

# Liberty Township Zoning Ordinance

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# **ARTICLE I: SHORT TITLE, PURPOSE & SCOPE**

## **Section 100: Short title**

This ordinance shall be known as the “Liberty Township Zoning Ordinance” hereinafter referred to as the “Zoning Ordinance”.

The official map showing zoning districts and boundaries shall be known as the “Liberty Township Zoning Map” copies of which shall be retained by the Township Zoning Officer and the Township Secretary. The map included herein is a reproduction of the official map and for reference only.

## **Section 101: Purpose and authority**

This Zoning Ordinance and its regulations are adopted by authority granted to the Township under the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and are made in accordance with the following purpose:

1. To promote health, safety, and general welfare and to protect the public from the adverse secondary effects of various activities
2. To promote coordinated, orderly, and practical community development
3. To lessen congestion on the roads and highways
4. To secure safety from fire, panic and other dangers
5. To provide adequate light and air
6. To prevent the overcrowding of land
7. To avoid undue congestion of population
8. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements
9. To protect and enhance the value of land
10. To encourage yet control new development and growth in the Township

Such regulations are also made with reasonable consideration to the character of the districts hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township.

## **Section 102: Scope**

The Zoning Ordinance regulates and restricts within the boundaries of the Township of Liberty, Mercer County, Pennsylvania:

1. The height, number of stories and size of buildings and other structures
2. Their construction, alteration, extension, repair and maintenance
3. All facilities and services in or about such buildings and structures
4. The percentage of lot that may be occupied
5. The size of yards, courts and other open spaces
6. The density of population
7. The location and use of buildings, structures and land for trade, industry, residence or other purposes
8. The establishment and maintenance of building lines and setback building lines upon any or all public roads or highways

### **Section 103: Application**

In applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements as they shall apply to the use, and/or occupancy of all buildings, other structures and/or lots. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those shall be controlling. The Zoning Ordinance is not intended to interfere with any covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

### **Section 104: Severance**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the zoning district boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

The Township Board of Supervisors hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each Zoning District boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words or boundaries may be declared illegal, unconstitutional or invalid.

## **ARTICLE II: COMMUNITY DEVELOPMENT OBJECTIVES**

### **Section 200: Purpose of community development objectives**

This article shall serve as the statement of community development objectives for the Liberty Township Zoning Ordinance as required by Section 606 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Zoning Ordinance reflects the policy goals of the Township as stated in the following community development objectives. The ordinance has been developed as a legislative and administrative tool of the Township to implement said objectives.

### **Section 201: Specific objectives**

1. Preserve the Township's rural community character most exemplified by open spaces and woodlands, farms, low-density development, uncongested roads, clean air and water, and quiet noise levels.
2. Identify development that may adversely impact the Township's desired community character and the health, safety, and welfare of its residents and establish conditions to minimize impacts.
3. Identify areas where growth is desired and where it is not desired and establish site development standards to minimize impacts of growth on adjacent lands.
4. Provide opportunities for types of development beneficial to the rural economy including farming, home occupations, and home based businesses, but ensure that such development maintains a scale and character compatible with the Township's desired rural community character.
5. Provide opportunities for mixed development so that residents can have close-to-home access to needed goods and services.
6. Provide opportunities for larger-scale industrial and commercial development which would create jobs and enlarged tax base for the Township and would be located where adequate highway access, public sewer service, and public water service is available now or in the near future and where such development would be a reasonable extension of existing similar development.
7. Provide for a variety of housing choices, including a variety of housing types (single-family, duplexes, apartments, etc.).
8. Encourage buffer areas and vegetative screening to minimize impacts of commercial and industrial uses on adjacent non-commercial and non-industrial uses and to encourage that commercial/industrial uses "blend in" with the Township's desired rural community character.
9. Control construction and placement of signs to minimize public safety hazards.

10. Control off-street parking to minimize public safety hazards and to promote conformity to the Township's desired community character.
11. Control the development and location of adult entertainment establishments, acknowledged to be threatening to the public health, safety, and welfare of the community especially its minors, and acknowledged to have adverse secondary effects including but not limited to unhealthy conditions, the spread of diseases, illegal sexual activities, and crime, in order to minimize exposure of such establishments to Township residents, minimize the blighting impact of such uses, and protect the health, safety, and welfare of Township residents.
12. Preserve and enhance the "village" characteristics of the village of North Liberty.
13. Encourage public involvement in the development of and any amendments to the zoning ordinance.
14. Encourage land uses and development and location of development that is most efficient to the delivery of Township services and minimizes the cost of same.

## ARTICLE III: DEFINITIONS

### Section 300: General Interpretation

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory.

### Section 301: Definition of Terms

**Abutting.** Having property or district lines in common; e.g., two lots are abutting if they share a common property line.

**Access.** A way of approaching or entering a property.

**Accessory Apartment.** A separate, complete housekeeping unit which is contained within the structure of a single-family dwelling but can be isolated from it, or which is contained within an existing accessory building.

**Accessory Structure.** See Structure, Accessory.

**Accessory Use.** See Use, Accessory.

**Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, aquaculture, and animal and poultry husbandry, provided that specialized animal raising, care, and processing is separately defined and regulated by this ordinance. Agriculture includes the necessary accessory uses for packing, treating, or storing the produce, provided that the operation of any such accessory uses shall be secondary and accessory to that of normal agricultural activities.

**Alley.** The space or area between the rear or side lot lines of lots which has a minor right-of-way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

**Alteration.** As applied to a building or structure, is a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.

**Alteration, Structural.** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, columns, beams and girders.

**Awning.** An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a yard or thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use or not

permanently attached to and an integral part of a porch, carport, or similar attached accessory structure.

**Basement.** Portion of a building partly underground, having one-half (1/2) or more than one-half (1/2) of its floor-to-ceiling height below the average grade of adjoining ground.

**Bed and Breakfast.** An owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

**Block.** The length of a street between two (2) street intersections; or a piece of land bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as waterbodies or public open space, and not traversed by a through street.

**Building.** An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including mobile homes.

**Building, Accessory.** A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**Building, Attached.** A building where both side walls of all except the end structures are party walls.

**Building, Detached.** A building which has no party wall.

**Building, Principal.** A building in which is conducted the principal use of the lot on which it is situated.

**Building Setback.** The distance on a lot from the centerline of any road within which no building or structure, principal or accessory, shall be placed, unless otherwise indicated in this Ordinance.

**Building Setback Line.** A line on a lot which marks the building setback.

**Campground.** A facility containing sites or spaces for the temporary and recreational occupancy of persons in tents. Such facility may also contain recreation and other support facilities subordinate to and serving only the camping occupants.

**Carport.** A roofed structure having two or more open sides and extending from the side or rear wall of a principal or accessory building, used primarily as a shelter for automotive vehicles or recreation equipment. The open sides may be screened or enclosed, but at least fifty (50) percent of such wall area must remain open. In addition, the carport shall not extend into any required yard.

**Cartway.** That area of a street within which vehicles are permitted including travel lanes and parking areas but not including shoulders, curbs, sidewalks or swales.

**Centerline.** The line located at the middle of the travelled surface of a road, equi-distant from both edges of the road surface.

**Certificate of Use and Occupancy.** A statement, based on an inspection and signed by the Zoning Officer, indicating that a building, structure, and/or land conforms with the provisions prescribed in the Zoning Ordinance and may lawfully be occupied or used for a specified use or uses.

**Child Care Facility.** Provides out-of-home care for part of a 24-hour day to children 15 years and younger including care provided in public or private profit or nonprofit facilities. Definition does not apply to care provided by a relative, in places of worship during religious services, and in a facility where the parent is present at all times child care is provided. This ordinance identifies three levels of child care facilities consistent with current regulations of the Commonwealth of Pennsylvania:

**Family Day Care Home.** A state-certified family residence with one caregiver providing care for four, five, or six children unrelated to the caregiver.

**Group Day Care Home.** A state-certified facility providing care for no more than 12 children where the child care area is a family residence.

**Day Care Center.** A state-certified facility providing care for 7 or more children where the child care area is not a family residence.

**Church.** A building for public religious worship.

**Clinic.** Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

**Club, Lodges and Fraternal Organizations.** An establishment operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

**Commercial Recreation.** See Recreation, Commercial.

**Conditional Use.** See Use, Conditional.

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

**Court.** A portion of a lot unoccupied above grade but partially or wholly surrounded by building walls.

**Covenant.** A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

**Curb Level.** The elevation of the street grade as established in accordance with the law or when a curb level has not been established, the grade at the center of the street.

**Curb Line.** The line establishing the width of a cartway in a right-of-way. Where curbs do not exist the edge of pavement shall be the curb line.

**Deck.** A horizontal, unenclosed platform that is either attached to a structure or detached (freestanding) and is greater than 18 inches in height at any point and has no roof, extended soffit, or walls, but may have railings, seats, or other related features.

**Dedication.** The transfer of property from private to public ownership.

**Deed Restriction.** See Covenant.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the subdivision of land, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

**Driveway.** A private roadway providing vehicular access to a street or highway for a lot and its structures, or providing for interior vehicular movement on the lot or within a development.

**Dwelling.** A building arranged and used for residential occupancy containing a dwelling unit or units, but excluding a boarding house, hospital, institutional home, hotel, motel, and other similar types of uses.

**Dwelling, Multiple-Family.** A building having two (2) or more dwelling units and designed to be used or occupied as a residence by two (2) or more families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

**Dwelling, Single-Family.** A detached, permanent building designed for and used exclusively for occupancy by one family.

**Dwelling Unit.** A building or portion thereof providing complete house keeping facilities for one family. The term shall include all structures designed for and/or used for living purposes, including mobile homes, prefabricated dwellings, and similar portable structures. All dwelling units shall have a minimum of 750 square feet of residential floor area (as defined herein).

**Easement.** A right given by the owner of land to another party for specific limited use of that land.

**Enlargement.** A construction activity which increases the size of a building or other structure.

**Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal departments or authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Communication towers and communication antenna as defined in Section 707.1 shall not be considered essential services by this ordinance.

**Family.** One or more persons living together in a single housekeeping unit as a nonprofit household, provided that the dwelling unit's size meets the minimum occupancy area requirements as defined by this ordinance.

**Farm.** A lot, parcel or tract of land used for agricultural purposes on which the principal structure(s) shall be the agricultural building(s) and farm house(s).

**Floor Area, Gross.** The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

**Floor Area, Residential.** The total area of all floors of a residential building devoted solely to residential use, measured between interior faces of walls, and exclusive of entrance ways, porches, breezeways and roofed terraces, whether enclosed or not, and excluding cellars, basements and garages.

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

**Fraternal Organization.** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**Frontage.** The frontage, or front of a lot, is the side nearest the street. For the purposes of determining yard and setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards and setbacks shall be provided as indicated in this Ordinance.

**Garage, Private.** A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned or operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

**Grade.** The mean curb level, or when the curb level has not been established or all the walls of the building are more than fifteen (15) feet from street lot lines, grade means the mean elevation of the ground adjoining the structure on all sides.

**Height of Building or Structure.** The vertical distance from the grade to the highest point on a building or structure.

**Height of Wall.** The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

**Home-Based Business.** A business or professional use conducted within a dwelling or its accessory structure(s) which is conducted in whole or part by the occupant(s) of the dwelling unit and which remains subordinate and incidental to the residential use.

**Home Occupation.** A business or professional occupation in which only the occupant(s) of a dwelling unit is(are) engaged, which occurs within the dwelling unit or customarily subordinate accessory structure, which remains subordinate and incidental to the residential use, and which does not alter the appearance or essential character of the residential use, or have signs, parking, traffic, lighting, odors, noise, etc., uncharacteristic of a residential use.

**Hotel.** A building designed for occupancy as the temporary residence of individuals or transients who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Interior Street.** A newly constructed street designed to provide vehicular access to abutting properties in a Planned Development and discourage other through traffic. The sole purpose of an interior street is to serve the lots and/or units in a Planned Development.

**Junk.** Any worn, cast off, or discarded articles 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 is stored on a farm for exclusive use of the owner or occupant of the farm or any 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.

**Junk Dealer.** Shall mean any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging, and dealing in junk and who maintains and operates a junk yard within the Township of Liberty.

**Junk Yard.** The use of more than two hundred (200) square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junk yard" shall include an automotive wrecking yard. Three or more unregistered and inoperable vehicles stored on any lot outside of a building shall be considered a junk yard.

**Land.** The solid portion of the earth's surface which is capable of being used or occupied.

**Land, Developed.** "Improved land" with buildings.

**Land, Improved.** "Raw land" which has been provided with basic utilities such as water and sewerage, streets, sidewalks, but not buildings.

**Land, Raw.** Vacant land unsubdivided and unimproved (without utilities or streets).

**Landscaping.** Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

**Land Use.** A description of how land is occupied or utilized.

**Large Land Area Commercial Recreation.** See Recreation, Large Land Area Commercial.

**Light Manufacturing.** The assembly, fabrication, manufacture, production, processing, storage, and/or wholesale distribution of goods or products which does not produce nor cause to be produced noise, light, vibration, air pollution, fire hazard, or emissions, that is noxious, dangerous, or a nuisance to neighboring properties in consideration of the separation distances and buffering and screening required by this ordinance.

**Loading Space.** An off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way.

**Lodge.** (1) A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families; (2) The place where members of a local chapter of an association hold their meetings; and, the local chapter itself.

**Lot.** The basic development unit - an area with fixed boundaries, used or intended to be used customarily by one building and its accessory building(s) and not divided by any road or alley.

**Lot Area.** The computed area of a lot contained within the lot lines and measured at grade on a horizontal plane in accordance with current law.

**Lot, Corner.** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".

**Lot Coverage.** The percentage of the lot area occupied or covered by principal and accessory structures.

**Lot Depth.** The mean horizontal distance between the front lot line and the rear lot line.

**Lot, Double Frontage.** An interior lot whose front and rear lot lines abut roads, or a corner lot with two opposite lot lines abutting a road.

**Lot Frontage.** See "Frontage".

**Lot, Interior.** A lot whose side lot lines do not abut a road.

**Lot Lines.** The property lines bounding the lot.

**Lot Line, Front.** The line separating the lot from a road right-of-way.

**Lot Line, Rear.** The lot line opposite and most distant from the front lot line.

**Lot Line, Side.** Any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line.

**Lot Line, Alley.** A lot line separating the lot from an alley.

**Lot, Non-Conforming.** A lot lawfully existing at the effective date of the Zoning Ordinance or by subsequent amendment thereto which does not completely conform with the area regulations and other provisions prescribed for the Zoning District in which it is located.

**Lot of Record.** A lot which is part of a recorded subdivision or a parcel of land which has been recorded or registered in the Office of the Recorder of Deeds of Mercer County, Pennsylvania.

**Lot Width.** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth.

**Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Mobile Home.** A transportable, self-contained, dwelling designed for occupancy by one family and designed to be transported on its own wheels or on a flatbed or other trailer or detachable wheels; and which may be temporarily or permanently affixed to land; used for nontransient residential purposes; constructed with the same, or similar, electrical, plumbing and sanitary facilities as immobile housing; and upon arrival at the site where the mobile home is to be situated for occupancy as a residence, it is complete and ready for occupancy except for minor and incidental unpacking operations, location on foundation supports, connections to utilities and the like.

Prefabricated units designed to be assembled or joined together upon arrival at the site and requiring extensive finishing operations prior to occupancy (excluding location on foundation and connection to utilities) shall not be considered as a mobile home.

**Mobile Home Lot.** A parcel of land within a mobile home park for the placement of a single mobile home and the exclusive use of its occupants.

**Mobile Home Park.** A parcel of land under single ownership which has been specifically planned and improved for the long-term placement of two or more mobile homes for non-transient use in a safe and desirable manner.

**Motel.** Any building or group of attached, semi-attached, or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units designed for use by transients.

**Non-Commercial Recreation.** See Recreation, Non-Commercial.

**Non-Conforming Structure.** See Structure, Non-Conforming.

**Non-Conforming Use.** See Use, Non-Conforming.

**Nursing home.** A profit or nonprofit facility licensed by the Commonwealth of Pennsylvania providing long-term skilled nursing care and/or intermediate nursing care to the aged, ill, or disabled.

**Open Space.** An area of land unoccupied by a building and/or other structure which is maintained to permit human use, recreation, and enjoyment.

**Owner.** The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot, building, or structure in question.

**Parking Area.** An open space on a lot used as an accessory use for the parking of automotive vehicles.

**Parking Space.** A space, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

**Permit, Zoning.** A license issued by the Zoning Officer which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

**Person.** An individual, association, co-partner or corporation.

**Personal care home.** A profit or nonprofit facility licensed by the Commonwealth of Pennsylvania providing lodging, food, and some support services to the aged, ill, or disabled.

**Personal storage unit.** A building or group of buildings containing storage units or spaces intended to be rented or leased individually to persons and/or businesses for storage of their belongings and/or vehicles. A commercial/industrial warehouse containing storage space not generally available to the public for rent or lease shall not be considered a personal storage unit.

**Planning Code.** The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990, and Act 131 of 1992, and including any further amendments.

**Planned Development.** A contiguous land area under single ownership, containing two (2) or more principal uses, permitted by right or by conditional use in the zoning district in which the parcel lies, provided conditional use approval must be obtained through the process outlined herein. Such Planned Developments shall be planned and developed as a whole in a single development operation or in a series of phases. All buildings and/or structures shall conform to the provisions of this Ordinance and all provisions for the established zoning district.

**Plat.** A map, plan or chart of a section or subdivision of the Township indicating the location and boundaries of individual lots.

**Plot.** A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

**Porch.** A roofed and predominantly open and/or unheated structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

**Principal Structure.** See Structure, Principal.

**Principal Use.** See Use, Principal.

**Projections** (into yards). Parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of the Zoning Ordinance.

**Public Recreation.** See Recreation, Public.

**Recreation, Commercial.** Recreational facilities operated as a business and open to the general public for a fee.

**Recreation, Large Land Area Commercial.** A for-profit or fee-based recreation facility located on 10 or more acres in which the recreation activity is primarily outdoors and conducted on land typically requiring large land area, including but not limited to a golf course, horse-back riding area, hunting or fishing preserve, or paint-ball.

**Recreation, Non-Commercial.** Recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.

**Recreation, Public.** Recreation facilities operated as a non-profit enterprise by the Township, and any other governmental entity, or any non-profit organization which are open to the general public.

**Recreational Vehicle.** A vehicular-type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No Recreational Vehicle shall be used as a dwelling or business nor shall be used for other than recreational purposes.

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

**Road.** Any street, highway, or other public roadway which is dedicated to public use by governmental authority.

**Screening.** A method of visually shielding or obscuring abutting or nearby structures or uses from another by fencing, walls, or densely planted vegetation.

**Setback.** See "Building Setback".

**Site.** A plot of land intended or suitable for development.

**Site Plan.** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and man-made - and the locations of proposed utility lines.

**Special Exception.** A provision which permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for that zoning district. The provision is granted by the Zoning Hearing Board.

**Specialized animal raising, care & processing.** Feed lots, pens, facilities or structures, which are maintained in close quarters, related to the processing of animals or animal products for the purpose of sale to market.

**Story.** A part of a building comprised between a floor and a floor or roof next above.

**Street.** See "Road".

**Structure.** A combination of materials forming a construction for occupancy and/or use including among other, a building, stadium, reviewing stand, platform, staging, observation tower, radio tower, water tank, trestle, pier, wharf, open shed, coal bin, shelter, fence, wall and a sign.

**Structure, Accessory.** An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to that of the principal structure or use and which is located on the same lot as the principal structure or use.

**Structure, Non-Conforming.** A legal structure existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto which does not completely conform to the height regulations, area regulations, and other provisions prescribed for the Zoning District in which it is located.

**Structure, Principal.** A structure in which is conducted the principal use of the lot on which it is located.

**Subdivision.** The division or redivision 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, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**Terminal.** (1) A place where transfer between modes of transportation takes place; (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

**Trailer.** Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

**Use, Accessory.** A use customarily incidental and subordinate to the principal use of a building, structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

**Use, Conditional.** A permission or approval granted by the Township Board of Supervisors to use land in a district for a purpose other than that permitted outright in that district. Conditional uses are specified in the zoning ordinance and may be approved or denied by the Board of Supervisors only in accordance with the express standards and conditions set forth herein. The

Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purposes of the zoning ordinance in accord with the PA Municipalities Planning Code (Act 247 of 1968, as amended).

**Use, Non-Conforming.** A legal use of a building, other structure and/or land existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto, which does not completely conform with the use regulations and other provisions prescribed for the Zoning District in which it is located.

**Use, Principal.** The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance.

**Utility, Private or Public.** (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

**Variance.** Relief granted by the Zoning Hearing Board upon appeal in specific cases, from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Regulations will result in unnecessary hardship, and so that the spirit of the Zoning Regulations will be observed and substantial justice done.

**Visual Obstruction.** Any fence, wall, sign, structure, tree, hedge, or shrub, or a combination of them which limits visibility.

**Written Notice.** Shall have been served if delivered in person to the person intended or if delivered or sent by certified mail to the last known address of the person intended.

**Yard.** An unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

**Yard, Minimum Dimension.** The minimum, permitted horizontal distance between a lot line and the nearest point of a main wall of a principal building or structure exclusive of permissible yard encroachments and occupancy and street projections as provided by this Ordinance. The measurement of the minimum dimension shall be made at grade and perpendicular to the lot line and building or structure.

**Yard, Rear.** A yard across the full width of the lot, extending from any point of a wall of a building or structure to the rear lot line of the lot.

**Yard, Side.** A yard extending from any point of a wall of a building or structure to the adjacent side lot line of the lot, extending from the front yard to the rear yard.

# ARTICLE IV: ZONING DISTRICTS

## Section 400: Zoning districts

Liberty Township is hereby divided into the following zoning districts:

<u>Full name</u>	<u>Short name</u>
1. Rural Residential & Agricultural	RA
2. Rural Opportunity	RO
3. Village	V
4. Commercial	C
5. Industrial	I
6. Industrial Special	IS

## Section 401: Boundaries of zoning districts

The boundaries of the zoning districts shall be as shown on the Zoning Map. Where uncertainty exists with respect to the boundaries of the various zoning districts, the following rules shall apply:

**401.1: Where a zoning district boundary follows a street, alley, railroad, or watercourse** – The centerline of such street, alley, railroad, or watercourse shall be interpreted to be the zoning district boundary.

**401.2: Where a zoning district boundary approximately parallels a street or alley** – The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

**401.3: Where a zoning district boundary approximately follows a lot line** – The lot line shall be interpreted to be the zoning district boundary.

**401.4: Submerged areas** – Where areas within the Township are underwater and are bounded by two or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.

**401.5: Annexed lands** – Any land annexed to or made a part of the Township subsequent to the adoption of this ordinance shall immediately be classified as Rural Residential & Agricultural as of the effective date of annexation.

**401.6: Vacation of public ways** – Whenever any street or alley is vacated, the zoning district or districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.

**401.7: Where a zoning district boundary does not follow a physical feature or lot line and none of the previous rules apply** – The location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale appearing thereon.

## ARTICLE V: PERMITTED USES

### Section 500: Permitted principal and accessory uses table

The following table lists principal and accessory uses that are permitted in each zoning district. Uses shall be interpreted according to the common meaning of the term or as defined in Article III. Uses not specifically listed shall not be permitted.

Where listed uses are followed by a section or sub-section number in parentheses, refer to that section or sub-section for additional conditions or criteria that apply to that use.

<b>RA Rural Residential &amp; Agricultural District</b>	
<p><u>Principal uses</u></p> <p>Single-family (701.1) &amp; multi-family (701.2) dwellings                      Mobile home parks (701.3)                      Agriculture, farms &amp; agricultural services                      Veterinary clinics, kennels or stables                      Public, non-commercial parks &amp; recreation                      Public &amp; private schools                      Personal care homes                      Churches, cemeteries                      Bed &amp; breakfast establishments                      Clubs, lodges &amp; fraternal organizations                      Personal storage units on a minimum lot area of 5 acres                      Township government buildings &amp; services                      Essential services</p>	<p><u>Conditional uses</u></p> <p>Large land area commercial recreation                      Specialized animal raising, care &amp; processing (701.4)                      Campgrounds (701.5) &amp; recreational vehicle parks (701.6)                      Mineral excavation (705)</p> <p><u>Accessory uses</u></p> <p>Garage, storage shed, swimming pool                      Home occupation &amp; home-based business (701.10)                      Family day care home, group day care home                      Shelter for domestic pets                      Farm buildings as part of normal operations                      On-site farm produce sales                      Other clearly incidental &amp; subordinate uses</p>
<b>RO Rural Opportunity District</b>	
<p><u>Principal uses</u></p> <p>All RA district principal uses                      Retail sales and/or product service establishments, <i>excluding</i> automobile &amp; truck sales and/or service                      Eating &amp; drinking establishments                      Personal &amp; health service establishments                      Business, professional &amp; government offices                      Commercial recreation                      Day care centers &amp; nursing homes                      Funeral homes</p>	<p><u>Conditional uses</u></p> <p>All RA district conditional uses                      Automobile &amp; truck sales and/or service                      Light manufacturing</p> <p><u>Accessory uses</u></p> <p>All RA district accessory uses                      Other clearly incidental &amp; subordinate uses</p>

## V Village District

### Principal uses

Single-family dwellings (701.1)  
Multi-family dwellings (701.2)  
Veterinary clinic  
Public, non-commercial parks & recreation  
Public & private schools  
Personal care homes & nursing homes  
Churches  
Cemeteries  
Bed & breakfast establishments  
Clubs and lodges  
Township government buildings & services  
Essential services  
Retail sales and/or product service establishments, *excluding* automobile & truck sales  
Eating & drinking establishments  
Personal & health service establishments  
Business, professional &, government offices  
Day care centers  
Funeral homes

### Accessory uses

Garage, storage shed, swimming pool  
Home occupation & home-based business  
Family day care home, group day care home  
Shelter for domestic pets  
Other clearly incidental & subordinate uses

## C Commercial District

### Principal uses

Retail sales and/or product service  
Personal & health service establishments  
Eating and drink establishments  
Business, professional &, government offices  
Automobile & truck sales and/or service  
Passenger transportation terminals  
Parking lots and structures  
Motels and hotels  
Clubs, lodges & fraternal organizations  
Commercial recreation and amusement  
Funeral homes  
Veterinary clinic  
Township government buildings & services  
Essential services

### Accessory uses

All clearly incidental & subordinate uses

## I Industrial District

### Principal uses

Industrial establishments for manufacturing, processing, packing & bottling  
Industrial research & development establishments  
Wholesale and warehousing  
Storage and distribution facilities  
Sawmills (701.11)  
Agricultural processing establishments  
Truck transportation and loading terminals  
Personal storage units  
Township government buildings & services  
Essential services  
Power generation stations

### Conditional uses

Mineral excavation (705)

### Accessory uses

All clearly incidental & subordinate uses

## IS Industrial Special District

### Principal uses

All I district principal uses

### Conditional uses

All I district conditional uses  
Establishments for storage and/or sale of junk (701.7)  
Sanitary landfill, solid waste transfer stations, or similar facility for processing and disposal of solid waste (701.8)  
Adult entertainment establishments (706)

### Accessory uses

All clearly incidental & subordinate uses

Forestry activities, including but not limited to timber harvesting, shall be a permitted use by right in all zoning districts.

## ARTICLE VI: LOT, YARD & HEIGHT REQUIREMENTS

Zoning District	Min. Lot Area	Min. Lot Width	Building Set-back	Min. Side Yard*	Min. Rear Yard*	Max. Bldg./ Structure Height	Max. Lot Coverage
<u>RA</u> Rural Residential & Agricultural	40,000 sq. feet	125 feet	75 feet	20 feet P 10 feet A	25 feet P 10 feet A	40 feet	25%
<u>RO</u> Rural Opportunity	40,000 sq. feet	125 feet	75 feet	20 feet P 10 feet A	25 feet P 10 feet A	40 feet	25%
<u>V</u> Village	40,000 sq. feet	100 feet	50 feet	10 feet	25 feet P 10 feet A	40 feet	40%
<u>C</u> Commercial	40,000 sq. feet	150 feet	75 feet	25 feet	25 feet	40 feet	40%
<u>I</u> Industrial	40,000 sq. feet	150 feet	75 feet	25 feet	25 feet	40 feet	50%
<u>IS</u> Industrial Special	40,000 sq. feet	150 feet	75 feet	25 feet	25 feet	40 feet	50%

### Minimum Building Setback Lines Within Planned Developments-

Notwithstanding the building setback provisions above, the building setback line shall be 50 feet on all Interior Streets, both sides of which are located entirely within the boundary line of a Planned Development. Measurements are to begin at the centerline of the road.

- \* P – Principal structure(s)
  - A – Accessory structure(s)
- If smaller than 120 square feet and not affixed to the ground, an accessory structure may be placed no closer than 3 feet to a side or rear lot line.

## **ARTICLE VII: ADDITIONAL USE CRITERIA**

### **Section 701: Additional criteria for specified permitted uses**

#### **701.1: Single-family dwellings**

1. No dwelling structures shall have visible, unclosable openings which allow penetration of air, outside elements, or animals into the structure's interior.
2. All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down to withstand a wind pressure of 15 pounds per square foot on an exposed vertical surface.

#### **701.2: Multi-family dwellings**

1. Minimum lot area shall be 40,000 square feet for the first dwelling unit plus 5,000 square feet for each additional dwelling unit thereafter.
2. Multi-family dwellings of 5 or more dwelling units shall comply with the following:
  - A. Interior drives, automobile parking, and areas for loading and unloading of delivery trucks and access by service vehicles shall be located and arranged to prevent blockage of interior drives and automobile parking facilities, prevent blockage of vehicles entering or leaving the site, and prevent use of the public street for such activities.
  - B. Drainage of increased stormwater runoff caused by the development shall be managed so as to be directed away from buildings and prevent ponding, accelerated erosion, or flowing of adjacent properties and roads.
  - C. A minimum of 2,000 square feet per dwelling unit of undeveloped open space shall be provided.
  - D. Any landscaping shall not, by reason of location or height, constitute a traffic hazard.

#### **701.3: Mobile home parks**

1. New mobile home parks and expansions of existing parks shall comply with the applicable provisions of the Mercer County Subdivision and Land Development Ordinance.
2. A copy of the final plan of the mobile home park indicating approval of the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.

#### **701.4: Specialized animal raising, care & processing**

1. Minimum lot area shall be 5 acres.
2. No pens, runs, or buildings used for housing stock or processing shall be closer than 75 feet from neighboring lot lines.
3. If containing runs for more than 75 birds or mammals, the owner must provide evidence that waste products or manure will not create a malodorous nuisance.
4. It shall comply with all appropriate local, state, and federal environmental regulations.

#### **701.5: Campgrounds**

1. Minimum lot area shall be 2 acres.
2. Drainage of increased stormwater runoff caused by the development shall be managed so as to prevent ponding, accelerated erosion, or flooding of adjacent properties and roads.
3. No tent, camp site, or building shall be located within 75 feet of a neighboring lot line.

#### **701.6: Recreational vehicle parks**

1. New recreational vehicle parks and expansions of existing parks shall comply with the applicable provisions of the Mercer County Subdivision and Land Development Ordinance.
2. A copy of the final plan of the recreational vehicle park indicating approval of the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.

#### **701.7: Establishment for the storage and/or sale of junk**

1. License. No person shall engage in business as a junk dealer, or maintain a junk yard without first having obtained a license from the Board, for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the Township for the use of the Township. The license shall be issued for the twelve month period beginning July 1 and ending June 30 of the following year, and each license must be renewed annually on or before the first day of July of each year.
  - A. Application for License. The license provided for in this ordinance shall be issued by the Board after written application shall have been made therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junkyard is to be maintained. Such license shall be posted conspicuously upon the premises thereunder. The written application for license hereinabove mentioned shall be accompanied by a form, every question of which must be

answered, which form will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license.

- B. Issuance of License. Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefore after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purpose of the license, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the license and the person applying therefore such terms and conditions in addition to the regulations herein contained and adopted pursuant to this ordinance as may be deemed necessary to carry out the spirit and intent of this ordinance.
  - C. License Fee. A license fee, in an amount prescribed by resolution of the Board of Supervisors, shall be paid immediately upon the issuance or renewal of a license.
  - D. License Limitation. No person licensed under this ordinance shall, by virtue of one license, keep more than one place of business within the Township or maintain more than one junkyard, for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junkyard in any place other than the place designated upon his license.
  - E. Transfer of License. No license issued by the Board shall be transferable by the licensor to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in Section 4 of this ordinance, by the transferee.
  - F. Transfer Fee. In the event the Board shall approve the transfer of a license the transferee shall immediately pay to the Township a transfer fee in an amount prescribed by resolution of the Board of Supervisors.
2. Regulations. Every person licensed under this ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this section and any subsequent regulations adopted by the Board:
- A. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.
  - B. No garbage or other organic waste shall be stored in such premises.
  - C. Whenever any motor vehicles shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding ten (10) gallons may be stored above ground in said junk yards

provided the same be placed in containers approved by appropriate authority. All other gasoline which is kept in the premises shall be stored underground, which underground storage must be approved by appropriate authority.

- D. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for firefighting purposes.
- E. The lot on which such are located shall be enclosed on all sides, except for an entrance and exit not over 25 feet in width, by a solid fence or wall at least 6 feet in height and maintained in good condition. As an alternative, a cyclone, or equal, wire fence at least 6 feet in height and surrounded, except for exit and entrance described above, by evergreens at least 6 feet in height and planted no further than 6 feet apart so as to form a solid screen may be used.
- F. The premises to be licensed shall be set back a minimum distance of 200 feet from the center of any road and a minimum distance of 100 feet from all other property lines. The area between the set back line and the road and all other property lines shall be at all times kept clear and vacant.
- G. It shall not emit any offensive odors or noxious, toxic, or corrosive fumes or gases.
- H. It shall not exhaust into the air any excessive dust or smoke.
- I. It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.
- J. It shall not discharge any wastes, whether liquid or solid, into the waters of the Commonwealth of Pennsylvania, including any surface and underground waters – both natural and artificial unless approved by the Pennsylvania Department of Environmental Protection and/or any other public regulatory agency which has jurisdiction in water quality.

**701.8: Sanitary landfills, solid waste transfer station, or similar facilities for processing and disposal of solid waste**

1. The applicant shall comply with all applicable regulations and requirements of the Pennsylvania Department of Environmental Protection and shall present to the Township Supervisors an approved permit for the proposed facility from the Pennsylvania Department of Environmental Protection.
2. The applicant shall provide the Township with a copy of the permit application submitted to the Pennsylvania Department of Environmental Protection and all accompanying site plans, engineering data, and other information.
3. The applicant shall grant a right of entry to the proposed facility to the Township Board of Supervisors or its authorized representatives, upon written request by the Township,

in order to inspect the facility and ensure that all applicable regulations and requirements are being met while the facility is in operation.

4. The Township Board of Supervisors may impose other conditions, based on consideration of the unique physical conditions and natural and man-made characteristics of the proposed facility site and its surroundings, which do not violate the minimum standards of the Pennsylvania Department of Environmental Protection and which are reasonably necessary to provide maximum protection to the Township's underground and surface water supplies and to minimize adverse impacts to surrounding properties.

**701.9: Accessory Dwellings** – In any zoning district permitting residential uses, an existing single-family dwelling or an existing lawful accessory structure to a single-family dwelling may be altered or changed in use to create an accessory dwelling, provided:

1. Only one accessory dwelling may be created per single-family dwelling lot.
2. The accessory dwelling shall be a complete, separate housekeeping unit that can be isolated from the original unit.
3. The accessory dwelling shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. Any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original house by more than 10 percent.
4. Conversion of accessory structures to accessory dwellings shall not increase the ground floor area of the original structure.
5. Maximum floor area - The accessory dwelling shall be clearly a subordinate part of the single-family dwelling. In no case shall it be more than thirty (30) percent of the building's total floor area nor have more than two (2) bedrooms, unless, in the opinion of the Zoning Hearing Board, a greater or lesser amount of floor area is warranted by the circumstances of the particular building.
6. Minimum floor area - The accessory dwelling shall have at least 400 square feet of floor area.
7. Any alterations shall not violate requirements for yards or height for a single-family dwelling.
8. Additional off-street parking spaces shall be provided for the additional dwelling unit as required in Article VIII.
9. The design and size of the accessory dwelling shall conform to all applicable standards in health, building, fire, and other laws.
10. Any other appropriate or more stringent conditions deemed necessary may be required by the Zoning Hearing Board to protect public health, safety, and welfare, and the single-family character of the neighborhood.

11. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Zoning Hearing Board may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

**701.10: Home-based business** – Where permitted, a home-based business shall comply with the following:

1. It shall be conducted entirely within either the dwelling unit or accessory structure provided that such accessory structure is clearly accessory and subordinate to the dwelling.
2. No more than 25% of the combined gross floor area of the dwelling and accessory structure(s) shall be devoted to the home-based business.
3. No more than 2 persons other than the occupants of the dwelling shall be employed at the site.
4. Sufficient off-street parking shall be provided for the home-based business according to the nature of the business as provided for in Section 802 and shall be located behind the building setback line. Such parking shall be provided in addition to the off-street parking required for the dwelling.
5. The home-based business shall not produce offensive noise, vibration, smoke (or other particulate matter), heat, humidity, glare, other objectionable effects, traffic, or signs which are not consistent with or characteristic of other dwellings in the area.

**701.11: Sawmills** – Sawmills shall be permitted as specified in Article V. In addition, temporary sawmills established for processing only of timber cut on the parcel on which the sawmill is located may be permitted in any zoning district.

**701.12: Large land area commercial recreation** – In order to allow such uses which require large land area in a rural or low-density development setting but also generate above-normal traffic and related activity, the following requirements must be met:

1. A full plan of the proposed activity and land area to be utilized and a plan for traffic circulation and ingress to/egress from the site must be presented.
2. Any club house or other buildings for use of the public shall be located at least 100 feet from any property line.
3. The use shall not produce or cause to be produced noise or lighting that results in a hazard or a nuisance to neighboring properties.

## **Section 702: Additional C Commercial District Regulations**

**702.1: Provisions of Use** – Any permitted principal and/or accessory use shall be subject to the following use regulations.

1. For commercial uses located on corner lots where one street is predominantly residential and one street is predominantly commercial, any commercial structure shall front on the street which is predominantly commercial.
2. Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for “drive-in” type establishments offering goods or services to customers waiting in parked motor vehicles.
3. All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck, or other vehicle parts shall not be permitted except within a completely enclosed structure.
4. Any business establishment shall deal directly with the consumer only and any work done on the premises shall be for sale on the premises.
5. Any display of goods shall be in back of the building setback line.
6. Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The Zoning Officer may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.
7. Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks, or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.
8. Any part or portion of a lot developed for “C” District uses which is not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all season groundcover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged.
9. Any off-street parking area located in a required frontyard building setback shall be located at least 5 feet from the road right-of-way with the area in between the road right-of-way and parking maintained according to Section 702.1(8).
10. It shall not emit any noxious, toxic, or corrosive fumes or gases nor shall it emit any offensive odors.
11. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment, or uses or processes with electrical apparatus.
12. All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.

**702.2: Buffer and Screening Requirements** – Where any permitted principal and/or accessory use abuts any land zoned RA, RO, or V, the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

1. A buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rearyard where it abuts an RA, RO, or V District. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier.
2. The buffer strip shall contain suitable screening, defined as either of the following:
  - A. A solid fence or wall, architecturally compatible with existing structures in the area, no less than 5 feet nor more than 8 feet in height; or
  - B. A sight-obscuring planting of evergreens, not less than 4 feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than 6 feet upon maturity, planted at a spacing of the lesser of 8 feet or the diameter of a mature specimen of the species being planted.
3. Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with grass or other appropriate ground cover vegetation.
4. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the “C” District permitted use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced in a timely manner. Grass shall be kept neatly mowed.

## **Section 703: Additional I Industrial District Regulations**

**703.1: Provisions of Use** – Any permitted principal and/or accessory use shall be subject to the following use regulations:

1. Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The Zoning Officer may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.
2. All accessory storage of junk, waste, discarded or salvaged material, machinery, or equipment shall not be permitted except within a completely enclosed structure. Or if the lot area devoted to such use is over two-hundred (200) square feet in area, the owner may have the alternative of enclosing it on all sides, except for an exit and entrance not

over twenty-five (25) feet in width, by a solid fence or wall at least six (6) feet in height and maintained in good condition or by a cyclone or equal-wire fence at least six (6) feet in height and surrounded, except for an exit and entrance not over twenty-five feet in width, by evergreens at least six (6) feet in height and planted not further apart than six (6) feet so as to form a solid screen.

3. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.
4. Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks, or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.
5. Any part or portion of a lot developed for industrial uses which is not used for buildings, other structures, active landfilling areas in approved sanitary landfills, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all season ground cover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged.
6. Any off-street parking area located in a required frontyard building setback shall be located at least 5 feet from the road right-of-way with the area in between the road right-of-way and parking maintained according to Section 703.1(5).
7. All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
8. It shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.

**703.2: Buffer and Screening Requirements** – Where any permitted principal and/or accessory use abuts any RA, RO, or V District land, the following buffer and screening are required:

1. A buffer strip at least 30 feet wide shall be provided and maintained along the entire length of a side or rearyard where it abuts a RA, RO, or V District. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier.
2. The buffer shall be planted with evergreens capable of obtaining and maintaining a dense growth to a full height and a full diameter of no less than 12 feet. The minimum height at the time of planting shall be 4 feet. Plants shall be situated in two rows within the buffer strip, each row being located at least 10 feet from the edge of the buffer strip. Plants in each row shall be spaced no more than 20 feet center-to-center and the two rows shall be situated in an alternating pattern so that the trees in one row are located

centrally between the trees in the other row. Plants shall be allowed to obtain a minimum height of 12 feet and shall not be trimmed below that height thereafter.

3. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the industrial use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer. Dead or diseased plants shall be removed and replaced in a timely manner. Grass shall be kept neatly mowed.

## **Section 704: Additional RO Rural Opportunity District regulations**

**704.1: Minimum lot area for commercial or light manufacturing uses** – Lots proposed for commercial or light manufacturing uses shall be at least 5 acres.

**704.2: Commercial or light manufacturing building area based on separation distance** – The maximum combined gross floor area of principal and accessory structures for commercial or light manufacturing uses permitted in the RO District shall be 20 square feet for each foot of separation distance to an adjacent property not of same or contiguous ownership. Separation distance is defined as the straight-line distance from any point of a principal or accessory structure of a proposed use to the nearest point of any adjoining property not in same or contiguous ownership.

**704.3: Development criteria for commercial uses** – Permitted commercial uses shall comply with all provisions of use contained in Section 702.1 and buffer and screening requirements contained in Section 702.2. However, buffer and screening requirements of 702.2 may be lessened or waived where the Zoning Officer determines that existing natural vegetation or landforms provide a similarly effective buffer and screening.

**704.4: Development criteria for light manufacturing uses** – Light manufacturing permitted as a conditional use shall comply with all provisions of use contained in Section 703.1 and buffer and screening requirements contained in Section 703.2. However, buffer and screening requirements of 703.2 may be lessened or waived where the Township Board Of Supervisors determines that existing natural vegetation or landforms provide a similarly effective buffer and screening.

**704.5: Maintenance of separation distance** – A property owner may not sell, lease, or otherwise transfer property if such action results in a reduction of a separation distance for a commercial or light manufacturing use below the minimum required in this section. Likewise, a property owner may not remove or alter natural vegetation or landforms serving upon a waiver from the Zoning Officer or Township Board Of Supervisors as buffer and screening for a commercial or light manufacturing use if such action results in the natural buffer and screening being less effective that as required in Section 702.2 and 703.2 respectively.

## **Section 705: Mineral excavation regulations**

**705.1: General** – Excavation of sand, gravel, coal, oil, natural gas, or other minerals from the ground may be permitted only in the RA, RO, and the I Zoning Districts and only as a

conditional use upon application to and approval by the Liberty Township Board of Supervisors. Conditional approval and these regulations do not apply where such excavation activities are to be conducted entirely as a non-commercial accessory or subordinate use to a principal use permitted by the Zoning District.

**705.2: Conditions** – Prior to approval of the excavation activities by the Township Supervisors, the applicant for a conditional use shall comply with the following conditions:

1. An approved permit from the Pennsylvania Department of Environmental Protection shall be presented to the Township Supervisors.
2. The applicant shall guarantee that a notice of the final inspection conducted by the Department of Environmental Protection will be provided to the Township Supervisors in order that the Supervisors have the opportunity to participate in the inspection.

## **Section 706: Adult entertainment establishment regulations**

### **706.1: Purpose and legislative intent**

1. The location of adult entertainment establishments is of vital concern to the Board of Supervisors of Liberty Township especially when the location is in or near areas where minors may learn, play, pass by, or would be exposed to the advertising, window displays, or general atmosphere accompanying the operation. Also, the Board acknowledges that adult entertainment establishments have adverse secondary effects including but not limited to unhealthy conditions, the spread of diseases, illegal sexual activities, sexual harassment, obscenity, crime, and neighborhood deterioration.
2. Supervisors in enacting these regulations exercise the power which has been granted to them and do not attempt or intend to absolutely prohibit adult entertainment establishments in the Township, but rather seek to regulate matters to promote, protect, and facilitate the public health, safety, and general welfare of all of Township residents.

**706.2: Definitions** – It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article II.

For the purpose of this Article, adult entertainment establishments are defined as follows:

1. Adult bookstore – Any establishment having as a substantial or significant portion (25% or greater) of its stock in:
  - A. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;

- B. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
2. Adult Cabaret – (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
  3. Adult mini motion picture theater – An enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
  4. Adult model studio – Any place where, for any form of compensation or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of or conferring of, and is in fact authorized thereunder to issue, a diploma.
  5. Adult motel – A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.
  6. Adult motion picture arcade – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
  7. Adult motion picture theater – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
  8. Adult newsrack – Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

9. Adult theater – A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
10. Bath House – An establishment or business which provides the services of baths of all kind, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
11. Body painting studio – Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
12. Massage Parlor – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
13. Out call service activity – An establishment or business which provides an out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
14. Sexual encounter center – Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner as defined in 706.2, 10., licensed by the Commonwealth, to engage in sexual therapy.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Specified anatomical areas as used herein shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae, or;

2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified sexual activities include the following:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
3. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

**706.3: Minimum spacing and proximity requirements** – No adult entertainment establishment shall be located within 1,000 feet of the following:

1. Any other adult entertainment establishment.
2. A dwelling.
3. Any parcel of land which contains any one or more of the following specified land uses:
  - A. Amusement park;
  - B. Camp (for minors' activities);
  - C. Child care facility;
  - D. Church;
  - E. Community center;
  - F. Museum;
  - G. Park;
  - H. Playground;
  - I. School and school bus stops;
  - J. Other lands where minors congregate.

The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any adult entertainment establishment and any land use specified in subparagraphs 2. and 3. above shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of the adult entertainment establishment to the closest point on the property line of said land use.

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

**706.5: Sign requirements for adult entertainment establishments**

1. All signs shall be flat wall signs.
2. The gross surface area of a wall sign shall not exceed 5 percent of the area of the wall which such sign is a part of.
3. No signs shall be placed in any window. A one and one half square foot sign may be placed on the door to state hours of operation and admittance to adults only.

**Section 707: Wireless Telecommunication Facilities**

**707.1: Definitions** – It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. The following definitions are intended to supplement the definitions contained in Article III.

1. **Communication Antenna:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. The definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.
2. **Communication Equipment Building:** An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.
3. **Communication Tower:** A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communication Antennas.
4. **Height of a Communication Tower:** The vertical distance measured from the ground level to the highest point on a Communication Tower, including antennas mounted on the tower.
5. **Public Utility Transmission Tower:** A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

6. Structure: Anything built, constructed or erected which requires location on the ground or attachment to something located on the ground.

**707.2: Permitted Types of Wireless Telecommunication Facilities in the Township’s Zoning Districts:**

Type of equipment	RA	RO	V	C	I	IS
Communication antennas mounted on existing public utility transmission towers	X	X	X	X	X	X
Communication antennas mounted on existing public buildings	X				X	X
Communication antennas mounted on existing public structures	X				X	X
Communication antennas mounted on existing private buildings and/or structures				X	X	X
Communication equipment building	X	X	X	X	X	X
Communication tower	C				C	C

(X indicates the equipment listed is permitted in that zoning district)

(C indicates the equipment listed is a conditional use in that zoning district)

**707.3: Regulations governing Communication Antennas and Communications Equipment Buildings:**

1. Building mounted Communication Antennas shall not be located on any single-family, two-family or multi-family dwelling.
2. Building mounted Communication Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
3. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches diameter.
4. Directional or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.
5. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
6. Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township Zoning Officer for compliance with Liberty Township’s Zoning Ordinance.

7. Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit to the Zoning Officer evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications equipment Building can be accomplished.
8. Communication Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
9. Communication Antennas shall not cause radio frequency interference with other communications facilities located in Liberty Township, Mercer County.
10. A Communication Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
11. The owner or operator of Communications Antenna shall be licensed by the Federal Communications Commission to operate such antennas.
12. Any applicant proposing Communications Towers to be constructed shall submit evidence from a Pennsylvania registered professional engineer certifying that all Facilities will be constructed to meet Federal, State, and Township requirements for loads.
13. The Tower foundation and base, as well as any other communications equipment buildings, shall be screened from the abutting properties.
14. The applicant and owner of record of any Wireless Telecommunications Facilities must file, at its cost and expense, a security performance bond with the Township for at least \$75,000 to insure the removal of abandoned or unused facilities.
15. Any unused or abandoned Wireless Telecommunications Facilities must be dismantled by the permit holder within one year of the date of abandonment. After this timeframe, the Township may use the security bond to dismantle the abandoned tower.

**707.4: Additional Criteria for the new construction of Communications Towers**

1. All Wireless Telecommunications Towers shall have a security fence installed around the tower base of no less than eight foot height.
2. All applicants must co-locate on existing towers or locate on land owned or leased by the Township. If the applicant does not do this, they must prove hardship as to why they could not co-locate or locate on Township lands before they can construct a tower on private land.

## **Section 708: Procedures for conditional uses**

Applications for conditional uses shall follow the following review and approval procedure in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended):

**708.1: Public notice and hearing** – Public notice shall be provided and a public hearing shall be held by the Township Board of Supervisors in accord with the Planning Code prior to making a decision on the application.

**708.2: Township planning agency review** – At least 30 days prior to the public hearing, the Board of Supervisors shall refer the application for conditional use to the Township planning agency, if one exists, for review and recommendations.

**708.3: Decision** – The Board of Supervisors shall render a decision on the application and any conditions to be required as part of an approved application within 45 days of receipt of the application.

## ARTICLE VIII: SUPPLEMENTARY REGULATIONS

### Section 800: Supplementary lot and yard regulations

**800.1: Number of principal structures on a lot** – Not more than one (1) principal building and/or structure shall be located on a parcel, except in the case of permitted planned development for an agricultural processing establishment, cemetery, church, college, tent campground, multiple-family dwelling development, farm, governmental or governmental authority facility, hospital, nursing home, public utility facility, school, or planned commercial or industrial development, or Planned Developments for single-family residential dwelling units.

Planned Developments shall be planned and developed as a whole in a single development operation or in a series of phases. All buildings and/or structures shall conform to the provisions of this Ordinance and all provisions for the respective zoning district. All buildings and/or structures shall be built and situated in compliance with and conform to the density and separation distance requirements of this Ordinance so that future subdivision may be accomplished in compliance with the applicable density, lot area and yard requirements of this Ordinance.

In the case of Planned Developments for single-family residential dwelling units, there shall be a minimum lot size of ten (10) acres and a minimum of ten (10) single-family residential dwelling units proposed.

A master plan showing the location and arrangement of multiple buildings and/or structures in any Planned Development shall be submitted with the zoning permit application. When such Planned Developments consist of the construction of public roads and/or utilities, the provisions of the municipality or the Mercer County Subdivision and Land Development concerning the construction and placement of roads and/or utilities shall be followed.

**800.2: Temporary mobile homes** – The placement of a mobile home on a temporary basis on the same lot occupied by a principal structure may be permitted provided:

1. The mobile home shall be placed behind the principal structure at a separation distance of no less than 15 feet and shall comply with the rear yard requirement for principal structures in the zoning district.
2. The mobile home placement shall be for a period of no more than five (5) years. However, an extension of time may be granted by the Township Supervisors upon request by the property owner.
3. The occupant of the mobile home shall be a relative of the property owner and shall indicate the relationship by cosigning the permit application.
4. The property owner shall occupy the principal structure.

**800.3: Subdivision of lot** – Any lot shall not be subdivided, if by such action the Zoning Ordinance would be violated.

**800.4: Yards on contiguous lots of same ownership** – Where there exist more than one contiguous lots of same ownership, said lots shall be treated as one single lot for the application of the minimum side and rear yard requirements contained in this ordinance and minimum side and rear yard requirements shall be applied to boundary lines of properties of different ownership.

**800.5: Determination of yards and minimum distance to lot lines on irregularly shaped lots** – On an irregularly shaped lot, no point of a building shall be located closer to a lot line than the minimum yard or setback distance.

**800.6: Projection into and occupancy of yards or other open spaces** – The following building attachments shall be permitted to project into and/or occupy required yards or other open spaces:

1. Steps, stoop, awning, similar architectural feature, rain leader and/or chimney -  
Provided it shall not project more than four (4) feet beyond the face of the wall.
2. Exterior stairway, fire tower, balcony, fire escape or other required means of egress -  
Provided it shall not project more than four (4) feet beyond the face of the wall.

**800.7: Porches, decks, carports, and similar attached accessory structures whether open or enclosed** – Shall be located in compliance with minimum yard and setback requirements.

**800.8: Fences** – Except as provided in Section 800.9, the yard and setback requirements of this ordinance shall not be deemed to restrict any otherwise lawful fence, wall, or sign, provided that:

1. No fence, wall, or sign shall be located on any right-of-way of a public road.
2. Farms, as defined by this ordinance, shall be exempt from all fencing regulations.

**800.9: Visibility at intersections** – On a corner lot in any district, no structure, sign, solid fence or wall, hedge or other planting shall be erected, placed or maintained at a height of more than thirty (30) inches above the grade at the cartway edge within the triangle formed by the road cartway edges and a straight line joining said cartway edges at points which are thirty (30) feet distant from their point of intersection.

## **Section 801: Supplementary height regulations**

**801.1: Height regulations not apply** – The maximum height limitations for this section shall not apply to:

1. The following principal structures: Church, college, farm structure (other than a farm dwelling), hospital, radio or television tower, or public utility structure which is a

permitted use and is located in any zoning district, provided it shall conform to the setback and yard requirements of the zoning district where it is located plus 1 additional foot horizontally for each foot over 40 feet in height.

2. The following appurtenances attached to or part of a principal or accessory structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided it shall be set back in conformance with the setback and yard requirements plus 1 foot horizontally for each foot in which it exceeds 40 feet in height above ground level. The principal or accessory structure to which it is attached may conform to setback and yard requirements with no additional setback provided the principal or accessory structure conforms to the height limitations of the zoning district.
3. Existing designed structures: the vertical extension of a structure existing at the effective date of the zoning ordinance may be erected to such height as the original drawings of said building indicated, provided the building was actually designed and constructed to carry the additional stories necessary for such height.

## **Section 802: Off-street loading and parking**

**802.1: Applicability** – Off-street loading and parking spaces shall be provided in accordance with the specifications of this section in all zoning districts whenever any new use is established, an existing use is enlarged, or an existing use of land or structure is changed to a new use. Such new, enlarged, or changed use shall fully comply with the specifications of this section prior to being given a certificate of use and occupancy.

**802.2: Off-street loading** – Every commercial and industrial use which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The permit applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate. Each off-street loading space shall not be less than 12 feet wide by 55 feet long. Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space.

**802.3: Off-street parking** – Every use shall provide off-street parking as specified in this section. Each off-street parking space shall not be less than 9 feet wide by 18 feet long exclusive of access drives and aisles (except that single-family dwellings may use driveways for off-street parking spaces) and shall be in usable shape and condition. The minimum number of off-street parking spaces for each use is specified below:

<b>Use</b>	<b>Required parking spaces</b>
Single & multiple family dwellings	2 for each dwelling unit

Mobile home parks	2 for each mobile home lot
Housing for senior citizens	1 for each dwelling unit
Hotels & motels	1 for each guest room
Funeral homes & mortuaries	25 for the first parlor plus 10 for each additional parlor
Hospitals	1 for each bed
Nursing homes	1 for each 3 beds
Churches	1 for each 4 seats
Schools	1 for each teacher and staff plus 1 for each 4 classrooms plus 1 for each 4 high school students
<b>Use</b>	<b>Required parking spaces</b>
Auto sales & service	1 for each 200 sq. ft. gross floor area
Roller rinks	1 for each 200 sq. ft. gross floor area
Sports arenas, stadiums, theaters, auditoriums, assembly halls	1 for each 3 seats
Community buildings, social halls, dance halls, clubs & lodges	1 for each 60 sq. ft. of public floor area
Bowling alleys	5 for each alley
Banks & offices	1 for each 250 sq. ft. gross floor area
Medical offices & clinics	8 for each doctor
Dental offices	5 for each doctor
Retail stores	1 for each 200 sq. ft. gross retail area
Fast food & drive-in restaurants	1 for each 2 patron seats
Furniture stores	1 for each 400 sq. ft. gross floor area

Food supermarkets	1 for each 200 sq. ft. gross floor area
Trailer & monument sales	1 for each 2,500 sq. ft. lot area
Restaurants, taverns & night clubs	1 for each 2.5 patron seats
Industrial & manufacturing establishments, warehouses, wholesale & truck terminals	1 for each employee on the largest shift plus 1 for each 10,000 sq. ft. for visitors up to 10 additional spaces
Miniature golf	1 for each 325 sq. ft. of developed lot area
Commercial recreation (not otherwise covered)	1 for each 3 persons maximum occupancy
For uses not specified herein	1 for each 2 patrons or occupants of the use at peak use times

**802.4: Location of off-street loading and parking spaces** – Required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading or parking space(s) of one use be used to satisfy the loading or parking space requirements of another use.

**802.5: Encroachment or reduction** – A required loading or parking space shall not be encroached upon by a structure, storage, or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section.

## ARTICLE IX: NON-CONFORMITIES

### Section 900: Intent and standards

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.

**900.1: Intent** – It is the intent of this ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

**900.2: Standard** – A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, nor shall there be a change to or addition of a use prohibited in the particular zoning district. Non-conformities may be enlarged, expanded, changed, or added to only by variance granted by the Zoning Hearing Board. Any such enlargement, expansion, changed use or added use shall meet any and all conditions and provisions specified for that type of use in this zoning ordinance.

**900.3: Construction in progress** – Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

### Section 901: Non-conforming lots of record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements and other requirements not involving area or width, or both, of lot shall be obtained only through action of the Zoning Hearing Board.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part

of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

## **Section 902: Non-conforming uses of land**

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

**902.1** – No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by Section 900 of this ordinance.

**902.2** – No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

**902.3** – If any such non-conforming use of land is abandoned by discontinuance for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

## **Section 903: Non-conforming structures**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

**903.1** – A structure may be enlarged or altered in a reasonable amount only as approved by the Zoning Hearing Board.

**903.2** – Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance unless a variance is granted by the Zoning Hearing Board.

**903.3** – Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

## **Section 904: Non-conforming uses of structures**

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

**904.1** – An existing structure devoted to a use not permitted by this ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered to any reasonable amount upon granting of a variance by the Zoning Hearing Board.

**904.2** – Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

**904.3** – If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

**904.4** – Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

**904.5** – When a non-conforming use of a structure, or structure and premises in combination, is abandoned by discontinuance for twelve (12) consecutive months, the structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

**904.6** – Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

**904.7** – Where a structure containing a non-conforming use is destroyed in whole or in part by fire, flood, explosion, or other casualty beyond the control of the property owner, it may be reconstructed and used as before provided such reconstruction is begun within twelve (12) months of such casualty and provided the restored structure shall not exceed the height and bounds of the original structure.

## **Section 905: Repairs and maintenance**

On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a variance.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof without a variance.

### **Section 906: Uses granted under special exception provisions not non-conforming uses**

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

### **Section 907: Non-conforming single-family residence use**

Where residential uses exist as non-conforming uses according to this ordinance, the following shall apply.

**907.1**—Notwithstanding any other provisions pertaining to non-conforming uses in this ordinance, an existing non-conforming single family residential dwelling destroyed in whole or in part by fire, flood, explosion, or any other casualty beyond the control of the property owner, may be reconstructed and used as before said casualty, provided: 1.) the reconstructed principal residential structure and accessory structures (not including any agricultural structures) in combination shall not have a floor area of greater than 125% of that of the original principal residential structure and accessory structures (not including any agricultural structures) in combination, and 2.) the reconstructed principal and accessory structures shall meet applicable lot, yard, and height requirements of the zoning district.

**907.2**—Notwithstanding any other provisions pertaining to non-conforming uses in this ordinance, an existing non-conforming single-family residential dwelling or any of its customarily accessory structure may be expanded in floor area up to an additional 25% each of the existing floor area, provided: 1.) the landowner is residing in the principal structure when expansion is requested and completed, 2.) the expansion does not include the addition of a residential dwelling unit or business unless such are otherwise permitted in the zoning district, and 3.) only one such expansion per principal or accessory structure shall be permitted.

# ARTICLE X: ADMINISTRATION AND ENFORCEMENT

## Section 1000: Office of Zoning Officer

**1000.1: Creation of office** – The Office of Zoning Officer is hereby created.

**1000.2: Appointment** – The Zoning Officer shall be appointed by the Township Board of Supervisors as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Township Board of Supervisors shall establish qualifications for the position of Zoning Officer which require candidates to demonstrate a working knowledge of municipal zoning to the satisfaction of the Township.

**1000.3: Official records** – An official record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.

**1000.4: Compensation of the zoning officer** – The compensation of the Zoning Officer shall be as determined by the Township Board of Supervisors.

## Section 1001: Duties and powers of the Zoning Officer

The Zoning Officer shall interpret and enforce all provisions of the Zoning 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 Zoning Ordinance.

**1001.1: Zoning permits and certificates of use and occupancy** – The Zoning Officer shall issue zoning permits and certificates of use and occupancy. Zoning permits and certificates of use and occupancy for construction and uses which are permitted as a conditional use shall be issued only upon approval by the Township Board of Supervisors. Zoning permits and certificates of use and occupancy for construction and uses which are permitted as a special exception or variance shall be issued only upon approval of the Zoning Hearing Board.

**1001.2: Annual report** – The Zoning Officer shall annually submit to the Township Board of Supervisors a report of all permits and certificates of use and occupancy, notices issued and orders.

**1001.3: Inspections** – The Zoning Officer may examine or cause to be examined all structures and/or land for which an application for a permit and/or certificate of use and occupancy has been filed. Such inspections may be made from time to time during construction. Before entering, he shall provide proper identification.

## Section 1002: Application for zoning permit and certificate of use and occupancy

**1002.1: When zoning permit is required** – A zoning permit shall be required for any of the following (except where otherwise indicated in this ordinance):

1. Commencing a use, changing a use or intensity of use, or extending or displacing the use of any building, structure, and/or land in the Township.
2. Construction, erection, enlargement, reconstruction, or structural alteration of any building and/or structure including placement of a mobile home on a property.

A fine in an amount prescribed by resolution of the Township Board of Supervisors shall be added to the cost of the zoning permit for failure to obtain a zoning permit before commencing/changing a use or construction, etc.

**1002.2: When a certificate of use and occupancy is required** – It shall be unlawful to use and/or occupy any building, other structure and/or land for which a zoning permit is required until a certificate of use and occupancy for such building, other structure and/or land has been issued by the Zoning Officer. The purpose of the certificate is to confirm that the work or development described in the zoning permit application has been completed in compliance with this ordinance. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer.

**1002.3: Forms of application** – The Application for a zoning permit and a certificate of use and occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in Section 1004.

**1002.4: Plot diagram** – Applications shall be accompanied by a plot plan diagram in duplicate. The plot plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings and lots, both existing and proposed, abutting streets, proposed uses of buildings and lots, north arrow and scale, and other information which the Zoning Officer may require to make a decision on the zoning permit. One copy shall be returned to the applicant indicating approval or disapproval; one copy shall be retained by the Zoning Officer.

**1002.5: Additional application requirements for uses specified in Article VII** – An application for a use specified in Article VII shall be accompanied by additional information and drawings as appropriate to demonstrate how the proposed use and the design of that use will comply with the conditions, criteria, and standards specified for that use in Article VII. If such use is a conditional use, further information and drawings may be required by the Township Board of Supervisors to address compliance with any other conditions imposed by the Board.

**1002.6: Amendments to a permit** – Amendments to a zoning permit or other records accompanying it may be filed at anytime before completion of the work. The Zoning Officer shall approve all such amendments except for those to zoning permits which have been authorized by action of the Board of Supervisors or Zoning Hearing Board in which case the Board of Supervisors or Zoning Hearing Board respectively shall approve any amendments. Amendments shall be deemed part of the original application.

**1002.7: Expiration of permits** – If work described in any zoning permit has not begun within 90 days from the date of issuance, the permit shall expire. A written notice shall be

given by the Zoning Officer to the persons affected. If permitted work has not been substantially completed within one year of the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. Upon expiration of a zoning permit, work may not continue until either a permit extension or a new permit has been obtained. The Zoning Officer may issue a zoning permit extension when the proposed activities, information, and conditions contained in the original permit application will be continued without change. The zoning permit extension shall include limitations on time not to exceed one year allowed for substantial completion of the work. The Zoning Officer may require the provision of a reasonable performance bond to ensure completion with the time limit specified in the permit extension.

### **Section 1003: Action on zoning permits and certificates of use and occupancy**

**1003.1: Action on zoning permit application** – The Zoning Officer shall act on all applications for zoning permits and amendments thereto within 10 days after filing except where otherwise indicated. He shall conduct a preliminary inspection of all structures and/or land for which an application has been filed for a zoning permit. If the application and preliminary inspection indicate compliance with the Zoning Ordinance, a zoning permit shall be issued. Disapproval of a zoning permit shall be in writing to the applicant.

**1003.2: Posting of zoning permit** – The zoning permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.

**1003.3: Revoking a zoning permit** – The Zoning Officer may revoke an issued zoning permit in case of any false statement in the application for the permit.

**1003.4: Action upon completion** – Upon completion of the permitted work and prior to use and occupancy, the holder of the permit shall notify the Zoning Officer of such completion. After receiving notice of completion, the Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved permit and plans shall be recorded and presented in writing to the holder of the permit.

If the Zoning Officer is satisfied that the completed work conforms with the issued zoning permit and complies with the Zoning Ordinance, he shall issue a certificate of use and occupancy for the use indicated in the zoning permit.

The Zoning Officer shall conduct the final inspection and issue either a written record of violations or an approved certificate of use and occupancy within 10 days after receiving notice.

### **Section 1004: Fees**

**1004.1: Payment of fees** – No zoning permit or certificate of use and occupancy shall be issued until the fees prescribed by resolution of the Township Board of Supervisors have been paid.

**1004.2: Exemptions** – Any accessory structure used solely for agricultural purposes or any building less than 100 square feet in floor area shall be exempt from payment of fees.

### **Section 1005: Enforcement notice**

Where the Zoning Officer finds that any provisions of this Ordinance are being violated, he shall initiate enforcement proceedings by sending an enforcement notice to appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As specified in the Planning Code, the enforcement notice shall state the nature of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

### **Section 1006: Prosecution of violation**

If the enforcement notice is not complied with, the Zoning Officer shall request the Township Board of Supervisors to authorize the Township Solicitor to institute appropriate proceedings to prosecute such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Planning Code (Act 247 of 1968, as amended).

# ARTICLE XI: ZONING HEARING BOARD

## Section 1100: Creation, membership and organization

A Zoning Hearing Board shall be created for the purpose of considering applications for variances or exceptions to the Zoning Ordinance and making decisions on appeals and challenges within the legal jurisdiction granted to zoning hearing boards by the Commonwealth of Pennsylvania. It shall be created and maintained in accordance with the applicable provisions of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and this Ordinance. Its membership, organization and rules and procedures shall be as prescribed in the Planning Code.

## Section 1101: Jurisdiction and functions

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render decisions on applications for variances and special exceptions, and certain challenges and appeals in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

## Section 1102: Hearings

In consideration of challenges and appeals and applications for variances and special exceptions, the Zoning Hearing Board shall conduct hearings and make decisions in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

## Section 1103: Termination and modification of permit

Where a decision of the Zoning Hearing Board authorizes issuance of a zoning permit, the following shall apply:

**1103.1: Termination of permits** – If after a permit has been authorized by the Board, such permit is not applied for within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no permit shall be issued thereunder.

**1103.2: Modification of a permit** – Any permit so issued shall not be modified except by action of the Board.

## Section 1104: Parties appellant before the board

Appeals and challenges within the jurisdiction of the Zoning Hearing Board as prescribed by the Planning Code may be filed with the Board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Applications for variance or special exception may be filed with the Board by any landowner or tenant with the permission of such landowner.

## **Section 1105: Applications and fees**

Requests for a hearing and action for appeals, challenges, variances, or special exceptions shall be accompanied by an application in such form as shall be required by the Zoning Hearing Board and submitted to the Zoning Officer. Such application shall include payment of a reasonable fee based upon cost to be established by resolution of the Township Board of Supervisors and in accordance with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

## **Section 1106: Special exceptions**

Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Zoning Hearing Board, the Board shall determine the reasonableness and propriety in particular cases of any below-listed special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Article. The Board shall consider, explain and record its finding and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:

### **1106.1: Other principal uses not explicitly permitted within a zoning district –**

A use which is not explicitly listed as a permitted principal use within the regulations of a zoning district may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that zoning district. Such uses shall be permitted as a special exception only upon the judgment and approval of the Zoning Hearing Board which may also require compliance with such conditions as may be necessary to protect and promote the general welfare of the Township.

## ARTICLE XII: AMENDMENT, SUPPLEMENT OR CHANGE

### Section 1200: Procedure for amendments

The Zoning Ordinance or parts thereof may be amended or repealed by the Township Board of Supervisors in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and with the following procedures:

**1200.1: Initiation** – Any amendment, or repeal may be initiated by:

1. The Township Board of Supervisors.
2. A notarized petition to the Township Board of Supervisors by the owner of the property involved or by a party having interest therein.
3. The Township Planning Commission (if one exists).

**1200.2: Public hearing** – Before voting on the enactment of an amendment, the Township Board of Supervisors shall hold a public hearing thereon in accordance with the requirements of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As required by the Planning Code, the public shall be notified of the amendment and hearing, such notice shall be posted on any affected tract of land, and the amendment shall be referred to the Township Planning Commission and Mercer County Regional Planning Commission for review.

**1200.3: Application form** – An application for amendment shall be submitted in a form prescribed by the Township Board of Supervisors containing the following minimum information:

1. Name, address, and phone number of the applicant or his agent.
2. The applicant's legal interest in the affected property(ies).
3. A map showing the location of the affected property(ies), the present and proposed zoning classification and boundaries, and a perimeter sketch of the affected property(ies) showing dimensions and size.

**1200.4: Fee** – Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount as set by resolution of the Township Board of Supervisors.

## **ARTICLE XIII: APPEALS**

### **Section 1300: Zoning Appeals**

The review or appeal of any provision of this Ordinance or decision, determination, order or finding of the Township Board of Supervisors or its agencies or officers shall follow the procedures set forth in Article X-A "Appeals to Court" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

**ARTICLE XIV: EFFECTIVE DATE & ADOPTION**

**Section 1400: Effective Date**

The Zoning Ordinance shall take effect thirty (30) days after the date of adoption by the Board of Supervisors of Liberty Township, Mercer County, Pennsylvania.

**Section 1401: Adoption**

We hereby certify that the Liberty Township Zoning Ordinance was adopted by the Board of Supervisors of Liberty Township, Mercer County, Pennsylvania this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

**Township of Liberty, Mercer County, Pennsylvania**

\_\_\_\_\_

CHAIRMAN - BOARD OF SUPERVISORS

(SEAL)

ATTEST:

\_\_\_\_\_

TOWNSHIP SECRETARY

\_\_\_\_\_

MEMBER - BOARD OF SUPERVISORS

\_\_\_\_\_

MEMBER - BOARD OF SUPERVISORS

## ARTICLE XV: CERTIFICATION

### Section 1500: Certification

I do hereby certify that the foregoing is a true copy of Ordinance Number \_\_\_\_\_, adopted by the Board of Supervisors of Liberty Township, Mercer County, Pennsylvania on \_\_\_\_\_, A.D., \_\_\_\_\_.

\_\_\_\_\_

TOWNSHIP SECRETARY