development proposed and its compliance with the standards and criteria of this Ordinance with the Township Secretary. Said request shall be accompanied by a fee specified by the Board of Commissioners and shall be filed in triplicate.
- B. The Board of Commissioners shall transmit one copy of the request as well as all documentation to the Township Planning Commission for recommendation at least thirty days prior to the scheduled public hearing.
- C The Board of Commissioners shall schedule a public hearing with public notice within sixty days of said request.
- D The Board of Commissioners shall render a written decision and inform the applicant of said decision within thirty days of the hearing date, unless upon mutual consent of the Board of Commissioners and applicant it is agreed to continue the proceedings.

ARTICLE XIX  
SEVERABILITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, and the parts of or sections remaining shall remain in effect as through the part or section declared unconstitutional has never been a part thereof.

ARTICLE XX  
INTERPRETATION, PURPOSE AND CONFLICT

The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of this Township of East Deer. This ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a greater restriction upon the use of a building or premises, or upon the height of a building, or requires larger open spaces than are imposed by other such rules, regulations or ordinances the provision of this ordinance shall prevail.

ARTICLE XXI  
REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance or prior laws, the Board of Commissioners may instruct an officer of the Township, in addition to other remedies, to institute in the name of the township any appropriate action of proceedings to prevent, restrain, correct or abate such violation, structure of land, or to prevent, in or about such premises any act, conduct or use constituting a violation.

ARTICLE XXII  
PENALTIES

Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance enacted under Act 247 as amended shall, upon conviction thereof in summary proceedings, be sentenced to pay a fine of not more than five hundred (\$500.00) dollars. In default of payment of the

fine, such person, the members of such partnership, or other officers of such corporation shall be liable to imprisonment for not more than 60 days. Each day that a violation is continued shall constitute a single and separate offense. All fines collected for the violation of this Zoning Ordinance shall be paid over to the Board of Commissioners and deposited in the General Fund.

ARTICLE XXIII  
REPEALER

All ordinances or part of ordinances inconsistent herewith are hereby repealed.

The Board of Commissioners  
of the Township of East Deer,  
Allegheny County, Pennsylvania

PASSED: APRIL 9, 1987

Anthony Taliani  
Chairman of the Board

Bettina Satterfield  
Township Secretary/Manager