

## ARTICLE 10

### **RESPONSIBILITIES OF THE ZONING HEARING BOARD**

#### **1000 ORGANIZATION AND PROCEDURE**

##### **A. Establishment**

Pursuant to the provisions of the PA Municipalities Planning Code, a Zoning Hearing Board is hereby established in Pine Township.

##### **B. Appointment**

The Zoning Hearing Board shall consist of three (3) residents of Pine Township to be appointed by Resolution of the Township Supervisors. The term of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office in the municipality.

The Township Supervisors may also appoint, by Resolution, two (2) alternate members of the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. For each case, the Chairman of the Zoning Hearing Board shall designate as many alternates as necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority. Alternates shall hold no other office in the municipality.

A Zoning Hearing Board member may be removed by majority vote of the Township Supervisors for just cause only after the member has received 15 days' advanced notice of the Township's intent to take such a vote. A Hearing shall be held in connection with the vote if requested in writing by the member.

##### **C. Appointment to Fill Vacancies**

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

##### **D. General Grant of Power**

The Zoning Hearing Board shall perform all of the duties and have the powers prescribed by the PA Municipalities Planning Code, as amended, and as herein described.

## **1001 POWERS AND DUTIES**

The Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of the PA Municipalities Planning Code, as amended, and shall have the following powers.

### **A. To Hear and Decide Appeals**

1. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.
2. The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or Planned Residential Development contained in the PA Municipalities Planning Code.
3. The Zoning Hearing Board shall hear and decide appeals from a determination by the Zoning Officer or municipal engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
4. The Zoning Hearing Board shall hear and decide upon appeal from a determination of the Zoning Officer, any questions involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

### **B. To Hear and Decide Challenges to the Validity of any Land Use Ordinance**

1. The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the governing body pursuant to the PA Municipalities Planning Code, as amended.
2. The Zoning Hearing Board shall hear and decide challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

### C. To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions. (See Appendix A for an illustration of the variance procedure.)

The Board's decision to approve a variance request shall be made only after public notice and hearing. (See Section 1002.) (See also Section 609 for additional information regarding variances in Floodplain Districts.)

No variance in the strict application of any provisions of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:

1. that there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
2. that because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. that such unnecessary hardship has not been created by the appellant;
4. that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and,
5. that the variance, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

**D. To Hear and Decide Requests for Special Exceptions**

The Zoning Hearing Board may grant Special Exceptions only for such uses as are provided for in Article 3, the District Regulations, and pursuant to express standards and criteria outlined in Article 4. The Board's decision to approve a Special Exception shall be made only after public notice and public hearing. (See Section 1002.) Such approval shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent changes or additions shall be subject to further review and public hearing by the Zoning Hearing Board as a separate Special Exception request. (See Section 610 for additional information regarding Special Exceptions in Floodplain Districts.)

No application for a Special Exception shall be granted by the Zoning Hearing Board until said Board has first received and considered an advisory report thereon from the Township Planning Commission. Said report shall review the proposal with respect to the location of such use in relation to the needs and growth patterns of the area and, where appropriate, the adequacy of the site area and arrangement of buildings, driveways, parking areas, off-street loading spaces and other pertinent features. The Planning Commission shall have 30 days from the date of its receipt of the application from the Zoning Hearing Board within which to file its report. In the event that the Commission shall fail to file its report within 30 days, the application shall be deemed to have been approved by the Commission. The Commission may have representation at the hearing held by the Zoning Hearing Board on such application. (See Appendix B for an illustration of the Special Exception procedure.)

In reviewing applications for Special Exceptions, the Zoning Hearing Board shall take into account the comments received from the Township Planning Commission and the following requirements, in addition to those found in Article 4, and in other applicable sections of this Ordinance.

1. that the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;
2. that the use will not cause substantial injury to the value of other property in the neighborhood where the use is to be located;
3. that the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located;
4. that adequate landscaping and screening is provided as required herein;
5. that adequate off-street parking and loading is provided and ingress and egress is designed to cause minimum interference with traffic on abutting streets; and,
6. that the use conforms with all applicable regulations governing the district

where it is to be located, except as may otherwise be determined for large-scale developments.

In approving a Special Exception, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it deems necessary in order to insure that the proposed development is consistent with the purposes of this Ordinance.

## **1002 HEARING PROCEDURES**

### **A. Parties Appellant Before Zoning Hearing Board**

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for a variance or special exception must be filed with the Zoning Hearing Board by the landowner or an authorized agent of such landowner.

### **B. Time Limitations**

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, whether preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

### **C. Applications Required**

All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance or special exception that is applied for, in addition to the following information:

1. the name and address of the applicant or appellant;
2. the name and address of the owner of the parcel to be affected by such proposed change or appeal;
3. a brief description and location of the parcel to be affected by such proposed change or appeal;
4. a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof; and,

5. a reasonably accurate description of any existing buildings, structures or improvements located on the site and the additions or changes intended to be made under this application, indicating the size of such proposed improvements. In addition, the applicant shall provide the Zoning Hearing Board with an accurate plot plan, drawn to scale, of the property to be affected, indicating the location and size of the lot and the size and location of all existing buildings, structures, trees, or other physical features thereon and those additional improvements proposed to be erected.

**D. Procedure for Zoning Officer**

1. The notice of appeal in any case where a Permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the Permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
2. It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

**E. Hearings Required and Notice of Hearings**

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, special exception, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Upon the filing of an appeal or application request with the Zoning Hearing Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

1. Publish Public Notice in accordance with the definition of "Public Notice" in Article 13 of this Ordinance;
2. Post in a conspicuous place on the property involved a written notice of the pending hearing and action; such notice shall take place at least seven (7) days prior to the public hearing;
3. Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Township Planning Commission, the Planning Commission shall be given notice at least 30 days prior to the hearing); and,

4. In the case of an appeal, or a request for a variance or special exception, all adjacent property owners shall be given written notice at least seven (7) days prior to the hearing.

**F. Rules of Conduct**

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and the PA Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the chairman and at such other times as the Zoning Hearing Board may determine. Such chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Zoning Hearing Board to take action.

**G. Decisions**

The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitations of the power of the Zoning Hearing Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day following its date. All other persons interested in the result, who filed their name and address

with the Board not later than the last day of the hearing, shall be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

H. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorized permit within one (1) year from the date of authorization thereof.

I. Rehearings On Applications After Denial

The Zoning Hearing Board may consider holding a rehearing on an application for a variance or special exception which, after hearing all the evidence thereon in a prior hearing, has been denied by the Board, where there has been a substantial change in conditions or circumstances relating to the land itself, or a change of conditions occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Said rehearing may be considered upon request of an applicant, upon recommendation of the Zoning Officer, or upon majority vote of the members of the Zoning Hearing Board.

J. Failure to Hold Required Hearing or Render Decision

If the Zoning Hearing Board fails to hold the required hearing or fails to render a decision within the prescribed time period, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing or on the record to an extension of time. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision. If the Board shall fail to provide such notice, the applicant may do so.

K. Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any other appropriate agency.

L. Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Lycoming



County pursuant to the procedures established in the PA Municipalities Planning Code.

## ARTICLE 11

### RESPONSIBILITIES OF THE TOWNSHIP SUPERVISORS

#### 1100 AMENDMENTS TO ZONING ORDINANCE OR MAP

The municipality may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. For Curative Amendments see Procedure For Landowner Curative Amendments and Procedure for Municipal Curative Amendments in the PA Municipalities Planning Code. (See Appendix C for an illustration of the amendment procedure.)

##### A. Public Hearing and Notice Requirements

The Township Supervisors shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) successive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the affected tract at least seven (7) days prior to the date of the hearing.

If after said public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected by it, the Supervisors shall hold another public hearing and give notice thereof as set forth above, before proceeding to vote on the amendment.

##### B. Review by Planning Commissions

Every such proposed amendment or change, whether initiated by the Township Supervisors or by petition, shall be referred to the Township Planning Commission and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) shall fail to file such a report before the public hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

C. Opportunity to be Heard

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

D. Notice of Enactment

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary in a newspaper of general, local circulation. Such notice shall include the time and place of the meeting at which passage will be considered and shall name the place where copies of the proposed amendment may be examined. The notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage. If the full text is not published, a copy of the amendment shall be supplied to the newspaper at the time of publication of the notice, and an attested copy of the proposed amendment shall be filed in the County Law Library or other county office designated by the County Commissioners.

E. Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Township Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied.

Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

**1101 CONDITIONAL USES**

The Township Supervisors may grant Conditional Use approval for only those uses set forth in Article 3 of this Ordinance, the District Regulations, pursuant to the express standards and criteria outlined in Article 4, the Supplementary Use Regulations. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Ordinance. (See Appendix D for an illustration of the Conditional Use procedure.)

A. Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Secretary of the Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the application to the Township Planning Commission for their review and recommendation. The Planning Commission shall conduct its review and

make its recommendations within 45 days of receipt of such request.

**B. Written Statement**

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

1. the location of the tract of land;
2. the present use of the tract for which the conditional use is requested;
3. the present use of adjoining tracts;
4. the type of conditional use for which the application is made;
5. a brief description of the type and extent of the proposed activities;
6. an estimate of the total development cost of the conditional use; and,
7. the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

**C. Site Plan**

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below.

The site plan shall be drawn to a scale not more than 50 feet to the inch and shall be on a sheet no smaller than 18" x 24" and no larger than 24" x 36". If the site plan is drawn in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet. The site plan shall include:

1. title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
2. tract boundaries showing bearings and distances;
3. existing significant natural or man-made features of the site;
4. existing and proposed streets, rights-of-way, easements, means of access and setback lines;
5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;

6. existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
7. proposed grading and drainage plan;
8. proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
9. plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,
10. location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a conditional use, the Township Supervisors may waive the requirement for submittal of certain information that they deem unnecessary for their review of the application. In all cases however, the information submitted shall be adequate for review of the conditional use request.

D. Hearing Requirements

Within 60 days of the date of the applicant's request for a Conditional Use, the Supervisors shall select a date, advertise (pursuant to the definition of Public Notice), and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

E. Criteria for Conditional Uses

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance:

1. the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
2. whether the specific site is an appropriate location for the use, structure or condition;
3. whether the use developed will adversely affect the neighborhood;
4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
5. whether adequate and appropriate facilities and services will be provided

to ensure the proper operation of the proposed use;

6. the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,
7. whether satisfactory provision and arrangement has been made concerning the following:
  - a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
  - b. off-street parking and loading areas;
  - c. waste collection, storage and disposal;
  - d. utilities, with reference to location, availability and compatibility;
  - e. screening and buffering with reference to type, dimensions and character;
  - f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,
  - g. required yards and open spaces.

F. Decisions

The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the PA Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

G. Failure to Hold Required Hearing or Render Decision

Where the Township Supervisors fail to hold the required hearing or fail to render a decision within the time periods specified in Sections 1101 D. and

F. above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice (in the same manner as is done for the public hearing) of the decision within ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

H. Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorization within one (1) year from the date of authorization.

I. Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

## ARTICLE 12

### ADMINISTRATION AND ENFORCEMENT

#### 1200 DUTIES OF THE ZONING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Board of Supervisors and who shall hold no elective office in the Township. Said Officer shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning, and shall meet such other qualifications as the Supervisors may, from time to time, deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the following duties:

- A. to receive and process applications for permits, certificates, variances, special exceptions, conditional uses, appeals and other applications required under the terms of this Ordinance;
- B. to prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- C. to issue Zoning Permits for the construction, alteration, erection or placement of all buildings or structures which comply with the requirements of this Ordinance, within 30 days after receipt of an application for such a permit, in accordance with the procedures set forth in Section 1202 of this Ordinance. **In cases involving requests for a conditional use, a special exception, or a variance, permits shall be issued only upon written order of the appropriate approving agency.** It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board and in certain instances (i.e. conditional uses and amendment requests), hearings before the Township Supervisors;
- D. to deny applications for Zoning Permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application, in accordance with the procedures set forth in Section 1202;
- E. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;
- F. to issue or deny requests for Certificates of Compliance within ten (10) days after final inspection of the activity, in accordance with the procedures set forth in Section 1203;
- G. to issue written enforcement notices as specified in Section 1204 A. of this



Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Township Solicitor, Zoning Hearing Board, and to the Board of Supervisors;

- H. to maintain and update the official Zoning Map;
- I. to maintain a log of all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued;
- J. to issue Certificates of Nonconformance as requested (See also Sections 900 G. and 901 C.);
- K. to issue preliminary opinions (in accordance with the procedure established in Section 916.2 of the PA Municipalities Planning Code) regarding whether a landowner's proposed use or development complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general, local circulation. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined; and
- L. to perform such other duties as may be made necessary by the terms of this Ordinance.

## **1201 GENERAL PROCEDURE FOR ZONING & BUILDING PERMIT APPLICATIONS**

All persons desiring to undertake any new construction, structural alteration, or change in the use of a building or land shall apply to the Zoning Officer for a Zoning Permit by completing the appropriate application form and by submitting the required fee. The Zoning Officer shall thoroughly review the application and shall then either issue or deny the Zoning Permit or refer the application to the Zoning Hearing Board or Township Supervisors for their consideration, as applicable. After the applicant has received his Zoning Permit, he shall contact the Township Building Code Official and make application for a Building Permit.

Following completion of his project, the applicant shall apply to the Zoning Officer for a Certificate of Compliance. If the Zoning Officer finds that the project has been completed in accordance with the terms of the Zoning Permit, he shall issue a Certificate of Compliance, after which the Building Code Official shall inspect the premises and issue or deny an Occupancy Permit thus allowing the premises to be occupied or used. (The specifics of each step of the zoning procedure are presented in Sections 1202 and 1203 below and in chart form in Appendix G of this Ordinance.) **Nothing in this Ordinance shall exempt the applicant from obtaining any Permits which may be required by other regulations or codes in effect in Pine Township.**

## 1202 ZONING PERMITS

### A. Requirements for Zoning Permits

A Zoning Permit shall be required:

1. prior to the placement, erection, construction, addition, or alteration of any building or structure or portion thereof;
2. prior to the use or change in use of a building, structure or land;
3. prior to the erection or alteration of signs, except as specified in Article 7;
4. prior to the change or extension of a nonconforming use; and
5. prior to development in any Floodplain District;

except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefor. (In some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)

### Exemptions

Zoning Permits shall not be required for the following activities **unless they are proposed within a floodplain district:**

1. interior alterations when there is no increase in ground floor exterior dimension and no change in use;
2. general exterior maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition or replacement of storm windows, and similar activities;
3. agricultural activities, including crop or tree farming, forestry activities, and agricultural pasture fencing;
4. fencing, landscaping or the construction or erection of land terraces, steps or similar features;
5. placement or location of utility distribution lines; or
6. the erection, construction, or placement of a single accessory building which contains less than 100 square feet in area, does not exceed 12 feet in height, and meets all setback and maximum building coverage requirements of the district in which it is to be located.

**B. Applications for Zoning Permits**

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Township. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible parties shall be stated in the application.

The Zoning Officer shall have 30 days after receipt of an application to issue or deny the Permit. Any denial shall be in writing and shall state the reason(s) for such action.

**C. Description of Work and Plan Requirements**

All applications for Zoning Permits shall be accompanied by plans drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as may be necessary to determine compliance with this Ordinance and all other pertinent regulations. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

All applications and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

**D. Applicability of Other Regulations**

In addition to meeting the requirements of this Ordinance, applicants shall adhere to all other regulations or codes in effect in Pine Township or as may be hereafter adopted. Nothing in this Ordinance shall exempt the applicant from obtaining approvals or permits which may be required by such regulations or other local, State or Federal laws or rules. It shall be the applicant's responsibility to provide the Township with evidence that shows that such laws, rules or regulations have been met.

**E. Changes**

After the issuance of a Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for

consideration.

F. Display of Permit Placard

In addition to the Zoning Permit, the Zoning Officer shall issue a Permit placard which shall be displayed or posted on the premises during the time construction is in progress. The Permit placard shall remain posted until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the number of the Zoning Permit, the date of its issuance, a brief description of the construction authorized, and the signature of the Zoning Officer.

G. Time Limitations

Work on the proposed construction shall commence within six (6) months after the date of issuance of the Zoning Permit and shall be completed within 18 months following Permit issuance or the Permit shall expire, unless a time extension is granted in writing by the Zoning Officer. Time extensions may be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to grant such a request. Where such cause is determined, extensions may not exceed 90 days. No more than two (2) such extensions may be granted. Additional time will require the issuance of a new Zoning Permit.

For the purposes of this Section, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

H. Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine this compliance.

In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises, or development located in any zoning district, upon presentation of proper credentials, at any reasonable hour, to enforce the provisions of this Ordinance.

I. Revocation of Permits

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or

misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Township Supervisors for whatever action they may deem necessary.

J. Temporary Zoning Permits

A Temporary Zoning Permit may be authorized by the Zoning Officer for a non-permanent structure or use not generally permitted where it is deemed beneficial to the public health or general welfare (i.e. a construction trailer or portable bathroom facilities), necessary to promote the proper development of the community, or for temporary accessory uses, provided that such structure or use shall be completely removed upon expiration of the Permit without cost to the Township. Such Permits shall be issued for a period of time not to exceed six (6) months, and may be renewed for no more than two (2) additional 90 day periods, except as may be provided otherwise in Sections 424 and 425 of this Ordinance for specific uses.

K. Seasonal Zoning Permits

A Seasonal Zoning Permit may be authorized by the Zoning Officer for the placement of: 1) a recreational vehicle or camping unit on an individual lot for more than 7 consecutive days; or 2) a camping unit in a campground situated in any designated floodplain in the Township. Seasonal permits for the placement of a recreational vehicle or camping unit in any designated floodplain in the Township may be valid for no more than 180 days in any given year. Before issuing a Seasonal Zoning Permit, the Zoning Officer shall be satisfied that the requirements of Sections 416 and 417, and all other applicable provisions of this Ordinance, including the District Regulations, have been met.

## **1203 CERTIFICATES OF COMPLIANCE**

A. Requirements for Certificates of Compliance

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used in whole or in part or shall be changed in use until a Certificate of Compliance has been issued by the Zoning Officer. Such requirement shall include proposals to *change one use to another use* in an existing building (regardless if structural alterations are proposed or are necessary to accomplish the change.) In the case of residential construction, such Certificate shall not be issued until the exterior walls of the building are complete and all essential or vital utilities have been installed, including sewage facilities, water supply, and electric service.

The issuance of a Certificate of Compliance is not intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor

the habitability of any building or structure. The purpose of the Certificate is only to certify that all work authorized by the Zoning Permit has been satisfactorily completed and that the building or proposed use thereof complies with the provisions of this Ordinance.

**B. Issuance and Effect**

The applicant shall notify the Zoning Officer in writing upon completion of the permitted activity and the Zoning Officer shall inspect the construction or change of use within ten (10) days of the notification. The Zoning Officer shall then either issue or deny the Certificate within ten (10) days after the last inspection thereof. If the Zoning Officer is satisfied that the work has been completed in accordance with the issued Zoning Permit and is in compliance with the terms of this Ordinance, then the Certificate of Compliance shall be issued. If however, any part of the construction is found to be in violation, the Certificate shall be denied and the applicant shall be notified, in writing, of the deficiencies or the reasons for denial of the Certificate. Once granted, the Certificate shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants.

**1204 VIOLATIONS AND ENFORCEMENT**

Failure to secure a Zoning Permit when required hereunder; failure to secure a Certificate of Compliance; or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

**A. Enforcement Notice**

Whenever it appears to the Zoning Officer that there has been a violation of any provision of this Ordinance, the Zoning Officer, on behalf of the Township, shall give notice of such alleged violation as hereinafter provided. Such enforcement notice shall:

1. be in writing;
2. be served upon the owner of record of the parcel upon which the violation has occurred or be sent to him by certified mail (return receipt requested), and be sent to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record;
3. state the name of the owner of record and any other person against whom the Township intends to take action;
4. indicate the location of the property in violation;
5. identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable

provision(s) of the Ordinance;

6. contain an outline of remedial action which, if taken, will effect compliance;
7. specify the date before which the steps for compliance must be commenced and the date before which the steps must be completed;
8. notify the recipient of his right to appeal to the Township Zoning Hearing Board prior to the expiration of the time period provided in the enforcement notice; and,
9. indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted or remedied as provided in this Section.

In any appeal of an enforcement notice to the Township Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

**B. Causes of Action**

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township Zoning Officer may institute in the name of the Township, any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent any action, conduct, business, or use in or about such premises constituting a violation.

Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may also institute an appropriate corrective action or proceeding. Such action must be preceded however by serving a copy of the complaint on the Township Supervisors at least 30 days prior to being instituted. No such action may be maintained until such notice has been given.

**C. Jurisdiction**

District Justices shall have initial jurisdiction over proceedings brought for a violation of this Ordinance.

**D. Enforcement Remedies**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law, shall, upon being found liable therefore in a civil enforcement proceeding commenced by Pine Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the

Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Pine Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to Pine Township.

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

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

#### **1205 FEES**

Fees for the issuance of Zoning Permits, Certificates of Compliance, ordinance amendments, Conditional Uses, Special Exceptions, variances and other zoning actions shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution of the Township Supervisors. (A copy of the current Fee Schedule can be obtained from the Township Secretary.)

Further, any fees paid by a party for appeal of an enforcement notice to the Township Zoning Hearing Board, shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.



## ARTICLE 13

### DEFINITIONS

#### 1300 INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "person" shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word "lot" shall include the words "plot" and "parcel"; the terms "shall" and "must" are mandatory, the word "may" permissive; and the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

#### 1301 DEFINITIONS

ABANDONED: The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure.

ACCESS DRIVE: A means, other than a street, which provides vehicular access from a street or public road to a lot; e.g. a driveway or private right-of-way.

ACCESSORY RESIDENTIAL USE: For the purposes of this Ordinance, an accessory residential use shall be defined as a residential dwelling unit which is accessory to the principal commercial use of a lot and occupies no more than 50% of the gross floor area of the commercial structure; i.e. an apartment(s) located above or adjoining a retail establishment.

ACCESSORY STORAGE TRAILER: See STORAGE TRAILER, ACCESSORY.

ACCESSORY STRUCTURE: See STRUCTURE, ACCESSORY.

ACCESSORY WAREHOUSING AND/OR STORAGE FACILITIES: See WAREHOUSING FACILITY.

ACCESSORY USE: See USE, ACCESSORY.

ACRE ACT: Agriculture, Communities and the Rural Environment Act, Act 38 of 2005, which was enacted and became effective July 6, 2005. The Act is also known as the ACRE Law or Act 38.

**ADULT ENTERTAINMENT ESTABLISHMENT:** An adult book store, adult motion picture theater, adult amusement arcade, massage parlor, and/or similar facilities providing entertainment of a sexual nature.

**AGENT:** Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

**AGRIBUSINESS:** An independent business related to the processing or sale of agricultural products or supplies, or the sale and/or repair of agricultural equipment.

**AGRICULTURAL OPERATION:** 1) The management and use of farming resources for the production of crops, livestock or poultry. 2) An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products, and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. (See also NORMAL AGRICULTURAL OPERATION.)

**AGRICULTURAL STRUCTURE:** Any farm building or structure used for storing agricultural equipment or farm produce, housing livestock or poultry, or processing dairy products. Such buildings shall not be used for residential purposes.

**AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the agricultural activities. (See also AGRIBUSINESS and FARM-RELATED BUSINESS.)

**ALLEY:** A permanent, public or private serviceway providing a secondary means of access to lots, not intended for general traffic circulation.

**ALTERATION:** As applied to a building or structure, an alteration shall be defined as a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another. For the purposes of this Ordinance, alteration shall not be defined to include maintenance or repair activities.

**AMENDMENT:** 1) The process set forth by the PA Municipalities Planning Code for changing or altering the provisions of this Ordinance or the boundary of any zoning district shown on the zoning map. (See also Section 1100.) 2) The actual

change or alteration proposed for the Zoning Ordinance text or map.

**ANIMAL EQUIVALENT UNIT (AEU):** One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. (See the PSU Agronomy Fact Sheet # 54 or other associated agricultural industry guidance documents for a listing of standard animal weights.)

**ANIMAL HUSBANDRY:** An agricultural operation involving the raising or keeping of livestock and/or poultry for capital gain or profit or with the intent of selling any livestock or poultry products as a commercial enterprise which does not meet the animal density thresholds set forth in the PA Nutrient Management regulations for a CAO or CAFO. (The housing or raising of livestock or poultry as farm pets or for personal use and enjoyment pursuant to the requirements of this Ordinance shall not be considered animal husbandry. See also Section 415 A.)

**APPLICANT:** Any land owner, developer, lessee or an authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

**AREA:** The surface included within a set of lines.

- a. **Area, Lot:** The area contained within the property lines of individual parcels of land shown on a plan, excluding any area within a street right-of-way, but including the area of any easement.
- b. **Area, Buildable:** That portion of a lot bounded by the required front, side and rear yards.
- c. **Area, Building:** The total area of a lot covered by buildings, excluding uncovered porches, terraces and steps.
- d. **Area, Site:** The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

**AUTOMOTIVE REPAIR SHOP:** A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. (See also Section 411.)

**AUTOMOTIVE SALES FACILITY:** Any building or land area used for the display and sale of new or used automobiles or other motor vehicles, including warranty repair or service associated work.

**AUTOMOTIVE SERVICE STATION:** A building or place of business where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered. (See also Section

411.)

**BAR:** A building or structure, or portion thereof, used primarily for the sale or dispensing of alcohol. For the purposes of this Ordinance, a bar shall include those facilities selling bottled goods, either as a principal activity or as an accessory use. (See also TAVERN.)

**BASEMENT:** 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet, or if it is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

**BED AND BREAKFAST ESTABLISHMENT:** An establishment, dwelling, or part thereof, in which individual rooms are offered for temporary lodging purposes by the owner or operator for limited periods of time. Breakfast or other meals may also be offered for overnight guests as a part of the lodging fee.

**BOARDING OR ROOMING HOME:** A single-family dwelling or part thereof where lodging is provided for a fee by the owner thereof. Such lodging may be provided for up to six (6) boarders unrelated to the owner and shall be for periods of time exceeding one (1) week, whether or not arrangements are made for meals. (See also Section 429.)

**BOARD OF SUPERVISORS:** The elected governing body of Pine Township, Lycoming County, PA.

**BOARD OR ZONING HEARING BOARD:** The Zoning Hearing Board of Pine Township, Lycoming County, PA.

**BUFFER YARD:** Yard space, either landscaped or planted, provided between high intensity activities and other uses. (See also Section 505.)

**BUILDING:** A structure having walls and a roof which is used for the shelter, housing or enclosure of persons, animals, or property. The word "building" shall include any part thereof. Included shall be all mobile or manufactured homes and trailers to be used for human habitation.

- a. **Building, Accessory:** A detached, subordinate building located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.
- b. **Building, Principal:** A building in which the principal use of the site is conducted.
- c. **Building, Attached:** A building which has one (1) or more walls in common

with adjacent buildings.

- d. **Building, Detached:** A building which has no common walls and is surrounded by open space on the same lot.

**BUILDING COVERAGE:** That percentage of the plot or lot area covered by the total ground floor area of all principal and accessory buildings, including covered porches, patios and decks, carports, and breezeways, but excluding unenclosed parking or loading areas.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the ground surrounding the building to the highest point of the roof, excluding chimneys, spires, towers, tanks and similar projections which may be attached to the building.

**BUILDING LINE:** The required setback (front, side, or rear) of a building from a property line.

**BUILDING SETBACK LINE:** The line established by the required minimum front yard setback from the street right-of-way or front lot line for buildings and/or structures. The building setback line shall be the point at which minimum lot width shall be measured.

**CAMPGROUND:** A tract or tracts of ground, or portion thereof, used for the purpose of providing space for two (2) or more recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space. Such facility may also include a recreational vehicle park. (See also Section 417.)

**CAMP, CABIN OR VACATION HOME:** A permanent building or structure intended for occupancy only occasionally during the year, including buildings intended as camps, cottages, lodges, hunting cabins, vacation homes and similar seasonally-used dwellings. For purposes of this Ordinance, a recreational vehicle may be considered as a camp, cabin or vacation homes, but shall meet all requirements set forth in Section 416 G. for such units.

**CARPORT:** A roofed structure providing space for the parking or storage of motor vehicles which is enclosed on not more than three (3) sides.

**CARTWAY:** The area of a street or alley within which vehicles are permitted, including travelled lanes and on-street parking spaces, but excluding shoulders, curbs, sidewalks, or drainage swales.

**CAR WASH:** A commercial building or premises used for washing automobiles or other motor vehicles.

**CELLAR:** A portion of a building partly underground, having half or more than half of its clear height below grade. A cellar shall not be considered in determining the

permissible number of stories.

**CERTIFICATE OF NONCONFORMANCE:** A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure or lot as of the effective date of this Ordinance, thereby authorizing its right to continue until it is eliminated or abandoned.

**CERTIFICATE OF COMPLIANCE:** A certificate required by this Ordinance which indicates that all work authorized by the project's Zoning Permit has been satisfactorily completed or, in a case involving no construction, a proposed new use is in compliance with the terms of this Ordinance. (See also Section 1203.)

**CHANGE OF USE:** An alteration of a building or a change of use existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

**CHIMNEY:** Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor furnace.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines.

**CLINIC, MEDICAL OR DENTAL:** For the purposes of this Ordinance, a medical or dental clinic shall be defined as an establishment housing three (3) or more physicians, dentists, psychologists, or social workers, where patients are received for examination or treatment, but where no patients are lodged overnight. (See also CLINIC, VETERINARY.)

**CLINIC, VETERINARY:** For the purposes of this Ordinance, a veterinary clinic shall be defined as an establishment housing three (3) or more veterinarians where animals are examined and treated, but where no boarding is provided. (See also VETERINARY HOSPITAL.)

**CLUB OR FRATERNAL ORGANIZATION:** An organization catering exclusively to members and their guests in premises or buildings for social, recreational, or administrative purposes, which are not conducted for profit. Clubs shall include but need not be limited to service organizations, hunting or sportsmens clubs, fraternal organizations, as well as social, athletic or similar associations or groups.

**CLUSTER RESIDENTIAL DEVELOPMENT:** See RESIDENTIAL CLUSTER DEVELOPMENT.

**COMMERCIAL LAND DEVELOPMENT:** The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any commercial purpose involving a group of two (2) or more commercial buildings or a single commercial building on a lot or lots regardless of the number of occupants or tenure.