

*Adopted December 19, 2011*

**ORDINANCE NO. 71**

**WAYNE TOWNSHIP ZONING ORDINANCE**

**WAYNE TOWNSHIP, ERIE COUNTY, PENNSYLVANIA**

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

**ZONING ORDINANCE  
WAYNE TOWNSHIP, ERIE COUNTY, PENNSYLVANIA**

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## ARTICLE 1 – GENERAL PROVISIONS

**101**    **Title:**

The official titles of this Ordinance is the “Wayne Township Zoning Ordinance of 2012”

**102**    **Effective Date:**

These regulations shall become effective on January 1, 2012, and shall remain in effect until modified or rescinded by the governing body.

**103**    **Objectives:**

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

- (a) To support and encourage order and beauty in the development of Wayne Township’s environment for the convenience and pleasure of present citizens and future residents through sound land development practices and the provision of adequate public utilities and facilities.
- (b) To encourage future land development to complete a logical, and harmonious and efficient pattern of future Township growth.
- (c) To encourage future residential use to occur in a harmonious arrangement within compact neighborhood units.
- (d) To preserve strategic properties suitable for development for the establishment of suitable diversified industry throughout the Township.
- (e) To guide commercial development in such a way as to minimize adverse influences on adjacent roads or land values; to maintain and protect existing commercial uses, and to encourage new commercial facilities to locate in functionally designed centers with safe and adequate highway access.
- (f) To protect property values to insure a suitable, attractive and efficient community environment
- (g) To encourage integrated and cohesive suburban development.
- (h) To encourage developers to incorporate adequate public facilities and open spaces in neighborhood design.
- (i) To protect prime agricultural lands from over development and to encourage proper development of other agrarian areas in the Township.
- (j) To promote the effective utilization of renewable energy sources.
- (k) To foster public safety along public highways by assuring that all signs are in safe and appropriate locations.

**104 Compliance:**

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

**105 Severability:**

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

**106 Conflict:**

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

## **ARTICLE – 2 DEFINITIONS**

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future. The singular number shall include the Plural and the plural the singular. The word “shall” is always mandatory and not permissive. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged” or “designed to be used or occupied.” The word “person” includes a partnership, corporation and association, as well as an individual. The word “lot” includes the words “plot” and “parcel.”

### **Accessory Building: See Building, Accessory:**

### **Accessory Use:**

A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principle use or building.

### **Adult Entertainment: See Entertainment, Adult**

### **Agricultural Business & Industry:**

The commercial sale or processing of a product of agricultural activity.

### **Agriculture, Concentrated:**

High-density animal operations with more than two thousand pounds of livestock or poultry per acre of farmland as regulated by the Nutrient Management Act of 1993.

### **Agriculture, Heavy:**

Any agricultural use, including farming, dairying, pasturage, horticulture, floriculture, viticulture, animal and poultry husbandry.

### **Agriculture, Light:**

Horticulture, floriculture, and gardening,

### **Airport Ordinance:**

The Wayne Township Airport Zoning Ordinance, and amendments.

**Airstrip, Private:** An airfield consisting of one or more runways for the private personal use of individuals living on the premises.

### **Animal Clinics & Kennels:**

A facility for the medical or similar examination and treatment and boarding of animals as inpatients or outpatients. These facilities include all facilities operated by a doctor of veterinary medicine for medical treatment of animals, and private individuals who own or operate a boarding kennel for household pets.

### **Antique Barn:**

Retail business dealing with the display, sale, and exchange of antiques and collectibles.

### **Applicant:**

A landowner or developer, as hereinafter defined who has filed an application for development including his heirs, successors and assigns.

**Application For Development:**

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

**Appointing Authority:**

The Board of Supervisors of Wayne Township, Erie County, Pennsylvania

**Automotive Sales:**

A registered new or used vehicle dealer engaged in the business of buying, selling or exchanging passenger cars, motorcycles, trucks, truck trailers, or buses.

**Area:**

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

**Area, Building:**

The total of areas taken in a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

**Area, Net Floor (As applied to off-street parking):**

The area used or intended for services to the public as customers, patrons, clients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. Floor areas may be excluded which are used exclusively for storage housing of mechanical equipment integral with the building, maintenance facilities, or those areas so restricted that customers, patients, clients, salesmen, and the general public are denied access.

**Basement:**

A story having more than fifty (50%) percent of its clear height below the average level of the surrounding ground. A basement shall be counted as a story for the purpose 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 used for business or dwelling purposes.

**Board: (see also Zoning Hearing Board):**

The Zoning Hearing Board of the Township of Wayne, Erie County, Pennsylvania.)

**Boarding, Rooming, Tourists or Lodging House, Bed and Breakfast:**

A house with furnished rooms where lodging, or meals and lodging, is provided for compensation.

**Building:**

A roofed structure enclosed by walls, columns or piers for the shelter, housing or enclosure of persons, goods, materials or animals.

**Building, Accessory:**

A subordinate building, the use of which is customarily incidental to that of the main building on the same lot. Said buildings include, but are not limited to storage sheds.

**Building, Front Line Of:**

The line or that face of the building nearest the front line of the lot.

**Building, Height:**

The vertical distance from the average elevation at grade level to the highest point of the deck of a flat roof or a mansard roof, or to the mean height between the eaves and the ridge for gable, hip and gambrel roofs.

**Building Line:**

An imaginary line parallel to or concentric with the nearest right-of-way line and which is located at the setback distance from the street right-of-way line, said line being a boundary or limit beyond which no permanent part of a building shall project.

**Building, Main:**

A building in which is conducted the principal use of the lot on which it is situated.

**Building Portable:**

A movable building not exceeding one hundred forty-four (144) square feet in gross floor area which is built on skids and has no concrete slab or below grade foundation.

**Business Service:**

Any business activity which renders service to other commercial or industrial enterprises.

**Campground:**

A parcel of land under single ownership which has been planned and improved for the placement of travel trailers, campers, tents and motor homes for transient use, consisting of two or more camp spaces.

**Cartway:**

That portion of a road or right-of-way which is paved, graded or improved for travel by vehicles.

**Clinic:**

Any establishment where human patients are examined and treated by doctors or dentists during normal office hours, but not hospitalized overnight. Clinics providing 24 hour emergency service within the clinic shall be considered a hospital.

**Club:**

An establishment operated by an organization for social, recreational, educational and fraternal purposes, but open only to members and their guests and not the general public.

**Club, Bottle:**

A place of assembly owned, maintained or leased, for pecuniary gain, in which no alcoholic beverages are sold but where patrons are permitted to bring alcoholic beverages upon the premises for their own use and consumption.

**Commission (or Planning Commission):**

The Planning Commission of the Township of Wayne, Erie County, Pennsylvania.

**Communications Antenna:**

Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial manufactured radio service or any other wireless communications signals, including without limitation Omni-directional or whip antenna and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission to operate such device. This 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.

**Communications Equipment Building:**

An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than two hundred fifty square feet.

**Communications Tower:**

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

**Conditional Uses:**

A use permitted in a particular zoning district pursuant to the provisions in Article 7.

**Condominiums:**

A multi-family building or complex in which each tenant holds full title to his housing unit and also holds joint ownership in the common grounds.

**Contractor Business:**

Any business operated by a builder, landscaper, etc. who contracts to supply materials or do construction or maintenance/repair work. Storage of material or equipment must comply with the requirements of Section 527 Supply Yards.

**County:**

Erie County, Pennsylvania

**County Planning Commission:**

Erie County Planning Commission.

**Coverage:**

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

**Daycare, Child Facilities:**

A facility providing child care in a Pennsylvania Department of Public Welfare registered family child day care home or a certified group child day care home or center.

**Decision:**

A decision is a final adjudication such as the action of the Zoning Hearing Board for cases under its jurisdiction as outlined in the PA Municipal Planning Code, or the action of the governing body pursuant to its jurisdiction of matters enumerated in the PA Municipalities Planning Code. Appeals from a decision go directly to the Court of Common Pleas.

**Determination:**

A determination is a final administrative action such as the grant or denial of a permit by the Zoning Officer or the Municipal Engineer with respect to the administration of any land use ordinance. Determinations are appealable to the governing body or to the Zoning Hearing Board as designated in the PA Municipalities Planning Code.

**Density:**

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

**Dormitory:**

A building with many rooms, that provides sleeping and living accommodations for a number of people, as at college.

**Drilling Pad:**

The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

**Drive-In Facility:**

A commercial business that provides service to the occupants of a vehicle from a window, booth, or other structure designed to provide such service without the occupants leaving the vehicle. This shall include, but not be limited to, such establishments as drive-in banks, drive-in beverage distributors, restaurants, laundries, and service stations. Also include in this category are automated washing facilities that are designed to allow the vehicle to be driven or propelled through a wash bay and recycling drop-off sites where a vehicle may drive up to allow the occupant to deposit recyclable materials in provided bins for collection by a commercial recycling and/or waste disposal company.

**Dwelling, Single Family:**

A detached building arranged or used for occupancy by one family having a habitable floor area of at least eight hundred (800) square feet exclusive of porches, patios, decks, breezeways, garages, carports, sun porches or other similar structural additions.

**Dwelling Multiple:**

A building arranged or used as a residence for two or more families living independently of each other and doing their own cooking therein, including apartment houses, flats, and group houses; with each independent living area having a habitable floor area of at least six hundred fifty square feet. Two or more manufactured homes shall not be joined to serve as a multiple dwelling.

**Dwelling Unit:**

One or more rooms for living purposes, together with separate cooking and sanitary facilities, used or intended to be used by one or more persons living together, and maintaining a common household, and accessible from the outdoors, either directly or through an entrance hall shared with other dwelling units.

**Entertainment, Adult:**

(1) An exhibition in an adult-oriented establishment of any adult-oriented books, motion pictures or other media, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as these terms are defined at 68 Pa. C.S.A. § 5502, as may in the future be amended.

(2) A live performance, display or dance of any type in an adult-oriented establishment which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered customers.

**Entertainment Facilities, Indoor:**

Enclosed commercial establishments dedicated to the pursuit of leisure and amusement activities including, but not limited to, bowling alleys, skating rinks, sports arenas, auditoriums, and theaters.

**Entertainment Facilities, Outdoor:**

Open air commercial establishments dedicated to the pursuit of leisure and amusement activities including, but not limited to, miniature golf, driving ranges, tennis courts, cross country skiing, paintball, motorcross, and raceways. Regulation and par three golf courses are not included by definition.

**Essential Services:**

The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential Buildings, excluding Communications Towers, and Communications Antennas, as defined herein.

**Exotic Wildlife:**

Includes, but is not limited to, all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any cross-breed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals were bred or reared in captivity or imported from another state or nation.

**Exotic Wildlife Dealer:**

Any person who imports into this Commonwealth, possesses, buys, sells, locates or finds for a fee, barter, donates, gives away or otherwise disposes of more than one bird or one animal classified as exotic wildlife by the Pennsylvania Game Commission.

**Falconry:**

The sport of hunting with raptors – including the training of raptors.

**Family:**

- 1) One or more persons related by blood, marriage or adoption, plus foster children and domestic servants, occupying a dwelling unit, including not more than two boarders, roomers, or lodgers.
- 2) Five or less unrelated independent persons occupying a dwelling unit, living together and maintaining a common household.
- 3) Eight or less persons, including supervisory adults, who are handicapped as defined in Title VIII of the Civil Rights Act of 1968 and who are residents by virtue of receiving supervised specialized services limited to health, social and/ or rehabilitative services provided by governmental agencies or any responsible non-profit social service corporation.
- 4) As may be defined in compliance with the Federal Housing Act and controlling case law.

**Flea Market:**

An open-air market area primarily for non-continuous display, sale, and exchange of second-hand articles having multiple vendors; and operations limited to weekends and holidays, April 1-October 31.

**Flood Plain Ordinance:**

The Wayne Township Flood Plain Ordinance, and its amendments.

**Floor Area (Habitable) (also see Area, Net Floor):**

The enclosed area of a building designed and intended for all season use of human inhabitants.

**Forestry:**

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

**Fracking:**

The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

**Garage, Private:**

An accessory building or part of a main building used for the storage of private passenger motor vehicles, trucks, or boats & recreationals by members of the family or families housed in the building to which such garage is an accessory. This shall not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing vehicles for profit.

**Garage/Household/Yard Sales:**

A private temporary non-continuous sale of surplus used household goods. It is an accessory use to the residential dwelling, but is limited to a maximum of four days per sale conducted between sunrise to sunset, and not more than three sales per calendar year.

**Garage, Parking (see also Truck Terminal):**

A building or part thereof, other than a private garage, used for the storage of motor vehicles for remuneration or where any such vehicles are kept for hire.

**Garage, Repair (see also Station, Service):**

Any commercial establishment where motor vehicles are serviced and repaired, including engine overhaul and bodywork.

**Garage, Towing:**

A commercial establishment which provides towing services to disabled motor vehicles on and off highway.

**Golf Course:**

Land for playing the sport of golf, consisting of a minimum of nine holes, but excluding miniature golf, pitch & putt, driving ranges, and similar golf-associated activities, except as accessory uses on a golf course.

**Governing Body:**

The Board of Supervisors of Wayne Township, Erie County, Pennsylvania.

**Height of a Communications Tower:**

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

**Home-Based, No-Impact Business:**

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the requirements of Section 519 of this Ordinance.

**Home Occupations:**

Any occupation or profession which is customarily carried on in a dwelling unit; and is carried on by a member of the family residing in the dwelling unit with not more than one employee outside the family and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. See also Section 518 of this Ordinance.

**Hospital:**

Unless otherwise specified, hospital shall include sanatoriums, sanitariums, preventoriums, rest homes, nursing and convalescent homes, and any other place for the diagnosis, treatment or care of human ailments; but excluding personal care homes.

**Hotel, Motel:**

A building containing rooms which are used, rented or hired out to guests for sleeping purposes, and where only a general kitchen and dining room are provided within the building or in an accessory building.

**Household Pets:**

A domesticated animal that is normally or can generally be kept within the immediate living quarters of a residential structure. Any member of the swine, sheep, poultry, bovine, or equidae family of quadrupeds, elephants, rhinoceros, hippopotamus, moose, deer, or reptiles having a venomous or constrictor nature and other animals considered dangerous such as lions, tigers, bears, etc., and/or any animal requiring a permit from the Pennsylvania Game Commission, does not constitute a household pet under any provision of this ordinance.

**Hunting Preserve:**

A parcel of fenced land licensed by the PA Game Commission dedicated to the commercial or non-profit sport of guided big game hunting for a fee.

**Hunting Grounds, Regulated:**

A minimum of 100 acres of unfenced land on which a person, holding a permit from the PA Game Commission, releases a species of domestically produced game birds for the commercial or noncommercial sport of hunting. This may also include land on which a permit is issued by the PA Game Commission for a controlled hunt, such as a coyote hunt.

**Integrated Center:**

A combination of commercial uses designed, structured and located so as to result in a shopping plaza, mall or other acceptable configuration in one continuous building or architectural modification thereof, under one roof including associated common walls.

**Junk Yard:**

Land or structure used for collecting, storage, processing and sale of scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers and other discarded materials. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

**Land Development: Any of the following activities:**

- 1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building in a lot or lots regardless of the number of occupants or tenure; or

- (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets common areas, leaseholds, condominiums, building groups or other features.
- 2) A subdivision of land.
- 3) Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

**Landowner:**

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

**Light Manufacturing:**

The process of fabrication of certain materials and products which does not produce noise, vibration, air pollution, fire hazard or other disturbance or danger to neighboring properties.

**Lot:**

A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**Lot, Area:**

The total horizontal ground area included within the lot lines.

**Lot, Corner:**

A lot at the junctions of or abutting on two or more intersecting streets when their angle of intersection does not exceed one-hundred and thirty-five (135) degrees.

**Lot, Depth Of:**

A mean horizontal distance between the front and rear lot lines.

**Lot, Minimum Area Of:**

The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

**Lot Of Record:**

Any lot which individually or as a part of subdivision has been recorded in the Office of the recorder of Deeds of Erie County.

**Lot, Width Of:**

The width measured at right angles to its depth at the building line.

**Manufactured Home:**

A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**Manufactured Home Lot:**

A parcel of land in a Manufactured Home Park, improved with the necessary utility connections and other appurtenances necessary for the erections there of a single *Mobile manufactured* home.

**Manufactured Home Park:**

A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more Manufactured Home Lots for the placement thereon of Manufactured Homes.

**Menagerie:**

Any place where one or more wild birds or wild animals, or one or more birds which have similar characteristics and appearance to birds or animals wild by nature, are kept in captivity for the evident purpose of exhibition with or without charge.

**Minerals:**

Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock & stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**Modular Home:**

Factory-built industrialized home that is assembled at the site and complies with the PA Industrialized Housing Act.

**Municipal Engineer:**

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

**Municipality:**

Wayne Township, Erie County, Pennsylvania

**Natural Gas Compressor Station:**

A facility designed and constructed to compress natural gas that originates from an gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

**Natural Gas Processing Plant:**

A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

**Nonconforming Lot:**

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

**Nonconforming Structure:**

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

**Nonconforming Use:**

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

**Oil and Gas Development:**

The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

**Oil or Gas Well:**

A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

**Operator:**

The person designated as the operator on the permit application or a federal or state registration who may or may not be the applicant or landowner.

**Pa DEP:**

Pennsylvania Department of Environmental Protection.

**Pennsylvania Planning Code:**

Pennsylvania Municipalities Planning Code Act 247 of 1968 as reenacted and amended by Act 170 of 1988, and amendments as the same may be adopted from time to time.

**Personal Care Home:**

An assisted living residence licensed under the Commonwealth of Pennsylvania, to provide room and board to persons requiring assistance with personal care, but not skilled nursing care.

**Personal Services:**

Any enterprises which primarily offer services to the general public, such as shoe repair, valet service, watch repairing, barber shops, beauty shops, beauty parlors and related activities.

**Planning Agency:**

The Wayne Township Planning Commission.



**Professional Offices:**

Any office or business conducted by an individual or association who is, or that must be, licensed under the laws of the Commonwealth of Pennsylvania.

**Public Community Recreation:**

Non-profit or municipally owned recreational facilities to include:

- 1) Parks, playgrounds, trails, paths, and other recreational areas and other public areas;
- 2) Publicly owned or operated scenic and historic sites; and
- 3) Community Recreation Centers

**Public Grounds:**

Sites for public schools, sewage transport & treatment, refuse disposal, highway construction & maintenance, and other publicly owned or operated facilities;

**Public Hearing:**

A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

**Public Meeting:**

A forum held pursuant to notice under the Act of July 3, 1986 (P.L.388, No. 84), and its amendments, known as the “Sunshine Act.”

**Public Notice:**

Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**Public Utility:**

A company providing the service to the public of gas, water, electricity, etc. (see Essential Service) and regulated by the Public Utility Commission

**Raptor Propagation:**

The breeding and raising of birds of the order Falconiformes or the order Strigiformes, other than the Bald Eagle or the Golden Eagle.

**Recycling/Transfer Facility:**

A commercial facility designed for the processing and storage of recyclable materials.

**Renewable Energy Source:**

Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**Report:**

A written document such as a letter, review or memorandum made by any body, board, officer or consultant other than a solicitor for the purpose of assisting in the rendering of a “decision” or “determination.” All reports are deemed advisory only.

**Road:**

The entire right-of-way or fee of a public or private street or highway, regardless of cartway width or percentage of use.

**Roadside Stand:**

A permanent or temporary structure used for the seasonal display, support and protection of products such as vegetables, fruits, poultry and dairy products, flowers, etc.

**Screening: (Screen Planting)**

A fence, screen planting, or wall at least six (6) feet high, provided in such a way that it will secure an area, dampen noise, or block a line of sight. The screening may consist of either one, or multiple rows of evergreen bushes or trees. An initial planting may be a minimum of three (3) feet high.

**Sign:**

Any structure or natural object such as a tree, rock and the ground itself or device attached thereto or, painted or represented thereon, which is used to attract the attention to any object, product, place, activity, person, institution, organization or business or which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. An illuminated announcement located in a window is a sign. It does not include the flag, pennant or insignia of this nation, state, city or other political unit, or charitable or civic campaigns, nor legal notices, addresses or official signs of any governmental agency.

**Sign Area:**

The total area of the sign face exclusive of perimeter framing that may be part of the sign or sign support system. On dual-faced signs only the area of one sign face (the largest face) shall be used in calculating the area of the sign face. When individual letters are mounted separately on the surface of a building wall, the spaces between said letters shall be included in calculating the area of the sign. When separate elements are organized to form a single sign, but separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprise all of the display area. Minor appendages to a particular regular shape, as determined by the Zoning Administrator, shall not be included in the total area of a sign.

**Sign. Changeable Copy:**

A sign or portion thereof with characters, letters and/or illustrations which can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a Time and Temperature portion of a sign and not a Changeable Copy Sign for purposes of this Ordinance. This term includes public service information, displays or any sign which features automatic, manual, or other switching or changing of its message content.

**Sign, Electronic Display:**

An on-premises sign, or portion thereof, that displays electronic images, graphics or pictures, with or without textual information. Such a sign has the capacity of being changed or altered by electronic means on a fixed display screen composed of a series of lights, including but not limited to light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area where the message is displayed. Electronic display signs include computer-programmable, microprocessor-controlled electronic or digital displays. An Electronic Message Center is an on-site non-temporary sign which uses light bulbs, light

emitting diodes, computers or other means to spell out and/or change messages or display of advertisement or announcements.

**Sign, Freestanding:**

Any sign supported by structures or supports that are placed on or are anchored in the ground and that are independent from any building or other structure. Also referred to as a pole sign.

**Sign, Ground:**

A sign supported by uprights or braces in or upon the ground surface, with not more than 12 inches clearance from finished grade and that is independent from any building or other structure. A ground sign is a freestanding sign.

**Sign, Ideological:**

A non-commercial sign which expresses a religious, political, social, or other philosophical message. Ideological signs are not to be classified as temporary or permanent.

**Sign, Off-Premises:**

A sign directing attention to a business, person, commodity, or service not necessarily sold or located upon the premises where the sign is located, including billboards and commercial outdoor advertising that provide copy area for rent or lease.

**Sign, On-Premises:**

A sign which carries only messages strictly incidental to a lawful use of the premises on which it is located. Such signs may include but not limited to messages indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm, or corporation occupying the premises.

**Sign, Political:**

Any sign which advocates a candidate for public office, or which supports a particular political party or a position on an issue to be determined at an election. Political signs are not to be classified as temporary or permanent.

**Sign, Portable:**

Any sign permanently attached to the ground or other permanent sign, or one designed to be transported (including but not limited to transportation by means of wheels, signs converted to "A" or "T" frames, sandwich board signs, balloons used as signs, umbrellas used for advertising and/or signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business.)

**Sign, Temporary:**

Any sign that is used only temporarily and is not permanently mounted.

**Sign, Vehicular:**

Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity during all or part of the day. Vehicular signs shall not include identification or advertising on vehicles primarily used for other business purposes. Vehicles of any kind upon which a sign has been painted will be subject to the restrictions regarding temporary and portable signs as they apply to the location of the vehicle when parked on a business' own premises.

**Special Exception:**

A modification of the regulations of the Zoning Ordinance which the Zoning Hearing Board is permitted to authorize in specific instances listed in this Ordinance, under the terms, standards and criteria prescribed in Article 7.

**Station, Service (see also Garage, Repair):**

A retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may, include the sale of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance or minor automotive maintenance and repair, and the supplying of other incidental customer services and products.

**Stormwater Management Ordinance:**

The Wayne Township Stormwater Management Ordinance, and amendments.

**Story:**

The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story for the purpose 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 used for business or dwelling purposes.

**Street:**

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

**Structure:**

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

**Travel Trailer:**

A manufactured vehicle with wheels designed for overnight occupancy for camping purposes, capable of being towed or driven.

**Truck Terminal:**

A facility designed to accommodate the service, repair and storage of trucks, semi-trailers, and other motorized equipment, and which may incidentally provide warehousing activities.

**Variance:**

Relief granted pursuant to the provisions of Article 7.

**Wildlife Propagation:**

The breeding and reproduction of any game bird, wild bird, game animal or wild animal which is presently found in a wild state for the purpose of sale, barter, gift or other transfer of possession, as permitted by the law of the Game and Wildlife Commission.

**Wildlife Rehabilitators:**

A person permitted, under the law of the Game and Wildlife Commission, for the treatment and temporary care of injured, diseased and displaced wildlife; and the subsequent release of healthy wildlife to appropriate habitats in the wild.

**Wind Energy Conversion System (WECS):**

Any device such as a wind charger, wind turbine or windmill and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**Wind Turbine Device, Small:**

Small wind generator and system producing from 1 to 100 kWh of electricity and which is designed and used solely to generate power to serve a principal and/or accessory building located on the lot on which said device is situated (without regard to any excess power generated going to a power grid). This term does not include a “Wind Energy Conversion System.”

**Yard:**

Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted by this Ordinance. The minimum yard requirements shall consist of the horizontal distance between the road right-of-way line and nearest point of the foundation wall of the main building.

**Yard, Front:**

The yard extending across the entire width of the lot between the principal building and the right-of-way line which the principal building faces.

**Yard, Rear:**

The yard extending across the entire width of the lot between the rear lot line, and the nearest part of the principal building.

**Yard, Side:**

A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building.

**Zoning Hearing Board:**

The Zoning Hearing Board of the Township of Wayne, Erie County, Pennsylvania.

**Zoning Permit:**

The written authorization issued by the Zoning Administration Officer to permit the construction, reconstruction, movement or enlargement of any structure and the use of any structure or land.

**Zoning Map:**

The map containing the zoning districts of the Township of Wayne, Erie County, Pennsylvania, together with all amendments.

**Zoning Officer, Zoning Administrator, Or Zoning Administration Officer:**

The Zoning Administration Officer or his authorized representative appointed by the Board of Wayne Township Supervisors, Erie County, Pennsylvania.

**ARTICLE 3 – DISTRICT REGULATION**

**301    Zoning Map:**

A map entitled “Wayne Township Zoning Map” is hereby adopted as part of this Ordinance. The Zoning Map, effective date January 1, 2012, shall be kept on file, available for examination at the Township Municipal Building.

**302    Zoning Districts:**

The township is divided into the following districts as shown by the district boundaries on the Zoning Map:

A.....Agricultural

R-1.....Rural Residential

R-2.....Suburban Residential

R-3.....High Density Residential

B-1.....Transitional Business

B-2.....Business

I.....Industrial

**303    District Boundaries:**

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

**304    Description of Districts:**

**304.1    Agricultural:**

All land within these districts is intended primarily for agricultural uses. Multiple dwellings, industrial and commercial uses are restricted in order to preserve existing farmlands.

**304.2    Residential:**

**R-1 Rural Residential:**

The purpose of this district is to provide for and maintain a rural residential environment within the Township and to offer existing and future residents an alternative to the higher-density development and the more divergent and urban land used accommodated within the R-2 and R-3 districts.

**R-2 Suburban Residential:**

The purpose of this district is to promote a suburban neighborhood setting with a variety of housing types to serve the future housing needs of the Township. Permitted uses are limited to agricultural uses, dwellings, and uses normally associated with residential neighborhoods. Commercial and industrial uses are restricted in order to reduce excessive noises, traffic and congestion.

**R-3 High Density Residential:**

The purpose of this district is to provide for the Township’s high density residential requirements. Permitted uses include agricultural uses, dwellings, and uses normally associated with residential neighborhoods, in addition to higher density uses such as manufactured home parks and dormitories. Commercial and industrial uses are restricted in order to reduce excessive noises, traffic and congestion.

**304.3 Business:**

These areas are limited to commercial, research and certain residential and industrial uses. By defining compact areas for such uses, better fire and police protection and utilities may be provided. Most industrial uses are excluded to reduce the hazards caused by extensive truck and rail movements normally associated with such uses.

**B-1 Transitional Business** district is not served by public water and sewer, nor is installation anticipated in the near future. The B-1 zone would permit both commercial uses and single family dwellings.

**B-2 Business** district is served by public utilities and remains the Township’s prime commercial land. Single family dwellings are not a permitted use. Existing homes will continue as non-conforming uses.

**304.4 Industrial:**

These areas are designated to provide suitable space for future industrial development.

**305 Permitted Uses:**

The principal, conditional uses and special exceptions for each district as shown in the following table shall be according to the common meaning of the term or according to the term or according to the definitions given in Article 2, and subject to the conditions and restrictions contained in this ordinance. The letter “P” designates a principal use for that district. The letter “C” designates a conditional use. The letter “S” designates a special exception. Uses within a flood plain shall conform to the uses designated for the underlying district; however, no use shall be permitted that is not in compliance with the provisions of the Wayne Township Flood Plain Ordinance and its amendments. The districts are shown by their symbols stated in Section 302.

USES	DISTRICT						
	A	R-1	R-2	R-3	B-1	B-2	I
Accessory Buildings	P	P	P	P	P	P	P
Ag Business & Industry	P						P
Ag Produce Sales, Greenhouse, Landscape Nursery	P	P			P	P	P
Ag Equipment Sales	P					P	P

USES	DISTRICT						
	A	R-1	R-2	R-3	B-1	B-2	I
Agriculture – Concentrated	C						
Agriculture – Heavy	P	P					
Agriculture – Light	P	P	P	P	P	P	P
Airports	C						
Animal Clinics & Kennels	P	P			P	P	
Antique Barns	P	P			P	P	
Athletic Clubs						P	P
Boarding, Rooming House; Bed & Breakfast	P	P	P	P	P	P	
Bulk Fuel/ Industrial Gases Storage					S	S	S
Car/Truck Wash						P	
Car/Truck/Trailer/Rec. Vehicle Sales & Service					P	P	
Campgrounds	C	C			C		
Cemeteries	P	P					
Churches	P	P	P	P	P	P	P
Clubs	S	S			P	P	
Communication Towers	S	S					



USES	DISTRICT						
	A	R-1	R-2	R-3	B-1	B-2	I
Concrete Mixing	P	P					P
Condominiums			P	P			
Contractor Business	P	P			P	P	P
Daycare, Child Facilities	P	P	P	P	P	P	
Deer Processing	P	P			P		P
Drive-Thru Facilities					P	P	
Dormitories				P		P	
Dwellings, Single Family	P	P	P	P	P		
Dwellings, Multiple			P	P			
Eating and Drinking Establishments, Bottle Clubs	S	S			P	P	
Entertainment , Adult						P	
Entertainment Facilities, Indoor					P	P	
Entertainment Facilities, Outdoor	S	S			S	S	
Essential Services	P	P	P	P	P	P	P
Exotic Wildlife Possession / Dealer	P	P					
Falconry	P	P					
Fire Stations, Police Bldgs.	P	P			P	P	P
Flea Markets	P	P			P	P	

USES	DISTRICT						
	A	R-1	R-2	R-3	B-1	B-2	I
Forestry	P	P	P	P	P	P	P
Funeral Homes					P	P	
Garage, Parking	P	P			P	P	P
Garage, Repair & Service	S	S			P	P	P
Garage, Towing					P	P	P
Gas Stations, Service Station						S	
Golf Courses	P	P	P				
Heliport			S			P	P
Home-Based, No-Impact Business	P	P	P	P	P	P	P
Home Occupation	S	S	S	S	P	P	P
Hospitals for Humans			P			P	
Hunting Preserve and Hunting Grounds Regulated	P	P					
Integrated Commercial Centers						P	
Junkyards & Salvage Yards	C						C
Landfills, Sanitary	C						
Libraries			P		P	P	
Lumber Yards/ Bldg. Material Supply					P	P	P

USES	DISTRICT						
	A	R-1	R-2	R-3	B-1	B-2	I
Menagerie	P	P			P		
Manufacturing, Light (Campus-style, non-objectionable)					P	P	P
Manufacturing, Heavy (Industry which meets performance standards of ordinance)							P
Manufactured Home Parks				P			
Manufactured Home Sales					P	P	
Mini-Storage Warehousing					P	P	
Mineral Excavations & Landfills	C	C					C
Motels, Hotel						P	
Municipal Offices, Museums	P	P	P		P	P	
Natural Gas Compressor Stations/Processing Plants	P	P					P
Office Buildings					P	P	P
Oil & Gas Drilling	P	P					P
Personal Care Homes	P	P	P	P	P	P	
Printing & Publishing					P	P	P
Prisons, Correctional Facilities							P
Professional Offices	P	P	P		P	P	P

USES	DISTRICT						
	A	R-1	R-2	R-3	B-1	B-2	I
Public Community Recreation	P	P	P	P	P	P	P
Public Grounds	P	P	P	P	P	P	P
Radioactive Waste Facility	C						
Raptor Propagation	P	P					
Recycling / Transfer Facility							P
Renewable Energy Facilities, Private	P	P	P	P	P	P	P
Renewable Energy Facilities, Commercial	C	C					C
Research Testing Laboratories						P	P
Service & Retail Business					P	P	
Schools, Commercial						P	P
Schools, Nursery	P	P	P	P	P	P	
Schools, Public, Parochial	P	P	P	P	P	P	P
Schools, Higher Education						P	P
Signs	P	P	P	P	P	P	P
Slaughter House / Meat Processing	P						P
Stables, Riding Schools, Guest Ranches	P	P					

USES	DISTRICT							
	A	R-1	R-2	R-3	B-1	B-2	I	
Supply Yards	P	P			P	P	P	
Truck, Bus & Taxi Terminals					P	P	P	
Warehousing	P	S			P	P	P	
Water Recreation & Storage, Public	S	S	S		S	S	S	
Wholesale Business	P	S			P	P	P	
Wildlife Propagation	P	P						
Wildlife Rehabilitators	P	P						
All uses not permitted in other districts which meet the standards of health, safety, morals and general welfare								C

**ARTICLE 4 – LOT AND YARD REQUIREMENTS**

**401 Minimum Lot Sizes / Yard Sizes:**

- 401.1** Minimum lot sizes and minimum yard sizes for each district are itemized on the table in appendix “A”.
- 401.2** The depth-to-width ratio of lots shall be a maximum of four (4) to one (1). However, when the mean width of a lot exceeds four hundred fifty (450) feet, the regulation on depth-to-width ratio shall be waived.
- 401.3** Since Route 6 (Roosevelt Highway) is a State Designated Principal Arterial Highway having variable widths, the minimum front depth in all districts shall be 100 feet measured from the centerline of Route 6 to the building line.

## ARTICLE 5 – SUPPLEMENTARY REGULATIONS

### **501 Non-conforming Uses:**

The following provisions shall apply to all non-conforming uses and structures:

- 501.1** Any non-conforming use of land or structure legally existing at the time of enactment of this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance is a legal non-conforming use. Such use may be continued, but may not be extended, expanded or changed unless to a conforming use, except in accordance with the provisions of this Ordinance and providing the addition meets setback requirements.
- 501.2** Any structure designed or converted for a non-conforming use damaged by fire, flood, explosion or other such casualty may be reconstructed as before, if such reconstruction is performed within 12 (twelve) months of such casualty and if the restored structure covers no greater area and contains no greater cubic content than before such casualty.
- 501.3** The non-conforming use of a building may be extended throughout those parts hereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A non-conforming building or structure may be extended or enlarged to a maximum of 25% of the structure's dimensions at the time of enactment of this Ordinance, but must meet minimum lot and yard requirements of the district in which the structure is located and must meet the off-street parking and loading requirements of this Ordinance.
- 501.4** A non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.
- 501.5** A structure that has been razed shall not be reconstructed for a use that does not conform to the provisions of this Ordinance.
- 501.6** Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- 501.7** Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.
- 501.8** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, this article shall also apply to any uses, which thereby become non-conforming.
- 501.9** If any non-conforming use of land ceases for a continuous period exceeding one (1) year, any subsequent use of the land shall be in conformity to the regulations specified by this Ordinance for the district in which said land is located.

### **502 Existing Lots Of Record:**

Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection conforming to the use regulations of the district in which it is located, even though its dimensions are less than the minimum requirements of this Ordinance, except as set forth hereafter. Where two or more adjacent lots of record with less than the required area and width are held by one owner on the

date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board, which may require replotting to fewer lots which would comply with the minimum requirements of this Ordinance.

**503 Application of Yard Regulations:**

- 503.1** Lots, which abut on more than one street, shall provide the required front yards along every street.
- 503.2** Unless specifically excluded, all structures, whether attached to the principal structure or not and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yard.
- 503.3** A wall or fence under six (6) feet in height, or higher if a retaining wall, and paved terraces without walls, roofs or other enclosure, may be erected within the limits of any yard. For purposes of public safety, such a structure shall not project into the public right of way.
- 503.4** For purposes of public safety, proper sight lines shall be maintained at all street intersections. Measured along the centerline, there shall be a clear sight triangle of seventy-five (75) feet from the point of intersection. No structure or obstruction such as fence, wall, hedge or other planting over two and one half (2 ½ ) feet above grade level shall be erected or planted in said clear sight triangle. Existing trees and shrubs shall be maintained to ensure sight lines or shall be removed.
- 503.5** Non-residential buildings hereafter constructed or uses hereafter established shall not be located or conducted closer to any lot line in any of the residential districts, than the distance specified in the chart of setbacks, except that off- street parking spaces and access drives for non-residential uses shall not be located within 20 (twenty) feet of the side or rear lot lines.
- 503.6** Exceptions to Yard Requirements: The following may project into required yards and may be constructed without permit:
  - (a) Steps or stoops not exceeding twenty-four (24) square feet in area;
  - (b) Eaves, cornices and belt corners not exceeding two feet;
  - (c) Open fire escapes not exceeding four feet, six inches.
  - (d) One portable building not exceeding 144 square feet used for storage may be located within rear and side yards provided the building is located no closer to the side and rear lot lines than its total height.
  - (e) Handicap access ramp constructed to mitigate any projection into a minimum yard.
  - (f) Roadside Stands

**504 Temporary and Accessory Structures:**

- 504.1** All dwelling units, including manufactured homes or any additions to a dwelling unit shall be constructed upon a permanent foundation as defined in the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof

- 504.2** No accessory building shall be constructed upon a lot until construction of the principal building has actually commenced and, except as provided elsewhere in this Ordinance, no accessory building shall be used for living space.
- 504.3** A private garage or accessory building separate from a principal use shall be permitted as an accessory use provided that front, side and rear yards at least equal to those required for the principal use on the same lot shall be provided, unless other setback distances are specifically identified in this ordinance; and no repair facilities are maintained and no repairs excepting those of a minor nature are made.
- 504.4** Temporary structures, residential and non-residential, whether anchored or on skids, wheels or movable platforms, used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for temporary residential structures may be issued by the zoning officer for a one- (1) year period. Any extension thereof shall, at the option of the Zoning Officer, be referred to the Zoning Hearing Board.
- (a) Manufactured Homes having a habitable floor area under eight hundred (800) square feet will be considered temporary single family dwellings when used as housing during construction of an approved single family dwelling.
- (b) The Zoning Officer may waive setback requirements for temporary structures, provided the structure does not interfere with highway horizontal sight distances.
- 504.5** Manufactured homes, travel trailers, pick-up coaches, motorized homes and boat trailers may be parked or stored subject to the following requirements:
- (a) Manufactured homes may be parked or stored only in Business Zone Commercial Sales Lots.
- (b) A single camper or recreational vehicle may be temporarily occupied or used for living or housekeeping purposes on a parcel located in Residential, Business, and Agricultural Districts to a maximum of six (6) months in any one calendar year. No permit shall be required.
- 504.6** Tractor trailer box units and covered and completely enclosed other trailer units, but excluding buses, manufactured homes, and recreational equipment which may not be used as storage facilities, may be used only as storage facilities and shall be permitted as accessory structures in Agriculture, Business, and Industrial zones provided the following conditions are met:
- (a) The unit shall meet all setbacks of the district.
- (b) The unit's signage shall be removed.
- (c) The unit shall be kept in good repair.

**505 Height Limitation:**

- 505.1** Building height in excess of the height above average ground level allowed in any district may be permitted, provided all minimum front, side and rear yard depths are increased 1 (one) foot for each additional foot of height.
- 505.2** The following structures are exempt from height limitations, provided they are no closer to a lot line than its total height, and do not constitute a hazard to an established airport: Stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, flagpoles, and silos.
- 505.3** Visibility at intersections shall comply with section 503.4



**505.4** The Wayne Township Airport Zoning Ordinance and Height Limitation and Zoning District Map in its latest revision shall be incorporated and made part of Wayne Township's Comprehensive Zoning Regulation and shall be administered and enforced in connection therewith.

**506 Off-Street Loading and Parking:**

Off –street loading and parking spaces shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing use is enlarged. Where the use of a premise is not specifically mentioned, requirements for similar uses shall apply.

**506.1 Off-Street Loading:**

Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths in accordance with the table below:

**OFF STREET LOADING SPACE REQUIREMENTS**

<u>USES</u>	<u>SQUARE FEET OF FLOOR AREA</u>	<u>REQUIRED OFF-STREET LOADING BERTHS</u>
Schools	15,000 or more	1
Undertakers and Funeral Parlors	For each 5,000 or major fraction thereof	1
Hotels and Offices	10,000 – more	1
Commercial	10,000 –25,000	1
Wholesale Manufacturing and Storage	25,001 – 40,000	2
	40,001 – 60,000	3
	60,001 – 100,000	4
	For each additional 50,000	1 additional

Each loading space shall not be less than 12 (twelve) feet in width, 55 (fifty-five) feet in length and 14 (fourteen) feet in height. The following standards shall apply for off-street loading:

- (a) No loading dock shall be located within 200 (two hundred) feet of a residential or other differently zoned district.
- (b) Loading docks shall be prohibited along street frontages in order to prevent traffic congestion.
- (c) All truck loading docks shall be designed so that trucks need not back in nor out, nor park in the public right-of-way.

**506.2 Off Street Parking:**

- (a) **Size and Access:** Each off-street parking space shall have an area of not less than one hundred and eighty (180) square feet, nine (9) feet in width and twenty (20) feet in length exclusive of access drives or aisles, and be in usable shape and condition. Except in the case of dwellings, no parking area shall contain less than three spaces and shall be designed and constructed to provide sufficient turn-around area to allow vehicles to exit via designated driveways. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall not exceed twenty feet in width. Access to off-street parking

areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley. The minimum distance between driveways serving the same parking lot shall not be less than thirty feet.

- (b) Number of Parking Spaces Required: The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned requirements for similar uses shall apply.
- (c) Shared Parking: When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. When it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Zoning Hearing Board may reduce the total parking spaces required as a variance.
- (d) Reduction of Parking Spaces: the Zoning Hearing Board may authorize the reduction of the number and size of the off-street parking spaces as a variance in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land. In such cases, land banking of spaces should be provided.
- (e) Land Banking of Spaces: Parking spaces can be land banked with the following conditions:
  - 1) Proof that the required number of spaces is more than what is needed;
  - 2) The spaces must be denoted as land banked;
  - 3) The Board of Supervisors has authority to require that the said spaces be constructed in the future if the Board determines them to be needed.

**OFF STREET PARKING SPACE REQUIREMENTS**

**USES**

**REQUIRED PARKING SPACE**

Auto manufactured Sales and Service Garages	1 for each 400 sq. feet of net floor area
Banks or Professional Offices	1 for each 200 sq. feet of net floor area
Churches and Schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater
Bowling Alleys	7.5 for each alley
Car wash	5 for each wash lane
Community Buildings and Social Halls	1 for each 75 sq. feet of net floor area
Beauty Parlors and Barber Shops	1.5 for each chair
Driving Ranges and Miniature Golf	1 for each tee
Dwellings and Manufactured Home Parks	2 for each family or dwelling unit Including space in garage
Food Supermarkets	1 for each 100 sq. feet of net floor area
Funeral Homes and Mortuaries	5 for each parlor
Furniture or Appliance Stores	1 for each 200 sq. feet of net floor area
Gas, Oil Drilling, Production	2 for each well
Hospitals, Nursing or Convalescent Homes	1 for each 2 beds
Hotels and Motels	1 for each living or sleeping unit
Indoor/Outdoor Recreation (not otherwise specified)	1 per each 2 potential customer calculated at maximum utilization plus 1/employee
Manufacturing or Bottling Plants, Research Or Testing Laboratories	1 for each 500 sq. feet of net floor area
Medical or Dental Offices	5 for each doctor or dentist
Restaurants, Taverns and Night Clubs	1 for each 2.5 seats
Retail Stores and Shops	1 for each 200 sq. feet of net floor area

Rooming Houses and Dormitories	1 for each bedroom
Service Stations	3 for each service bay
Sports Arenas, Auditoriums, Theaters and Entertainment Facilities	1 for each 3.5 seats
Manufactured Home or Monument Sales And Supply Yards	1 for each 2,500 sq. feet of lot area
Wholesale Establishments or Warehouses	1 for each 2 employees on maximum shift. The total parking area shall not be less than 25% of the building floor area

(c) Location of Parking Areas: Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit Parking spaces to be located not more than 400 (four hundred) feet distant from the lot of the principal use if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.

**506.3 Minimum Distances and Setbacks:**

No off-street loading or parking area for more than 5 (five) vehicles shall be closer than 20 (twenty) feet of any adjoining property containing a dwelling, school, hospital or similar institution and in accordance with Article 503.5 of this Ordinance.

**506.4 Surfacing:**

With the exception of single family dwellings, the alignment and gradient of all parking and loading areas and access drives shall be properly adapted to topography, to the safe movement of the types of traffic anticipated, and to adequately control surface and ground water. Surfacing and maintenance shall provide a sound all-weather driving surface, reasonably smooth and free from mud, dust or standing water.

**506.5 Lighting:**

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

**506.6 Drive-in Facilities:**

Any establishment, which has drive-in facilities, as defined in this ordinance, shall, in addition to the spaces required by Section 506.2, provide lane spaces between the service structure and the public right-of-way as designated below. A lane space shall be one vehicle in width and twenty-two feet long. The vehicle position at the pump island, service window, wash bay, service booth, or other service structure, may be counted as one lane space.

Drive-in Theaters: Eight lane spaces per each ticket window.

Service Station: Three lane spaces per each side of a pump island.

Banks: Seven lane spaces per service window.

Car Wash Facilities: Eight lane spaces per wash bay.

Other Facilities: Four lane spaces per service window or other service structure.

**507 Manufactured Home:**

**507.1** Individual manufactured homes, house trailers or similar structures that are or have been designated for mobility shall not be used as dwelling units in any district within the municipality, except in duly approved parks as hereinafter provided, and unless they meet the

requirements of Section 504 of this Zoning Ordinance. A manufactured home may only be placed upon private lots as single family dwellings if it meets the following minimum requirements:

- (a) The manufactured home shall contain a minimum of eight hundred (800) square feet of heated living area.
- (b) In a Suburban Residential Zone, the manufactured home must be new, defined as owned by the first purchaser, and have been built within the preceding two years. A new manufactured home must be installed on a permanent foundation by a certified installer who must provide the building code official with a certificate of compliance.
- (c) A used manufactured home must be supported by poured concrete pilasters, pads, or full foundation as recommended by the manufactured home manufacturer, and be in full compliance with the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.
- (d) A used manufactured home must be installed in compliance with the manufacturer's approved instructions with tie-down anchor devices and skirting as applicable.
- (e) Manufactured homes sited in Wayne Township after the effective date of this Ordinance shall be constructed to the above requirements or removed from the township.

**507.2** No manufactured home or accessory building, whether installed on a single lot or in a manufactured home park, shall be erected unless a zoning permit is first obtained.

**507.3** No manufactured home, whether installed on a single lot or in a manufactured home park shall be removed without first obtaining a permit from the Wayne Township Tax Collector. Such permit shall be issued upon payment of taxes assessed against the home and unpaid at the time the permit is requested.

**508**     **Manufactured Home Parks:**

Manufactured home parks shall be placed only in areas zoned R-3 and shall meet the following requirements:

**508.1** No manufactured home park shall have an area of less than five (5) acres.

**508.2** In the event the manufactured home park exceeds four (4) lots, each lot shall be served by community water and sewer facilities or served by a common water supply and a common sewage or septic disposal system supplied by the manufactured home park owner.

**508.3** Each manufactured home lot within the park shall have an area of at least five thousand (5,000) square feet and a minimum lot width forty (40) feet. The length of any manufactured home lot with a width over forty feet shall be no greater than three (3) times its width.

**508.4** No manufactured home or accessory building shall be closer than fifteen (15) feet to any property adjacent to the manufactured home park.

**508.5** No manufactured home or accessory building shall be closer than ten (10) feet to any manufactured home lot lines.

**508.6** No manufactured home or accessory building shall be closer than fifty (50) feet to a public highway right-of-way line.

**508.7** Each manufactured home must have skirting. The skirting must meet or exceed the recommendation of a manufactured home manufacturer; each manufactured home shall be

placed upon a permanent foundation with tie-down anchor devices as provided by the Erie County Subdivision and Land Development Ordinance dated August 17, 2010, and its revisions, and in conformity with the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

- 508.8** The internal street system shall be privately owned, constructed, and maintained, and shall be designed for safe and convenient access to all lots and to facilities for common use by park occupants; and shall comply with the requirements of Section 506 of the Zoning Ordinance.
- 508.9** No less than ten per cent (10%) of the gross area of the park must be improved for recreational activities of the residents of the park.
- 508.10** To limit unauthorized access, the manufactured home park shall provide a fence or screen planting of trees, evergreens, hedges or shrubs, no less than six (6) feet high and two feet wide, on the side and rear property lines; and with no openings to adjacent properties other than required access drives, if deemed necessary by the Board of Supervisors.
- 508.11** Approval by the Pennsylvania Department of Environmental Protection and the Erie County Health Department shall be required. The park shall meet the minimum design specifications established by the Manufactured Home Manufacturers' Association or the equivalent.
- 508.12** No zoning permit for manufactured home park construction or enlargement shall be issued prior to review and approval of the design plans by the Wayne Township Planning Commission and the Board of Supervisors.

**509**     **Water Recreation and Storage (Areas):**

- 509.1** Any facility for public water recreation such as a swimming pool, swimming clubs and commercial fishing ponds or any other water storage facility such as reservoirs, fish hatcheries, sewage lagoons, but excluding farm ponds, and natural bodies of water, may be permitted in certain districts as a special exception, and shall comply with the following regulations:
  - (a) The facility must meet the setback requirements of the district.
  - (b) The facility must be enclosed by a fence no less than eight (8) feet high to prevent uncontrolled access by small children, if prescribed by the Zoning Hearing Board for safety reasons.
  - (c) The facility, if operated to attract visitors, must comply with parking requirements established by the Zoning Hearing Board.
  - (d) The operator or owner of the facility shall submit a development plan, showing size of facility, proposed use, parking arrangement and use of buildings of site, surrounding properties and their usage, and any other pertinent information.
- 509.2** Private swimming pools shall be permitted providing they meet the setback requirements of the district.
  - (a) The pool shall be intended and used solely for the enjoyment of the occupants of the property on which it is located, and their invited guests.
  - (b) The pool may only be located in the rear yard or side yard of the property on which it is an accessory use.

- (c) An in-ground pool must be enclosed by a fence no less than four (4) feet high; access to an above ground pool must be secured to prevent unauthorized access.
- (d) A zoning permit shall not be required for an above ground pool.
- (e) The addition of permanent decking, walkways, shelters, etc. shall require a permit.

**510**     **Signs:**

No sign shall be permitted except as herein provided:

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

- (a) They shall not be illuminated in any manner, which will cause undue distraction, confusion or hazard to vehicular traffic. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except as expressly permitted by this ordinance, and those giving public service information such as time, date, temperature, weather, or similar information.
- (b) Signs greater than ten (10) square feet in area shall be located not closer than seventy-five (75) feet to a road intersection.
- (c) They shall not be located to interfere with highway horizontal sight distances, nor shall be located at curves.
- (d) No political or ideological sign, as well as all other signs unless erected by a government body shall be permitted on utility poles or trees, or on public property; and those erected thereon shall be removed and the cost of removal shall be charged to the person(s) responsible for the placement of the said signs.
- (e) No sign on public property or public right of way, including the triangles of land located at the intersection of Route 6 and West Smith Street, unless erected by a governmental body, or unless required to be so located by order of a governmental body, shall bear any political, ideological, commercial, advertising or announcement message, or combination thereof.
- (f) Political or ideological signage may be erected on private property without permit.
- (g) Permanent signs must be of professional quality and constructed of durable materials, must be kept in good condition and repair, and not allowed to become dilapidated.
- (h) Any permanent off-premise sign which has remained without bona fide advertising for 12 months or which has been without a current lease from the landowner for more than 90 days shall be presumed abandoned and shall be removed within sixty (60) days after notice from the Township of the abandonment. The word sign shall include the structure, which supports the sign face as well as the sign face itself.
- (i) Instructional or “way-finding signs shall be permitted in addition to all other signs when they are of such size and location that satisfy the intended instructional purpose and based on their size, location, and intended purposes will not constitute additional advertising. Instructional signs shall be permitted without limitation as to number or size and may include the name of the business and logos.
- (j) Any on-premises sign that is generally informational or directional, that has a purpose secondary to the use of the lot or site on which it is located, such as “No Parking,” “Entrance,” “Exit,” “one Way,” “Loading Only,” “Telephone,” and other similar directives shall be permitted in addition to all other signs, and provided that such sign does not exceed four (4) square feet. Directional/informational signs shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.
- (k) Temporary sign naming the contractor, mechanic, or painter engaged in the construction on premises where the sign is located shall be permitted, but only during the period in which actual construction is taking place. No permit shall be required.

- (l) One development sign not exceeding thirty-two (32) square feet and advertising a building or improvement or future use of a building being constructed or altered upon the premises may be erected sixty days prior to the start of construction, during active construction and for not more than thirty days after completion.
- (m) One bulletin board not exceeding thirty-two (32) square feet in area will be permitted in connection with any church, school or similar public premises.
- (n) One permanent residential development sign, not exceeding thirty-two (32) square feet in area, shall be permitted at major entrances to a residential subdivision designed to identify the subdivision and shall contain no commercial advertising. A free standing sign structure shall be a one or two post construction with a minimum of ten foot clear span, other than the support posts, from the bottom of the sign face to grade level.
- (o) Permanent off-premises signs advertising a business commodity, service, or entertainment conducted, sold or offered elsewhere than on the premises shall have an area not to exceed fifty (50) square feet, or any single dimension exceeding ten (10) feet. Such signs shall not be located within three hundred (300) feet of any other commercial sign on the same side of the road. A signed statement of permission from the landowner must be filed with the zoning application for off premise signage. A free standing sign structure shall be a one or two post construction with a minimum of ten foot clear span, other than the support posts, from the bottom of the sign face to grade level.
- (p) Temporary signs, on and off premises, intended to promote or advertise a business or commercial event, public gathering, or nonprofit and charity sponsored event shall be permitted during and thirty days prior to the time period for the sale or event. Such signs shall not exceed thirty-two (32) square feet in area and shall be removed within two weeks after the end of the event or sale. No permit shall be required.
- (q) Temporary signs, on and off premises, advertising the sale of edible farm and/or garden products shall be permitted for the duration that such products are available. Such signs shall not exceed thirty-two (32) square feet in area in Agricultural, Rural Residential, and Business zones, and eight (8) square feet in area in Suburban Residential zones. No permit shall be required.
- (r) Temporary real estate sale not exceeding thirty-two (32) square feet in area shall be permitted on a property. Such signs shall be removed within thirty (30) days following the sale of real estate. No permit shall be required.
- (s) Zoning permits shall be required for all signs ten (10) square feet in area or larger which shall be regarded as structures within this Ordinance unless specifically excluded.
- (t) Application for a zoning permit for sign placement shall include the following information:
  - 1) Name, address, and phone number of the applicant and property owner.
  - 2) A map or site plan showing the location of the building, structure or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings, existing signs, and thoroughfares. Such map or site plan must be to scale.
  - 3) A plan showing the design of sign, materials used, and method of construction and means of attachment to the building or the ground.
  - 4) Name of person, firm, corporation or association erecting, altering, or moving said sign.

**510.2** No sign shall be permitted in **Agricultural** or **Residential** Districts except as herein provided:

- (a) One sign not exceeding eight (8) square feet in area will be permitted which announces the name and professional activity of the occupant of the premises on which said sign is located.

- (b) Signs ten square feet or larger in area shall not be permitted closer than one hundred (100) feet of any residential use, school, church, park, playground, or cemetery.
- (c) Signs as permitted in Section 510.1

**510.3 In Business Districts, no sign shall be permitted except as herein provided:**

- (a) One free standing business sign in connection with any legal commercial use or structure, having an area not to exceed one hundred eighty (180) square feet, will be permitted on the premises of the business, provided such sign contains no information beyond the name, symbol and nature of the business, providing that if said commercial use or structure faces more than one road, one sign shall be allowed on each read frontage.
- (b) Signs placed or painted on the side of existing structures not exceeding twenty-five percent (25%) of a building face shall be permitted, provided the sign complies with all other requirements of this Ordinance. No wall sign shall extend above the top of the wall nor beyond the left and right extremities of the wall upon which it is placed; nor shall any wall sign project more than ten (10) inches from the wall upon which it is placed.
- (c) Excluding the one hundred eighty square foot free standing sign and wall signs, no more than four (4) additional permanent and vehicular signs, each not exceeding forty (40) square feet shall be permitted on a property. This limitation on the number of signs shall not apply to political signs or ideological signs as defined herein.
- (d) Advertising sign boards and changeable copy signs may be erected and maintained only when such signs relate directly to the use conducted on the property or carried on within such building. A portable sign may be so used provided the wheels are removed, and the sign is stationary and secure on the premises.
- (e) Electronic Message Centers and/or Electronic Display Signs (collectively, "Electronic Message Centers") may be erected provided such signs adhere to the following requirements:
  - 1) Every such sign shall be set back not less than 100 feet from all existing residences.
  - 2) Each such sign shall be equipped with an automatic dimmer device.
  - 3) All such signs shall be equipped with a glare screen.
  - 4) The maximum area of the Electronic Message Center shall be 32 square feet.
  - 5) The area of the Electronic Message Center shall be included in calculating the total allowed signs.
  - 6) The intensity and contrast of light levels shall remain constant throughout the sign face.
  - 7) Each message shall remain static for a minimum of eight (8) seconds.
- (f) One additional free standing identification sign shall be permitted at each entrance to a shopping center or a private no outlet road serving multiple properties.
  - 1) The top sign not to exceed one hundred eighty square feet shall list the name of the shopping center or development.
  - 2) The multiple stack type signs will each have a maximum area of twenty-four (24) square feet and contain only the names and/or logo of the businesses located in the plaza or development. No other type of advertising will be allowed on the sign structure.
  - 3) The sign structure shall be a one or two post construction with a minimum of ten foot clear span, other than the support posts, from the bottom of the lower listing to the height of the entrance roadway.
- (f) Signs as permitted in 510.1

**510.4 In Industrial Districts, no sign shall be permitted except as herein provided:**



- (a) One free standing sign, which contains information as to the activity, carried on the premises and name of company and symbol, provided that if said premise face more than one road, one sign shall be allowed on each road frontage. Each sign shall have an aggregate area not to exceed one hundred (100) square feet.
- (b) Signs as permitted in 510.1
- (c) Signs as permitted in 510.3

**511 Mineral Excavations:**

**511.1** Excavation of sand, gravel or other material from the ground by surface shall be considered a temporary use and may be permitted in certain districts as a conditional use, if approved by the Board of Supervisors. All such excavations shall comply with the following minimum requirements and any other measures that the Board of Supervisors might specify to protect the public interest. Operator shall comply with all permitting requirements for Excess Maintenance Agreements and shall take all necessary measures to ensure that public roads utilized by the operator or their contractors and employees shall remain free of dirt, mud and debris resulting from these activities.

- (a) All operations must be conducted no closer than one hundred (100) feet to adjacent property not under common lease or ownership, unless a release is obtained by the adjacent property owner, and no closer than one-hundred (100) feet to any road right-of-way line.
- (b) All operations must be conducted no closer than three hundred (300) feet to an existing dwelling, school, hospital, or similar residential use.
- (c) The operator shall file with the Board of Supervisors a plan showing the location of adjacent properties, roads and natural features.
- (d) The operator shall submit to the Board of Supervisors for approval, a plan for the restoration of the area to be mined, which shall include anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses of other improvements contemplated, including the plan for the placement of sluices, drains, and culverts for new access roads constructed for use in conjunction with the excavation.
- (e) The operator shall file with the Board of Supervisors, written proof that he has met all permit, registration, and bonding requirements of the Pennsylvania Department of Environmental Resources or other such state agency as may have jurisdiction, by providing copies of the pertinent documents (permits, etc.). Notwithstanding any other provision of this Ordinance, all mineral excavations shall be in compliance with Pennsylvania Act 418, the Surface Mining Conservation and Reclamation Act, as amended.
- (f) Section 511.1 does not restrict an individual property owner from excavating sand or gravel for his own use provided the applicant meets the requirements of Sections a, b, c and submits a plan for restoration to the Zoning Officer.

**511.2** Oil & Gas Development is permitted in certain districts. All oil & gas development shall comply with the following minimum requirements and any other measures that the Zoning Administrator might specify to protect the public interest. Operator shall comply with all permitting requirements for Excess Maintenance Agreements and shall take all necessary

measures to ensure that public roads utilized by the operator or their contractors and employees shall remain free of dirt, mud and debris resulting from these activities. The applicant/operator shall work with the township to ensure roadways are repaired or upgraded prior to development.

- (a) It is acknowledged that federal or state law or regulation preempts local ordinance requirements that conflict with federal or state statute or regulation of the operational methods of the oil & gas industry.
- (b) The applicant/operator shall submit the following documents with a completed zoning application:
  - (1) A location map of the oil and gas well site showing the approximate location of derricks, drilling pads, open pits, equipment & structures including natural gas compressor station or natural gas processing plant and all permanent improvements to the site and any post construction surface disturbance. Included in this map shall be an area within the development site for the location and parking of vehicles used in the transportation of personnel and of the equipment used in the development and use of the site.
  - (2) The applicant/operator shall also file a narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance, and operation of the oil or gas well site.
  - (3) A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
  - (4) A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
  - (5) A certificate of insurance issued to the municipality evidencing a general liability policy covering bodily injury and property damage with limits of at least \$2 million per occurrence and \$2 million in the aggregate
- (c) **Height regulations:**
  - (1) Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.
  - (2) Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.
  - (3) There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well.
- (d) A natural gas compressor station or natural gas processing plant and the drilling pad for the oil or gas well site shall comply with the setback requirements of the district in which it is located.
- (e) **Security fencing:**
  - (1) Fencing shall not be required at oil and gas well sites during initial drilling as long as manned 24-hour on-site supervisors and security are provided.
  - (2) Upon completion of drilling, security fencing consisting of a permanent chain link fence shall be installed within sixty days at the oil and gas well site to secure well heads, storage tanks, separation facilities, water or liquid

impoundment areas, and other mechanical and production equipment and structures on the oil and gas well site.

- (3) Security fencing shall be at least 8 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide.

(f) **Lighting:**

- (1) Lighting at the oil and gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the oil and gas development.
- (2) Lighting at a natural gas compressor station or a natural gas processing plant shall be limited to security lighting.

(g) **Noise:**

- (1) Establish Ambient Level: Prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two hour ambient noise level at the nearest property line, or one-hundred feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test the applicant may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data. This documentation of the established ambient noise level shall be provided to the township prior to starting oil and gas drilling and/or production operations.
- (2) No operation or activity shall cause or create noise in excess of the sound levels prescribed in Section 517 Performance Standards of this ordinance.
- (3) Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
- (4) Exemption from the standards established in this subsection may be granted by the Board of Supervisors during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the township.
- (5) Complaints received by the township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight hours at the nearest property line to the complainant's residential or public building or one-hundred feet from the complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

- (h) **Floodplain Prohibitions:** No drilling shall be allowed in the floodway or the 100 year Floodplain designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps. Furthermore, no storage of chemicals shall be permitted within the floodplain.

(i) **Preparedness, Prevention and Contingency (PPC) Plan** –Operator shall provide verification to the township that a copy of the operation’s Preparedness, Prevention and Contingency Plan has been provided to all First Responders, including the Fire Departments and ambulance personnel , along with the Zoning Administrator and Emergency Management Coordinator. Prior to drilling, the operator shall provide an appropriate site orientation and training course of the PPC Plan for all Emergency Responders. The cost and expense of the orientation and training shall be the sole responsibility of the applicant.

(j) Section 511.2 does not restrict an individual property owner from drilling an oil and gas well for their own personal use in their home or business and not for commercial purposes, if they meet the minimum standards of the Pennsylvania Department of Environmental Protection. No product may be piped or transported from the property or parcel the well is intended to serve.

## **512 Landfills:**

### **512.1 General Provisions:**

- (a) Sanitary landfills shall be permitted only in the Agricultural District as a conditional use.
- (b) Landfills in which non-organic or mineral fill is being placed in existing mineral excavations may be permitted in other zoning districts as a conditional use.
- (c) Plans for all landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection (PaDEP,) Bureau of Land Protection and Reclamation, Division of Solid Waste Management, and in conformance with all Federal regulations and Pennsylvania Solid Waste Management Act, Act 241, as amended. Operators of sanitary landfills shall file with the Wayne Township Supervisors written proof that they have met all permitting requirements of PaDEP.

### **512.2 Local requirements which must be met prior to permit approval by the Board of Supervisors include:**

- (a) After filing proof with the Board of Supervisors that the application has met all of the permitting requirements of PaDEP, the operator or applicant shall file application for a permit with the Wayne Township Zoning Officer, in the form prescribed by the Township and pay a permit fee as promulgated by the Board of Supervisors. The permit issued pursuant to this Section shall be renewed annually by the operator.
- (b) A buffer zone of two hundred (200) feet shall be required from all public rights-of-way, and a buffer zone of four hundred (400) feet shall be required from all dwellings, schools, churches and hospitals and similar residential uses and where landfill operations border districts which prohibit their use.
- (c) A barrier, either of natural forestry at a width of one hundred (100) feet or an eight (8) foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind-blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.
- (d) The barrier shall be at a minimum distance of 75 (seventy-five) feet from all operations and the area between the work area and barrier shall consist of a natural cover of vegetation or forestry. This strip shall not be of barren soil. The barrier shall also be at a minimum of 200 (two hundred) feet from an adjacent property or public rights-of-way.
- (e) The project shall consist of no more then 2 (two) access routes, unless the landfill property borders 3 (three) or more public rights-of-way. In such an event, approval by the Board of Supervisors will be necessary to secure an additional access route.

- (f) A bond will be filed with the Board of Supervisors in an amount deemed necessary by the Board, to provide for final covering and reclamation as specified under the provisions set in accordance with the approval of the Pennsylvania Department of Environmental Protection sanitary landfill permit, to assure compliance with all requirements of this Ordinance and permits issued pursuant to this Ordinance, and to provide for the repair of any Township roads damaged by transportation of materials to the landfill.
- (g) The operator shall submit to the Board of Supervisors for approval, a plan for the restoration of the landfill area, which shall include anticipated future use of the restored land; the proposed final topography indicated by contour lines of no greater interval than 5 (five) feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses, and other improvements contemplated. When the operator has performed all requirements contained in the restoration plan, he will be issued a written certificate by the Zoning Officer that the restoration is complete and is in compliance with the plan.

**512.3** The requirements of Section 512.2 (b), (c) and (d) may be waived by the Board of Supervisors when non-organic or mineral fill is being placed in existing mineral excavations.

**513 Junkyards, Salvage and Similar Storage Areas Including Automanufactured Wrecking:**

**513.1** All junkyards shall be completely enclosed from roads or developed areas by a sight-obscuring screen being a masonry wall, wooden fence or chain-link fence with filler strips and at least eight feet in height to limit unauthorized access. Said screen shall be kept in repair at all times.

**513.2** The site shall contain one entrance and one exit, each less than thirty feet in width.

**513.3** Storage shall be limited to non-organic material.

**513.4** The site shall have a minimum lot size of five acres.

**513.5** The site shall be located no closer than one hundred feet to existing state or municipal roads.

**513.6** The site shall be located a minimum of one hundred feet from any side or rear property line.

**513.7** On-site burning or incineration of vehicles shall be prohibited.

**513.8** All such sites shall comply with all State and Federal regulations, and written evidence of such compliance shall be furnished to the zoning officer upon three days notice.

**513.9** The owner(s) of any such site shall comply with all Local Enabling Tax Ordinances as they relate to the operation, and written evidence of compliance shall be furnished to the Zoning Officer upon three days notice.

**513.10** Should any site terminate operations, the owner shall remove all junk, salvage, abandoned automanufactureds, etc. within twelve months of the termination.

**514 Agriculture:**

**514.1** Roadside stands for sale of agricultural products shall be permitted in all districts providing:

- (a) They are erected out of the highway right of way.
- (b) They shall be used exclusively for the sale of agricultural and home products.
- (c) A minimum of two parking spaces shall be provided out of the right of way.
- (d) No permit shall be required.

**514.2** Horses and/or ponies shall be permitted in R-2 zones providing:

- (a) The minimum lot area is three or more acres in size.
- (b) One horse or pony shall be permitted per acre of land area.
- (c) The land area used by such animals shall be completely enclosed by a fence or other method of enclosure.
- (d) The animals are housed only for the recreational use of the individuals living on the premises.
- (e) Animal excretions are stored or stockpiled for no longer than a one-month period of time.
- (f) Accessory buildings housing the animals shall be located no closer than fifty feet from any lot line.

**514.3** Heavily used facilities for animal raising and care, including housing and pen facilities, feed lots, and runs, but not limiting pastures, shall not be constructed within 150 feet of a neighboring property.

**514.4** Concentrated Agricultural uses may be permitted as a conditional use in A zone providing the following requirements are met:

- (a) The minimum lot area shall be five acres.
- (b) Concentrated commercial animal operations, as defined under the Nutrient Management Act, shall submit a copy of the approved nutrient management plan to the Township.
- (c) Construction of manure storage buildings must be approved by the County Conservation District with documentation filed with the Township.

**514.5** Agricultural Business and Industry shall be permitted within the A district provided the following criteria are met:

- (a) That the use is purely secondary to the primary use of the land.
- (b) That the use is an adjunct function or operation of the product of the agricultural activity.
- (c) That the use would not dramatically alter the character of the A district. Such use specifically includes the processing or wholesale sale of the farm product.

**515** **Wildlife:**

**515.1** The following uses are permitted in A & R-1 zones, provided that said uses comply with state laws and regulations required by the Pennsylvania Game Commission, the Pennsylvania Department of Agriculture, and the United States Fish and Wildlife Service.

- (a) Exotic Wildlife Possession/Dealer
- (b) Falconry
- (c) Menagerie
- (d) Wildlife Propagation
- (e) Raptor Propagation
- (f) Regulated Hunting Grounds
- (g) Wildlife Rehabilitators

**515.2** Facilities for wildlife raising and care, including housing and pen facilities, feed lots, and runs, shall not be constructed within 150 feet of a neighboring property.

**516** **Problem Development Land:**

Land, where development and public health, safety and general welfare are threatened by special development problems consisting of excessive slope or periodic flooding or wetlands, shall conform to the following regulations:

**516.1 Steep Slope:**

Land having a slope in excess of twenty-four (24) per cent shall be deemed steep slope land. For the purpose of determining compliance with the area requirements of this Ordinance, the area of steep slope land shall be computed at one-tenth the value of the other land; that is each ten square feet of steep slope shall be counted as one square foot in computing such compliance. Land containing significant areas of slope greater than twenty-five percent (25%) shall not be developed due to the hazards involved.

**516.2 Flood Plains:**

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Maps. Only the most updated version of these maps shall be referred to. These maps and data are to be considered as part of the Wayne Township Zoning Map. No use shall be permitted on land located within a Flood Plain that is not in compliance with the provisions of the Wayne Township Flood Plain Ordinance and its amendments.

**516.3 Wetlands:**

No use shall be permitted on land identified to be wetland as determined by National Wetlands Inventory (USGS Quad Maps) Maps, until all applicable State and Federal Permits are obtained.

**517 Performance Standards:**

No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons in the township. Furthermore, every use of land or structure in any district must observe the following performance requirements, except that nothing shall be construed to prevent any general farm practice.

**517.1 Fire Protection:**

Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

**517.2 Electrical Disturbances:**

No activity shall cause undue electrical disturbance adversely affecting radio or other equipment in the neighboring area.

**517.3 Noise:**

Noise, which is determined to be objectionable because of volume, frequency or beat, shall be muffled or otherwise controlled. The township may require the temporary or permanent erection and of sound barriers. No operation or activity shall cause or create noise in excess of the sound levels prescribed below.

(a) Agricultural & Residential Zoning districts: at no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA at the property line.

(b) Industrial Zoning District: at no point on or beyond the boundary of any lot within this district shall the exterior noise level resulting from any use or activity located on the lot exceed a maximum of 80 dBA at the property line.

(c) The following uses or activities shall be exempted from the noise regulations:

1. Noises emanating from construction or maintenance activities between the hours of 7 a.m. and 9 p.m.
2. Noises caused by safety signals, warning devices, fire sirens, and other emergency-related activities or uses.

**517.4 Smoke:**

The maximum amount of smoke emission permissible shall be determined by use of the Standard Ringleman Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than NO. 2 will be allowed. Exception to this may occur when starting new fires or there is a breakdown of equipment.

**517.5 Vibrations:**

Vibrations detectable without instruments on neighboring property in any district except the heavy industrial district shall be prohibited. Vibrations detectable without instruments on neighboring property in the heavy industrial districts shall be permitted, provided such vibrations do not endanger or in any way damage persons or properties on neighboring properties.

**517.6 Odorous Emissions:**

Uses located in industrial areas shall be permitted to emit odorous gas or matter as long as it does not endanger lives or property and as long as it is not discernible on any lot or property in any district other than the industrial district.

**517.7 Air Pollution:**

No pollution of air by fly ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property.

**517.8 Glares:**

Lighting devices that produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

**517.9 Erosion:**

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

**517.10 Water Pollution:**

Water pollution shall be subject to the standards established by the Erie County Health Department and/or the Pennsylvania Department of Environmental Protection.

**518 Home Occupations:**

As a Special Exception in A, R-1, R-2, and R-3 districts, a home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall apply:

**518.1** The occupation is customarily carried on in a dwelling unit without the permanent installation of special equipment.

**518.2** The occupation is carried on by a member of the family residing in the dwelling unit, with not more than one employee outside the family.

**518.3** The occupation is carried on wholly within the principal structure or adjacent accessory structure.

**518.4** There shall be no exterior display, exterior sign other than permitted by section 510, of the Wayne Township Zoning Ordinance, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal structure.



**518.5** No offensive odor, noise, vibration, smoke, dust, heat, or glare shall be produced.

**518.6** The occupation shall be limited to personal services. There shall be no commodity sold on the premises, except for commodities which are clearly incidental to the occupation. The nature of any commodities to be sold shall be established at the time a permit is issued.

**518.7** The occupation shall occupy no more than thirty percent of the principal and accessory structure.

**518.8** One parking space shall be provided for each one hundred square feet of space devoted to the home occupation, in addition to residential parking. Any home occupation requiring more than six additional parking spaces shall not be permitted.

**518.9** No off-street loading facilities shall be installed.

**518.10** Home occupations may include, but are not limited to, studios, dress making, offices of architects, engineers, surveyors, accountants, real estate agents, insurance agents, teachers, and beauty shops.

**519**     **Home-Based, No-Impact Business:**

As a permitted activity in all residential structures, the use must be clearly secondary to a residential dwelling, and may not involve any customer, client, or patient traffic or any pick-up, delivery or removal functions in excess of those normally associated with residential use. The following additional conditions shall apply:

**519.1** Shall be compatible with the residential use of the property.

**519.2** Shall employ no employees other than persons residing in the home.

**519.3** There shall be no display or sale of retail goods, no stock-piling or inventory of a substantial nature.

**519.4** No outside appearance of a business.

**519.5** Activity may not use any equipment or process which creates noise, vibration, glare, fumes, odor, smoke, dust or heat.

**519.6** The activity may not generate solid waste or sewage discharge not associated with residential use.

**519.7** The activity may not occupy more than 25% of the habitable floor area within the dwelling.

**519.8** The business may not involve any illegal activity.

**520**     **Campgrounds including Man Camps**

Campgrounds may be permitted as a conditional use in areas zoned A, R-1 and B-1 and shall meet the following requirements in addition to any conditions imposed by the governing body and the laws of the Commonwealth and County.

**520.1** No campground shall have an area of less than five acres. The site shall be so located that soil conditions, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants, as determined by the Erie County Conservation District.

**520.2** The provision of central water and sewerage facilities is mandatory. Such facilities and all plumbing and electrical installations, refuse and garbage disposal; insect and rodent control; sanitary stations; and service buildings containing toilet and shower facilities shall be in accordance with applicable minimum standards established by the Erie County Dept. of Health and the Pa. Dept. of Environmental Protection.

**520.3** Individual unit spaces shall not exceed twenty per acre. The minimum area of any space shall not be less than eight hundred square feet with no dimension less than twenty feet. No space shall be located less than fifty feet from road right-of-ways nor less than thirty-five feet from any property adjacent to the campground.

**520.4** Not less than ten percent of the gross area of the park must be improved for recreational activities of the residents of the park. Swimming pools and other facilities shall comply with applicable requirements of the Zoning Ordinance. Recreational activities when members of the general public are allowed to attend is not a valid accessory use to the campground.

**520.5** The internal street system shall be privately owned, constructed, and maintained, shall be designed for safe and convenient access to all spaces and to facilities for common use by campground residents. Each campground shall provide off-street parking, loading, and maneuvering space. Walkways shall be provided to all accessory buildings and service facilities of the campground, and shall be adequately illuminated.

**520.6** To limit unauthorized access, the campground shall provide a fence or screen planting of trees, evergreens, hedges, or shrubs, no less than six feet high on the side and rear property lines, and with no openings to adjacent properties, if deemed necessary by the Board of Supervisors.

**521 Radioactive Waste Facilities:**

**521.1** Radioactive Waste Facilities shall be permitted only in the A-Agricultural District as a conditional use. No radioactive substance or waste generated by any government agency or pursuant to a federal or state government contract or license nor as defined in the Nuclear Regulatory Commission (NRC) Section 11 (e) (2) of the Atomic Energy Act of 1954, codified as amended at 42 U.S.C. Amendment of 1985 and in effect as of January 1, 1986, or in the Pennsylvania Low-level Radioactive Waste Disposal Act, Act 1988 –12, 1988 PA Legislature. Serv.23 (Purdon) (LLRWDA), that may be redefined as an expanded exemption, below regulatory concern (BRC) or otherwise deregulated by the NRC or any other federal agency shall be received for treatment, recycled, incinerated, deposited in sewers or abandoned wells, or accepted at any solid, liquid, or hazardous waste facility. All LLRW as specified above shall be deposited at a LLRW facility. All such uses shall comply with the Wayne Township Radioactive Waste Facilities ordinance.

**522 Garage, Repair & Service**

A Repair & Service Garage shall meet the following minimum requirements:

**522.1** As a special exception use in an A or R-1 zone, no structure, vehicle, or accessory shall be located less than 50 feet from an adjoining property developed for residential use, church, school, park or playground and shall meet the minimum lot size for Other Uses.

**522.2** Vehicles located on the lot for service shall be serviced within one hundred eighty (180) days or shall be removed.

**522.2** When located in an Agricultural or Rural Residential Zone as a special exception, no garage shall exceed five vehicles outside a structure.

**522.3** Holding tanks for hazardous material fluids shall be on-site. These tanks shall not be open to weather and shall be designed to prevent spillage or leaks.

**523** **Airports:**

Private or public airports may be constructed subject to the following restrictions:

**523.1** The developer must secure, and present copies to the Township, of all required permits from the Commonwealth of Pennsylvania, the Federal Government (particularly the FAA), or other agencies of competent jurisdiction for the operation of an airport.

**523.2** The minimum lot size shall be five acres.

**523.3** The developer shall submit a complete development plan to the Board. The Model Airport Zoning Regulations of the Federal Aviation Administration will be used as a guide in this matter. The recommendations of the Board's engineer will be conditions for approval of the airport.

**524** **Eating & Drinking Establishments & Clubs:**

Shall meet the following minimum requirements:

**524.1** As a special exception use in A & R-1 zones, they shall be located a minimum of 100 feet from the nearest property line of any residential use, church, school, hospital, library, park or playground and shall meet the minimum lot size for Other Uses.

**525** **Adult Entertainment:**

Shall meet the following minimum requirements:

**525.1** They shall be located a minimum of 100 feet from the nearest property line of any residential use, church, school, hospital, library, park or playground and shall meet the minimum lot size for Other Uses.

**525.2** No establishment constituting an adult entertainment or adult oriented establishment shall be open for business earlier than 10:00 a.m. on Mondays through Saturdays or 12:00 p.m. on Sundays, and no such establishment shall be open for business later than 12:00 a.m. on any day of the week.

**525.3** No advertising sign boards shall expose the public, including the minor public, to a lewd, immoral, and indecent display

**526** **Entertainment Facilities, Outdoor:**

Shall meet the following minimum requirements:

**526.1** Facilities in Agricultural and Rural Residential Zones shall be located a minimum of 200 feet from any residential use, church, school, park or playground. The Zoning Hearing Board may impose hours of operation on the facility.

**526.2** Facilities in Business Zones located within 100 feet of any hospital, or residential use shall restrict hours of operation to 8 a.m. to 11 p.m.

**526.3** The facility shall provide restrooms for the use of customers/public.

**526.4** No operation or activity shall cause or create noise in excess of the sound levels prescribed in Section 517, Performance Standards, of this Ordinance.

**526.5** Special plantings or fencing may be required at the option of the Zoning Hearing Board for screening of the facility and maintenance areas from adjoining property uses. Specifically a requirement for closely spaced dense plantings to provide a noise barrier, and/or fencing for controlled access to the facility may be required.

**526.6** The facility, if lighted, shall utilize fixtures mounted to provide a downward illumination pattern with no splash outside the property boundaries.

**526.7** If applicable to the facility, the storage of fuel shall meet all Federal and Commonwealth of Pennsylvania guidelines.

**527** **Supply Yards:**

Supply yards shall meet the following minimum requirements:

**527.1** The supply yard shall be necessary for the operation of a legitimate business or contracting profession and shall meet the minimum lot size for Other Uses.

**527.2** Outside storage shall be in a neat and orderly arrangement and not project into any minimum front, side or rear yard.

**527.3** If required by the Zoning Hearing Board, the property shall be enclosed by a sight-obscuring fence to prevent unauthorized access.

**528** **Warehousing/Wholesale Business:**

Warehousing/wholesale business shall meet the following minimum requirements:

**528.1** The facility shall be constructed with all garage doors, loading doors, etc. facing an area located off-road and requiring entrance and exit from a designated private drive.

**528.2** All processing and storage of materials is to be completely within the interior area. There shall be no outside storage of any material.

**529** **Gas Stations, Service Stations:**

Gas stations may be permitted as special exceptions in business zones in accordance with the following minimum requirements:

**529.1** The operator shall file written proof with the Township that he has met all permit, registration, and bonding requirements of the Pennsylvania Department of Environmental Protection or other state agency as may have jurisdiction, by providing copies of the pertinent documents. Notwithstanding any other provision of this Ordinance, all fuel storage tanks shall be in compliance with Act 32 of 1989, the Storage Tank and Spill Prevention Act, and its amendments.

**529.2** The dominant use shall be for the purpose of selling gasoline, oil, emergency accessories, and other incidental customer services and products; lubrication, washing and waxing, and general auto manufactured repair; but excludes storage of disabled vehicles for repair parts and auto body repair work. Vehicle rentals may be permitted with the provision of adequate parking.

**530** **Bulk Fuel/Industrial Gases Storage:**

Bulk Fuel/Industrial Gases Storage may be permitted as a special exception in a business and industrial zones with the following minimum requirements:

**530.1** In addition to Federal and State Inspection Certificates filed with the township, an annual Tier 2 report and contact list must be filed with Erie County Department of Public Safety; placards shall be on site. Transfer of business ownership shall require immediate notification to the Township and Fire Department. A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$2,000,000 per occurrence and property damage in the minimum amount of \$2,000,000 per occurrence covering storage site must be filed with the Township.

**530.2** All tanks and delivery trucks shall be enclosed by security fencing; and illuminated with dusk to dawn lighting; all tanks shall be maintained in good repair.

**530.3** The tank or tanks shall be placed no closer than 150 feet to the road right of way, side property lines, or rear property line.

**530.4** The applicant shall ensure an adequate water supply is available on site, i.e.: public water, pond, water tower, buried tank, as determined by the Fire Department.

**530.5** The applicant shall reimburse the township for costs incurred for installation of “truck entrance” signs.

**531 Recycling/Transfer Facility:**

Recycling/transfer Facilities shall meet the following minimum requirements:

**531.1** Facility shall only process recyclable materials. No waste material of any kind shall be processed or baled for the primary purpose of transferring to a landfill or incinerator for disposal. No material classified as hazardous waste will be processed or recycled at the facility.

**531.2** The facility shall be constructed with all garage doors, etc. facing and area located off-road and requiring entrance and exit from a designated private drive.

**531.3** All processing and storage of materials is to be completed within the enclosed building. Recycling of materials requiring outside storage, i.e. Scrap iron, shall comply with the requirements for **Salvage Yards, Section 513** of the Zoning Ordinance.

**532 Communications Towers, Antennas And Equipment Buildings:**

**532.1** Communications antennas and equipment buildings may be located in any district providing they comply with the following general requirements:

- (a) Building mounted Communications Antennas shall not be located on any single-family dwelling or multiple family dwelling.
- (b) Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
- (c) Omni directional or whip communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- (d) Directional or panel Communications Antennas shall not exceed five (5) feet in height or three (3) feet in width.
- (e) Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

- (f) The owner or operator of the Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas and shall comply with all applicable standards established by the FCC.
- (g) A Communications Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

**532.2** Communications Towers may be permitted as Special Exception in R-1 and A-1 Zoning Districts provided the following minimum standards are met:

- (a) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower and Communications Antenna.
- (b) The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission.
- (c) Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and Airport Zoning Regulations.
- (d) Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one or more of the following reasons for not selecting such Structure apply:
  - 1) The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
  - 2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.
  - 3) Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - 4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the FCC governing human exposure to electromagnetic radiation.
  - 5) A commercially reasonable agreement could not be reached with the owners of such Structures.
- (e) Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet in width and shall be improved to a width of at least ten feet with a dust-free weather surface for its entire length.
- (f) A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- (g) The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its functions; providing, however, that the applicant shall reserve adequate location, space, access, or height to accommodate equipment necessary for a public safety function.
- (h) The maximum height of any Communications Tower shall be one hundred fifty feet, provided, however, that such height may be increased to no more than two hundred feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one foot for each one foot of height in excess of one hundred fifty feet.

- (i) The foundation and base shall be set back a minimum of one hundred feet from the nearest property line of any residential use, church, school, library, park, or playground, and set back a minimum of fifty feet from any other property line (not lease line).
- (j) The base of the Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
- (k) The Communications Building shall comply with the yards and height requirements of the applicable Zoning District for an accessory structure.
- (l) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the electrical Industrial Association / Telecommunications Industry Association.
- (m) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower, and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$2,000,000 per occurrence and property damage coverage in the minimum amount of \$2,000,000 per occurrence covering the Communications Tower and Communications Antennas.
- (n) All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- (o) The site of a Communications Tower shall be secured by a fence with a maximum height of eight feet to limit accessibility by the general public.
- (p) No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
- (q) Should a communications Tower remain unused for a period of twelve consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six months of the expiration of such twelve-month period.
- (r) One off street parking space shall be provided within the fenced area.

**533 Daycare Facilities:**

A family or group child daycare facility in an owner-operator's home is a permitted use in all districts. Both family and group daycare facilities must be maintained to ensure similarity in appearance and condition to private homes in the neighborhood.

**534 Renewable Energy Generation Facilities:**

**534.1** A Renewable Energy Facility constructed as a stand-alone accessory structure for a primary residential, commercial, industrial, or agricultural use may be constructed in any district subject to the requirements of this ordinance. These could include a solar panel installation or a small wind turbine device.

- (a) To reduce noise impacts and increase energy production, a small wind turbine device shall be installed at least 30 feet above any obstacles within 500 feet of the device without the restrictions of the district height limits. If the proposed installation is located in an airport hazard zone, the applicant must receive a permit from the PennDOT Bureau of Aviation and comply with all restrictions.
- (b) A small wind turbine device shall be set back a minimum distance of 1.25 times the total height of the device and all equipment mounted thereon from all adjacent property lines, public and private street right of ways lines, and the nearest occupied building on the subject lot. The total height shall include the height of any structure that a device is mounted on if it is not mounted directly at ground level. The setback distance shall be

measured from the center of the wind turbine base to the nearest setback point. A small wind turbine device shall not be located within the required front yard setback.

- (c) Freestanding solar panels and associated mechanical equipment shall:
  - 1. Only be permitted in the rear and side yard.
  - 2. Shall not exceed twenty feet (20) feet in height above the ground.
  - 3. Shall be set back as required for accessory uses in the districts in which they are located.
- (d) Roof-mounted solar panels and associated mechanical equipment installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located. The panels shall not be located within three (3) feet of any peak, eave, or valley of the roof to maintain pathways of accessibility.
- (e) Solar panels shall not be placed such that concentrated solar radiation or glare shall be directed onto nearby properties or roadways, or to interfere with airport flight patterns.
- (f) The design of the solar energy system shall conform to applicable industry standards and the Pennsylvania Uniform Construction Code (UCC)
- (g) No renewable energy facility shall cause or create noise in excess of the sound levels prescribed in Section 517 Performance Standards of this ordinance.
- (h) No variance from these requirements shall be granted without written justification from an independent qualified site assessor and a waiver from neighboring property owner(s) if applicable.

**534.2** A Renewable Energy Facility constructed and operated for the purpose of generating a Commercial energy source in conformity to applicable industry standards may be permitted as a conditional use in certain districts subject to the following additional requirements:

- (a) The applicant/operator shall submit the following documents with a completed zoning application:
  - (1) A location map of the site showing the approximate location of wind turbines, solar panels, or other energy generating equipment & structures and all permanent improvements to the site(s) and any post construction surface disturbance. Included in this map shall be an area within the development site for the location and parking of vehicles used in the transportation of personnel and of the equipment used in the development and use of the site.
  - (2) The applicant/operator shall also file a narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, and other materials used in the siting, construction, maintenance, and operation of the facility site.
  - (3) A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
  - (4) Assurance that the operations shall not cause interference with, disruption to or loss of radio, telephone, television, internet or similar signals with a mitigation plan for any harm caused; and that solar panels shall not be placed such that concentrated solar radiation or glare shall be directed onto nearby properties or roadways, or to interfere with airport flight patterns.
  - (5) A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
  - (6) A narrative describing the decommissioning of the facility within six (6) months after the end of the useful life of the facility or, if applicable, within



six (6) months after termination of any lease or agreement authorizing such use. The facility will be presumed to be at the end of its useful life if no energy/electricity is generated for a continuous period of 12 months.

- (7) A certificate of insurance issued to the municipality evidencing a general liability policy covering bodily injury and property damage with limits of at least \$2 million per occurrence and \$2 million in the aggregate

**(b) Height regulations:**

- (1) Permanent structures shall comply with the height regulations for the zoning district in which the facility is located.
- (2) There shall be an exemption to the height restrictions contained in this ordinance for a Wind Energy Conversion System for the purpose of reducing/eliminating objectionable noise levels. If the proposed installation is located in an airport hazard zone, the applicant must receive a permit from the PennDOT Bureau of Aviation and comply with all restrictions.

**(c) Setbacks:** All components of the facility site shall comply with the setback requirements of the district in which it is located.

- (1) There shall be an increased setback requirement for a Wind Energy Conversion System of 1.25 times the total height of the device and all equipment mounted thereon from all adjacent property lines, public and private street right of ways lines and the nearest occupied building on the subject lot. The total height shall include the height of any structure that a device is mounted on if it is not mounted directly at ground level. The setback distance shall be measured from the center of the wind turbine base to the nearest setback point.
- (2) No variance from these requirements shall be granted without written justification from an independent qualified site assessor and a waiver from neighboring property owner(s) if applicable.

**(d) Security & Safety Features:**

- (1) Upon site completion, security fencing consisting of a permanent chain link fence shall be installed within 60 days at the facility site to secure access to mechanical and electrical equipment and structures on the site.
- (2) Security fencing shall be at least 8 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide.
- (3) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (4) Visible, reflective, colored objects, such as flags, reflectors or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

**(e) Lighting:**

- (1) Lighting at the facility site, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the development.
- (2) Wind Energy Conversion Systems shall not be artificially lighted, except to the extent required by the PennDOT Bureau of Aviation and the Federal Aviation Administration.

**(f) Noise:**

- (1) Establish Ambient Level: Prior to installation of a Renewable energy Facility, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two hour ambient noise level at the nearest property line, or one-hundred feet from the nearest residence or public building,

medical, emergency or other public facilities, whichever point is closer. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test the applicant may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data. This documentation of the established ambient noise level shall be provided to the township prior to starting oil and gas drilling and/or production operations.

- (2) No operation or activity shall cause or create noise in excess of the sound levels prescribed in Section 517 Performance Standards of this ordinance.

## ARTICLE 6 – ADMINISTRATION, ENFORCEMENT AND VIOLATIONS

**601 Zoning Administration Officer:**

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

**602 Duties of the Zoning Officer:**

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

**602.1 Applications:**

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

**602.2 Zoning Permits:**

The Zoning officer shall issue a Zoning Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances. Prior to the issuance of any Zoning Permit the Zoning Officer shall review the application for permit to determine if all other necessary government permits and approvals require by Local, County, State and Federal laws have been obtained, such as those required by the Wayne Township Storm Water Management Ordinance, the Wayne Township Flood Plain Ordinance, the Wayne Township Airport Zoning Ordinance, the Wayne Township Highway Occupancy Ordinance, the Erie County Subdivision & Land Development Ordinance, the Pennsylvania Sewage Facilities Act, the Pennsylvania Dam Safety and Encroachment Act, the Pennsylvania Clean Water Act, the U.S. Clean Water Act, No permit shall be issued until this determination has been made.

**602.3 Inspection:**

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

**602.4 Non-Conforming:**

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

**603 Power Of The Zoning Administration Officer:**

The Zoning Administration Officer shall have the following powers:

**603.1** The right to enter and examine any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out his duties.

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

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

**604 Zoning Permits:**

**604.1 Requirements:**

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

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

**Exemptions:**

Exterior remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement.

**604.2 Applications and Fees:**

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

**604.3 Contractors:**

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

**604.4 Temporary Sub Size Permits:**

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

**604.5 Record:**

Wayne Township shall maintain a permanent file of all-zoning permits and applications as public record.

**604.6 Permits:**

Any permit shall be exercised within one (1) calendar year from the date of its issue; otherwise it shall become null and void. The grant of a variance or special exception or conditional use shall automatically expire within two (2) calendar years if a building permit has not been obtained and construction or alteration has not commenced. This expiration provision runs with the land and not any given owner. Previous grants of approvals given prior to the adoption of this ordinance shall automatically expire within two (2) calendar years of the effective date of this ordinance if a building permit has not been obtained and construction or alteration has not commenced.

**605**     **Enforcement Notice:**

If it appears to the Zoning Administration Officer that a violation of the Zoning Ordinance has occurred, the Zoning Administration Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section and imposing a civil penalty upon the violator in accordance with a schedule annually affixed by resolution of the Board of Township Supervisors.

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

**605.2**   An enforcement notice shall state at least the following:

- (a) The name of the owner of record and any other person against whom the municipality intends to take action.
- (b) The location of the property in violation.
- (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
- (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the Ordinance.
- (f) That a civil penalty has been imposed upon the violator which is to be paid within thirty days of receipt of the enforcement notice.
- (g) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**606**     **Causes of Action:**

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

**606.1**   **Jurisdiction:**

District Justices shall have initial jurisdiction over proceedings brought under Section 606.2.

**606.2**   **Enforcement Remedies:**

- (a) Any person, partnership or corporation who or which has violated or permitted the violation or the provisions of this zoning ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall

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

- (b) The court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

**607 Finances and Expenditures:**

- 607.1** The governing body may appropriate funds to finance the preparation of zoning ordinances and shall appropriate funds for administration, for enforcement and for actions to support or oppose, upon appeal to the courts, decisions of the Zoning Hearing Board.
- 607.2** The governing body shall make provision in its budget and appropriate funds for the operation of the Zoning Hearing Board.
- 607.3** The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the municipal solicitor. The Board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed that appropriated by the governing body for this use. Members of the board may receive compensation for the performance of their duties, as may be fixed by the governing body, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the governing body, Alternate members may receive compensation when designated as alternate members pursuant to section 704.
- 607.4** For the same purposes, the governing body may accept gifts and grants of money and services from private source and from the County, State, and Federal governments.
- 607.5** The governing body may prescribe reasonable fees with respect to the administration of zoning ordinance and with respect to hearings before the Zoning Hearing Board. Fees for these hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

**608**    **Exemptions:**

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

**ARTICLE 7 – ZONING HEARING BOARD  
AND OTHER ADMINISTRATIVE PROCEEDINGS**

**701    General:**

In accordance with Article 1X of the Pennsylvania Planning Code, a Zoning Hearing Board shall be appointed and organized, which Board shall adopt rules to govern its procedure. The Board shall hold meetings, keep minutes, and pursuant to notice, conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions in writing within 45 (forty-five) days after hearing or continued hearing, all as required by law. For the filing of an appeal or proceeding with the Board, a fee shall be charged in accordance with a schedule annually fixed by the governing body.

**702    Membership of Board:**

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

- (a)    The Governing body may appoint by resolution at least 1 (one) but no more than 3 (three) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be 3 (three) years. When seated pursuant to the provisions of Section 704, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings and shall have all the duties and powers set forth in this act and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the board nor be compensated pursuant to Section 607.3 unless designated as a voting alternate member pursuant to Section 704.

**703    Removal of Members:**

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

**704    Organization of Board:**

**704.1** The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 706.

**704.2** If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter



or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

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

**705** **Appeals:**

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

**706** **Hearings:**

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

**706.1** Public notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 (one) week prior to the hearing.

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

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

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

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

- 706.6** The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.
- 706.7** The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- 706.8** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 706.9** The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The applicant and the board shall share the appearance fee for a stenographer equally. The cost of the original transcript shall be paid by board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies, In other cases the party requesting the original transcript shall bear the cost thereof.
- 706.10** The board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.
- 706.11** The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 (forty-five) days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions to the Pa. Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within 45 (forty-five) days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 (thirty) days after the report of the hearing officer. Where the board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 (sixty) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as herein above provided, the board shall give public notice of said decision with 10 (ten) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- 706.12** A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date.

To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**707 Jurisdiction:**

The Zoning Hearing Board or the Governing Body shall have exclusive jurisdiction to hear and render final adjudication in matters as delineated in Section 909.1 of the Pa. Municipalities Planning Code.

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

**708 Zoning Hearing Board Functions:**

**708.1 Variances:**

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

- (a) That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (c) That such unnecessary hardship has not been created by the appellant.
- (d) 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.
- (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (f) In granting any variances, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pa. Municipalities Planning Code and the Zoning Ordinance.

**708.2 Special exception:**

The Zoning Hearing Board shall have the power to decide applications for special exceptions as specified in this Ordinance in harmony with its general purpose and intent and in accordance with the standards set forth. The Board shall approve a special exception only if it meets the following standards and criteria:

- (a) The exception is compatible with adjacent uses and structures.
- (b) The exception is suited to the topography and other characteristics of the site.
- (c) The exception complies with all off-street parking and other provisions of this Ordinance.

- (d) In granting a special exception, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pa. Municipalities Planning Code and the Zoning Ordinance.
- (e) In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements to the health, safety and general welfare of the municipality.

**708.3 Performance Standards:**

In cases involving performance standards:

- (a) The Board may require a plan of the proposed construction or development, a description of machinery proposed and the specifications for the mechanisms and techniques to be used;
- (b) The Board may obtain qualified expert consultants to testify as to whether a proposed use will conform to the performance requirements.

**708.4 Non-Conforming Uses:**

The Board shall have the powers to authorize changes of lawful non-conforming uses as follows:

- (a) A non-conforming use which occupies a portion of a structure or premises may be extended within such structure or premises as they existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the district in which such structures or premises are located.
- (b) The Board may impose such conditions, as it deems necessary for the protection of adjacent property and the public interest. No change of a non-conforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.
- (c) If any non-conforming use of land ceases for any continuous period exceeding 1 (one) year, any subsequent use of the land shall be in conformity to the regulations of this Ordinance.

**708.5 Challenges and Appeals:**

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

- (a) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code.
- (b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 (thirty) days after the effective date of said ordinance.
- (c) Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.
- (d) Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any flood hazard ordinance or such provisions within a land use ordinance.

**709 Governing Body Functions**

**709.1 Conditional Uses:**

The Board of Supervisors shall hold hearings on and decide requests for conditional uses in accordance with the standards and criteria outlined under Section 708.2 (special exception). The governing body may attach such reasonable conditions, as it may deem necessary.

**709.2 Amendments:**

(a) The Board of Supervisors shall hear and decide applications for curative amendment to the Zoning Ordinance pursuant to sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code.

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

**710 Validity of Ordinance:**

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

**711 Appeal from Decision:**

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

## ARTICLE 8 – AMENDMENTS

**801    General:**

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

**802    Petitions:**

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

**803    Referral:**

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

**804    Action:**

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

**ARTICLE 9 – REPEALS**

**901            Repeals:**

On January 1, 2012, following the date of enactment of this Ordinance, all ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

**ENACTED AND ORDAINED THE \_\_\_\_ day of \_\_\_\_\_ 2011 to be effective on January 1, 2012.**

**WAYNE TOWNSHIP BOARD OF SUPERVISORS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Secretary**

\_\_\_\_\_  
**Date**

**Seal**

**APPENDIX A**

<b>401.1</b>		<b>MINIMUM LOT SIZES (1)</b>			<b>MINIMUM YARD SIZES</b>			
Zoning District	Type of Unit	Lot Area Per Dwelling Unit Or use	Minimum lot Width @ROW (2)	Maximum lot Coverage by structure	Minimum Front depth (1) (3)	Minimum Rear depth	Minimum setback from Side yard	Maximum Height limits
<b>A , R-1 &amp; B-1</b>	Single family Dwellings	One acre (43,500 sq ft)	110 feet	20 percent	40 feet	40 feet	30 feet	45 feet
	Accessory Uses Other uses	Two acres	200 feet	20 percent	40 feet 40 feet	30 feet 50 feet	15 feet 30 feet	45 feet
<b>R-2, R-3 &amp; B-2</b> Served by neither central water supply nor central sewage disposal system	Single family Dwellings	30,000 square feet	95 feet	20 percent	30 feet	30 feet	15 feet	45 feet
	Multiple family Dwellings	20,000 sq. ft.	100 feet	20 percent	30 feet	30 feet	15 feet	45 feet
	Other uses	1.5 acres	175 feet	50 percent	30 feet	30 feet	15 feet	45 feet
<b>R-2, R-3 &amp; B-2</b> Served by either central water supply or central sewage disposal system	Single family Dwelling	20,000 sq. ft.	80 feet	20 percent	30 feet	20 feet	12.5 feet	45 feet
	Multiple family Dwelling	15,000 sq. ft.	95 feet	20 percent	30 feet	20 feet	12.5 feet	45 feet
	Other uses	1.5 acres	175 feet	50 percent	30 feet	20 feet	12.5 feet	45 feet
<b>R-2, R-3 &amp; B-2</b> Served by both Central water Supply and Central sewage Disposal	Single family Dwelling	15,000 sq. ft.	75 feet	30 percent	30 feet	15 feet	10 feet	45 feet
	Multiple family Dwelling	10,000 sq. ft.	80 feet	30 percent	30 feet	15 feet	10 feet	45 feet
	Other uses	1.5 acres	175 feet	50 percent	30 feet	15 feet	10 feet	45 feet
<b>R-3</b>	Mobile Home Park	<b>See SECTION 508</b>						
<b>I</b>	Other uses	Two acres	200 feet	60 percent	30 feet	50 feet	30 feet	45 feet

(1) Front depth – depth from the nearest road right of way line to building line and measured at right angles to the right of way line.

(2) All lots having less than 450’ width shall have a maximum lot depth to lot width ratio 4:1.

(3) Section 401.2 - Since Route 6 (Roosevelt Highway) is a State Designated Principal Arterial Highway having variable widths, the minimum front depth in all districts shall be 100 feet measured from the centerline of Route 6 to the building line.