

**The Greenfield Township  
Zoning Ordinance**

**2007**

**Prepared by the  
Greenfield Township Planning Commission**

**Assisted by**

**GCCA  
Grove City, Pennsylvania**

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*Edit of 11/20/07*

## **ARTICLE 1 PURPOSE AND AUTHORITY**

### **Section 101 Title**

This Ordinance shall be known and may be cited as the Greenfield Township Zoning Ordinance. The accompanying district map shall be known, and may be cited, as the Greenfield Township Zoning Map.

### **Section 102 Authority**

In accordance with the authority granted to Greenfield Township through the Pennsylvania Municipalities Planning Code (Act 247, as reenacted and amended), this Ordinance and Map are intended to:

- Implement the Greenfield Township Comprehensive Plan of 2002;
- Determine and regulate the uses of land and water course;
- Regulate the density of population and intensity of use;
- Regulate the location and use of buildings, structures and land;
- Regulate the size, height, bulk, erection, construction, alteration, number of stories, size and placement of buildings and structures.
- Divide the Township into districts of size, shape and area, and to establish such Zoning Map, as may be deemed best suited to carry out the regulations;
- Establish procedures for the administration, enforcement, amendment and relief from hardships under certain circumstances; and
- Protection and preservation of natural and historic resources and prime agricultural land and activities.

### **Section 103 Purpose**

These regulations are necessary in order to encourage beneficial growth in the Township while keeping the density of development consistent with existing community facilities and the ability to develop new facilities as needed. These regulations are expected to:

- Promote the public health, safety, morals and general welfare;

- Conserve and stabilize property values through encouragement of the most appropriate uses of land in relation to adjacent properties, with consideration given to the physical characteristics of the property, and its value, as well;
- Secure safety from fire, flood, panic and other dangers by providing for adequate open spaces for light, air and amenity, and by promoting emergency preparedness and operations;
- Preserve steep slopes, forest lands, agricultural areas, historic resources, floodplains and recreation areas in their natural state, or from potential conflict with urban development;
- Prevent the overcrowding or improper development of land, incompatible uses of land and/or blighting conditions;
- Facilitate the economic provision of safe, adequate and reliable transportation, water supply, sewage disposal, public schools, parks and other public requirements; and
- Avoid congestion in travel and transportation, by maintaining and improving the carrying capacity and safety of major roads.

As well as other appropriate purposes as are enumerated by Article VI of the Pennsylvania Municipalities Planning Code and this Ordinance.

#### **Section 104 Compliance**

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

#### **Section 105 Zoning Certificates, Permits and Schedule of Fees**

The Township shall, from time to time, establish, by resolution, a schedule of fees, charges and expenses for certificates, permits, appeals and all other matters pertaining to this Ordinance.

No permit, certificate, application or variance shall be issued, nor shall any action be taken on proceedings before the Zoning Hearing Board unless, or until, such costs, charges, fees or expenses have been paid.

A zoning certificate or permit shall be required for all new construction, additions or alterations affecting exterior dimensions of existing structures; and, for any structural or interior changes required for a change of the structure's use, for signs (except as noted) or for any change in usage. Accessory buildings, such as garden sheds, playhouses storage sheds and similar structures when two

hundred (200) square feet, or less, shall not be required to obtain a building permit. All structures that are rented or used for human habitation, regardless of size, shall be required to have zoning certificate or permit.

### **Section 106 Interpretation of Regulations**

Whenever the provisions of this Ordinance are at variance with provisions in other parts of this Ordinance or with any other lawfully adopted rules, regulations or ordinances, the more restrictive requirements shall govern.

### **Section 107 Severability**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

### **Section 108 Repeal**

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict. In particular, the Zoning Ordinance adopted July 5, 1983 is hereby repealed in its entirety.



**ARTICLE 2**  
**COMMUNITY DEVELOPMENT OBJECTIVES**

The Community Development Objectives of this Ordinance are enumerated in detail by pages 1 through 5 of the Greenfield Township Comprehensive Plan.

The specific land use objectives are to:

- Encourage the concentration of land uses in discernible clusters and limit both strip development and irregularly dispersed development patterns;
- Discourage the indiscriminate spread of commercial and industrial uses, particularly the encroachment of these uses upon existing or future residential areas;
- Discourage the adverse sprawl of higher and medium-density residential development;
- Encourage the development of an identity for Greenfield Township in the form of a village setting;
- Promote innovative development concepts such as those described in the Growing Greener program, which encourage variety in neighborhood and architectural design;
- Complement the Township Subdivision and Land Development Ordinance, and
- Employ appropriate land use controls to guide future uses and densities of development in accordance with the accompanying plan elements.

**ARTICLE 3  
DISTRICT DESCRIPTIONS**

**Section 301 Zoning Map and Application**

- A. A map entitled the Greenfield Township Zoning Map is hereby adopted as part of this ordinance. The official Zoning Map shall be kept on file and available for examination at the offices of the Greenfield Township.
- B. District Boundaries: District boundaries that are shown between the lines of streets, streams and transportation rights-of-way shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map or by the fact that it clearly coincides with a property line he shall refuse action. The Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this Ordinance.
- C. Zoning District Changes: All approved changes to zoning districts shall be promptly recorded on the Zoning Map by the Zoning Officer.
- D. Permitted Uses, Conditional Uses and Special Exceptions: The permitted uses, conditional uses and special exceptions for each district are shown in the following tables of this article and are considered principal uses unless clearly noted. Conditional uses may be granted or denied by the Board of Supervisors with the advice of the Greenfield Township Planning Commission in accordance with the express standards and criteria of this Ordinance. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions as they may deem necessary to implement the purposes of this Ordinance and safeguard the neighborhood. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood.
- Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article 6.
- E. The Conservation Overlay District Regulations are set forth by Article 11. This district can be used in the Mixed-Use/Density Housing District, the Rural Resource District, the Village Mixed-Use District, and the Village District.

**Section 302 R-R – Rural/Resource District:** The purpose of this district is to provide for and maintain the open and agricultural character of Greenfield Township. This district consists of open land uses, agricultural uses and rural low density single-family residential structures and includes associated public institutional and recreational uses.

**R-R – Rural/Resource District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Agricultural and Agricultural Fences	Home Occupations (401.25)
Bed and Breakfast Inn (401.14)	Mineral and Other Resource Extraction (401.17)
Open Land Uses*	Ultralight Airports (401.16)*
Single-Family Dwellings	Kennels and Veterinary Establishments (401.21)
Boarding/Rooming Houses (401.15)	Sawmills (401.19)*
Public Grounds (401.1)	Fire Stations (401.2)
Churches	Airports (401.34)
Utility Substations (401.3)	Camps, Campgrounds, and RV Camps (401.12)
Cemeteries (401.13)	Two-Family Dwellings (401.41)
Essential Services	Home-Based Business (401.40)
Walls and Fences*	
Mobile Homes (509)	
Signs	
Telecommunication Facilities (401.4)	
Forestry *	
No Impact Home-Based Businesses (see Def.)*	
Family Day Care (401.18)	
Gas Wells	
Wind Farms (512)	

*\*May be secondary uses*

**Table 302**  
**R-R – Rural/Resource District**  
**Lot, Yard, and Height Requirements**

	<b>Single-Family Dwellings</b>	<b>All Other Uses</b>
Minimum Lot Area*	2 Acres	<i>2 Acres</i>
Minimum Lot Width	150 Feet	150 Feet
Minimum Front Yard	50 Feet	50 Feet
Minimum Side Yard	30 Feet	30 Feet
Minimum Rear Yard	50 Feet	50 Feet
Maximum Height	25 Feet	45 Feet
Maximum Lot Coverage	20%	20%
*All uses with on-lot sewage must be approved by the Erie County Department of Health and applicant must provide evidence of that approval.		

**Section 303 MU – Mixed-Use/Density Housing District:** The purpose of this district is to provide for, and maintain, the rural medium-density and the rural high-density residential needs of Greenfield Township.

**MU – Mixed-Use/Density Housing District**

Permitted Uses

Conditional Uses

Agricultural and Agricultural Fences\*  
Open Land Uses\*  
Single-Family Dwellings  
Two-Family Dwellings  
Multiple-Family Dwellings (401.5)  
Boarding/Rooming Houses (401.15)  
Bed and Breakfast Inns (401.14)  
Clinics and Hospitals (401.1)  
Public Grounds (401.1)  
Churches  
Fire Stations  
Cemeteries (401.13)  
Essential Services  
Mobile Homes (509)  
Walls and Fences\*  
Signs\*  
Telecommunication Facilities (401.4)  
Forestry\*  
No Impact Home-Based Businesses (see Def.)\*  
Family Day Care (401.18)\*  
Group Day Care Homes (401.18)\*  
Gas Wells  
Wind Farms (512)

Home Occupations (401.25)  
Community Residential Facilities (401.35)  
Mineral and Other Resource Extractions (401.17)  
Personal Care Homes (401.26)  
Mobile Home Parks (401.6)  
Camps, Campgrounds, and RV Camps (401.12)

*\*May be secondary uses*

**Table 303  
 MU – Mixed-Use/Density Housing District  
 Lot, Yard, and Height Requirements\***

<b>Uses</b>	<b>Min. Lot Area</b>	<b>Min.* Lot Area Per Family</b>	<b>Min.**Lot Width</b>	<b>Min.** Front Yard</b>	<b>Min.** Side Yard</b>	<b>Min.** Rear Yard</b>	<b>Max.** Building Height</b>	<b>Max. Lot Coverage (%)</b>
<b>On-Lot Water and Sewer</b>								
Single-Family	1 Acre	1 Acre	150	50	20	40	25	20
Two-Family	1.25 Acres	30,000	200	50	20	40	25	20
Multi-Family	1.25 Acres	15,000	120	40	20	40	25	20
Mobile Home Parks	10 Acres	***	330	40	***	***	***	***
<b>Community Sewer</b>								
Single-Family	10,000	10,000	60	30	10	20	35	40
Two-Family	15,000	7,500	70	30	10	20	35	40
Multi-Family	15,000	5,000	70	20	10	20	35	40
Mobile Home Parks***	10 Acres	***	240	20	***	***	***	40
<b>All Other Uses</b>	1 Acre	N/A	105	50	20	40	45	40

\*Area in acres or square feet

\*\*Values in lineal feet

\*\*\*See Greenfield Township Subdivision and Land Development Ordinance for design details of Mobile Home Parks.

**Section 304 C-1 – Highway Commercial District:** The purpose of this district is to provide for, and maintain, the highway commercial and shopping center commercial needs of Greenfield Township. This district will contain commercial establishments and associated public and institutional uses.

**C-1 – Highway Commercial District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Agricultural and Agricultural Fences*	Mineral and Other Resource Extractions (401.17)*
Home Occupations (401.25)*	Warehouse, Storage and Distribution Centers (401.38)
Open Land Uses*	Truck Terminals (401.38)
Retail Businesses under 20,000 sq. ft. GFA and Wholesale Establishments	Shopping Centers, Malls, Retail Stores over 20,000 Sq. Ft. GFA (401.36)
Eating and Drinking Establishments, except Drive-In/Through	Convenience Stores (401.31)
Business and Corporate Offices	Outdoor Car Sales (401.30)
Single-Family Dwellings	Drive-In/Through Restaurant (401.28)
Professional Offices	Day Care Centers (401.18)
Hotels and Motels	
Indoor Commercial Recreation Uses	
Outdoor Commercial Recreation Uses (401.7)	
Dog Kennels, Pet Shops, and Veterinary Establishments (401.21)	
Boarding/Rooming Houses (401.15)*	
Public Grounds (401.1)	
Funeral Homes (401.8)	
Churches	
Cemeteries (401.13)	
Clubs	
Medical and Dental Clinics, Hospitals and Nursing Nursing Homes (401.1)	
Essential Services	
Walls and Fences*	
Service Stations (401.9)	
Signs*	
Camps, Campgrounds and RV Camps (401.12)	
Telecommunication Facilities (401.4)	
Forestry*	
Wind Farms (512)	
Gas Wells*	
Wholesale Business	
Repair Garages	
*May be secondary uses	

**Table 304**  
**C-1 – Highway Commercial District**  
**Lot, Yard, and Height Requirements**

Minimum Lot Area*	2 Acres
Minimum Lot Width	150 Feet
Minimum Front Yard	50 Feet
Minimum Side Yard	30 Feet
Minimum Rear Yard	50 Feet
Maximum Height	45 Feet
Maximum Lot Coverage	45%
*All uses with on-lot sewage must be approved by the Erie County Department of Health and provide evidence of that approval.	



**Section 305 IC – Interchange Commercial District:** This district is established to provide for businesses that require access to interstate interchanges and can coexist in proximity to a mixed use setting without significant infrastructure.

**IC – Interchange Commercial District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Automobile Sales and Services	Communication Towers (401.4)
Hotels/Motels	Shopping Centers, Malls (401.36)
Restaurants	Convenience Stores/Service Stations (401.31)
Drive-Through Restaurants	Sawmills (401.19)
Retail Businesses (less than 20,000 square feet gross floor area)	Light Manufacturing (401.42)
Business and Corporate Offices	Truck Terminals/Warehousing/Distribution Centers
Professional Offices	Retail Businesses over 20,000 Sq. Ft. GFA (401.36)
Carwash	
Mini-Storage Facilities	
Public Utilities	
Essential Services	
Churches	
Landscaping/Nursery	
Agriculture	
Single-Family Dwellings	
Building Materials/Supply Yards	
Equipment Sales and Service	
Personal Services	
Business Services	
Accessory Uses and Structures*	
Forestry	
Theaters	
Gas Wells*	
Wind Farms (512)	
Repair Garages	

*\*May be secondary uses*

**Table 305**  
**IC – Interchange Commercial District**  
**Lot, Yard, and Height Requirements**

Minimum Lot Area*	2 Acres
Minimum Lot Width	150 Feet
Minimum Front Yard	40 Feet
Minimum Side Yard	30 Feet
Minimum Rear Yard	40 Feet
Maximum Height	35 Feet
Maximum Coverage	25%
*All uses with on-lot sewage must be approved by the Erie County Department of Health and provide evidence of that approval.	

**Section 306 V-Village District:** The V-Village District is established to provide for the continuation of a historic pattern of low-impact mixed uses, where dwellings at various densities and compatible institutions or small businesses can thrive.

**V-Village District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Accessory Uses and Structures	Day Care Centers (401.18)
Agricultural Services and Agricultural Fences	Funeral Homes (401.8)
Banks	Restaurants (401.42)
Bed and Breakfast	Public or Private Schools (401.1)
Churches	
Essential Services	
Family Day Care Homes	
Forestry*	
Home Day Care	
Group Day Care Homes*	
Home Occupations*	
Limited Retail Business	
Medical, Dental and Professional Offices	
No Impact Home-Based Occupations*	
Personal Services	
Single-Family Dwellings	
Two-Family Dwellings	
Gas Wells*	
Wind Farms (512)	
<i>*May be secondary uses</i>	

**Section 306A VM-Village Mixed-Use District:** The V-Village Mixed-Use District is established to provide for the continuation of a historic pattern of mixed uses in the Village of Little Hope, where dwellings at various densities, compatible institutions, and small businesses can thrive.

**VM-Village Mixed-Use District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Accessory Uses and Structures	Day Care Centers (401.18)
Agricultural Services and Agricultural Fences	Funeral Homes (401.8)
Auctions	Restaurants (401.42)
Banks	Public or Private Schools (401.1)
Bed and Breakfast	Light Manufacturing (401.42)
Churches	Repair Garage (401.24)
Essential Services	
Family Day Care Homes	
Forestry*	
Home Day Care	
Group Day Care Homes*	
Home Occupations*	
Limited Retail Business	
Medical, Dental and Professional Offices	
No Impact Home-Based Occupations*	
Personal Services	
Single-Family Dwellings	
Two-Family Dwellings	
Gas Wells*	
Wind Farms (512)	
<i>*May be secondary uses</i>	

**Table 306 and 306A  
V-Village District and  
VM - Village Mixed - Use District  
Lot, Yard, and Height Requirements**

Minimum Lot Area*	1 Acre
Minimum Lot Width	100 Feet
Minimum Front Yard	30 Feet
Minimum Side Yard	10 Feet
Minimum Rear Yard	30 Feet
Maximum Height	35 Feet
Maximum Lot Coverage	25%
*All uses with on-lot sewage must be approved by the Sewage Enforcement Officer and provide evidence of that approval.	

**Section 307 M-1 – Commercial/Manufacturing District:** The purpose of this district is to provide for and maintain the light manufacturing needs of Greenfield Township. This district will contain heavy commercial and commercial activities, light industrial establishments, and facilities for manufacturing, processing, packaging, storage and warehousing which shall conform to the performance standards of this Ordinance.

**M-1 – Commercial/Manufacturing District**

<u>Permitted Uses</u>	<u>Conditional Uses</u>
Agriculture and Agricultural Fences*	Repair Garages (401.24)
Single Family Dwellings	Junkyard (401.23)
Retail and Wholesale Establishments	Mineral and Other Resource Extractions
Eating and Drinking Establishments, except Drive-In/Through	Heavy Manufacturing (401.37)
Business and Corporate Offices	Drive-In/Through Restaurant (401.28)
Personal Services Establishments	Self-Storage Units (401.29)
Professional Offices	Gas Wells (401.27)
Hotels and Motels	Transfer Stations (401.10)
Indoor Commercial Recreational Uses	Recycling Centers (401.20)
Home Occupations (401.25)*	Landfills (401.39)
Clubs	
Essential Services	
Light Manufacturing	
Industrial Park	
Warehousing and Storage (401.38)	
Research and Technical Laboratories	
Truck Terminals (401.38)	
Telecommunication Facilities (401.4)	
Walls and Fences*	
Roadside Stands	
Service Stations (401.9)	
Other Drive-Thru Businesses	
Signs*	
Camps, Campgrounds and RV Camps	
Gas Wells*	
Forestry*	
Wind Farms (512)	

*\*Maybe a secondary use*

**Table 307**  
**M-1 – Commercial/Manufacturing District**  
**Lot, Yard, and Height Requirements**

Minimum Lot Area*	2 Acres
Minimum Lot Width	150 Feet
Minimum Front Yard	50 Feet
Minimum Side Yard	30 Feet
Minimum Rear Yard	50 Feet
Maximum Height	45 Feet
Maximum Lot Coverage	45%
*All uses with on-lot sewage must be approved by the Erie County Health Department and provide evidence of that approval.	

**Section 308 BBO – Billboard Overlay District:** The purpose of this district is to allow billboards in limited areas of the Township.

Permitted Uses

Billboards (508.3)

**Section 309 – Conservation Overlay Zone**

See Article 11

**Section 310 F-1 – Floodplain District:** The F-1 District is an overlay district. The basic regulations within the F-1 District are those of the R-R, MU, C-1, IC, M-1 and V Districts which it traverses. The district will contain open land uses, which shall conform to the additional floodplain regulations of Township Ordinance 79-0.

**F-1 Floodplain District**

**Permitted Uses**

Agricultural and Agricultural Fences

Open Land Uses

Public Grounds

Residential Yards

Commercial and Industrial Outdoor Parking and Storage Areas

Essential Services

Walls and Fences

Roadside Stands

Signs

Camps, Campgrounds and Recreational Camps

Private Use Communication Facilities

Forestry



### 310.1 Disclaimer of Liability

Floodplains are delineated on current Federal Floodplain Maps. The degree of flood protection required by said maps, the Zoning Map, and this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The Floodplain Maps, the Zoning Map, and this Ordinance do not imply that areas outside the delineated floodplain district boundaries are free from flooding and/or possible flood damage. Said Federal Floodplain Maps, the Zoning Map, and this Ordinance do not imply that any permitted use, accessory use, or conditional use allowed within the F-1 District or in areas outside the F-1 District will be free from flooding and/or possible flood damage. No person shall be entitled to rely on said Federal Floodplain Maps, the Zoning Map, this Ordinance, or any administrative decision or action taken thereunder as indicating that any use will be free from flooding and/or flood damage. Accordingly, this Ordinance shall not create liability on the part of Greenfield Township or any officer or employee thereof for any flooding and/or flood damage that results from reliance on said Federal Floodplain Maps, the Zoning Map, this Zoning Ordinance, or any administrative decision or action taken thereunder, and every person undertaking any use within the F-1 District or any district outside the F-1 District assumes the risk that flooding and/or flood damage may be incurred.

**ARTICLE 4**  
**CONDITIONAL USES, SPECIAL EXCEPTIONS AND OTHER CONDITIONS**

**Section 401 Conditional Uses, Special Exceptions and Conditions for Permitted Uses**

The criteria for Conditional Uses and Special Exceptions follow. The Board of Supervisors or the Zoning Hearing Board (as the case may be), in granting Conditional Uses and Special Exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a Conditional Use or a Special Exception, the Board of Supervisors or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

Also included in Section 401 are conditions for permitted uses. These entail additional criteria that permitted uses must meet before the Zoning Officer can issue a permit. The Zoning Officer must interpret these criteria in their literal terms and does not have the authority to modify or waive same, nor can the Zoning Officer impose any conditions in granting a permit.

Applications for Conditional Uses and Special Exceptions shall be made to the Zoning Officer. Conditional Uses shall be granted or denied by the Board of Supervisors after receiving the recommendation of the Greenfield Township Planning Commission. Special Exceptions shall be granted or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Ordinance (see Section 403) and the Pennsylvania Municipalities Planning Code.

**401.1 Colleges, Schools, Clinics, Parks and Playgrounds**, subject to the following express standards and criteria:

- A. All side and rear property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.
- B. Facilities shall demonstrate that they have the needed license or appropriate accreditation to operate the proposed facility.
- C. All lights shall be shielded and reflected away from adjoining property.
- D. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- E. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.



**401.2 Fire Stations:**

- A. All side and rear property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least six (6) feet in depth measured from the property line.
- B. All lights shall be shielded and reflected away from adjoining property.
- C. The entrance and exit for the facility shall be so designed as to allow adequate sight distances and generally ensure a safe entrance onto public roads.
- D. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507. There shall be adequate space in front of the fire station so trucks and equipment may be backed into their parking bays without using public streets.

**401.3 Utility Substations** shall be subject to the following express standards and criteria:

- A. No storage of movable equipment or material shall be permitted outside a building.
- B. Uses involving equipment which is not enclosed by a building shall be secured by a fence at least eight (8) feet in height with self-latching gate.
- C. Substations shall not be used for offices, garages, power generation, repair or large-scale storage.
- D. Substations may be allowed to use lots which are smaller than those required by this Ordinance (see also Subdivision Ordinance).

**401.4 Communication Towers/Antennas:** Communication towers and antennas along with ancillary equipment will be allowed as a permitted use or conditional use, subject to the following regulations:

- A. Antennas mounted on an existing public utility tower, existing building or other existing structure shall be treated as a permitted use subject to the conditions of Section B below. Separate standalone towers constructed new shall be treated as a Conditional Use and referred to the Planning Commission for review and comment prior to approval or denial of the Board of Supervisors subject to the criteria found under Section C below.
- B. Regulations Governing Communications Antennas and Communications Equipment Buildings: Building mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling.

Building-mounted communications antenna shall not exceed the height limitations of the zoning district by more than twenty (20) feet.

Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

Any applicant proposing communications antennas to be mounted on a building or other structure shall submit documentation 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.

Any applicant proposing communications antennas mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure to be reviewed for compliance with the Township's Building Code and other applicable law.

Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township.

A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

- C. Standards for Communications Towers as Conditional Uses: The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable Airport Zoning Regulations.

Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one quarter (1/4) mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

- (a). 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.
- (b). 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.
- (c). 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.
- (d). Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (e). A commercially reasonable agreement could not be reached with the owners of such structures.

Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to

a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.

A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirements for the zoning district.

Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

The maximum height of any communications tower shall be one hundred eighty (180) feet, regardless of any other regulations of this Ordinance.

The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any Residential District at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.

The base of a communications tower shall be landscaped so as to screen the foundation, base and communications equipment building from abutting properties.

The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.

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 Associations and applicable requirements of the Township's Building Code.

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 one million dollars per occurrence and property damage coverage in the minimum amount of one million dollars per occurrence covering the communications tower and communications antennae.

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.

The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.

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 that has jurisdiction.

Communications towers shall be protected and maintained in accordance with the requirements of the Township's Building Code.

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

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

**401.5 Multiple-Family Dwellings** of three (3) or more units shall be subject to the following express standards and criteria:

- A. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line. All parking areas shall be screened by this buffer area.
- B. The site must be serviced by public water and sewer, or private water and sewage systems approved by the Erie County Department of Health or DEP, as appropriate private water and sewage systems.

**401.6 Mobile Home Parks** shall:

- A. Meet the requirements for mobile home or manufactured homes as set forth by the appendix of the Greenfield Township Subdivision and Land Development Ordinance.

**401.7 Outdoor Commercial Amusements** are subject to the following express standards and criteria:

- A. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line. Facilities which host paint ball games, contests, or exercises shall provide a fifty (50) foot buffer area.



- B. Fencing at least eight (8) feet in height shall be provided along all property lines adjoining residential uses or zoning classifications.
- C. No outdoor speakers shall be permitted if the property adjoins residential uses. The volume of permitted in-vehicle radio speakers shall be modulated and controlled so as to not create a nuisance for adjacent properties.
- D. All lighting shall be shielded away from adjacent properties and streets.

**401.8 Funeral Homes:** Funeral homes shall meet the following criteria:

- A. A minimum of twenty (20) paved, on-lot parking spaces shall be provided, with an additional five (5) spaces for each additional viewing parlor after the first two (2).
- B. The driveway system shall be arranged so the hearse and funeral cortege formation will be made on the lot and not on a public street.

**401.9 Service Stations,** subject to the following express standards and criteria:

- A. Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.
- B. Gasoline pumps shall be located no closer than thirty (30) feet to any property line.
- C. No building, stand, oil rack or other apparatus, other than that which is necessary to service an automobile, shall be located within thirty (30) feet of any street line.
- D. Canopies over gasoline pumps shall not be located closer than twenty (20) feet to any property line or street right-of-way line.
- E. There shall be no storage of any wrecked or dismantled vehicle outside a building for longer than one (1) week.
- F. In addition to parking spaces required by Section 507 of this Ordinance, adequate vehicle maneuvering areas shall be provided outside the building which shall have an all-weather surface.
- G. Street entrances (driveways) shall be at least two hundred (200) feet from a school and seventy-five (75) from all residential uses.

**401.10 Transfer Stations:** Transfer stations are permitted in the M-1 District as a conditional use. Transfer stations are designed to be part of an overall solid waste management system and to allow for the transfer of waste from smaller vehicles to larger ones with facilities for compaction as needed. They are subject to the following conditions:

- A. All activities shall take place within buildings; no outside handling, storage or processing shall be permitted.
- B. All drop-off, delivery and shipping shall be inside buildings.
- C. Notwithstanding any other provision of this Ordinance, all such facilities shall be enclosed by a fence on all sides at least eight (8) feet high. This fence shall be designed for security and shall also provide site screening. The fencing shall be at least twenty (20) feet from side and rear yard lot lines. A landscaped strip shall be placed in the twenty (20) foot space, including screen plantings of trees or hedges along the required fencing.
- D. There shall be well-marked and well-defined paved driveways for ingress and egress of autos and trucks, and there shall be sufficient area on the site to stack at least five (5) tractor trailers in order to prevent off-site traffic congestions.

**401.11 Hospitals and Nursing Homes**, subject to the following express standards and criteria:

- A. The facility shall be licensed by the Commonwealth.
- B. The minimum site for a nursing home shall be one (1) acre; the minimum site for a hospital shall be five (5) acres.
- C. The site shall be serviced by public water and sewer.
- D. Water volume and pressure shall be adequate for fire protection.
- E. Ingress, egress and internal circulation shall be designed to ensure safety and access by emergency vehicles and to minimize impacts on local roads. The parking and circulation plan shall be submitted to the local police and fire company for comments regarding traffic safety and emergency access.
- F. Outdoor lighting shall be shielded away from adjacent properties.
- G. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least fifteen (15) feet in depth measured from the property line.

**401.12 Camps, Campgrounds and RV Camps** are subject to the following conditions:

- A. Minimum lot size, five (5) acres.

- B. Water supplies and sanitary sewage disposal must be approved by the Department of Environmental Protection and, as appropriate, the Erie County Department of Health.
- C. There shall be a buffer of at least fifty (50) feet along the side and rear yards.

**401.13 Cemeteries** are subject to the following standards and criteria:

- A. A minimum site of five (5) acres shall be required.
- B. A drainage plan shall be submitted with the application for approval to show existing and proposed runoff characteristics.
- C. Ingress, egress and internal circulation shall be designed to ensure safety and minimize impact on local roads.
- D. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.

**401.14 Bed and Breakfast:** Such uses are intended to provide overnight or short-term [not more than two (2) weeks] accommodations for transient guests in a home-like atmosphere. They must meet the following regulations:

- A. All signs shall conform to this Ordinance.
- B. No more than eight (8) guest rooms will be permitted.
- C. One (1) off-street parking space for each guest room shall be required.
- D. The only meal served shall be breakfast and that shall only be provided to guests.
- E. The facility shall comply with State and County laws and regulations regarding such facilities.
- F. They shall be owner-occupied.

**401.15 Rooming/Boarding Homes:**

- A. May not house more than four (4) roomers/boarders.
- B. Shall not adversely affect the character of the surrounding neighborhood.
- C. Shall provide off-street parking.

**401.16 Ultralight Airports:** These facilities are intended for private use only. This use must comply with the following criteria:

- A. All such airports must be at least three hundred (300) feet from any property line and at least five hundred (500) feet from any dwelling.
- B. The operator shall present evidence that the facility complies with appropriate State regulations and has secured a license from the Pennsylvania Department of Transportation, Bureau of Aviation.

**401.17 Extractive Industries, Surface Mining, Sand and Gravel Pits:**

- A. All such operations must obtain a zoning permit.
- B. All required State permits shall be presented before the zoning permit can be issued.
- C. If access to the mining/pit operation is by Township road, then the applicant is required to comply with Township Ordinance 2003-2, "The Greenfield Township Roadway Weight Limit Ordinance."
- D. Operations shall be limited to the hours of 6:00 a.m. to 10:00 p.m, prevailing time.

**401.18 Day Care Facilities, All Types:** The purpose of this section is to set forth standards for the three types of day care covered by this Ordinance (see Definition section also).

A. Family Day Care Homes

- 1. Such operations must obtain any permit/certificates required by the State.

Group Day Care Homes

- 1. Such operations must obtain any permits/certificates required by the State.
- 2. Outdoor play areas shall be effectively screened from nearby residential uses through fencing or screening.
- 3. At least one (1) additional parking place shall be required.
- 4. The operator shall demonstrate how children shall be dropped off and picked up considering their safety and the safety of other pedestrian and vehicular traffic in the area.

B. Child Day Care Center

1. Any outdoor play area shall be effectively screened from abutting properties.
2. For all new construction, and where feasible for existing structures, driveways shall be provided to deliver and pick up children off public streets. These facilities are intended for the safety of the children and the protection of the neighborhood. In any event, the developer shall demonstrate how pick up and delivery shall occur in a safe manner.
3. One (1) parking space for each employee shall be required (see also Section 507).
4. Such facilities must be licensed or registered (as appropriate) by the Pennsylvania Department of Public Welfare.

**401.19 Sawmills:** Are subject to the following express standards and criteria:

- A. The use shall be subject to the Performance Standards of Section 506 of this Ordinance.
- B. All milling operations shall be located at least three hundred (300) feet from any existing dwelling on adjoining property and at least one hundred (100) feet from any property line.
- C. Routes to be used by hauling trucks shall be approved by the municipality. If bonding of the road is required by the Township (Ordinance 2003-2), proof of compliance is required.
- D. Milling operation shall be discontinued from 7:00 p.m. to 7:00 a.m.
- E. In the R-R and MU Districts, no more than four (4) employees shall be allowed.

**401.20 Recycling Centers:** Recycling centers are permitted in the M-1 District as a conditional use. Recycling centers are designed to provide places for the drop off, sorting and processing of municipal or residual solid waste. They are subject to the following conditions:

- A. All activities shall take place within buildings, no outside handling, storage or processing of waste shall be permitted.
- B. All drop off, delivery and shipping shall be inside buildings.
- C. Inside collection, processing and storage areas shall be placed on concrete floors with drainage collection systems designed to prevent accidental spillage or leachate from reaching the surrounding ground.

- D. All parking areas for collection trucks shall be paved with a drainage collection system to prevent runoff from reaching the surrounding ground.
- E. Notwithstanding any other provision of this Ordinance, all such facilities shall be enclosed by a fence on all sides at least eight (8) feet high. This fence shall be designed for security and shall be at least twenty (20) feet from side and rear yard lot lines. A landscaped strip shall be placed in the twenty (20) foot space, including screen plantings of trees or hedges along the required fencing (see Illustration 1, attached hereto and made a part hereof).
- F. All side and rear yards shall be at least fifty (50) feet regardless of abutting uses or districts.
- G. There shall be well-marked and well-defined paved driveways for ingress and egress of autos and trucks, and there shall be sufficient area on the site to stack at least five (5) tractor trailers in order to prevent off-site traffic congestions.
- H. Recycling centers may be combined with transfer stations. However, in that event, the lot must be at least six (6) acres in size and there must be a plan submitted to show that sufficient space for the stacking of autos and trucks exist on-site without creating traffic problems off-site. In no event shall a combined recycling/transfer facility provide for less than the on-site stacking of at least seven (7) tractor trailers.

**401.21 Dog Kennels, Pet Shops and/or Veterinary Establishments:** Are subject to the following express standards and criteria:

- A. Dog kennels, other than those accessory to veterinary establishments, shall have lots of two (2) acres or more in size.
- B. All kennels shall comply with the Pennsylvania Dog Laws as administered by the Pennsylvania Department of Agriculture and show evidence of ongoing compliance (current licenses).
- C. Dog kennels shall be located at least one hundred (100) feet from any property line adjoining residential uses or zoning classifications and at least fifty (50) feet from any other property line.
- D. Dog kennels shall be completely within an enclosed building and shall be sound-proofed, if necessary, to reduce noise impacts on adjacent properties.
- E. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a buffer area as defined by this Ordinance which is at least six (6) feet in depth.

**401.22 Feed Mills, Feed Storage and Distribution:** Are subject to the following express standards and criteria:

- A. The use shall be subject to the Performance Standards of Section 506 of this Ordinance.
- B. All structures used for feed storage and distribution shall be located at least two hundred (200) feet from an existing residence on adjacent property.
- C. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.

**401.23 Junk Yards:** Are subject to the following express standards and criteria:

- A. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- B. No garbage or other organic waste shall be stored on the premises.
- C. The manner of storage of junk shall facilitate access for firefighting and shall prevent accumulation of stagnant water.
- D. Junk yards shall comply with the Performance Standards of Section 506.
- E. No junk shall be stored or accumulated within one thousand (1,000) feet of any dwelling and no closer than forty (40) feet to any property line or public street.
- F. The premises shall be enclosed by a metal chain-link fence supported on steel posts with self-latching gate not less than ten (10) feet in height.
- G. The fence shall be supplemented with screening material which creates a visual barrier that is less than fifty percent (50%) open.
- H. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least twenty (20) feet in depth measured from the property line. The required fence shall be located inside the buffer area.

**401.24 Repair Garages:** Are subject to the following express standards and criteria:

- A. All repair and servicing shall be conducted within an enclosed building.

- B. All repair and servicing shops shall be located a minimum of three hundred (300) feet from all residential dwellings other than those on the applicant's lot.
- C. Customer vehicles awaiting repairs shall be located inside a building or shall be screened by a hedge or opaque fence which is at least six (6) feet in height so they will not be visible from adjacent properties or streets.
- D. There shall be no storage of materials or equipment outside an enclosed building.
- E. Organic waste and/or rubbish shall be stored in covered containers. All discarded automobile parts shall be stored either inside a building or shall be screened from view behind an opaque fence or hedge which is at least six (6) feet in height until they are properly disposed of in accordance with Federal, State and Local laws. Oil, antifreeze and tires shall be disposed of in accordance with DEP regulations.
- F. Adequate off-street parking shall be provided in accordance with Section 507.
- G. The use shall comply with the Performance Standards specified in Section 506 of this Ordinance.

**401.25 Home Occupation:** Home occupations are subject to the following express standards and criteria:

- A. There shall be no exterior evidence of the use other than the home occupation identification sign authorized by Section 508 of this Ordinance.
- B. A home occupation may be conducted in either a principal or an accessory structure, but in either case shall not occupy floor area greater than thirty percent (30%) of the total floor area of the dwelling.
- C. The use shall not require external alterations or construction features which are not customary to a dwelling.
- D. There shall be no storage of materials or equipment outside an enclosed building.
- E. Adequate parking for the home occupation shall be provided on the lot.
- F. Up to two (2) employees who are not residents of the structure will be allowed.

**401.26 Personal Care Homes:** The purpose of such homes is to provide residences for four (4) or more adults in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. In addition, such uses shall meet the following conditions:



- A. Signs or exterior display indicating the name of the home or its use shall comply with Section 508.
- B. At least one (1) additional on-lot parking space shall be provided for each two (2) guests, along with one (1) space per employee.
- C. No home shall admit more than eight (8) guests/clients at any one time.
- D. Evidence of the required State certifications and/or licenses shall be presented to the Zoning Officer.
- E. The exterior appearance of the dwelling is constructed and maintained in such a manner as to clearly appear as a residential dwelling.
- F. The exterior appearance of the accessory building is constructed and maintained in such a manner as to clearly appear as an accessory building to the residential dwelling.
- G. Reasonable safeguards are established to protect against possible detriment to neighboring properties from the emission of smoke, fumes, odors, dust, noise, vibrations or glaring light.

**401.27 Reserved**

**401.28 Drive-In/Through Restaurants:** These uses are characterized by high volumes of use and late-night operations. Criteria for such uses are as follows:

- A. A site plan will be required.
- B. All property lines adjoining a residential use or classification shall have a buffer yard of ten (10) feet as measured from the property line.
- C. Entrance and exit driveways shall be clearly marked and conform to the requirements of Section 507 of this Ordinance.
- D. Parking spaces and stacking spaces shall conform to Section 507 of this Ordinance.
- E. The alignment of driveways for order and pickup purposes shall be so arranged or screened to avoid headlight glare on adjacent residential uses or districts.
- F. Auto/pedestrian circulation shall be designed to allow adequate sight distance between patron entrances/exits and drive-through lanes.
- G. Lighting shall be designed so as to minimize glare.

**401.29 Self-Storage Units:** These uses shall:

- A. Provide a buffer yard of at least ten (10) feet, measured from the property line, along all side and rear yards, which abut residential districts or uses.
- B. Lot areas shall be at least two (2) acres in size.
- C. Lighting shall be directed away from adjacent properties.

**401.30 Outdoor Car Sales:** Are subject to the following express standards and criteria:

- A. All repair, servicing, customer car washing and sales shall be conducted within an enclosed building.
- B. All facilities shall comply with the Performance Standards of Section 506 of this Ordinance.
- C. All property lines adjoining residential use or zoning classification shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.
- D. Customer vehicles with external damage which are awaiting repairs shall be located inside a building or shall be screened by a hedge or opaque fence so they will not be visible from adjacent properties or streets.
- E. All off-street parking spaces required for customers and employees shall be reserved for parking and shall not be used for the display of merchandise.
- F. All outdoor lighting shall be located at least ten (10) feet from any street right-of-way and shall be shielded and reflected away from adjacent properties and public streets.

**401.31 Convenience Store:**

- A. Any fuel pumps shall be at least thirty (30) feet from the front lot line and thirty (30) feet from each side lot line.
- B. No vehicle will be parked or stored along the front lot line except on a short-term basis [less than twelve (12) hours].
- C. Any lot line abutting a residential use or district shall provide appropriate screening. Such screening shall be at least ten (10) feet wide.

- D. Canopy structures shielding gasoline pumps shall be no closer than twenty (20) feet from the front lot line or may follow the average setback of the structures adjoining on each side and twenty (20) feet from each side lot line.
- E. Any outdoor mechanical or refrigeration equipment shall be muffled to minimize noise.
- F. All outdoor lighting shall be located at least ten (10) feet from any street right-of-way and shall be shielded and reflected away from adjacent properties and public streets.
- G. All proposed convenience stores shall prepare a Traffic Impact Study for the Township. The study shall set forth:
  - 1. Estimated daily traffic generation (trips in and out)
  - 2. Estimated peak hour trips. The hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. and 6:00 p.m. are of greatest concern.
  - 3. Impact on the current Level of Service (LOS) on the primary bordering road as set forth by the Metropolitan Planning Organization (Erie County Department of Planning). If the anticipated traffic will lower the LOS to below a “C” classification, a description of steps to the developer will take to ameliorate the traffic impact will be provided.

**401.32 Reserved**

**401.33 Medical and Dental Clinics Offices:**

- A. All required parking, loading and unloading shall be contained entirely on lot, including sufficient maneuvering room so that vehicles will not back onto a public street. Any parking area next to a residential use shall be screened (see definition of *Screening*).
- B. All lighting shall be so arranged to prevent glare to adjoining properties.

**401.34 Airports:** All classes of airports shall be allowed as a conditional use. However, the Township will need to adopt specific airport zoning regulations. The developer shall:

- A. Provide the Township with all the technical data required by the appropriate airport zoning regulations as set forth by the Bureau of Aviation, Pennsylvania Department of Transportation.
- B. Be responsible for all reasonable fees and cost incidental to preparing and adopting airport zoning provisions as an amendment to this Ordinance.

- C. Assist in any enforcement proceedings, including the cost of prosecution.

**401.35 Community Residential Facility:** Community residential facilities may be allowed as a conditional use provided all applicable provisions of this Section are met, in addition to all other applicable provisions of this Ordinance.

- A. A community residential facility is a facility providing residence and specialized services for eight (8) or less persons and qualified staff who provide twenty-four (24) hour care, supervision and services for such residents. Such facilities are commonly known as group homes, or halfway houses.
- B. No community residential facility shall be located within two thousand (2,000) feet of any other such facility.
- C. Each community residential facility shall register its exact location, capacity and agent with the Township Supervisors. The agent shall be responsible for maintaining the facility to ensure that it is compatible in appearance and condition to the other private residences in the area.

**401.36 Shopping Center Malls:** This regulation will apply to retail shopping development with twenty thousand (20,000) square feet, or more, in a single building or a group of structures of gross floor area, or to any additions to existing shopping centers of that size.

- A. All such uses shall submit a site plan prepared by a registered architect or engineer. This site plan shall contain:
  - 1. The intended development with dimensions, building footprints and use
  - 2. Utilities
  - 3. The outdoor lighting plan (see item D below)
  - 4. The parking lot plan [see 507.2] of these regulations
  - 5. Drainage plan, as required by Township ordinance
- B. All property lines which abut residential districts or pre-existing residential uses shall maintain both of the following buffer yard types:
  - 1. A twenty (20) foot wide buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless insufficient for screening or of species generally recognized as inferior for shade, erosion control or screening. If deemed so, the developer shall maintain a planting standard of

eight (8) deciduous trees and sixteen (16) coniferous trees per each five thousand (5,000) square feet of buffer yard.

2. A screening yard of spruce, arborvitae or similar evergreens, planted to the following standards: An initial row of trees to follow a lineal centerline with additional rows planted at oblique angles on each side of the centerline row, sufficient to provide complete and constant opaque screening from the time of planting. This screen of plantings shall be situated at the interior edge of the natural vegetation buffer yard and may be included in calculations of required yard areas.
- C. Planting Standards: At the time of planting, all coniferous trees shall be a minimum of six (6) feet in height, as measured from the ground. Hardwood trees shall be a minimum of twelve (12) feet in height, as measured from the ground. The Zoning Officer may inspect plantings as necessary. Trees which have died within the first year shall be replaced as needed.
- D. Lighting: Any lighting used to illuminate buildings, parking or loading areas shall be arranged to reflect the light away from the adjoining premises of any residential district or use.
- E. All retail businesses of twenty thousand (20,000) square feet or greater, shopping centers and eating and drinking places within this district shall submit a plan for future traffic access. This plan shall include reserve areas for connecting parking lots to abutting properties, maintaining sufficient setback for future collector streets or other standard arterial access limitations. As a part of the approval process, the developer shall agree to permit the interconnection of future abutting parking lots to his property and make such necessary improvements.

**401.37 Heavy Manufacturing:** Heavy Manufacturing shall meet the following performance standards:

- A. All needed permits from Federal and State environmental agencies shall be identified and presented.
  1. Noise: The sound pressure level of any industry abutting upon a residential or commercial district shall not exceed the decibel limits in the octave bands designated in the following table.

<u>Octave Frequency (Cycles per second)</u>	<u>Decibel Limits Along Residential District Boundaries</u>	<u>Decibel Limits Along Businesses or Commercial District Boundaries</u>
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the sound-level meter, shall be measured with the impact filter as manufactured by the General Radio Company or its equivalent in order to determine the peak value of the impact. For sounds so measured, the sound pressure level set forth in this table may be increased by six (6) decibels.

2. Vibration: No vibration shall be generated which can be detected by a normal person at the District boundary.
3. Glare: Activities such as welding shall be shielded from any residential use or district.
4. Lighting: All outdoor lighting shall be located at least ten (10) feet from any street right-of-way and shall be shielded and reflected away from adjacent properties and public streets.

**401.38 Warehouse and Truck Terminals, Bulk Fuel Storage:** These uses tend to be intense and can often involve issues of public safety. As such, they must meet the following conditions:

- A. All such uses must have a lot of at least two (2) acres in size. Any yard that faces a residential use or district must provide a screening area of at least ten (10) feet in addition to the required setbacks.
  1. All such uses must have direct access to a State road or highway, due to the traffic such uses engender.
  2. If the number of trucks to be accommodated in a daily basis exceed one hundred (100), the applicant will describe in detail what steps will be taken

to insure traffic safety and provide evidence that proper sight distances for both truckers and passenger cars will be provided.

3. For uses involving bulk fuels and or chemicals, a list of substances to be handled, piping plans and emergency phone numbers of company personnel must be supplied to the Greenfield Township Volunteer Fire Department.
4. Any needed permits shall be presented.
5. Lighting: All outdoor lighting shall be located at least ten (10) feet from any street right-of-way and shall be shielded and reflected away from adjacent properties and public streets.

**401.39 Landfills:** Such uses shall:

- A. Provide full documentation that all required permits have been secured from the Pennsylvania Department of Environmental Protection as well as permit from any other State or Federal agency with jurisdiction over the facility.
- B. These uses generate extensive truck traffic that would be inappropriate for residential or rural farm areas. Therefore, they must be located on a paved State road with a minimum cartway of twenty-two (22) feet that is capable of accepting both the volume of trucks and their weight expected at the facility. *(Note: These regulations are separate from the access road regulations 25 Pennsylvania Code 273.21B.)*
- C. The minimum lot size shall be forty (40) acres.
- D. Operations shall be restricted to the hours of 6:00 a.m. to 10:00 p.m., prevailing time.
- E. The operator will assist the Township relative to participation in the Host Municipality Inspector Program.

**401.40 Home-Based Business:** The purpose of this use category is to allow a variety of business activities on large lots in rural areas. Such uses are subject to the following conditions:

- A. Lot size shall be at least five (5) acres.
- B. No more than five (5) employees who are not residents of the lot shall be permitted.
- C. Hours – The business shall be operated only between the hours of 7:00 a.m. and 7:00 p.m., prevailing time.
- D. The business shall be operated by the owner-occupant of the property.

- E. Use that are not to be included under this heading include: junk and salvage yards, any heavy industrial use, any type of RV park, camping facility, off-road vehicle facilities, body or engine shop, skeet or shooting facility, or similar uses which would generate excessive noise or vehicular activity.
- F. This heading is intended for small contractor yards (primarily for equipment storage); light manufacturing and assembly (all contained in a building); the indoor storage of material of goods used by the property owner; small craft operations, such as spinning and weaving; sewing; woodworking; small-scale furniture making; artist's studios; and leather working (not to include tanneries).
- G. The Township may impose additional reasonable conditions or adjust the above requirements for the protection of neighboring properties.

**401.41 Two-Family Dwellings:** Two-family dwellings are a conditional use in R-R Districts and a permitted use in MU Districts, provided all applicable provisions of this Ordinance are met, in addition to all other applicable provisions of this Ordinance:

- A. If the lot in question already has a septic system servicing a dwelling or other building thereon, no building permit or zoning certificate shall be issued for a proposed two-family dwelling or additional dwelling unit, as the case may be, unless prior septic approval is obtained from the Erie County Department of Health. Approval from the Erie County Department of Health shall be either (a) in the form of a letter indicating that the existing septic system is adequate and does not need upgraded for purposes of servicing the proposed two-family dwelling or additional dwelling unit, or (b) the issuance of a permit by the Erie County Department of Health for the upgrading of the existing system or installation of a separate septic system for the two-family dwelling or additional dwelling unit.
- B. If the lot in question is vacant, no building permit or zoning certificate shall be issued for the construction of a two-family dwelling unless prior approval of the septic system to be installed is obtained from the Erie County Department of Health.

**401.42 Light Manufacturing:** Such uses should:

- A. Meet the definition of Light Manufacturing set forth by the Definitions section of this Ordinance.
- B. Shall employ fewer than one hundred (100) persons (largest shift) to locate in the IC District, employ fewer than thirty (30) persons in the District Village.

**401.43 Restaurants:** In the Village District, restaurants will be allowed, subject to the following conditions:



- A. Outdoor lighting shall be directed away from the adjacent structures.
- B. Drive-through facilities will not be permitted.
- C. Structures shall be limited to three thousand (3,000) square feet in size.
- D. Hours of operation – Facilities will not open before 6:00 a.m., nor stay open after 11:00 p.m.

**Section 402 Procedures for Special Exceptions and Conditional Uses**

All applications for a special exception or conditional use shall be filed with the Greenfield Township Zoning Officer. Such applications shall be in forms provided by the Township and shall include:

- A. A brief narrative describing the proposed use and, as appropriate, its operation.
- B. Recite the criteria as set forth by this section needed for a special exception or a conditional use and describe how the proposed development conforms to same.
- C. Provide a site plan.
- D. Provide any landscaping plan required, including those for screening and/or buffer yards.
- E. Any other pertinent data which may be useful in reviewing the proposal.
- F. All applications shall be complete and shall be accompanied by required fees.

The processing of special exceptions and conditional uses is set forth in Articles 7 and 8.

**ARTICLE 5  
SUPPLEMENTARY REGULATIONS**

**Section 501 Nonconforming Uses and Structures**

Every structure, use or lot which does not conform to the regulations of the district in which it is located at the time of adoption of this Ordinance or amendment thereto, shall be considered “nonconforming.” The following provisions shall apply to all nonconforming uses and structures. It is the intention of Greenfield Township that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this Article.

**501.1** Any nonconforming use may be continued, or may be changed to a use of the same or a more restrictive classification, but may not be extended or expanded unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the provisions of this Ordinance.

**501.2** A nonconforming structure which has been partly or completely destroyed, other than by intent or design, may be rebuilt or repaired within one (1) year and continued. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure declared unsafe by any public official. (See also 501.4.)

**501.3** In the event that any nonconforming use voluntarily ceases, for whatever reasons, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance.

**501.4** The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A nonconforming building or structure may, with the approval of the Zoning Hearing Board, be extended, enlarged or replaced. Furthermore, such structures must comply with the area, yard regulations and height restrictions of the district in which the structure is located, and must meet all off-street parking and loading requirements of this Ordinance.

**501.5** Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance.

**501.6** Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

**501.7** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Article shall also apply to any uses which thereby become nonconforming.

**501.8** Nonconforming signs may be repaired, provided that no structural alterations are made which increase the gross surface area of the sign.

Nonconforming signs may not be enlarged or added to; however, the interchange of panels on nonconforming signs shall be permitted.

## **Section 502 Existing Lots of Record**

**502.1** Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance, however, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located.

## **Section 503 Application of Yard Regulations, Fences**

**503.1** Notwithstanding any other provision in this Ordinance, no lot in any district shall exceed a one-to-four (1-to-4) lot width to lot depth ratio.

**503.2** Where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of either or both sidelines of the lot, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.

**503.3** 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 yards except as noted in Section 503.4, Section 503.5, and Section 503.7.

**503.4** A wall or fence up to eight (8) feet in height in a Residential District (R-R, MU, and V), eight (8) feet high in the Commercial District C-1) or the Interchange Commercial District (IC) and ten (10) feet high in a Manufacturing District (M-1) and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Fences shall be set back from property lines some two (2) feet to allow for maintenance. Fences may be permitted in front yard areas provided they do not restrict the required free sight triangle at intersections. Fences for safety purposes or containment of livestock that do not block public road or driveway lines of sight are exempt from these provisions.

**503.5** Small garden sheds, storage sheds and similar accessory structures may be permitted in rear yard areas, provided such structure does not lie closer than five (5) feet to side lot line or within ten (10) feet of the rear property line.

**503.6 Attached Accessory Structures:** When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

**503.7 Permitted Projections:** Typical architectural features, including, but not limited to, bay windows, window sills, cornices and eaves, shall be permitted to project into required yards no more than two (2) feet.

**503.8 Ramps** for handicapped persons will be permitted and shall be so designed to minimize intrusions on any required yards.

#### **Section 504 Temporary Structures, Storage Structures**

**504.1 Construction Activities:** Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. They shall be removed when construction is complete. Permits for temporary structures shall be issued for a one (1) year period. Temporary structures are subject to setback requirements. Temporary structures for housing, such as mobile homes, will be allowed during the construction of a new dwelling on a lot. However, it will not be permanent and shall be removed within one (1) year from the date of the Certificate of Occupancy on the new dwelling. Other structures such as “PODs,” or unoccupied structures, used for temporary storage during construction will also be allowed. Such structure(s) shall be removed within one (1) year from the date of the Certificate of Occupancy on the new dwelling.

**504.2 Temporary Storage Structures:** Storage structures shall be allowed in all districts. They shall:

- A. Be located behind the principal structure.
- B. Permits: To be issued for a one (1) year period. Permits may only be extended beyond one (1) year upon application to the Board of Supervisors. The applicant shall provide the Board with adequate reason to extend the permit.
- C. Structures: The Township will allow a variety of structures for storage; however, former mobile homes, recreational vehicles, or other recreation vehicles, or the like, will not be accepted.

#### **Section 505 Height Limitations**

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

**505.1** Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one (1) foot for each additional foot of height;

**505.2** The following structures are exempt from height regulations provided they do not constitute a hazard: church spires, chimneys, elevator bulk heads, smoke stacks, telecommunication towers (see 401.2 also) or antennas, conveyors, residential wind turbines and wind farms, flag poles, agricultural barns, silos and similar farm structures, standpipes, elevated water tanks, derricks and similar structures.

## **Section 506 Performance Standards**

Every industrial or commercial use of land or structure in any district must observe the following performance requirements:

**506.1 Fire Protection:** Fire protection 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 material is carried on.

**506.2 Electric Disturbance:** No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.

**506.3 Air Pollution/Smoke:** All air-borne emissions shall comply with the regulations of the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency (US).

**506.4 Glare:** Lighting devices shall be full or partial cutoff to reduce glare on adjoining properties.

**506.5 Water Pollution:** No permit shall be issued until all applicable wastewater, stormwater or erosion/sedimentation control permits have been obtained.

**506.6 Vibration:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property, except that the temporary vibration as a result of construction activity shall be permitted.

## **Section 507 Off-Street Loading and Parking**

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

**507.1 Off-Street Loading:** Every use listed in the following table shall provide off-street loading berths in accordance with the structure size as listed on the following table.

Off-Street Loading Space Requirements:

<u>Use</u>	<u>First Berth</u>	<u>Second Berth</u>
<b>Industrial:</b>		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000
<b>Commercial:</b>		
Wholesale	20,000	50,000
Retail	20,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	80,000
Office Building	40,000	100,000
Hotel/Motel	20,000	100,000
<b>Institutional:</b>		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
<b>Public Buildings:</b>		
Auditoriums	30,000	100,000
Arenas	30,000	100,000

Note: All figures are given in gross feet of floor area (GFA) for each listed use.

507.1(a) Size and Access: Each off-street loading space shall be not less than fourteen (14) feet in uniform width and sixty (60) feet in length with fifteen (15) feet of vertical clearance. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto. Loading spaces shall not be located in the required front yard.

Loading spaces for vehicles over a two (2) ton capacity shall be located at least thirty (30) feet from any property line adjoining residential use or zoning classification. All loading spaces located along a property line adjoining residential use or zoning classification shall be screened by an opaque wall, fence or hedge at least six (6) feet in height.

## **507.2 Off-Street Parking:**

507.2(a) Size and Access: For all uses, each parking space shall have a uniform area of one hundred eighty (180) square feet, being at least ten (10) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a road.

507.2(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. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ for the uses.

PARKING

USE SPACES

REQUIRED PARKING

Animal (Veterinarian) Hospitals, Kennels and Boarding Facilities	1 for each 3 animals for boarding, Veterinarian offices, 4 spaces plus staff parking
Driving Ranges and Miniature Golf	1 per tee
Auto Sales and Service	1 for each 250 square feet GFA
Service Stations	1 for each 250 square feet GFA
Single-Family Dwelling and Duplex	2 per dwelling unit
Multi-Family Dwelling	2 per dwelling unit*
Mobile Home Parks	1.50 per each mobile home space
Hotels and Motels	1 per guest room**
Funeral Home and Mortuaries	20 for the first parlor, 5 for each additional parlor
Hospitals	1 per each bed**
Nursing Homes	1 per each 3 beds**
Churches	1 per each 3 seats
Schools	1 per each teacher and staff 1 for each 4 classrooms + 1 for each 4 high school students
Sports Arenas, Stadiums Theaters, Auditoriums, Assembly Halls	1 per each 3 seats
Community Buildings, Social Halls, Dance, Halls, Clubs and Lodges	1 space for each 60 square feet of public floor area
Roller Rinks	1 space for each 250 square feet GFA
Bowling Alleys	5 per alley
Banks and Offices	1 for each 250 square feet GFA
Medical Office and Clinics	8 spaces per doctor
Dental Offices	5 spaces per doctor
Retail Stores	1 per each 200 square feet GFA
Fast Food/Drive-Thru Restaurants	1 per each 2 patron seats**
Furniture Stores	1 per each 400 square feet GFA
Food Supermarkets	1 per each 200 square feet GFA
Mobile Home and Monument Sales	1 per each 2,500 square feet of lot area
Restaurants, Taverns and Nightclubs	1 for each 2.5 patron seats
Industrial and Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 space per employee, on the largest shift, plus 1 spare for each 10,000 GFA for visitors
Commercial Recreation (not otherwise covered)	1 space for every 2 persons permitted in maximum occupancy
Boarding or Rooming Houses	1 for each rental room
Business and Corporate Offices	1 per each 250 square feet GFA

\*Multi-family units devoted to the elderly shall only be required to provide .5 parking spaces per *dwelling* unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.

\*\*Plus one (1) space per employee and staff on major shift.

*Note: GFA means gross floor area.*



507.2(c) Screening and Landscaping: Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of Screening) or use. In addition, there shall be a planting strip of at least eight (8) feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained. For lots of twenty-five (25) or more, see 507.2.

507.2(d) Minimum Distance and Setbacks: No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, school, hospital, or similar institution.

507.2(e) Lighting (see also Section 511): Full or partial shielded lighting (see also Section 511) shall be used to illuminate off-street parking or loading areas and shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from roads or highways.

507.2(f) Parking Lot Landscaping: The objective of this section is to improve the appearance of parking lots and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for the installation and maintenance of landscaping for screening. Landscaping plans will be required for all parking lots of ten thousand (10,000) square feet or larger.

507.2(g) Stacking Requirements for Drive-In, Drive-Through Facilities: This section provides vehicle standards for drive-in, drive-through facilities. These may include such uses as banks, fast-food restaurants and car washes. The purpose of these standards is to provide minimum stacking capacity for various uses so vehicles will not use public streets while queuing in line for service. All references to stacking capacity relates to typical automobiles. A length of twenty (20) feet per auto will be used to accommodate one (1) vehicle and minimal head space. Minimum stacking lane width is nine (9) feet.

Use	Stacking Capacity Per Drive-In Window
Restaurant	8* per drive-in window
Bank	5 per drive-in window
Car Wash	4 per wash bay
*If there are separate order and pickup windows, four (4) for each shall be accepted.	

For other uses, guidelines for the Institute of Traffic Engineers may be used or the written recommendations of a professional engineer.

*Note: Stacking capacity is to be measured from the lot line to the service window and is not to include any area of the public right-of-way.*

## **Section 508 Signs**

The following sign regulations shall be observed in all districts (see also 903.4):

- A. The following signs shall be permitted in all districts, and no permit shall be required to erect such signs:
1. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided such *sign* shall not exceed thirty-two (32) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event. Signs shall be allowed for a six (6) month period.
  2. Signs offering the sale or rental of the premises upon which the sign is erected are permitted.
  3. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed thirty-two (32) square feet in “C” and “M” Districts, and provided that such sign shall be removed upon completion of the work. Signs will be allowed for a six (6) month period. Once construction is complete, the sign shall be removed. Contractor signs in the R-A and R-B Districts shall be limited to twelve (12) square feet.
  4. Development Signs: Signs of no greater than twenty (20) square feet identifying residential developments at one entrance to the development shall be allowed.
  5. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of such sign shall not exceed six (6) square feet.
  6. Temporary signs not exceeding twelve (12) square feet advertising for open houses, garage sales, yard sales, parties, weddings, reunions or other similar matters, provided, however:
    - No more than four (4) signs are posted;

- No sign is erected or maintained more than seventy-two (72) hours before the event;
  - All signs are removed within twenty-four (24) hours after the event is completed.
- B. No signs shall be permitted within street lines, except those of a duly constituted governmental body, including traffic signs and similar regulatory notices.
- C. Directional and information signs, not exceeding eight (8) square feet in *area*, per use, premises or establishment, and used for the direction and protection of the public, shall be permitted in all non-residential districts.
- D. The height of free-standing signs from curb level to the top of the sign shall not exceed fifteen (15) feet in all areas except commercial districts where they may extend to twenty-five (25) feet in height.
- E. In Residential, the Conservation Districts, permitted signs will be allowed in the front yard, but must be at least ten (10) feet behind the front property line. In commercial districts, signs may be permitted up to the front yard line except where such signs would interfere with the required free sight triangle (see Definitions), or where they would interfere with pedestrian or traffic visibility. Signs shall not project over or onto any public right-of-way.
- F. Signs may be lighted with non-glaring lights, or may be illuminated by shielded floodlights.
- G. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.
- H. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- I. Political Signs: Such signs shall be permitted in all districts.

**508.1 In R-R and MU Districts, the following signs shall be permitted:**

- A. Home occupation, no impact home-based business are allowed a wall, freestanding or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed twelve (12) square feet and provided that each such sign

shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten (10) feet of a street line.

- B. Sign, bulletin board, announcement board or identification sign for schools, churches, hospitals, or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services; provided that the area of any such sign shall not exceed forty (40) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage.
- C. For multiple-unit dwelling complexes, one (1) sign, not to exceed two (2) square feet per building, shall be permitted identifying the name, address and telephone number of the owner or manager. In addition, one (1) sign which exclusively identifies the multiple-unit dwelling complex by its commonly known name, said sign not to exceed thirty-two (32) square feet, shall be permitted. Any such signs shall be no closer than ten (10) feet for the front lot line.

**508.2** In the **Commercial District**, the following signs shall be permitted:

- A. Wall signs, provided that the total of such *signs* shall be limited to one-and-one-half (1½) square feet for each lineal foot of horizontal building facade length. These signs may be illuminated or non-illuminated. Wall signs shall be allowed on all building frontages. Such signs shall not extend more than twelve (12) inches from the main wall of the building.
- B. Special temporary promotional devices, signs or displays, such as banners or pennants. Where such signs are outside of a building, they shall remain on display for a period not to exceed thirty (30) consecutive days.
- C. Pole Signs: May be illuminated or non-illuminated. The area per sign face shall not exceed fifty (50) square feet in surface area per face. No more than two (2) sign faces shall be permitted. There shall be at least ten (10) feet of clearance between ground level and the bottom of the sign face.
- D. Ground Signs: Shall not exceed twelve (12) square feet in size and may be illuminated or non-illuminated.
- E. Shopping Centers (Multi-Tenant Identification Signs): One (1) directory-type sign shall be permitted for a shopping center which identifies the name of the shopping center and the tenants of the facility. Such a sign shall not exceed sixty (60) square feet in overall size per sign face. In addition, some twelve (12) square feet for each tenant name may be used on the directory sign (see illustration). Tenants will be allowed signs on, or in the shopping center in accordance with Section F below, Wall Signs.

- F. Multi-Tenant Building: Where more than one (1) tenant exists in a building, each tenant shall be allowed a sign. Such a sign shall not exceed sixty (60) square feet in overall size per sign face. In addition, some twelve (12) square feet for each tenant name may be used on the directory sign (see illustration).

**508.3 Billboards:** Billboards will be permitted subject to the following conditions:

- A. The surface of the sign shall not exceed three hundred (300) square feet.
- B. No more than two (2) panels per sign structure shall be permitted.
- C. No billboard shall be within six hundred (600) lineal feet in any direction of an existing residence.
- D. No billboard shall be within one thousand five hundred (1,500) lineal feet of another billboard.
- E. Billboards shall only be allowed in areas six hundred (600) feet deep abutting I-86 and I-90 (see Zoning Map).

### **Section 509 Individual Mobile Homes**

Individual mobile homes shall be permitted on individual lots only if they meet the following conditions:

- A. The proposed lot shall meet all area and yard requirements of the district.
- B. All mobile homes shall follow UCC regulations relative to installation.

### **Section 510 Commercial/Manufacturing (M-1) Districts**

- A. The structures and uses allowed in the M-1 District are subject to the following express standards and criteria:
  - 1. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least fifteen (15) feet in depth measured from the property line.
  - 2. Along all property lines adjoining residential uses or zoning classifications, the required yard clearance for manufacturing uses shall be one hundred (100) feet.
  - 3. All uses shall comply with the Performance Standards specifications in Section 506 of this Ordinance.

4. The following accessory uses shall be permitted:
  - a. Employee cafeterias or dining facilities.
  - b. Retail sales and distribution of products manufactured on the site.
  - c. Administrative offices.

### **Section 511 Residential Wind Turbines**

These are devices used to convert wind energy for individual residential or farm usage. Such devices are allowed in all districts. They must be behind the principal structure and observe all yard setbacks.

### **Section 512 Wind Farms**

#### **512.1 Title**

This section of the Zoning Ordinance shall be known as the Wind Energy Facility Regulations for Greenfield Township.

#### **512.2 Purpose**

The purpose of the section is to provide for the construction and operation of Wind Energy Facilities in Greenfield, subject to reasonable conditions that will protect the public health, safety and welfare.

#### **512.3 Definitions**

- A. “Applicant” is the person or entity filing an application under this section.
- B. “Facility Owner” means the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.
- C. “Operator” means the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.
- D. “Hub Height” means the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.
- E. “Occupied Building” means a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

- F. “Turbine Height” means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
- G. “Wind Turbine” means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.
- H. “Wind Energy Facility” means an electric generating facility, whose main purpose is to supply electricity, 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.
- I. “Non-Participating Landowner” means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

#### **512.4 Applicability**

- A. This section applies to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance, except that this section is not intended to apply to stand-alone Wind Turbines constructed primarily for residential or farm use.
- B. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; Provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.

#### **512.5 Permitted Use**

A Wind Energy Facility shall be considered a permitted use.

#### **512.6 Permit Requirement**

- A. No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed or located within Greenfield Township unless a permit has been issued to the Facility Owner or Operator approving construction of the facility under this Ordinance.
- B. The permit application or amended permit application shall be accompanied with a fee in the amount as set by the Township Supervisors.
- C. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall

require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

### **512.7 Permit Application**

- A. The permit application shall demonstrate that the proposed Wind Energy Facility will comply with this section.
- B. Among other things, the application shall contain the following:
  - 1. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
  - 2. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
  - 3. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
  - 4. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
  - 5. Documents related to decommissioning.
  - 6. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.
- C. Within (30) days after receipt of a permit application, the Township will determine whether the application is complete and advise the applicant accordingly.
- D. Within sixty (60) days of a completeness determination, the Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an



opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

- E. Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, the Township will make a decision whether to issue or deny the permit application.
- F. Throughout the permit process, the Applicant shall promptly notify the Township of any changes to the information contained in the permit application.
- G. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

### **512.8 Design and Installation**

#### **A. Design Safety Certification**

The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

#### **B. Uniform Construction Code**

To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142.

#### **C. Controls and Brakes**

All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

#### **D. Electrical Components**

All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

#### **E. Visual Appearance; Power Lines**

1. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
2. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
3. Wind Turbines shall not display advertising.
4. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

F. Warnings

1. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
2. 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 ten feet from the ground.

G. Climb Prevention/Locks

1. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
2. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

**512.9 Setbacks**

A. Occupied Buildings

1. Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the required setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building
2. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

- B. Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the required setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
- C. Public Roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

#### **512.10 Waiver of Setbacks**

- A. Property owners may waive the setback requirements in 9(A)(2) (Occupied Buildings on Non-participating Landowner's property) and 9(B) (Property Lines) by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
- B. The written waiver shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this section.
- C. Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefitted and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.
- D. Upon application, the Township may waive the setback requirement for public roads for good cause.

#### **512.11 Use of Public Roads**

- A. The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.
- B. The Township's engineer or a qualified third party engineer hired by the Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
- C. The Township may require a bond on the road in compliance with State regulations.

- D. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
- E. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

#### **512.12 Local Emergency Services**

- A. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including the volunteer fire department(s).
- B. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

#### **512.13 Noise and Shadow Flicker**

- A. Audible sound from a Wind Energy Facility shall not exceed fifty (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
- B. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

#### **512.14 Waiver of Noise and Shadow Flicker Provisions**

- A. Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.
- B. The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Ordinance.
- C. Any such waiver shall be recorded in the Recorder of Deeds Office of Erie County. The waiver shall describe the properties benefitted and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

### **512.15 Signal Interference**

The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

### **512.16 Liability Insurance**

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the Township upon request.

### **512.17 Decommissioning**

- A. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- B. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
- C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- E. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; Provided, that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

- F. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- G. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Paragraph 17(A), then the landowner shall have six (6) months to complete decommissioning.
- H. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Paragraphs 17(A) and 17(G), then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- I. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

**512.18 Public Inquiries and Complaints**

- A. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- B. The Facility Owner and Operator shall make reasonable efforts to respond to the public’s inquiries and complaints.

**512.19 Remedies – See Article 9.**

**513 Regulations Governing Agriculture:**

- A. No farm livestock or fowl shall be kept in a building, pen or containment, any part of which is closer to the nearest lot line than fifty (50) feet. No garbage or refuse, other than produced on the premises shall be used, dumped or stored. Intensively used facilities, such as feed lots or similar uses, shall be set back at least two hundred (200) feet from the nearest lot line.
- B. The size of working farms should comply with the regulations of DEP (Nutrient Management Act). Those caring for personal animals on site (horses, etc.) shall have a lot of at least two (2) acres.

## **ARTICLE 6 DEFINITIONS**

### **Section 601 Interpretation**

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word “shall” is always mandatory. The word “building” includes “structure” and shall be construed as if followed by the words “or any part thereof.” The phrase “used for” includes “arranged for,” “person” includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word “includes” or “including” shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

### **Section 602 Specific Terms**

The following words and phrases shall have the meaning given in this section:

Accessory Building - a subordinate building, incidental to, and located on the same lot as, the principal building, and used for an accessory use.

Accessory Use - A use incidental to, and subordinate to and located on the same lot occupied by the principal use to which it relates.

Agriculture - Any agricultural use, including farming, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture, viticulture, horse keeping, animal and poultry husbandry, and forestry (including the harvesting of timber), but excluding specialized animal raising and care or dog kennels as defined by this Ordinance. Agriculture also includes the home sale of fruits, meats, vegetables and similar agricultural produce.

Agricultural Services - Auction barn businesses selling goods or services to a substantially agricultural clientele, including: feed mills, seed sales, feed grinding services, and agricultural implement dealers.

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

Basement - A floor level completely below grade or floor level in which more than two-thirds (2/3) of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first floor line to the finished grade is five (5) feet or less, and the slope of the finished grade extending ten (10) feet from the building walls does not exceed thirty (30) degrees.

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

Billboard - A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Boarding House - See Rooming House.

Buffer Area - A landscaped area of a certain depth specified by the Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material which within three (3) years of planting meets the standard of providing a compact, year-round visual screen at least six (6) feet in height; or an existing natural or constructed barrier which duplicates the effect of the required buffer area. (See also Screening)

Building - A roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

Building or Setback Line - Imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.

Business Service - Any business activity that renders service to other commercial or industrial enterprises.

Campground - An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and recreational vehicles.

Car Wash - An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Church - A place of religious instruction or public worship.

Commercial Recreation - A facility which offers various indoor or outdoor recreational opportunities for its patrons including such games as: pool, billiards, bowling, video games, miniature golf and similar pursuits.

Commission or Planning Commission - The Greenfield Township Planning Commission.



Communications Antenna - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or 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 three hundred seventy-five (375) square feet.

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

Conditional Use - A use to be allowed or denied by the Board of Township Supervisors pursuant to the express standards and criteria set forth in this Ordinance and the recommendations of the Greenfield Township Planning Commission. In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and of this Ordinance.

Conservancy Lot - A large, privately owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding resident with visual access to Greenway land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standards for Greenway land. Public access to conservancy lots is not required.

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

County Planning Commission - The Erie County Planning Commission.

Coverage - The percentage of a lot covered by buildings or structures, measured as gross floor area divided into lot area.

Day Care Services for Children (Day Care) - Provides out-of-home care for part of a 24-hour day to children under sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children:

- a. Family Day Care Homes - Facilities in which child day care is provided at any one time to four (4), five (5), or six (6) children who are not relatives of the care giver.

- b. Group Day Care Homes - The premises in which care is provided at one time for more than six (6) but fewer than sixteen (16) older school-age level children or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises.
- c. Day Care Centers - Facilities in which care is provided for seven (7) or more children, at any one time, where the child care areas are not used as a family residence.

Childcare for less than four (4) children will not be considered as Day Care Services.

DEP - The Pennsylvania Department of Environmental Protection.

Dog Kennel - Any facilities identified and licensed as a kennel by the laws or regulations of the Commonwealth of Pennsylvania.

Dwelling - A building arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other upon the premises. Dwellings include traditional “stick-built” structures as well as manufactured units such as mobile homes. The term “dwelling” shall not be deemed to include “hotel,” or “motel.”

- a. Single-Family Dwelling - A building containing only one (1) dwelling unit.
- b. Two-Family Dwelling - A building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.
- c. Multi-Family Dwelling - A building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments.
- d. Detached Dwelling - A dwelling with yards on all four (4) sides.

Dwelling Unit - A building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one (1) family.

Eating and Drinking Places - A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state.

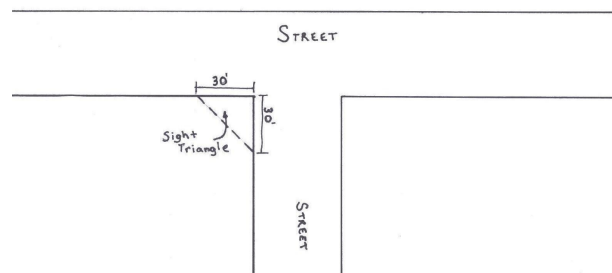
Essential Services - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains,

sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

Family - An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision. Family shall not include persons living together in a Group Home, Assisted Living Facility, or Nursing Home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act.

Floor Area - The sum of the gross area of the several floors of a building or buildings measured from the face of the exterior walls, or from the center line of the walls separating two (2) buildings.

Free Sight Triangle - A triangular-shaped area of land at intersections in which nothing is erected, planted or allowed to grow in excess of four (4) feet in height to provide adequate sight distance for motorists at road intersections. At a minimum, in Greenfield Township, the free sight triangle shall be measured thirty (30) feet along the right-of-way line (see illustration).



Garage, Private - An enclosed area for the storage of one (1) or more motor vehicles and other personal property owned and used by the residents of the dwelling to which the garage is accessory in which no business, occupation or service is conducted for profit other than the rental of space for not more than two (2) cars.

Gasoline Service Station - An area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

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

Greenway Land - That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features.

Gross Floor Area (GFA) - The total floor area of a structure that is designed for occupancy and use.

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.

Height of Building - The vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

Home Occupation - Any use customarily carried on within a dwelling or accessory building, by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Examples include, but are not limited to: professional services, such as legal, financial, accounting or engineers, barber and beauty shops, studios of artists, writers and associates. (See also Professional Office and No Impact Home-Based Business.)

Hospital - An institution providing health services primarily for human in-patients and is duly licensed as such by the Commonwealth of Pennsylvania.

Junk - Any discarded material or article, and shall include, but not be limited to, scrap metal, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. For the purpose of this Ordinance, a proper container shall mean a solid plastic or metal container, with a sealable lid, specifically designed for the storage of waste matter.

Junk Yard - Any place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses.

Limited Retail Business - Small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by smaller size [less than three thousand (3,000) square feet Gross Floor Area] and confining all commercial activities indoors.

Lot - A tract or parcel of land, regardless of size, held in single or joint ownership, which is occupied or capable of being occupied by buildings, structures, and accessory buildings,

including such open spaces as are arranged, designed or required. The term “lot” shall also mean “parcel,” “plot,” “site,” or similar term.

Lot, Corner - A lot at the point of intersection of and abutting on two (2) or more intersecting streets.

Lot, Line - Any line dividing a lot from another lot or from an abutting street or other right-of-way.

Manufacturing, Light - The assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce: noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within four hundred (400) feet, including production of the following goods: Home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).

Mini-Storage Facilities, a/k/a Self-Storage Facilities - A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Mobile Home - A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or more units designed to be joined into one (1) 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.

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

Motel - A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. The definition includes hotels, motor lodges and similar uses.

No Impact Home-Based Business - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling

and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. The business activity must not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- e. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- f. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

Nonconforming Lot - A lot the area or dimension of which was lawful prior to the adoption or amendment of this 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 of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

Nursing Home - A facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania.

Parking Space - An open space with a dustless all-weather surface, or space in a private garage or other structure with an effective length of at least eighteen (18) feet and a uniform width of at least ten (10) feet.

Personal Care Home - A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

Personal Services - Any enterprise conducted for man which primarily offers services to the general public, such as: shoe repair, valet services, watch repairing, barber shops, beauty parlors and related activities.

Planning Code - The Pennsylvania Municipalities Planning Code, Act 247 of 1968 as re-enacted and amended by Act No. 170 of 1988 and Acts 67 and 68 of 2000, and as further amended from time to time.

Professional Office - The office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation.

Public Recreation/Public Parks and Playgrounds - Parks and playgrounds that are owned and operated by a governmental agency.

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

Repair/Service Business (see also Service Station) - A building designed and used for the storage, care, repair or refinishing of motor vehicles or engines including both minor and major mechanical overhauling, paint, and body work.

Right-of-Way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main or shade trees.

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

Retail Services - Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

Rooming House - A dwelling having three (3) or more sleeping rooms for rent to persons not related to its other occupants. The term “rooming house” includes the term “boarding house.” A “boarding house” includes meals for its tenants.

Sanitary Landfill (Landfill) - A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards and permitted by the Pennsylvania Department of Environmental Protection.

Screen Planting - Screen planting for this Ordinance shall mean an evergreen hedge at least six (6) feet high at time of planting, planted in such a way that it will block a line of sight. The screening may consist of either one (1), or multiple rows of bushes or trees and shall be at least four (4) feet wide. It shall be the responsibility of the property owner to maintain a screen planting, replacing trees as needed. The Zoning Officer may require replacement of screening trees that die in the first year.

Screening - Screening shall mean a fence, screen planting or wall at least six (6) feet high, provided in such a way that it will block a line of sight. (See also Buffer Area.)

Self-Storage Facilities - See Mini-Storage Facilities.

Service Station - Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires and motor vehicles.

Shopping Center - A commercial facility developed as a mixture of uses, including retail sales, theaters, personal services and eating and drinking places, but planned, constructed, managed or promoted as an integral whole.

Sign - Any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification. The word “sign” includes the word “billboard,” but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs, nor religious or devotional displays. (See also Billboard.)

The “area of a sign” shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface,



the area shall be considered the smallest rectangle which can be drawn to encompass all of the letters and symbols.

Sign, Business - A sign that directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

Special Exception - A use permitted with special permission granted by the Zoning Hearing Board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

Story - That portion of a building located between the surface of any floor and the next floor above; if there is not more than one (1) floor the space between any floor and the ceiling next above it shall be considered a story.

Street - A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street Line - A line defining the right-of-way boundaries of a street.

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

Truck Terminal - Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Veterinary Clinic - A facility used for the treatment of domestic animals for pay with health treatment provided by a licensed veterinarian.

Warehousing and Distribution - A use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. For the purpose of this Ordinance, storage of explosive, inflammable, hazardous or community-recognized offensive conditions shall be considered heavy industry.

Wind Farm - Also known as a Wind Energy Facility, it means an electric generating facility, whose main purpose is to supply electricity, 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, but excluding single wind turbines used for individual residences or farms.

Yard - That portion of a lot which is unoccupied and open to the sky and extends from the lot line or right-of-way to the setback line.

Zoning Officer - The Zoning Officer of the Township of Greenfield, or his/her authorized representative.

**ARTICLE 7**  
**HEARINGS OF THE BOARD OF TOWNSHIP SUPERVISORS**

**Section 701 Jurisdiction**

Under Article IX of the Pennsylvania Municipalities Planning Code, the Board of Township Supervisors have jurisdiction over the following matters which pertain to this Ordinance.

- A. Conditional Uses
- B. Substantive questions of ordinance validity through the filing of a curative amendment
- C. Amendments to this Ordinance either to its text or to the Zoning Map
- D. Appeals from the certain actions of the Zoning Officer or Municipal Engineer relative to items specified in Section 909.1 of the Planning Code.

**Section 702 Conditional Uses**

Certain uses, as specified by this Ordinance, are conditional uses to be granted or denied by the Board of Supervisors. The Greenfield Township Planning Commission is to advise the Board of Supervisors relative to conditional uses. In general, the Board is to be governed by the specific criteria set forth by this Ordinance, the general intent of the Ordinance, the welfare of the community and the recommendations of the Greenfield Township Planning Commission in rendering its decision. The Board may attach reasonable conditions to its decision. Specific procedures for Board action follow:

- A. Where the Board, in the zoning ordinance, has stated conditional uses to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the Board or the Board may appoint any member or an independent attorney 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 the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final. In granting a conditional use, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this act in the Zoning Ordinance.

**B. Time Limitations:**

1. The Board shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons thereof. Conclusions based on any provisions of the 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.
2. Where the Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, 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 the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board shall fail to provide such notice, the applicant may do so.
3. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no later than the day following its date.

**Section 703 Substantive Challenges, Curative Amendments**

These issues shall be handled in accordance with Articles VI and IX of the Planning Code in general.

**703.1 Procedure for Landowner Curative Amendments:**

- A. A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Planning Code. The Board shall commence a hearing thereon within

sixty (60) days of the request as provided in Section 916.1. The curative amendment and challenge shall be referred to the Greenfield Township Planning Commission and notice of the hearing thereon shall be given as provided in Section 610 and Section 916.1 of the Planning Code.

- B. The hearing shall be conducted in accordance with Section 908 of the Planning Code and all references therein to the Zoning Hearing Board shall, for purposes of this section be references to the Board provided, however, that the deemed approval provisions of Section 908 shall not apply and the provisions of Section 916.1 shall control. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. If the Board of Township Supervisors determines that the validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
  - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Map;
  - 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
  - 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetland, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
  - 5. The impacts of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

**703.2 Procedure for Municipal Curative Amendments:** If the Township determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. The Board of Supervisors shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board shall:
  - 1. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
    - a. References to specific uses which are either not permitted or not permitted in sufficient quantity;
    - b. Reference to a class of use or uses which require revision; or
    - c. Reference to the entire Ordinance which requires revisions.
  - 2. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Section 609 in order to cure the declared invalidity of the Zoning Ordinance.
- C. Upon the initiation of the procedures, as set forth in clause (A), the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the Planning Code nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause (A)(1). Upon completion of the procedures as set forth in clauses (A) and (B), no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the Planning Code shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this section.
- D. If the Township utilizes the procedures as set forth in clauses (A) and (B), it may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Zoning Ordinance, pursuant to clause (B); provided, however, if after the date of declaration

and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

**Section 704 Amendments**

Please refer to Article 10 of this Ordinance.

**Section 705 Other Appeals**

For the subject matter and processing of other appeals, the Township will be governed by Article IX of the Planning Code in general and Section 909.1 therein in particular.

## **ARTICLE 8 ZONING HEARING BOARD**

### **Section 801 Creation**

There is hereby created a Zoning Hearing Board, herein referred to as the “Board,” consisting of three (3) residents of Greenfield Township appointed by the Board of Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

### **Section 802 Appointment**

The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, nor be a member of the Planning Commission. The Board of Supervisors shall also appoint one (1) alternate members. The appointment, terms, rights and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code.

### **Section 803 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 Board of Supervisors, taken after the member has received fifteen (15) 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.

### **Section 804 Organization of Board**

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 or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where members are disqualified to act in a particular matter or are absent and a quorum is not available, an alternate member shall be seated. The use and selection of alternates shall be consistent with Section 906 of the Planning Code. 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 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with Township ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors as requested.



## **Section 805 Expenditures for Services**

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

## **Section 806 Legal Counsel**

Where legal counsel is desired, an attorney, other than the Municipal Solicitor, shall be used.

## **Section 807 Hearings**

The Board shall conduct hearings and make decisions in accordance with Article IX of the Planning Code and the following requirements.

- A. Notice of hearings shall be given to the public by public notice as set forth in the Planning Code in a newspaper of general circulation in the County. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The Board of Supervisors 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.
- C. The first hearing shall be held within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be

granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent of the record by the applicant and Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- D. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- E. The parties to the hearing shall be the Township, 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.
- F. 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 the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. 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.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the 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.
- J. 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, except that advice from the

Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials 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 representative unless all parties are given an opportunity to be present.

- K. 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 forty-five (45) days after the last hearing before the Board or Hearing Officer. Where 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 of this Ordinance or the Planning Code, or any 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 forty-five (45) 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 thirty (30) days after the report of the Hearing Officer. Except for challenges filed under 916.1 of the Planning Code, where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to commence, conduct or complete the required hearing as required by Article IX of the Planning Code, 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 within ten (10) days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.
- L. 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 no later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

### **Section 808 Board's Functions**

The Board shall have exclusive jurisdiction for the following:

- 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 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 thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- 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 nonconforming use, structure or lot.
- D. Appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and Section 808(H) of this Ordinance.
- F. Appeals from the Zoning Officer's determination under Section 916.2 of the Planning Code.
- G. Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.
- H. Variances: The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary 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:
  - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the

circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the applicant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

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

- I. Uses not provided for: Whenever in this ordinance a use is not specifically permitted the applicant shall have two (2) options. Option one (1) is to apply for an amendment to this zoning ordinance to allow such a use. Or, (2) upon the denial of a permit by the Zoning Officer, the applicant can appeal to the Zoning Hearing Board which shall have the authority to permit such as use, however, it shall be only located in the M-1 - Commercial / Manufacturing District and shall comply with all lot, yard and heights regulations of same.

### **Section 809 Parties Appellant Before Board**

Appeals under Section 808 and proceedings to challenge the Ordinance under Section 808 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 808 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

### **Section 810 Time Limitations; Persons Aggrieved**

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

approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.

### **Section 811 Stay of Proceedings**

Upon filing of any proceeding referred to in Section 808 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. See also Section 915.1 of the Planning Code.

**ARTICLE 9  
ADMINISTRATION, ENFORCEMENT AND APPEALS**

**Section 901 Zoning Officer**

Greenfield Township shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall also have the duties as set forth by Article 9 of this Ordinance. The Zoning Officer shall not hold any elective office in the Township.

**Section 902 Duties of the Zoning Officer**

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use, which does not conform to this Ordinance. The Officer shall be considered as qualified to perform his/her duties by meeting the qualifications established by Greenfield Township. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

**902.1 Application for Zoning Permits:** The Zoning Officer shall receive applications for Zoning Permits. A Zoning Permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable ordinances. Applications conforming to such ordinances shall be approved, those not conforming to such ordinances shall be denied. All permits shall be good for one (1) year.

**902.2 Inspections:** The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Zoning Permit or a Zoning Certificate has been requested.

**902.3 Permits, Applications, Appeals and Certificates:** The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved; shall receive all applications for Conditional Uses, Special Exceptions and Variances and forward same to the appropriate body. Where a decision is made by another body, the Zoning Officer shall issue or deny the permit as ordered by the applicable Board. It is the intent of the Ordinance that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate State law. The filing of Appeals, Special Exceptions and Variances shall be within such time limits as specified by the Pennsylvania Municipalities Planning Code. The filing of Conditional Uses shall follow procedures set forth by the Board of Supervisors.

**902.4 Enforcement:** The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance and to revoke or refuse permits as authorized.

## Section 903 Permits and Certificates

**903.1 Zoning Permits:** An application for a Zoning Permit will show compliance with this and other appropriate ordinances. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plat plans as well as the number of copies, time limits and fees for such applications shall be determined by the Township.

**903.2 Certificate of Occupancy:** A Certificate of Occupancy shall be required prior to the occupancy or use of any vacant land or prior to the occupancy or use of any structure hereafter constructed, reconstructed, moved, altered or enlarged. The purpose of the Certificate of Occupancy is to confirm that the development described in the Zoning Permit Application has been completed in compliance with the application and this Ordinance. Certificates of Occupancy shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure. Said applications shall be on forms as approved by the Township, as appropriate, and shall be accompanied by a fee as set by the Board of Supervisors.

**903.3 Zoning Certificate:** The Zoning Certificate shall be issued upon request to confirm that the use of land or a building within the Township is in compliance with this Ordinance. The exact form of the Certificate and fees charged shall be determined by the Township.

**903.4 Sign Permit:** A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Section 508 of this Ordinance.

- A. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.
- B. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.
- C. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:
  - 1. Dimensions of lot or building upon which the sign is proposed to be erected.
  - 2. Exact size, dimensions and location of the said sign on lot or building.
  - 3. Any other lawful information which may be required by the Zoning Officer.



## **Section 904 Violations**

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

- A. The name of the owner of record and any other person against whom the Township 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 this Ordinance.
- F. 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.

**904.2 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, and any amendment thereto or prior enabling laws, the Township, the Zoning Officer of the Township, 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 Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of Greenfield Township. No such action may be maintained until such notice has been given.

**904.3 Jurisdiction:** District justices shall have initial jurisdiction over proceedings brought under Section 904.4.

**904.4 Enforcement Remedies:** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

## **ARTICLE 10 AMENDMENTS**

### **Section 1001 General**

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

### **Section 1002 Petitions**

Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the Board of Supervisors.

### **Section 1003 Referral**

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Greenfield Township Planning Commission and the Erie County Planning Department shall be referred to these agencies for their review and recommendations prior to the public hearing by the Board of Supervisors. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the Township, Planning Commission and County Planning Department.

### **Section 1004 Action**

Before acting upon a proposed amendment, the Board of Supervisors shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing.

In addition to the requirement that notice be posted where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all property located within the area being rezoned, as evidenced by tax records within the possession of the Township. Notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

**ARTICLE 11**  
**CONSERVATION OVERLAY DISTRICT**

*Note: Growing Greener references in this document are based on the “Growing Greener: Conservation by Design,” handbook, 1999, published by the Pennsylvania Department of Conservation and Natural Resources (DCNR) and the Natural Land Trust.*

**Section 1101 - Purposes**

- A. In conformance with the Pennsylvania Municipalities Planning Code, the purposes of this Article, among others, are as follows:
1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
  2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
  3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
  4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community’s population diversity may be maintained;
  5. To implement adopted Township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Township’s Long-Range Land Use Plan;
  6. To implement adopted land use, transportation, and community policies, as identified in the Township's comprehensive plan;
  7. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
  8. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents;
  9. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines and critical wildlife habitats;

10. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and
  11. To conserve scenic views and elements of the municipality's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.
- B. In order to achieve these purposes, this Article provides for flexibility in designing new residential subdivisions by allowing four forms of “by-right” development referred to as “options,” as summarized below:
1. Option One: Neutral Density and Basic Conservation, providing for residential uses at the density permitted by the underlying zoning. Greenway lands comprise less than thirty percent (30%) these tracts. The flexibly-designed layouts work well with either individual wells and septic systems located in the open space, or with central wells and sewage treatment facilities.
  2. Option Two: Enhanced Density with Greater Conservation, providing for higher density residential uses and a larger percentage [thirty percent (30%) or more] of greenway land in more flexibly designed layouts with, other improvements serving the community such as off-site sewage treatment facilities.
  3. Option Three: Estate Lots, providing for rural-suburban residential uses at lower densities in conventional layouts of standard houselots, where homes and streets are located carefully to minimize impacts on resource lands.
  4. Option Four: Country Properties, providing for very low densities [lots of ten (10) acres or more] appropriate to rural situations, with flexible and reduced design standards in instances where a permanent conservation easement is offered to maintain such uses.

### **Section 1102 - General Regulations**

The design of all new subdivisions in the Conservation Design Overlay District shall be governed by the following minimum standards:

- A. Ownership: The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.
- B. Site Suitability: As evidenced by the Existing Resources/Site Analysis Plan, the conceptual Preliminary Plan, and the detailed Final Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.

- C. Combining the Design Options: The various layout and density options described in this Article may be combined at the discretion of the Board of Supervisors, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Article, as compared with applying a single option to the property.
- D. Intersections and Access: New intersections with existing public roads shall be minimized. Although two access ways into and out of subdivisions containing more than twenty (20) dwellings are generally required for safety, proposals for more than two (2) entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow.
- E. Sensitive Area Disturbance: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Plan (see Greenfield Township Subdivision and Land Development Ordinance). Lands within the 100-year floodplain, wetlands, slopes in excess of twenty-five percent (25%), and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval.

**Section 1103 - Use Regulations**

The Conservation Overlay District is allowed in the Mixed-Use/Density Housing District, the Rural Resource District, the Village Mixed-Used District, and the Village District.

Land in the Conservation Design Overlay District may be used for the following purposes:

A. Single-Family Detached Dwellings

Single-family detached dwellings in Options 1, 2, 3, and 4 subdivisions:

- 1. On tracts of six (6) acres or more, single-family detached dwellings are permitted under the standards found in Sections 1104 and 1105 herein.
- 2. On tracts of less than six (6) acres, existing on the effective date of this ordinance, single-family detached dwellings are permitted under the standards for Options 1 and 2 found in Sections 1104 and 1105, and conventional lots with no required greenway land, as permitted in the base district under the current zoning ordinance.

B. Greenway Land

Greenway land comprising a portion of residential development, as specified above and according to requirements of Section 1106.

C. Non-Residential Uses

The following non-residential uses in accordance with the standards of Section 1108.

1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.
2. Woodlots, arboreta, and other similar silvicultural uses.
3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
4. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills.

### **Section 1104 - Dimensional Standards and Density Determination**

#### **A. Dimensional Standards for Option 1: Neutral Density and Basic Conservation**

1. Density Factor: This is a “density-neutral” option consistent with the pre-existing zoning provisions for this district.
2. Minimum Required Greenway Land
  - a. Subdivisions are to avoid development on greenway lands.
  - b. Large “conservancy lots” of at least ten (10) acres, conforming to the standards for Option 4 subdivisions found in Section 1104.D., and owned by individuals may occupy up to eighty percent (80%) of the greenway land, with the remainder [not less than twenty percent (20%)] deeded to a homeowners’ association or a land trust. However, the greenway land within each conservancy lot remains subject to the standards for greenway land in Section 1106, herein.
3. Average Minimum Lot Area: This is a density neutral option consistent with the underlying district. Up to twenty percent (20%) of the lots may be reduced to a minimum of eighty percent (80%) of the underlying district requirement.
4. Minimum Lot Width at Building Line: 80 feet
5. Minimum Street Frontage: 20 feet
6. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

Front: 20 feet

Rear: 40 feet

Side: 30 feet separation for principal buildings, with no side yard less than ten (10) feet

B. Dimensional Standards for Option 2: Enhanced Density with Greater Conservation

1. Density Factor: The underlying district density can be increased as set forth by Section 1110, Development Bonuses.
2. Minimum Required Greenway Land:
  - a. The subdivision must include at least thirty percent (30%) of all of the land as greenway land. Greenway land shall not be used for residential lots, except as provided below.
  - b. Large “conservancy lots” of at least ten (10) acres, conforming to the standards for Option 4 subdivisions found in Section 1104.D, and owned by individuals may occupy up to eighty percent (80%) of the greenway land, with the remainder [not less than twenty percent (20%)] deeded to a homeowners’ association or a land trust. However, the greenway land within each conservancy lot remains subject to the standards for greenway land in Section 1106, herein.
3. Average Minimum Lot Area: The average lot size may be reduced to eighty percent (80%) of the underlying district. Up to twenty (20) percent of the lots may be reduced to a minimum of seventy-five percent (75%) of the underlying district. See also Sections 1108 and 1110 for density bonuses.
4. Minimum Lot Width at Building Line: 60 feet
5. Minimum Street Frontage: 20 feet
6. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

Front: 20 feet minimum

Rear: 40 feet minimum

Side: 25 foot separation for principal buildings, with no side yard less than 10 feet



7. Maximum Impervious Coverage: 30 percent limit on each lot.
8. Maximum Height: 35 feet

C. Density Determination for Option 1 and 2 Subdivisions

The entire tract size shall be used to determine density.

D. Dimensional Standards for Option 3 Subdivisions: Estate Lots

1. Maximum Density: 1 dwelling unit per four acres
2. Minimum Lot Area: 1 acre. All lots created under Option 3 that are less than four acres shall be permanently restricted through a conservation easement from the development of more than one dwelling.
3. Minimum Street Frontage: 150 feet.
4. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

Front: 150 feet from the right-of-way of existing municipal roads, but 40 feet from the right-of-way of new subdivision streets, country lanes, or common driveways (where applicable).

Rear: 50 feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).

Side: 50 feet

5. Maximum Impervious Coverage: 4 percent limit on entire subdivision tract.
  6. Maximum Height Regulations: 35 feet
- E. Note: Option 4 are ten- (10) acre country properties.

**Section 1105 - Design Standards For Option 1 and 2 Subdivisions**

- A. Houselots shall not encroach upon Primary Conservation Areas as identified in the Greenfield Township Subdivision Ordinance, and their layout shall consider Secondary Conservation Areas as described in the Subdivision Ordinance.
- B. All new dwellings shall meet the following setback requirements:

1. From all external road ultimate right-of-way - 100 feet
  2. From all other tract boundaries - 50 feet
  3. From crop land or pasture land - 100 feet
  4. From buildings or barnyards housing livestock - 300 feet
  5. From active recreation areas such as courts or playing fields (not including tot-lots) – 150 feet.
- C. Views of houselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Subdivision and Land Development Ordinance.
- D. House lots shall generally be accessed from interior streets, rather than from roads bordering the tract.
- E. At least three-quarters of the lots shall directly abut or face greenway land across a street.
- F. Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this Article are contained in Sections 106 through 109 of this Ordinance.

### **Section 1106 - Greenway Land Use And Design Standards**

Protected greenway land in all subdivisions shall meet the following standards:

A. Uses Permitted On Greenway Lands

The following uses are permitted in greenway land areas:

1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
3. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required greenway land.

4. Forestry, in keeping with established best management practices for selective harvesting and sustained-yield forestry.
5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board\*.
6. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required greenway land or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within one hundred (100) feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces\*.
7. Golf courses, including their parking areas and associated structures, may comprise up to half of the minimum required greenway land, but shall not include driving ranges that are not part of the golf course.
8. Water supply and sewage disposal systems, and stormwater detention ponds designed, landscaped, and available for use as an integral part of the Greenway.
9. Easements for drainage, access, sewer or water lines, or other public purposes;
10. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas.

*\*These uses shall be for the exclusive use of the residents of the development.*

#### B. Greenway Design Standards

1. Greenway lands shall be laid out in general accordance with the municipality's Map of Conservation Lands (in the Greenfield Township Comprehensive Plan) to ensure that an interconnected network of open space will be provided.
2. In Option 3 subdivisions, the required greenway land comprises all of the Primary Conservation Areas (PCAs) within the total tract, and may lie within the Estate Lots. However, because the minimum lot size is one (1) acre, up to eighty percent (80%) of the Secondary Conservation land may be included within undivided open space, if the developer so chooses.
3. Greenway lands in Option 4 developments may be contained within the Country Property lots, or up to eighty percent (80%) may be set aside as undivided land with common rights of usage among the subdivision residents only.

C. Other Requirements

1. No portion of any building lot may be used for meeting the minimum required greenway land, except as permitted within country properties. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required greenway land.
2. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes in accordance with Section 1103 herein, shall be provided to greenway land in accordance with the following requirements:
  - a. Each neighborhood shall provide one centrally located access point per fifteen (15) lots, a minimum of thirty-five (35) feet in width.
  - b. Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
3. All greenway land will be for the exclusive use of the residents of the development.

**Section 1107 - Permanent Greenway Protection Through Conservation Easements**

A. In Option 1, 2, and 3 Subdivisions

1. In Option 1, 2, and 3 subdivisions, the required greenway land shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities, or as part of regular forest maintenance.) The determination of necessity shall lie with the Board. A list of permitted and conditional uses of greenway lands is contained in this Article in Sections 1103 and 1106.

B. In Option 4 Subdivisions (Country Properties)

1. In Option 4 subdivisions (Country Properties) where applicants voluntarily opt to develop their properties at densities conforming with Option 4 standards (minimum ten acres per principal dwelling), and offer to place a restrictive conservation easement preventing future subdivision of the newly created parcels, the Board shall review the proposed easements and shall accept them, provided their wording accomplishes the purposes of this Ordinance and is consistent with the Comprehensive Plan.

**Section 1108 - Discretionary Density Bonuses**

Additional density may be allowed by the Board when one of the following public benefits is proposed:

A. Public Usage of Greenway Land

1. The Board may encourage the dedication of land for public use (including active and passive recreation areas, etc.) according to the following standards: *A density bonus for greater public usage of greenway land in new subdivisions shall be computed on the basis of a maximum of one dwelling unit per five acres of greenway land or per two thousand five hundred (2,500) feet of trail that becomes publicly accessible.* Such accessible land will remain in the developer's ownership, a homeowners' association, a conservancy, or similar agency.

**Section 1109 - Ownership and Maintenance of Greenway Land and Common Facilities**

A. Development Restrictions

All greenway land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Section 1106.

B. Ownership Options

The following methods may be used, either individually or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:

1. Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as "common element."
2. Homeowners' Association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
  - a. The applicant shall provide the municipality a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities;
  - b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development;

- c. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title;
  - d. The association shall be responsible for maintenance and insurance of common facilities;
  - e. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted;
  - f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the municipality no less than thirty (30) days prior to such event; and
  - g. The association shall have adequate capacity to administer, maintain, and operate such common facilities.
4. Private Conservation Organization or the County. With permission of the Township, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to Erie County provided that:
- a. The conservation organization is acceptable to the Township and is a bona fide conservation organization intended to exist indefinitely;
  - b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or Erie County becomes unwilling or unable to continue carrying out its functions;
  - c. The greenway land is permanently restricted from future development through a conservation easement and the municipality is given the ability to enforce these restrictions; and
  - d. A maintenance agreement acceptable to the Township is established between the owner and the organization or Erie County.
5. Non-Common Private Ownership. Up to eighty percent (80%) of the required greenway land may be included within one (1) or more large “conservancy lots” of at least ten (10) acres provided the open space is permanently restricted from future development through a conservation easement, except for those uses listed in Section 1106.
6. The developer may retain ownership of all greenway land and common facilities, subject to an approved conservation easement.

C. Maintenance

1. Unless otherwise agreed to by the Board of Township Supervisors, the cost and responsibility of maintaining common facilities and greenway land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.
2. The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Greenway Lands and Operation of Common Facilities in accordance with the following requirements.
  - a. The Plan shall define ownership;
  - b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.);

**Section 1110 - Development Bonuses:** The Township of Greenfield wishes to encourage environmentally sensitive development will award density bonuses for development which conform to this Article as follows:

<u>Gross Percentage of Conservation Land</u>	<u>Density Bonus*</u>
Less than 30%	None
30% to 39%	20%
40% to 49%	25%
50% or More	30%

\*The density bonus shall be calculated by multiplying the density bonus percent to the base district density.

Example: Required Lot Size – 2 Acres

A net forty- (40) acre lot can provide twenty (20) lots for dwelling units. If the developer provides forty percent (40%) conservation lands, the developer would be permitted up to twenty-five (25) lots.

$20 \times 25\% = 5$ ; 20 permitted dwelling units plus 5 bonus lots - 25 total dwelling lots.

Ordained and enacted into an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, and shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.