

ARTICLE 10  
ZONING HEARING BOARD

**1000 ORGANIZATION AND PROCEDURE**

**A. Establishment**

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, a Zoning Hearing Board is hereby established in Valley Township, Montour County.

**B. Appointment and Membership**

The Zoning Hearing Board shall consist of three (3) residents of Valley Township to be appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office.

A Zoning Hearing Board member may be removed by majority vote of the appointing authority for just cause only after the member has received 15 days' advance notice of the Township's intent to take such a vote. Members of the Zoning Hearing Board shall hold no other office in the Township.

The Township Supervisors shall also appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. For each case, the Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

**C. Appointment to Fill Vacancies**

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

**D. General Grant of Power**

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

## **1001 POWERS AND DUTIES**

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

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

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

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

1. The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the governing body pursuant to Sections 609.1 and 916.1(a) (2) of the PA Municipalities Planning Code, as amended.
2. The Zoning Hearing Board shall hear and decide challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

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

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions. (See Section 609 for additional information regarding variances in the Floodplain Districts and Appendix A for an illustration of the variance procedure.)

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

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

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

## **1002 HEARING PROCEDURES**

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

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

### **B. Time Limitations**

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

### **C. Applications Required**

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

1. the name and address of the applicant or appellant;
2. the name and address of the owner of the parcel to be affected by such proposed change or appeal;
3. a brief description and location of the parcel to be affected by such proposed change or appeal;
4. a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof; and,
5. a reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

D. Procedure for Zoning Officer

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

E. Hearings Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Within 60 days of the date of receipt of an applicant's application for such a hearing, the Board shall fix a reasonable time and place for and commence the first hearing thereon, giving notice as follows:

1. Publish Public Notice in accordance with the definition of "Public Notice" in Article 13 of this Ordinance.
2. Post in a conspicuous place on the property involved a written notice of the pending hearing and action; such notice shall take place at least seven (7) days prior to the public hearing;
3. Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Township Planning Commission, the Planning Commission shall be given notice at least 30 days prior to the hearing); and,
4. In case of an appeal or a request for a variance, all adjacent property owners within 500 feet of the nearest line of the property for which the variance is sought shall be given written notice within seven (7) days of the hearing.

Each subsequent hearing on the application shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. The applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.

F. Rules of Conduct

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

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

A quorum of two (2) Board Members shall be required for the Zoning Hearing Board to take action. The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member, and if by reason of absence or disqualification, a quorum is not reached, the Chairman shall designate as many alternate members as necessary to reach a quorum.

G. Decisions

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

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

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day after the date

of the report. All other persons interested in the result or who filed an appearance or testified during the hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

H. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

I. Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

J. Failure to Hold Required Hearing or Render Decision

Where the Board fails to commence, conduct, or complete the required hearing or fails to render its decision within the prescribed time periods, (except for challenges filed under Section 916.1 of the PA Municipalities 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 is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision. If the Board fails to provide such notice, the applicant may do so.

K. Stay of Proceedings

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

L. Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Montour County pursuant to the procedures established in Article X-A of the PA Municipalities Planning Code, as amended.



## ARTICLE 11

### AMENDMENTS AND CONDITIONAL USES

#### 1100 AMENDMENTS TO ZONING ORDINANCE OR MAP

The municipality may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. (See Appendix B of this Ordinance for an illustration of the amendment procedure.) For Curative Amendments see Section 609.1, Procedure For Landowner Curative Amendments, under Article VI of the PA Municipalities Planning Code, Act 247 of 1968, as amended.

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

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

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the affected tract at least seven (7) days prior to the date of the hearing. Further, where a proposed amendment involves a map change, other than a comprehensive municipal rezoning, the Township shall notify all property owners within the area proposed for rezoning (by first class mail) of the date, time and location of the hearing at least 30 days prior to the hearing.

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

##### B. Review by Planning Commissions

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

C. Opportunity to be Heard

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

D. Notice of Enactment

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

E. Enactment of Amendment

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

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

**1101 CONDITIONAL USES**

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

A. Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Secretary of the Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the application to the Township Planning Commission for their review and recommendation. The Planning Commission shall conduct its review and make its recommendations within 45 days of receipt of such request.

#### **B. Written Statement**

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

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

#### **C. Site Plan**

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below. Such site plan shall be drawn to a scale sufficient to clearly show the features of the tract and shall include:

1. title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
2. tract boundaries showing bearings and distances;
3. existing significant natural or man-made features of the site;
4. existing and proposed streets, rights-of-way, easements, means of access and setback lines;
5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
6. proposed grading and drainage plan;
7. proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
8. plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,
9. location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas

of the tract.

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

**D. Hearing Requirements**

Within 60 days of the date of receipt of the applicant's application for a Conditional Use, the Supervisors shall select a date, advertise (pursuant to the definition of Public Notice), and hold the first public hearing on the proposal. Hearing shall be conducted in accordance with the proceedings set forth in Section 1002 E. of this Ordinance for Zoning Hearing Board hearings. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

**E. Criteria for Review and Approval of Conditional Uses**

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

1. the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
2. whether the specific site is an appropriate location for the use, structure or condition;
3. whether the use developed will adversely affect the neighborhood;
4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
5. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
6. the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,
7. whether satisfactory provision and arrangement has been made concerning the following:
  - a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
  - b. off-street parking and loading areas;

- c. waste collection, storage and disposal;
- d. utilities, with reference to location, availability and compatibility;
- e. screening and buffering with reference to type, dimensions and character;
- f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,
- g. required yards and open spaces.

#### F. Decisions

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

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

#### G. Failure to Hold Required Hearing or Render Decision

Where the Township Supervisors fail to commence, conduct, or complete the required hearing or fail to render their decision within the prescribed time periods (except for challenges filed under Section 916.1 of the PA Municipalities 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 a violation of the prescribed time periods, the Township Supervisors shall give public notice (in the same manner as is done for the public hearing) of the decision within ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

#### H. Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorization within six (6) months from the date of authorization.

I. Appeals

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

## ARTICLE 12

### ADMINISTRATION AND ENFORCEMENT

#### 1200 ZONING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Township Supervisors, hold no elective office in the municipality, and shall have the following duties:

- A. to receive and process applications for permits, certificates, variances, conditional uses, appeals and other applications required under the terms of this Ordinance;
- B. to prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- C. to issue Zoning Permits for the construction, alteration and occupancy of all uses or buildings which are in accordance with the requirements of this ordinance, within 10 days after receipt of an application for such a permit. In cases of applications for a Conditional Use or a variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board and in certain instances (i.e. a Conditional Use request) hearings before the Township Supervisors;
- D. to deny applications for Zoning Permits which do not meet the requirements of this Ordinance, within 10 days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action;
- E. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;
- F. to issue or deny Certificates of Use and Occupancy within 10 days after final inspection in accordance with the procedures set forth in Section 1203 of this Ordinance;
- G. to issue written enforcement notices as specified in Section 1204 A. of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the Township as a means of enforcing the zoning regulations;
- H. to maintain and update the official Zoning Map as amendments are made by the Township Supervisors;
- I. to maintain a log of all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued;

- J. to post notice of pending Zoning Hearing Board hearings in accordance with the procedures established in Section 1002 E.2 of this Ordinance; to post notice of proposed zoning district boundary changes as per the requirement of Section 1100 A. of this Ordinance; and to post notice of Conditional Use hearings in accordance with the requirements of Section 1101 D. of this Ordinance;
- K. to present to the Zoning Hearing Board, in each case before the Board, all relevant facts and arguments to support the Township's position, interpretation, and procedures in application of the provisions of this Ordinance;
- L. to present facts, records and other information to the Township Supervisors and/or Township Planning Commission, upon request of such body, as will assist them in their deliberations of specific applications;
- M. to issue Certificates of Nonconformance as requested. (See also Sections 900 F. & 901 A.); and,

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

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

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

## **1202 ZONING PERMITS**

### **A. Requirements for Zoning Permits**

It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefor. Specifically, a Zoning Permit shall be required:

- 1. prior to the placement, erection, construction, addition or alteration of any building or structure, or portion thereof;



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

***except as listed below.*** (In some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)

#### Exemptions

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

1. interior alterations when there is no increase in ground floor exterior dimension and no change in use;
2. general maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition of storm windows, and similar activities;
3. agricultural activities, including crop or tree farming and/or animal husbandry;
4. landscaping or clearing woodlands;
5. construction or erection of fences, land terraces, steps or other similar features; and,
6. placement or location of transmission, distribution and/or collection lines for utilities.

#### B. Application for Zoning Permits

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

The Zoning Officer shall have 14 calendar days after receipt of a completed application to issue or deny requests for a Zoning Permit. Any denial shall be in writing and shall state the reason(s) for such action.

C. Description of Work

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

D. Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all regulations, including performance standards that will permit carrying out the provisions of this Ordinance. Included in the information shall be a copy of a sewage permit when one is needed for the disposal of sewage from a proposed building. Also, if Labor and Industry or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

E. Changes

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

F. Posting of Permit

The Zoning Permit shall be displayed or posted on the premises during the time construction is in progress. The Permit shall remain posted until completion of the project and final inspection has been made by the Zoning Officer.

G. Time Limitations for Permit

Work on the proposed construction shall be completed within 12 months after the date of issuance of the Zoning Permit or the Permit shall expire, unless a time extension is granted in writing by the Zoning Officer. The right to proceed may be extended for no more than two (2) additional six month periods of time. Time extensions may be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to grant such a request. Any extensions beyond the additional one (1) year period must be considered by the Zoning Hearing Board.

For the purposes of this Ordinance, construction and/or development shall be considered to have started with the preparation of land, including land clearing,

grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

#### H. Inspections

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

#### I. Revocation of Permits

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall be submitted to the Township Supervisors for whatever action they may deem necessary.

#### J. Temporary Permit

A Temporary Zoning Permit may be authorized by the Zoning Officer for a non-permanent structure or use where it is deemed beneficial to the public health or general welfare or necessary to promote the proper development of the community, provided that such structure or use shall be completely removed upon expiration of the Permit without cost to the Township. Such Permits may be issued for a period of time not to exceed one (1) year, and may be renewed annually for an aggregate period of three (3) years.

### **1203 CERTIFICATES OF COMPLIANCE/OCCUPANCY & USE AND OCCUPANCY PERMITS**

#### A. Requirements for Certificates of Compliance/Occupancy & Use and Occupancy Permits

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a Certificate of Compliance/Occupancy AND a Use and Occupancy Permit are issued by the Building Code Inspector and the Township Zoning Officer, respectively. It shall be the responsibility of the applicant to contact the Building Code Inspector upon completion of construction. Upon notification, the Building Code Inspector shall examine the construction and if satisfactorily completed, shall forward a Certificate of Compliance/Occupancy to the Township Zoning Officer. The Zoning Officer shall then perform a final inspection of the property and shall issue a Use and Occupancy Permit to the applicant allowing the building or structure to be occupied or used.

#### **B. Issuance and Effect**

The applicant shall notify the Building Code Inspector upon completion of the permitted activity and the Inspector shall examine the construction within ten (10) days of the notification. He shall then either issue or deny the Certificate within ten (10) days after the last inspection thereof and forward it to the Township Zoning Officer. The Zoning Officer shall perform his final inspection within ten (10) days after receipt of the Certificate of Compliance/Occupancy from the Building Code Official and shall either issue or deny the Use and Occupancy Permit within ten (10) days thereafter. If any part of the construction is found in violation with the provisions of this Ordinance or the terms of the Building or Zoning Permit, the Certificate of Compliance/Occupancy and/or Use & Occupancy Permit shall be denied and the applicant shall be notified in writing of the deficiencies or reasons for denial. Once granted however, the Certificate and Permit shall continue in effect so long as there is no change in use, regardless of change in ownership, tenants or occupants.

### **1204 VIOLATIONS AND ENFORCEMENT**

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

#### **A. Enforcement Notice**

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

1. be served upon the property owner or sent to him by certified mail (return receipt requested);
2. include the name of the owner of record and any other person against whom the Township intends to take action;
3. include the location of the property in violation;
4. identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of the Ordinance;
5. contain an outline of remedial action which, if taken, will effect compliance;
6. specify the time to be allotted for initial response to the Notice and specify the time to be allotted for correction or abatement of the alleged violation;
7. notify the recipient of his right to appeal to the Township Zoning Hearing Board prior to the expiration of the time period provided for response to the notice; and,

8. indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted or remedied as provided in this Section.

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

**B. Causes of Action**

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

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

**C. Enforcement Remedies**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law, shall, upon being found liable therefore in a civil enforcement proceeding commenced by Valley Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Valley Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid to Valley Township.

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

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

#### **1205 FEES**

Fees for the issuance of Zoning Permits, Certificates of Compliance/Occupancy, ordinance amendments, Conditional Uses, variances and other zoning actions shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution of the Township Supervisors and as may be amended hereafter by subsequent Resolution.

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

## ARTICLE 13

### DEFINITIONS

#### 1300 INTERPRETATIONS

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

#### 1301 DEFINITIONS

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

**ACCESS DRIVE:** A durable, all-weather surfaced means, other than a street, which provides vehicular access from a street or public road to a lot; i.e. a driveway.

**ADULT BOOK STORE:** An establishment having a substantial or significant portion of its stock and trade in books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities, or an establishment with a segment or section devoted to the sale or display of such materials. (See also Section 428.)

**ADULT ENTERTAINMENT ESTABLISHMENT:** Adult book stores, adult cabarets (with or without live entertainment), adult drive-in picture theaters, adult mini-motion picture theaters, adult motion picture theaters, adult amusement or video arcades, adult massage parlors, and similar establishments providing entertainment which depicts, describes or relates to sexual activities.

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

**AGRIBUSINESS:** The sale of agricultural products or commodities, including but not limited to, farm produce, seed, fertilizers, and farm machinery.

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

**AGRICULTURE:** The use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

**ALLEY:** A permanent servicerway providing a secondary means of access to lots.

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

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

**AREA:**

- a. **Area, Lot:** The area contained within the property lines of individual parcels of land shown on a plan, excluding any area within a street right-of-way, but including the area of any easement or future street right-of-way.
- b. **Area, Buildable:** That portion of a lot bounded by the required front, side and rear yards.
- c. **Area, Habitable Floor:** Any floor area within a dwelling unit that is usable for living purposes, including area for working, sleeping, eating, cooking, and recreation, or a combination thereof. Floor area used only for storage purposes, such as closet, attic, or unimproved basement space shall not be considered habitable floor area.
- d. **Area, Site:** The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

**AUTOMOTIVE OR MOTOR VEHICLE REPAIR SHOP:** A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, farm machinery or equipment, and/or snow mobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance.

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

**AUTOMOTIVE OR MOTOR VEHICLE SERVICE STATION:** A building or place of business where gasoline or any motor vehicle fuel or oil or other lubricating



substances, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered.

**BASE FLOOD:** A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the 100-year flood or one percent (1%) annual chance flood.)

**BASE FLOOD DISCHARGE:** The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

**BASE FLOOD ELEVATION (BFE):** The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

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

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

**BOARDING OR ROOMING HOME:** A building or structure containing a single family dwelling unit and rooms for the lodging of no more than six (6) additional persons for periods of time exceeding one (1) week, where no provision is made for cooking in any individual room. (See also Section 426.)

**BOARD OR ZONING HEARING BOARD:** The Zoning Hearing Board of Valley Township.

**BUFFER YARD:** Yard space, either landscaped or planted, provided between high intensity activities and residential uses.

**BUILDING:** A structure having a roof which is used for the shelter or enclosure of persons, animals, or property. The word "building" shall include any part thereof.

- a. **Building, Accessory:** A detached, subordinate structure located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.
- b. **Building, Principal:** A structure in which the principal use of the site is conducted.

c. Building, Attached: A building which has one (1) or more party walls in common with adjacent buildings.

d. Building, Detached: A building which has no party walls.

BUILDING COVERAGE: That percentage of the plot or lot area covered by the principal and accessory buildings, including covered porches, carports, and breezeways, but excluding open patios, parking or loading areas.

BUILDING HEIGHT: A vertical distance measured from the mean elevation of the proposed finished grade to the highest point on the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridges for gable, hip, or gambrel roofs.

BUILDING SETBACK LINE OR BUILDING LINE: A line within and across a lot defining the required minimum yard between a structure and any adjacent street right-of-way line or other property line; i.e. the front, side or rear yard setback requirement.

CAMPGROUND: A tract or tracts of ground, or portion thereof, used for the purpose of providing two (2) or more spaces for recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space.

CARTWAY: The surface of a street or alley available for vehicular traffic or the area between curbs.

CELLAR: A portion of a building partly underground, having half or more than half of its clear height below grade. A cellar shall not be considered in determining the permissible number of stories or determining habitable floor area nor shall it be used for dwelling purposes.

CERTIFICATE OF COMPLIANCE/OCCUPANCY: The certificate issued by the Zoning Officer which certifies that all work authorized by the Zoning Permit has been satisfactorily completed and the building or proposed use thereof complies with the provisions of this Ordinance.

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

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

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

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

**COMMUNICATIONS ANTENNA:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or 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 limitation, ham and citizen band antennas.* (See also Section 429.)

**COMMUNICATIONS EQUIPMENT BUILDING:** An unmanned building or cabinet containing communications equipment required for the operation of communications antennas. (See also Section 429.)

**COMMUNICATIONS TOWER:** A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas. (See also Section 429.)

**COMPREHENSIVE PLAN:** The complete plan for the development and redevelopment of Valley Township as recommended by the Township Planning Commission and adopted by the Township Board of Supervisors.

**CONDITIONAL USE:** A use permitted in certain districts, as provided for in Article 3, which may only be authorized by the Township Supervisors as set forth in Article 11 of this Ordinance.

**CONDOMINIUM:** A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**CONSTRUCTION:** See NEW CONSTRUCTION.

**CONVERSION APARTMENT:** A dwelling or other building converted for occupancy by not more than three (3) families.

**COUNTY:** Montour County, Pennsylvania.

**CROP FARMING:** See AGRICULTURE.

**DAY CARE CENTER OR DAY NURSERY:** For the purposes of this Ordinance, a day care center or day nursery shall be defined as a private facility enrolling more than six (6) young children where tuition, fees, or other forms of compensation for the care of the children is charged and which is licensed or approved to operate as a child day care center by the PA Department of Public Welfare.

**DENSITY:** The number of families, individuals, dwelling units, or housing

structures permitted to be constructed or situated on a specific unit of land.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of mobile homes or manufactured housing; streets, and other paving; utilities; filling, grading, and excavation; mining; dredging or drilling operations; storage of equipment or materials; and the subdivision of land.

**DISTRICT:** A zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

**DRIVEWAY:** A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

**DWELLING:** A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

- a. **Dwelling, Single-Family Detached:** A dwelling containing only one (1) dwelling unit from ground to roof, having independent outside access and open space on all sides, except for a mobile home as defined below. (See MOBILE HOME.)
- b. **Dwelling, Single-Family Attached:** A dwelling containing only one (1) dwelling unit from ground to roof, having independent outside access and a portion of one or two walls in common with an adjoining dwelling(s); i.e. a townhouse, garden apartment, or duplex. For the purposes of this Ordinance, a single-family attached dwelling structure shall contain a minimum of three (3) dwelling units.
- c. **Dwelling, Two-Family Attached:** An attached or semi-attached building containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar; i.e. a duplex.
- d. **Dwelling, Multi-Family:** A dwelling containing three (3) or more dwelling units not having independent outside access and not having party walls forming a complete separation between individual dwelling units; i.e. an apartment building or condominium.

For the purposes of this Ordinance, a MULTI-FAMILY HOUSING DEVELOPMENT shall consist of more than one (1) multi-family dwelling structure or more than one (1) single-family attached dwelling structure, or combination thereof.

**DWELLING UNIT:** One or more rooms in a dwelling structure designed for the use by one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles and facilities for transient lodging shall not be considered as dwelling units for the purposes of this Ordinance.

**ELEVATION CERTIFICATE:** A certificate prepared by a registered professional engineer, land surveyor or architect that certifies the precise elevation of the first

floor, including basement, of a building or enclosed structure situated within an identified floodplain area, used for the purpose of determining compliance with the terms of this Ordinance and the appropriate rate to apply to an application for flood insurance.

**ENCLOSED USE:** A use which is located entirely within a structure.

**ENTERTAINMENT FACILITIES, PUBLIC:** Facilities operated as a business for profit, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, motion picture theaters, health clubs, and similar types of establishments, but excluding adult entertainment facilities.

**EXISTING MOBILE HOME PARK OR SUBDIVISION:** A mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of the most recent amendments to the Township's floodplain management regulations (July 1, 2015).

**EXPANSION TO AN EXISTING MOBILE HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)

**FAMILY:** One or more persons related by blood or marriage occupying a single dwelling unit and living as a single household unit. (See also GROUP FAMILY HOUSEHOLD.)

**FAMILY DAY CARE HOME:** A family residence where care is provided for no more than six (6) children unrelated to the resident household and which is registered by the PA Department of Public Welfare to provide such care. For the purposes of this Ordinance, a family day care home shall be considered to be a home occupation.

**FARM:** For the purposes of this Ordinance, a farm shall be defined as a parcel of land used for agricultural purposes or activities.

**FARM BUILDING:** See AGRICULTURAL STRUCTURE.

**FENCE:** Any structure constructed of wood, metal, wire mesh or masonry erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purposes of this Ordinance, a masonry wall shall be considered to be a fence.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS):** The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**FLOOD, ONE HUNDRED YEAR:** A flood that on the average is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

**FLOODPLAIN:** 1) A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation. 2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODPROOFING:** Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents. (See Section 602 for further details of acceptable floodproofing techniques.)

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**FREEBOARD:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**FOREST MANAGEMENT ACTIVITIES:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not include any land development. (See also TIMBER HARVESTING.)

**GARAGE:** A building or structure used for the parking and storage of vehicles.

- a. **Garage, Private:** An accessory building or an accessory portion of a principal building designed or used for the parking or storage of motor vehicles which is not a commercial enterprise available to the general public.
- b. **Garage, Public:** A building or group of buildings used exclusively for the parking or storage of motor vehicles, available to the general public for compensation.

**GRADE:** The degree of rise or descent of a sloping surface.

- a. **Grade, Street:** The elevation of the centerline of an existing or proposed street; the percentage of slope.

b. Grade, Finished: The final elevation of the ground surface after development.

GROSS FLOOR AREA: The sum of the gross horizontal areas of all of the floors of a building measured from exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles, basement or cellar floor areas where this area is not used for business or dwelling purposes, and the area of enclosed or unenclosed porches, decks, patios, and terraces.

GROUP CARE FACILITY: A facility or dwelling unit housing persons unrelated by blood or marriage which operates as a group family household, including but not limited to halfway houses, recovery homes, homes for orphans, foster children, the elderly, battered children and women, and specialized treatment facilities providing less than primary health care.

GROUP FAMILY HOUSEHOLD: A group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability.

GROUP QUARTERS: A dwelling that houses unrelated individuals.

HABITABLE FLOOR AREA: Any floor area within a dwelling unit which is useable for living purposes, including area for working, sleeping, eating, cooking and recreation, or a combination thereof. Floor area used only for storage purposes, such as closet, attic or unimproved basement space shall not be considered habitable floor area.

HAZARDOUS MATERIALS: Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register.
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1) by an approved state program as determined by the Secretary of the Interior;  
or,

2) directly by the Secretary of the Interior in states without approved programs.

**HOME OCCUPATION:** A service-oriented occupation operated for gain or profit conducted entirely within the operator's residence or in a building accessory thereto, which is carried on by the inhabitant(s) thereof and is clearly secondary to the use of the dwelling for residential purposes and does not change the character thereof. (See Section 410.)

**HORTICULTURE:** The growing of fruits, vegetables, flowers, ornamental plants, shrubs, or trees for profit.

**HOTEL OR MOTEL:** A building or structure other than a dormitory arranged or used for sheltering, sleeping, and/or feeding of transient or overnight guests, in which no provision is made for cooking in any individual room.

**IDENTIFIED FLOODPLAIN AREA:** Those floodplain areas identified in this Ordinance as being inundated by the Base Flood, including areas identified as FW, FF and A Areas/Districts in Section 602 B. of this Ordinance.

**JUNK:** Any discarded article or material not ordinarily disposed of as rubbish, garbage, or refuse and including, but not limited to, scrap metal, scrapped, abandoned or junked automobiles, machinery, equipment, paper, rags, glass containers and other salvageable materials. For purposes of this Ordinance, the term "junk" shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

**JUNKED OR ABANDONED MOTOR VEHICLE:** Any motor vehicle which does not bear a current license or registration and is not currently inspected, or which is not in runnable condition and is stored outside of an enclosed building.

**JUNK YARD OR AUTO SALVAGE OPERATION:** Any outdoor establishment, place of business, or use of land which is maintained, used or operated for storing, keeping, buying or selling junk. (See also Section 425.)

**KENNEL OR STABLE:** A building or structure where animals are housed, feed and/or trained for a fee, including but not limited to dog, cat or animal kennels, horse stables or riding academies.

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

**LANDSCAPING:** Grass and other plantings such as trees, shrubs and/or bushes.



**LOADING BERTH:** A space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

**LODGING FACILITY, COMMERCIAL:** A building or structure arranged or used for the sheltering, sleeping, and/or feeding of overnight guests for limited periods of time, including hotels, motels, country inns or similar types of commercial lodging establishments. Dining facilities associated with such uses may also be open or available to the public if authorized by the appropriate Township officials. (See also HOTEL or MOTEL.)

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

- a. **Lot Area:** See "AREA".
- b. **Lot Depth:** The mean horizontal distance from the street line of a lot to its opposite rear lot line measured in the general direction of the side lot lines.
- c. **Lot Width:** The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such lot line and the opposite lot line.
- d. **Lot, Corner:** A lot with two adjacent sides abutting on streets. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- e. **Lot, Double Frontage:** A lot which extends from one street to another, with frontage on both streets.
- f. **Lot, Reverse Frontage:** A lot extending between and having frontage on an arterial or collector street and a local street with vehicular access solely from the latter.

**LOT LINES:** The property lines bounding the lot.

- a. **Lot Line, Front:** The line separating the lot from a street.
- b. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line.
- c. **Lot Line, Side:** Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

**LOT OF RECORD:** A lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Montour County, PA.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area of a building or structure (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement or cellar area is not considered a building's lowest floor, provided that

such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the National Flood Insurance Program.

MANUFACTURED HOME: See MOBILE HOME.

MANUFACTURED HOME PARK: See MOBILE HOME PARK.

MARKET VALUE: The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer & seller are willing to do business.

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beams or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements, nor shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used with or without a permanent foundation. For floodplain management purposes, the term shall also include manufactured housing, and park trailers, travel trailers, recreational vehicles and other similar units which are placed on a site for a period of time exceeding 180 consecutive days. (See also Section 403.)

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 PAD OR STAND: That part of an individual mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more park trailers, travel trailers, recreational vehicles, and other similar types of manufactured housing for a period of time exceeding 180 consecutive days. (See also Section 408.)

MULTI-TENANTCONVENIENCE PLAZA: A retail establishment contained in one or more buildings offering a variety of products or services to the traveling public, including consumer goods or merchandise, gasoline or related automotive supplies, food and beverages, as well as ATM or similar convenience services.

For the purposes of this Ordinance, such products and services may be offered by a single owner/operator or may be provided by multiple retailers.

**NEW CONSTRUCTION:** Structures for which the start of construction commenced on or after the effective date of the most recent amendments to the Township's floodplain management regulations (July 1, 2015) and includes any subsequent improvements to such structures. Any construction started after the date of the Township's first adopted floodplain management regulations and before July 1, 2015 is subject to the Ordinance in effect at the time the Zoning Permit was issued, provided that the start of construction was within 180 days of the Permit issuance.

**NEW MOBILE HOME PARK OR SUBDIVISION:** A mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 1, 2015, the effective date of the most recent amendments to the Township's floodplain management regulations.

**NO-IMPACT HOME-BASED BUSINESS:** A business or commercial activity administered or conducted as an accessory use in a residential dwelling which is clearly secondary to the use of the residence as a dwelling and which meets the no-impact criteria set forth in Section 410 A. of this Ordinance.

**NONCONFORMING LOT:** A lot which does not conform to the minimum width, depth, or other dimensional requirements specified for the district in which it is located (Article 3), including those lots which existed prior to the enactment of this Ordinance. (See Section 901 for applicable provisions.)

**NONCONFORMING STRUCTURE:** A structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Ordinance, including those structures which lawfully existed prior to the enactment of this Ordinance or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs. (See Section 900 for applicable provisions.)

**NONCONFORMING USE:** A use of a building or land which does not comply with the applicable use regulations (Article 3) of this Ordinance or amendment, including those uses which lawfully existed prior to the enactment of this Ordinance or amendment. (See Section 900 for applicable provisions.)

**NURSING HOME:** A licensed establishment which provides full-time convalescent or chronic nursing and/or medical care. Such facilities shall not provide surgical, obstetrical or other services generally provided by a hospital.

**OBSTRUCTION:** Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream to the damage of life or property.

**OPEN SPACE:** Space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

- a. **Open Space, Public:** Any land area set aside, dedicated, designated or reserved for public enjoyment.
- b. **Open Space, Common:** Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the residents of the development and which may include complementary structures and improvements as are necessary and appropriate.

**OUTDOOR FUEL-BURNING APPLIANCE:** Any equipment, device or apparatus, including a furnace, stove or boiler, which is installed, affixed or situated outdoors and which is designed and constructed to burn solid fuels, including wood, coal or other solid fuels, for the purpose of heating a building or structure used for human or animal habitation or any accessory use or structure such as a greenhouse or swimming pool. Other outdoor heating devices, or other heating devices utilizing electricity, oil, propane or natural gas as fuels, are not considered outdoor fuel-burning appliances for the purposes of this Ordinance. (See also Ordinance # 04 of 2008 for further regulation of these appliances.)

**PARKING SPACE:** An off-street area on a lot available for the parking of one (1) motor vehicle and having direct, useable access to a street or road. A parking space may include covered garage space or uncovered lot space located off of the public right-of-way.

**PARK OR PLAYGROUND:** A public, semi-public, or private park or park-type facility which provides outdoor recreational enjoyment and activity, either for free or on a fee basis. Such facilities may include golf courses, tennis or basketball courts, baseball or other athletic fields, swimming, hiking and picnic areas, and playgrounds and may also include buildings and accessory structures.

**PARTY WALL:** A wall on an interior lot line or a wall adapted for joint service between two (2) buildings.

**PERSONAL SERVICE BUSINESS:** For the purposes of this Ordinance, personal service businesses shall include but need not be limited to barber shops, beauty parlors, self-service laundry and dry cleaning establishments, radio and television repair shops, home appliance and similar equipment repair facilities, tailor and dressmaking shops, travel agencies, or other establishments of a related nature.

**PLANNED RESIDENTIAL DEVELOPMENT:** Any area of land controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance. (See also Section 427.)

**PLANNING COMMISSION:** The Planning Commission of Valley Township, Montour County, PA.

**POST-FIRM STRUCTURE:** A structure for which construction or substantial improvement occurred on or after the date of the community's initial Flood Insurance Rate Map (FIRM), and as such, is required to be compliant with the regulations of the National Flood Insurance Program.

**PRE-FIRM STRUCTURE:** A structure for which construction or substantial improvement occurred on or before the date of the community's initial Flood Insurance Rate Map (FIRM), and as such, is not required to be compliant with the regulations of the National Flood Insurance Program.

**PROFESSIONAL OFFICE:** The office of a member of a recognized profession. A professional office shall be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is only secondary to the residential use of the building.

**PUBLIC HEARING:** A formal meeting held pursuant to public notice by the Township Supervisors, Township Planning Commission, or Township Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**PUBLIC MEETING:** A forum held pursuant to notice under the Act of July 3, 1978 (P.L. 388, No. 84), known as the Sunshine Act.

**PUBLIC NOTICE:** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

**PUBLIC UTILITY TRANSMISSION TOWER:** A structure owned and operated by a public utility electric company regulated by the PA Public Utility Commission, designed and used to support overhead electricity transmission lines.

**RECREATIONAL VEHICLE:** A vehicle which is: 1) built on a single chassis; 2) not more than 400 square feet, measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable by a light-duty truck; 4) is not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (See also Section 416.)

**RECREATION FACILITY:** See PARK OR PLAYGROUND.

**REGULATORY FLOOD ELEVATION:** For the purposes of this Ordinance, the regulatory flood elevation shall be defined as the base flood elevation (BFE) or estimated flood height as determined by using simplified methods plus a freeboard safety factor as established by this Ordinance.

**REPETITIVE LOSS:** Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

**RESIDENTIAL WIND ENERGY SYSTEM:** A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics, which has a rated capacity or not more than 10kw and which is intended to primarily reduce on-site consumption of electric power. A system is considered a residential wind energy system only if it supplies electricity solely for on-site uses, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. (See also Section 430.)

**RESOURCE EXTRACTION OPERATION:** Quarrying or commercial extraction of rock, sand, gravel, earth, clay or other similar materials, including facilities for the batching or mixing of extracted materials.

**ROADSIDE STAND:** A temporary booth, stand or shelter located along a roadway (but off of the road right-of-way) from which farm, nursery or greenhouse products grown on the premises are offered for sale to the general public.(See also Section 415.)

**SCREEN PLANTING:** The provision of a barrier to visibility, glare and noise between adjacent properties made of plant materials, such as trees or shrubs which will be of such species that will produce the desired visual screen within three (3) years of planting. Such plantings shall however adhere to the requirements of Section 506 and shall be broken at points of vehicular or pedestrian access or utility easements.

**SERVICES, ESSENTIAL:** Services necessary for the preservation of the public health and safety, including but not limited to, the erection, construction, alteration or maintenance, by public utility companies or governmental agencies, of under-ground or overhead transmission or utility systems, poles, wires, pipes, conduits, cables, hydrants, or other similar equipment.

**SEWAGE FACILITY:** Any sewer, sewage system, sewage treatment plant or parts thereof, designed intended or constructed for the collection, treatment or disposal of liquid wastes, including industrial wastes.

- a. **Sewage Facility, Off-Lot:** Any approved system or part thereof in which sanitary sewage is collected from buildings and piped by means of a sewerage system to a sanitary sewage treatment plant. Such a system must be designed in accordance with Department of Environmental Protection (DEP) standards and be permitted by the Bureau of Water Quality of the DEP. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.
- b. **Sewage Facility, On-Lot:** Any approved system or part thereof designed to serve a single dwelling or building in which sewage is collected in a septic tank, holding tank or similar container located on the same lot and is untreated except for

bacterial action occurring within such tank and is disposed of either through a drain field connected to the tank or by hauling to a sewage treatment plant.

**SHOPPING CENTER:** A group of commercial establishments, planned, developed, owned and managed as a unit and related in location, size and type of shops to the trade area that the unit serves; it provides on-site parking in definite relation-ship to the types and sizes of stores. This definition shall include the term "shopping mall".

**SIGN:** Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any public, semi-public or civic, charitable or other religious group. (See Article 7 for definitions of various types of signs.)

**SIGN AREA:** The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

**SPECIAL FLOOD HAZARD AREAS (SFHA):** An area of the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zone A or Zone A 1-30.

**SPECIAL PERMIT:** A special approval which is required for hospitals, nursing homes, jails or prisons, and new mobile home parks/subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain. (See also Section 607 for further details of activities requiring Special Permits.)

**START OF CONSTRUCTION:** For floodplain management purposes, "start of construction" includes substantial improvement and other proposed new development and means the date that the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the Permit and shall be completed within 12 months after the date of issuance of the Permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STORAGE:** A place or space for storing goods, articles of personal property, materials, etc.

- a. **Storage, On-Lot:** For the purposes of this Ordinance, on-lot storage shall be defined as outside, unenclosed storage of man-made materials (excluding wood

piles), recreational vehicles, campers, boats, antique cars or other similar types of vehicles or equipment on a lot occupied by the owner of the material or personal property. (See also Section 507.)

- b. Storage, Off-Lot: Storage of materials, vehicles or other personal property on a lot other than that occupied by the unit's owner, whether or not the item is stored in a completely or partially enclosed building or stored outside of a building.

STORY: That portion of a building included between the surface of any floor and the surface of the floor or ceiling next above it.

STREET: Any thoroughfare, whether public or private, located in whole or in part within Valley Township. The word "road" may be used interchangeably with the word "street".

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, and signs, but excluding fences, poles, playground equipment, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank that is principally above ground, as well as a mobile or manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 % of the market value of the structure before the "start of construction" of the improvement. The term also includes structures that have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

SUPERVISORS OR TOWNSHIP SUPERVISORS: The Board of Supervisors of Valley Township, Montour County, PA; the governing body.

SWIMMING POOL: A body of water in an artificial container used or intended to be used for swimming by children or adults. (See also Section 413.)

- a. Swimming Pool, Private: Any seasonal or permanent swimming pool located outside of an enclosed building, whether in or above the ground, containing or normally capable of containing water to a depth at any point of 24 inches or more.
- b. Swimming Pool, Public or Semi-Public: Any outdoor or enclosed swimming facility, available to the public for amateur and professional swimming or recreational bathing, whether or not a fee is charged for admission or for the use thereof, or pools provided in conjunction with commercial lodging facilities, mobile home parks, residential developments and available to lodgers or residents, respectively.



**TEMPORARY PERMIT:** A permit authorized by the Zoning Officer for a non-permanent structure or use where such structure or use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Township.

**TIMBER HARVESTING:** That part of forestry which involves cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

**TRANSPORTATION TERMINAL:** Any building or premises upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is located or conducted, including the dispensing of motor fuel or other petroleum products, the sale of accessories or equipment for motor vehicles, or the storage of cargo. Such uses shall also include overnight accommodations and restaurant facilities intended primarily to serve the needs of the motoring public. (See also MULTI-TENANT CONVENIENCE PLAZA.)

**UNIFORM CONSTRUCTION CODE:** The statewide building code adopted by the PA General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party, or the PA Department of Labor & Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC) of 2015 (or the latest edition thereof) by reference as the standards applicable to construction within the Commonwealth, including floodplain construction.

**USE:** The specific purpose or activity for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

- a. **Use, Accessory:** A use subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.
- b. **Use, Principal:** The primary purpose for which a lot is occupied or utilized. (See Article 3.)

**USE AND OCCUPANCY PERMIT:** The Permit required by this Ordinance which indicates that all work authorized by a project's Zoning Permit has been satisfactorily completed and is in compliance with the terms of this Ordinance. This Permit, issued by the Township Zoning Officer, also permits use and occupancy of the completed building or structure.

**VARIANCE:** A modification of the provisions of this Ordinance which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. (See Section 1001 C. for additional details and criteria to be utilized when a variance is requested.)

**VETERINARY OFFICE OR ANIMAL HOSPITAL:** An establishment where animals are given medical or surgical treatment and their boarding is limited to short-term care incidental to the treatment.

**VIOLATION:** The failure of a structure or other development to be fully compliant with the community's zoning regulations, including all floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required in 44 CRF, Section 60.3 (b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**WATER FACILITY:** Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

- a. **Water Distribution Facility, Off-Lot:** Any approved system in which potable water is supplied from a central water source to a dwelling or other building located off the lot on which such dwelling or building is located.
- b. **Water Distribution Facility, On-Lot:** Any approved system in which potable water is supplied from an individual well to a dwelling or other building located on the same lot as the well.

**WIND ENERGY FACILITY, COMMERCIAL:** A commercial electrical generating facility whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory buildings and structures, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. For the purposes of this Ordinance, stand-alone wind turbines constructed for residential or farm use shall be considered to be residential wind energy systems. (See also Section 431.)

**WIND TURBINE:** 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.

**WIND TURBINE HEIGHT:** The distance measured from the surface of the wind tower foundation to the highest point of the turbine rotor plane.

**YARD:** An open, unoccupied and unobstructed space which lies between the principal building and the nearest lot line and extending along the entire length of the lot.

- a. **Yard, Front:** An open space extending the full width of the lot between the principal building and the front lot line, unoccupied and unobstructed from the ground upward.
- b. **Yard, Rear:** An open space extending the full width of the lot between the principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
- c. **Yard, Side:** An open space extending from the front yard to the rear yard between the principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.
- d. **Yard, Required:** The minimum area or open space required by this Ordinance to

be provided between any front, side or rear property line and a principal or accessory structure(s) on the lot.

ZONING HEARING BOARD: The Zoning Hearing Board of Valley Township, Montour County, PA.

ZONING MAP: The official Zoning Map of Valley Township, Montour County, PA, together with all notations, references and amendments which may subsequently be adopted. Said map is made a part of this Ordinance in Section 202.

ZONING OFFICER: The administrative officer duly appointed by the Township Supervisors and charged with the duty of enforcing the provisions of this Ordinance.

ZONING PERMIT: 1) The permit required by this Ordinance for the erection or alteration of any building or structure, or for the change in use of any building, structure or land. 2) A Permit stating that the purpose for which a building, structure or use is to be used is in conformity with the uses permitted and all other requirements of this Ordinance for the district in which the use is to be located. (See also Section 1202.

## ARTICLE 14

### ENACTMENT AND MISCELLANEOUS PROVISIONS

#### **1400 INTERPRETATION, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township. The Ordinance is not intended to interfere with or abrogate or annual other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinance, the provisions of this Ordinance shall control.

#### **1401 REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, including the Valley Township Zoning Ordinance, enacted June 12, 1991 and as subsequently amended: Ordinance # 02 of 2008, the Township Floodplain Management Ordinance; and Ordinance # 03 of 2008, which amended the Township Zoning Ordinance to provide for wind energy facilities. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

#### **1402 SEVERABILITY AND VALIDITY**

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the Township Supervisors, that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

1403 ENACTMENT AND EFFECTIVE DATE

ENACTED and ORDAINED into an Ordinance on the 10th day of June, 2015, by the Supervisors of Valley Township, Montour County, PA, to serve as an amendment to the Township's Zoning Ordinance enacted on the 12<sup>th</sup> day of June, 1991, and as subsequently amended.

TO BECOME EFFECTIVE on the 1<sup>st</sup> day of July, 2015.


VALLEY TOWNSHIP BOARD OF SUPERVISORS

  
Chairman

  
Supervisor

  
Supervisor

ATTEST:

  
Valley Township Secretary

TOWNSHIP SEAL:

## **APPENDICES**

APPENDIX A. Variance Procedure

APPENDIX B. Ordinance Amendment Procedure

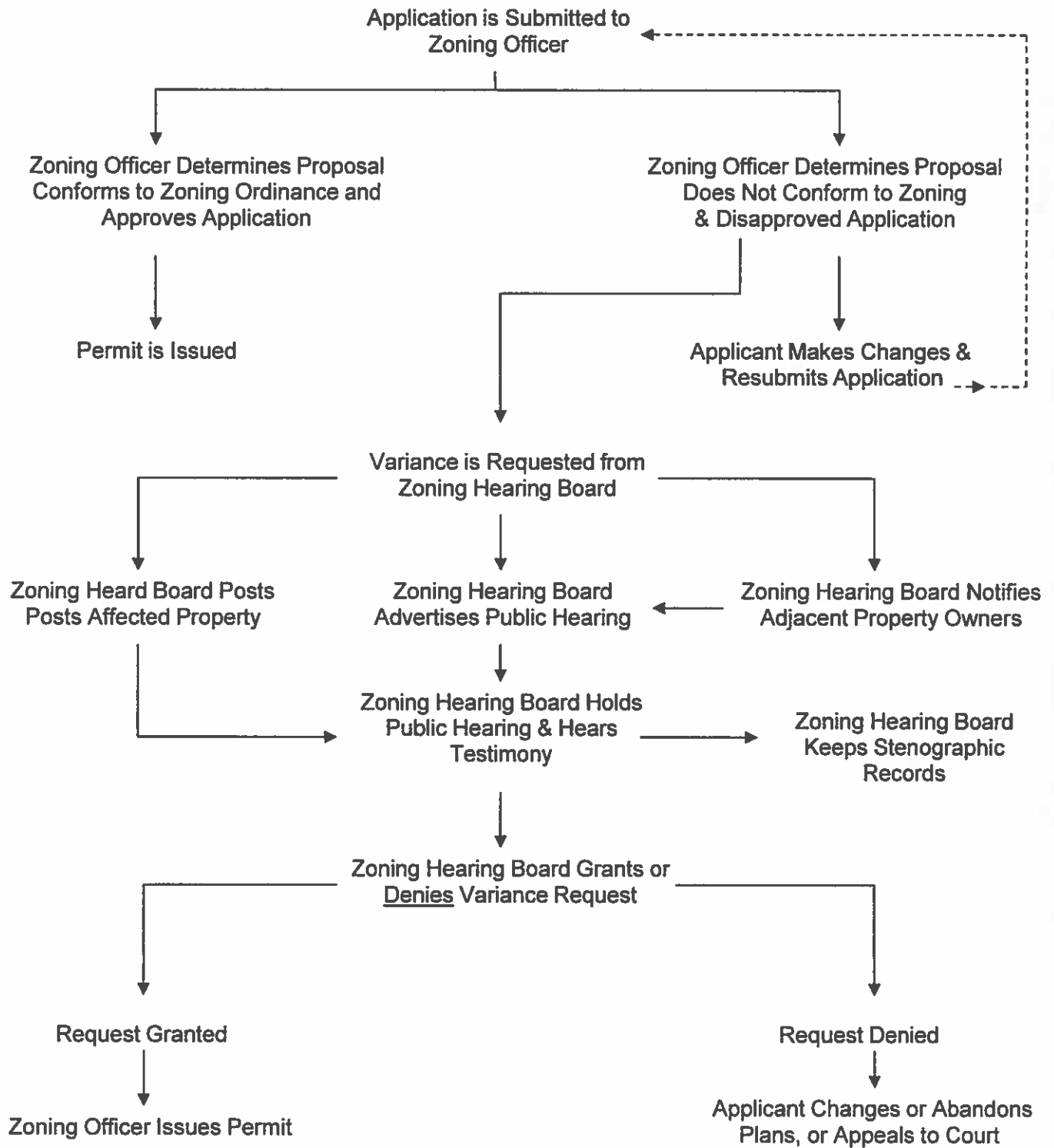
APPENDIX C. Conditional Use Procedure

APPENDIX D. General Procedure for Zoning & Building Permit  
Applications

APPENDIX E. Table of Uses

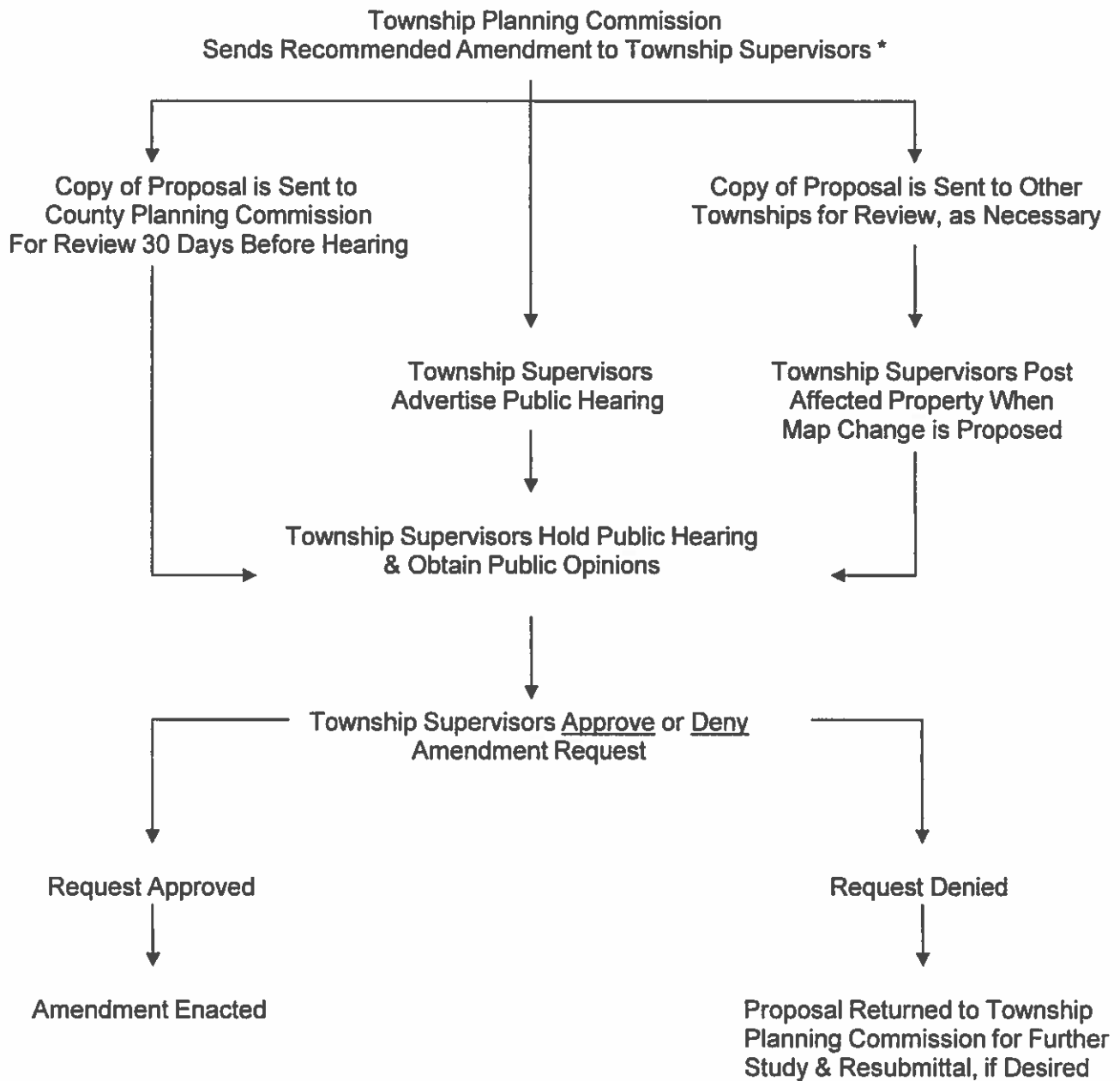
## APPENDIX A

### VARIANCE PROCEDURE



## APPENDIX B

### PROCEDURE FOR AMENDING THE ZONING ORDINANCE

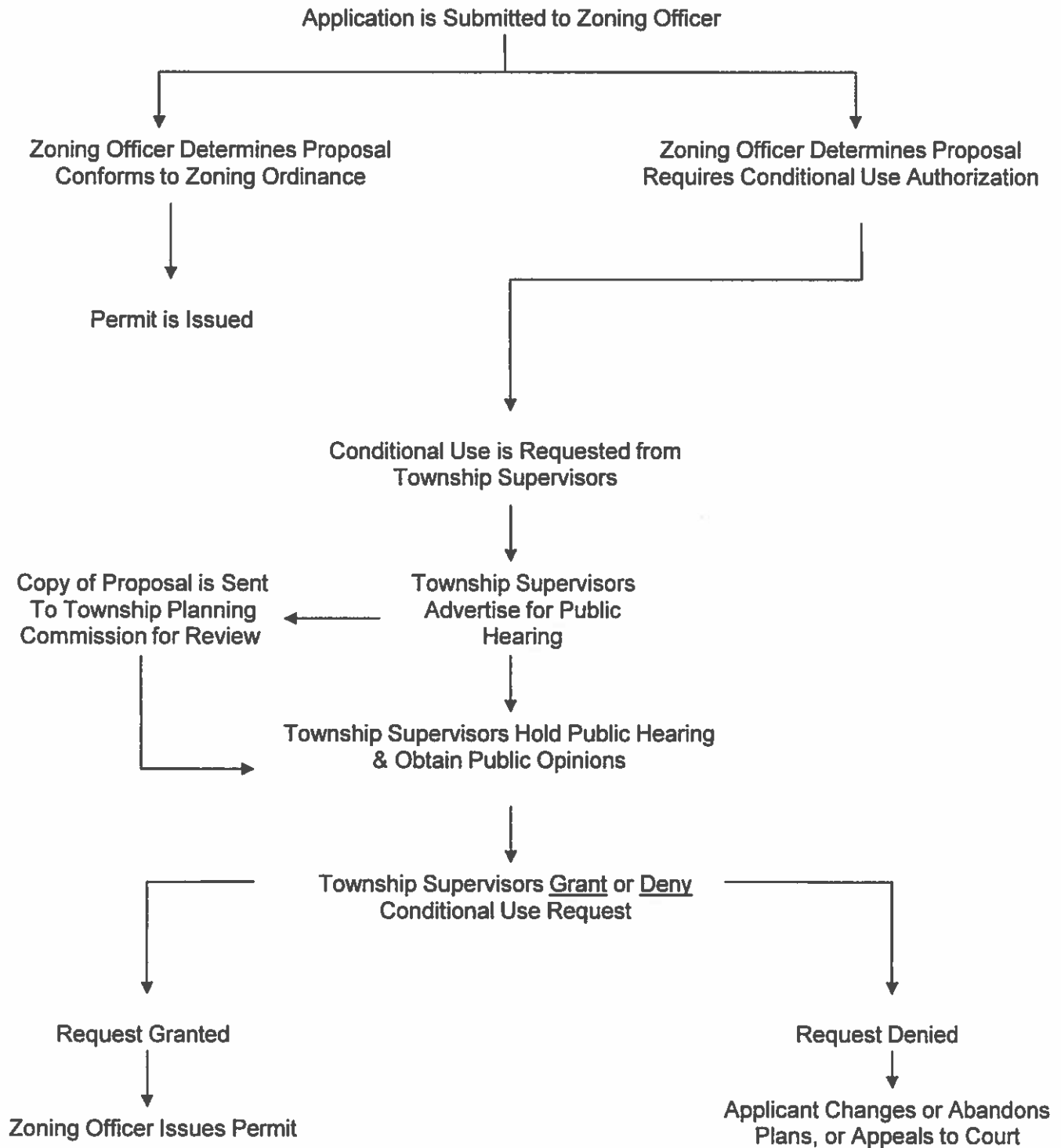


\* If the amendment is prepared by a party other than the Township Planning Commission, then the Township Supervisors must send the proposal to the Planning Commission for their review and recommendations at least 30 days prior to the public Hearing



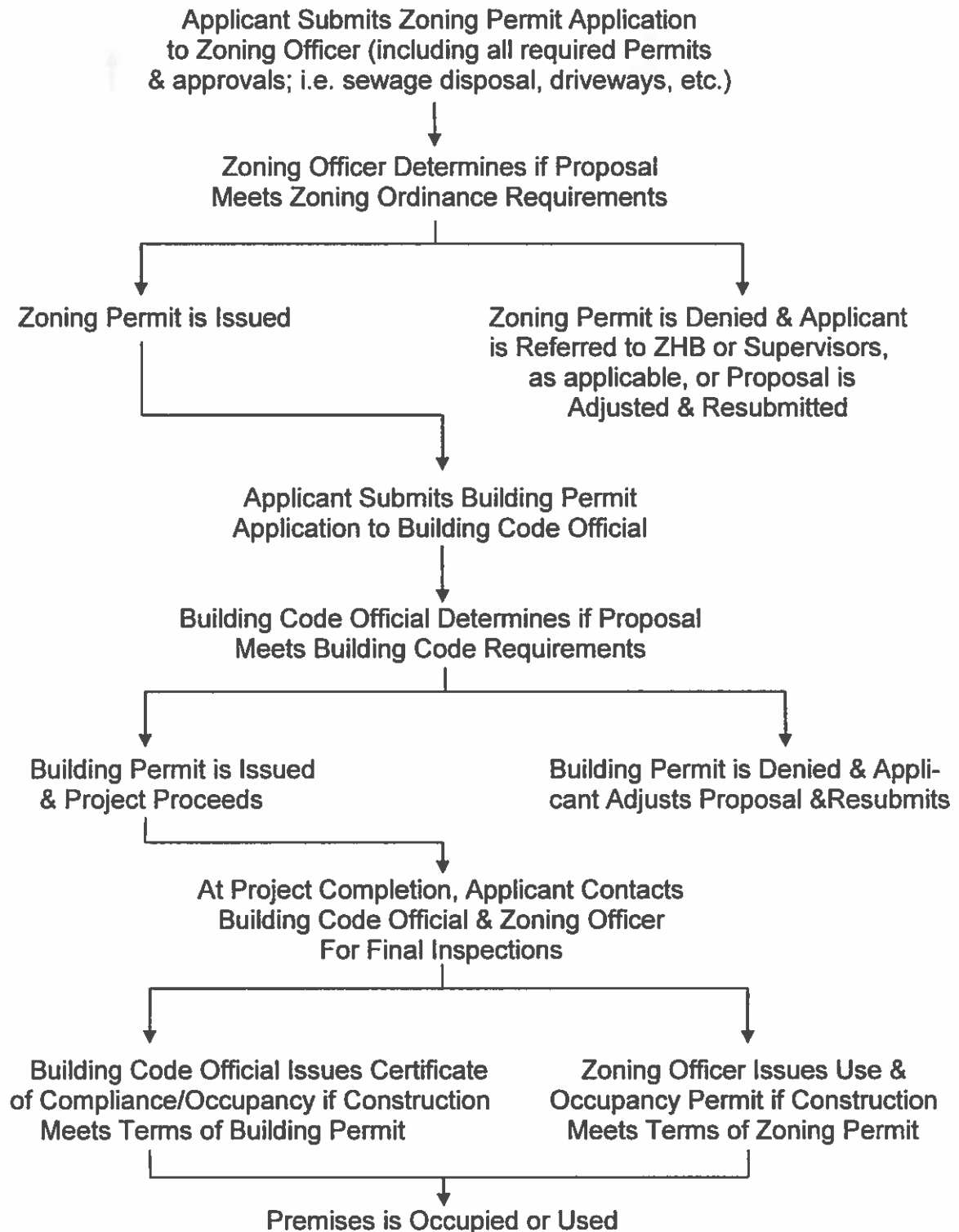
## APPENDIX C

### CONDITIONAL USE PROCEDURE



**APPENDIX D**

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



# APPENDIX E

## VALLEY TOWNSHIP ZONING ORDINANCE

### TABLE OF USES \*

USES	DISTRICTS							FF & FW
	<u>R1</u>	<u>R2</u>	<u>C1</u>	<u>C2</u>	<u>I</u>	<u>AR</u>	<u>OS</u>	
<b><u>Residential</u></b>								
Bed & breakfast establishments	-	-	C	-	-	C	-	-
Boarding or rooming homes	-	-	-	C	-	-	-	-
Conversion apartments	P	P	-	-	-	-	-	-
Group homes	-	C	-	-	-	-	-	-
Mobile homes on individual lots	-	-	-	-	-	P	-	-
Mobile home parks	-	C	-	-	-	-	-	-
Multi-family dwellings; i.e. apartments	-	C	-	-	-	-	-	-
Planned residential developments	-	P	-	-	-	-	-	-
Single-fam. attached dwlgs; townhouses	C	P	-	-	-	-	-	-
Single-family detached dwellings	P	P	C	-	-	P	P	-
Two-family dwellings; i.e. duplexes	P	P	-	-	-	-	-	-
<b><u>Institutional</u></b>								
Animal hospitals	-	-	-	-	-	P	-	-
Cemeteries	-	-	-	-	-	C	-	-
Churches or places of worship	C	-	-	-	-	P	-	-
Clubs, lodges & social organizations	-	-	P	-	-	-	-	-
Day care centers	C	-	C	-	-	-	-	-
Feed & grain mills	-	-	-	-	-	C	-	-

(Continued on Next Page)

# USES

## DISTRICTS

FF &  
FW

OS

AR

I

C2

C1

R2

R1

Medical or dental offices or clinics  
Municipal or community bldgs.; grange halls  
Nursery schools  
Nursing or personal care homes  
Schools, public or private  
Utility supply facilities; essential services  
Veterinary offices or clinics

## Commercial

Adult entertainment establishments  
Agri-businesses  
Automotive sales facilities  
Auto service stations or repair garages  
Banks or financial institutions  
Bars or taverns  
Business offices  
Communications antennas, towers,  
&/or equipment bldgs., commercial  
Funeral homes  
Grocery stores or convenience markets  
Kennels  
Lodging facilities, commercial  
Lumber yards  
Neighborhood retail activities  
Office buildings or office complexes  
Personal service businesses  
Personal storage warehouses

(Continued on Next Page)

USES	DISTRICTS							FF & FW
	<u>R1</u>	<u>R2</u>	<u>C1</u>	<u>C2</u>	<u>I</u>	<u>AR</u>	<u>OS</u>	
Professional offices	-	-	P	P	-	-	-	-
Public entertainment estab., inc. theaters	-	-	-	C	-	-	-	-
Restaurants	-	-	C	P	-	-	-	-
Retail business establishments	-	-	-	P	-	-	-	-
Roadside stands or garden shops	-	-	-	P	-	-	-	-
Sawmills	-	-	-	-	-	C	-	-
Shopping centers or shopping malls	-	-	-	C	-	-	-	-
Signs, Image-changing or digital boards	-	-	-	C	C	-	-	-
Studios for art, music & dance	-	-	P	-	-	-	-	-
Wind energy facilities, commercial	-	-	-	-	-	-	C	-
<u>Industrial</u>								
Assembly & packaging operations	-	-	-	-	P	-	-	-
Industrial parks	-	-	-	-	C	-	-	-
Junk yards or auto salvage operations	-	-	-	-	C	-	-	-
Manufacturing operations	-	-	-	-	P	-	-	-
Multi-tenant convenience plazas	-	-	-	C	C	-	-	-
Recycling drop-off centers	-	-	C	-	C	-	-	-
Research & development facilities	-	-	-	-	P	-	-	-
Resource extraction	-	-	-	-	-	-	C	-
Sanitary landfills	-	-	-	-	-	C	-	-
Transportation terminals	-	-	-	C	C	-	-	-
Warehouse or enclosed storage	-	-	-	P	P	-	-	-

USES	DISTRICTS							FF & FW
	R1	R2	C1	C2	I	AR	OS	
<u>Agricultural</u>								
Concentrated animal operations	-	-	-	-	-	C	-	-
Forest management activities	P	P	-	-	-	P	P	-
Horticultural activities	-	-	-	-	-	P	P	P
Land cultivation	-	-	-	-	-	P	P	P
Orchards	-	-	-	-	-	P	P	P
Plant nurseries or greenhouses	-	-	-	-	-	P	P	-
Raising of poultry or livestock (not CAO's)	-	-	-	-	-	P	P	P
Stables or riding academies	-	-	-	-	-	P	P	-
Timber harvesting operations, commercial	C	-	-	-	-	P	P	-
<u>Recreational</u>								
Campgrounds or RV Parks	-	-	-	-	-	C	C	-
Conservation areas/game preserves	-	-	-	-	-	-	P	-
Recreation facilities, public, semi-public or private	-	-	C	C	-	C	P	P
Parks or playgrounds	C	C	C	-	-	-	P	P
Swimming pools, public	C	-	-	-	-	-	-	-
<u>Accessory</u>								
Accessory residential uses	-	-	P	P	-	-	-	-
Accessory retail sales	-	-	-	-	C	-	-	-
Accessory warehousing or storage	-	-	P	P	P	-	-	-
Administrative offices	-	-	-	-	P	-	-	-
Building-mounted or co-located antennas	-	-	-	P	P	P	P	-

(Continued on Next Page)

