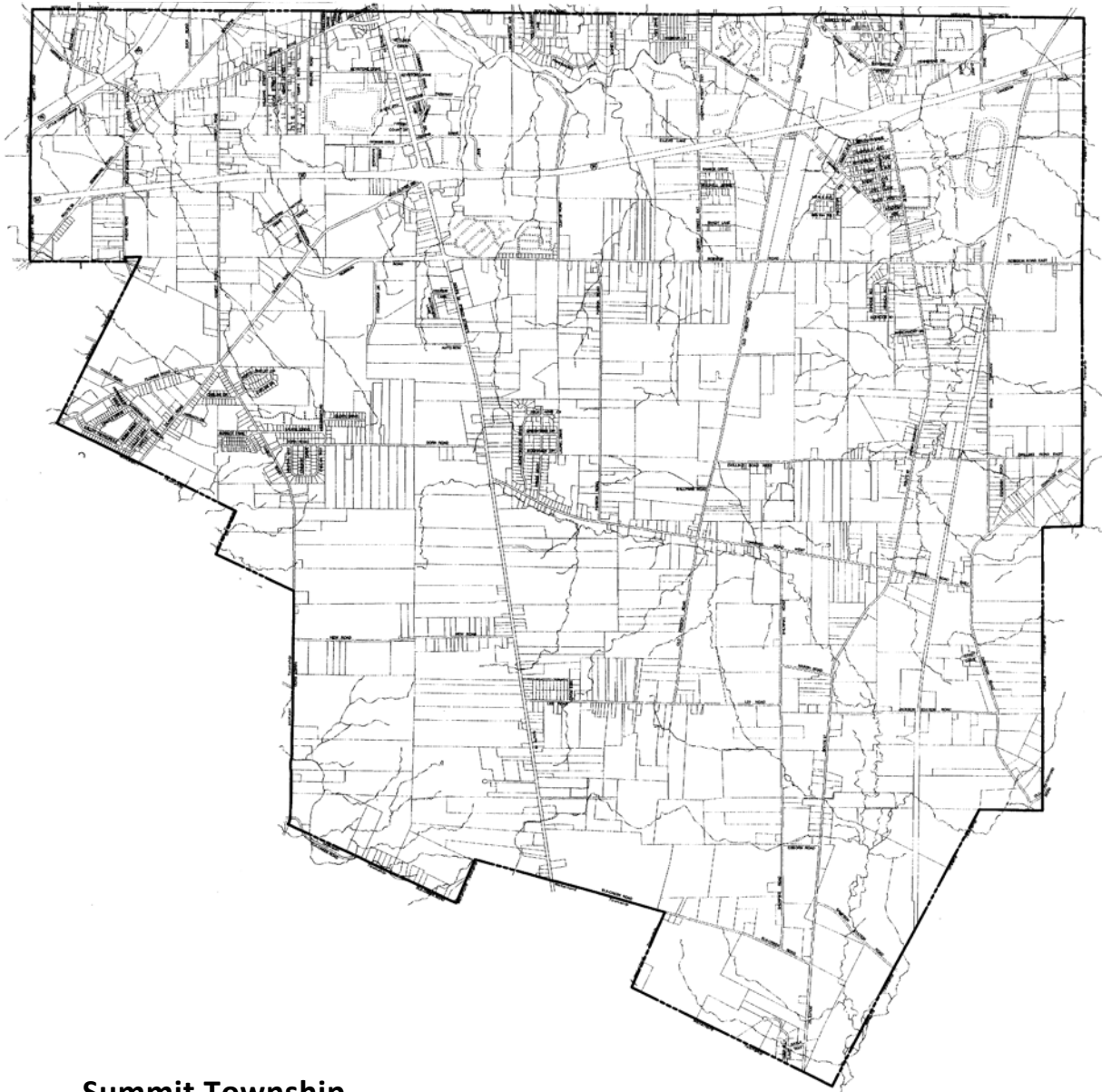


**ZONING ORDINANCE 1992-05**  
**SUMMIT TOWNSHIP, ERIE COUNTY, PA**

**ADOPTED MAY 18, 1992**



**Summit Township**

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**ZONING ORDINANCE  
TOWNSHIP OF SUMMIT  
ERIE COUNTY, PENNSYLVANIA**

**Table of Contents**

<b>AMENDMENT DATES</b> .....	i
<b>AMENDMENTS DEFINED</b> .....	ii
 <b>ARTICLE 1 - GENERAL PROVISIONS</b>	
101 Title.....	1
102 Effective Date.....	1
103 Purpose and Authority .....	1
104 Community Development Objectives .....	2
105 Compliance .....	3
106 Interpretation of Regulations .....	3
107 Severability .....	3
108 Repeal .....	3
109 Municipal Liability .....	4
110 Continuation .....	4
 <b>ARTICLE 2 - DEFINITIONS</b>	
201 Interpretation .....	5
202 Specific Terms .....	5
 <b>ARTICLE 3 - ZONING MAP DISTRICTS AND BOUNDARIES</b>	
301 Zoning Map .....	23
302 Transportation Map .....	23
303 Zoning Districts .....	23
304 District Boundaries .....	24
305 Agriculture Districts .....	25
306 Residential Districts .....	25
307 Business Districts .....	25
308 Industrial Districts .....	25
309 Industrial/Light Industrial Parks .....	26
310 Permitted Uses .....	26
311 Transitional District .....	26
311.01 Transitional District - General Criteria .....	27
311.02 Transitional District - Special Criteria .....	29
312 Lot, Yard and Height Requirements .....	29
 <b>ZONING USE CHARTS</b>	
Table 310.1 A-1 & A-2 Agricultural Districts.....	30
Table 310.2 R-1 R-2, R-3 Residential Districts .....	31
Table 310.2A T-1 Transitional Districts .....	32
Table 310.3 B-1 Business District .....	33
Table 310.4 B-2 Business District .....	34
Table 310.5 I-1, I-2, I-3, IP Industrial Districts .....	35
Table 312.01 Yard Set Back Requirements (Minimum) .....	36
Table 312.02 Lot Regulations .....	38

<b>ARTICLE 3-A - Open Space Development APPENDIX I</b> .....	41
<b>ARTICLE 4 -- SPECIAL EXCEPTIONS</b>	
400.00	Criteria for Special Exceptions .....42
400.01	Churches, Community Houses, Hospitals, Clinics and Nursing Homes.....42
400.02	Public Utilities .....42
400.03	Airports .....42
400.04	Drive-In Restaurants .....43
400.05	Water Recreation and Storage .....43
400.06	Golf Courses .....43
400.07	Home Occupations .....43
400.08	Group Care Facility, Personal Care Boarding Homes, Day/Night Care Facility and Family or Group Homes.....44
400.09	Mobile Home Parks .....45
400.10	Funeral Parlors .....45
400.11	Bottle Clubs .....45
400.12	Multi-Family Dwellings .....45
400.13	Supply Yards .....46
400.14	Heavy Manufacturing .....46
400.15	Kennels and Veterinary Clinics .....46
400.16	Truck Terminal .....46
400.17	Outside Storage .....47
400.18	Light Machine Shop/Manufacturing/Fabrication .....47
400.19	Bulk Fuel Storage/Sewage Treatment Plants .....47
400.20	Injection Wells .....48
400.21	Recycling/Transfer Facility .....48
400.22	High Rise Signs .....48
400.23	Single and Two Family Dwellings .....49
400.24	Mini-Storage Warehousing .....49
400.25	Go-Cart, Pitching & Batting Cages, Miniature Golf...50
400.26	Antenna Structure..... <b>APPENDIX II</b> .....51
<b>ARTICLE 5 - INDUSTRIAL PARKS AND LIGHT INDUSTRIAL PARKS</b>	
501	Purpose .....52
502	Permitted Uses .....53
503	Accessory Uses .....54
504	Prohibited Uses .....55
505	Minimum Lot Area and Lot Width .....55
506	Yards Required .....55
507	Building Height Limits .....56
508	Percentage of Lot Coverage .....56
509	Off-Street Parking .....57
510	Off-Street Loading/Unloading and Storage .....57
511	Signs and Lighting Requirements .....58
512	Streets .....59
513	Supplemental Conditions .....60

**ARTICLE 6 - SUPPLEMENTAL REGULATIONS**

601 Non-Conforming Uses, Structures and Lots .....65  
602 Application of Yard Regulations .....68  
603 Temporary Structures .....69  
604 Height Regulations .....69  
605 Performance Standard .....69  
606 Off-Street Loading and Parking .....70  
607 Dumpster Screening and Location.....73  
608 Permanent Foundation .....74  
609 Dwellings to be on Permanent Foundations .....74  
610 Mobile Homes .....74  
611 Access Roadway to Multiple Properties or Businesses.....75  
612 Signs .....75  
613 Agriculture .....84  
614 Filling, Grading, Dredging, Excavation  
and Earth Moving .....84  
615 Steep Slope Land and/or Flood Plains .....86  
616 Storage Trailers .....87  
617 Vehicle Storage .....87  
618 Fire Protection Standards .....87  
619 Facilities .....88  
620 Fuel Island.....88

**ARTICLE 7 - ADMINISTRATION, ENFORCEMENT AND APPEALS**

701 Zoning Officer .....89  
702 Duties of the Zoning Officer .....89  
703 Permits and Certificates .....90  
704 Duties of the Owner/Developer .....93  
705 Appeals, Variances, Special Exceptions .....93  
706 Violations .....93  
707 Planning Commission .....94

**ARTICLE 8 - ZONING HEARING BOARD**

801 Creation .....95  
802 Appointment .....95  
803 Removal of Members..... 95  
804 Organization of Board .....95  
805 Expenditures for Services .....96  
806 Hearings .....96  
807 Board's Function .....98  
808 Unified Appeals .....100  
809 Parties Appellant Before Board .....100  
810 Time Limitations .....100  
811 Stay of Proceedings .....101

**ARTICLE 9 - AMENDMENTS**

901 General .....102  
902 Petitions .....102  
903 Referral .....103  
904 Action .....103  
905 Curative Amendments .....103

**ARTICLE 10 - TRAVEL TRAILERS**

1000 Travel Trailer Parks .....104

**SUMMIT TOWNSHIP ZONING ORDINANCE  
ADOPTED MAY 19, 1992**

**AMENDED:**

**March 1, 1993**

**May 3, 1993**

**July 19, 1993**

**October 18, 1993**

**February 21, 1994**

**March 21, 1994**

**May 2, 1994**

**December 5, 1994**

**December 12, 1994**

**February 6, 1995**

**February 21, 1995**

**March 6, 1995**

**April 3, 1995**

**November 6, 1995**

**October 21, 1996**

**July 7, 1997**

**December 3, 1997**

**October 5, 1998**

**August 2, 1999**

**August 17, 1999**

**April 12, 2002**

**February 3, 2003**

**August 16, 2004**

**October 1, 2007**

**November 3, 2008**

**September 16, 2013**

**June 18, 2018**







**AMENDMENTS TO SUMMIT TOWNSHIP ZONING ORDINANCE**  
**1992-05**  
continued

**November 3, 2008**

- Section 202 . . . . . Added definitions for Adult Bookstore, Adult Drive-In Movie Theater, Adult Entertainment, Adult Mini-Motion Picture Theater, Adult Motion Picture Theater, Adult-Oriented Establishment, Adult-Oriented Merchandise, Adult Retail Use Establishment, Specified Anatomical Areas and Specified Sexual Activities
- Table 310.4 . . . . . Added “Adult-Oriented Establishment” as Permitted Principal Use in a B-2 Business District

**September 16, 2013**

**TRANSITIONAL DISTRICT:**

- Section 311.01 . . . . . Added verbiage to existing (B) Driveways - clarifying Chapter 441 title as “Access to & Occupancy of Highways by Driveways and Local Roads”
- . . . . . Added to (H) Off-Street Parking - byway of item (2) - referencing Section 606.2 (parking)
- . . . . . Added (L) Environmentally Sensitive Area – with criteria (1) & (2)
- . . . . . Added (M) Allowable Density – with criteria (1) a. & (1) b.

**June 18, 2018**

- Section 202 . . . . . Amended definitions: Dwelling-Multiple, Fence, Screen Planting, Screening; and added definition: Flag Lot
- Table 310.3 . . . . . Added “Multi-Family Dwellings” as a Permitted Principal Use in the B-1 (Business) District
- Table 310.5 . . . . . Added “Outside Storage” referencing Section 400.17 as a Special Exception Use in the I-1 (Industrial) District
- Table 312.01 . . . . . Added “Residential Accessory Buildings” with required setbacks, which include Front Yard Setback 50’, Side Yard Setback 25’ Rear Yard Setback 25’ and a Maximum height of 45’ in the A-1 (Agricultural) District
- . . . . . Changed verbiage: All other Uses to All other Buildings in the A-1 (Agricultural) District
- Section 312.06 . . . . . Changed wording: Deleted the word “Generally”
- Section 312.09 . . . . . Deleted sub-sections A,B,C,D & E and changed wording regarding lot frontage along public rights-of-way
- Section 312.10 . . . . . Added new section for “Flag Lots” to include rules and regulations for Flag Lots
- Section 312.11 . . . . . Former Section 312.10 was retitled and adopted as Section 312.11
- Section 312.12 . . . . . Former Section 312.11 was retitled and adopted as Section 312.12, and wording was amended to remove “Residential Land Developments” from the Buffer Zone requirements, and to change the maximum allowable Buffer Zone topography to four to one (4:1) horizontal to vertical dimension
- Section 400.17 . . . . . Amended wording in the “Outside Storage” Section
- Section 602.2 . . . . . Amended wording in “Structures and Yard Setbacks” Section
- Section 602.4 . . . . . Amended wording in “Fences and Decorative Walls” Section
- Section 607 . . . . . Changed section title: “Refuse Container” to “Dumpster Screening and Location”, and expanded the language of this section to included sub-sections A, B, C, D & E

**AMENDMENTS TO SUMMIT TOWNSHIP ZONING ORDINANCE**  
**1992-05**  
continued

**June 18, 2018** continued

- Section 610.3 . . . . . Deleted this section regarding Mobile Home Cross Beams entirely
- Section 610.4 . . . . . Deleted this section regarding Mobile Home Tie-Down Anchor Devices  
entirely
- Section 610.5 . . . . . Former Section 610.5 was retitled and adopted as Section 610.3
- Section 610.6 . . . . . Deleted this section regarding Occupancy Permits for Mobile Homes  
entirely
- Section 612.4 . . . . . Added “and Transitional Districts” to the Section Title
- Section 617 . . . . . Amended wording in “Vehicle Storage” Section and expanded the  
language of this section to include sub-sections A, B, C, D & E
- Section 618 . . . . . Deleted Sub-Section (E) “Fire Protection Standards” from this Section
- Section 619 . . . . . Changed wording: Deleted “unless authorized as a special exception”  
from this Section
- Section 812 . . . . . Deleted this section regarding Use Variances entirely

**ZONING ORDINANCE  
TOWNSHIP OF SUMMIT  
ORDINANCE NO. 1992-05**

An ordinance dividing the Township into various zoning districts and regulating the construction, alteration and use of structures and land within each district. Be it hereby ordained by the Township Board of Supervisors of Summit, Erie County, Pennsylvania, that:

**ARTICLE 1  
GENERAL PROVISIONS**

- 101 TITLE:** This Ordinance shall be known and may be cited as the "Summit Township Zoning Ordinance".
- 102 EFFECTIVE DATE:** This ordinance shall take effect on the date of passage.
- 103 PURPOSE AND AUTHORITY:** This ordinance is adopted by virtue of the authority granted to the Township under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended 1988, Act 170.

The Supervisors, upon majority vote, and recommendations from the Summit Township Planning Commission, may, from time to time, establish such definitions, policies, procedures, rules, regulations and interpretations of this Ordinance as they determine to be in the best interest of the Township, which definitions, policies, procedures, rules, regulations and interpretations should be binding on all parties subject to this ordinance. (amended 03/01/93).

The provisions of this zoning ordinance are designed:

- (1) To promote, protect and facilitate any or all of the following: the public health, safety, morals and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

- (2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- (3) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- (4) To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family, two-family dwellings, a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
- (5) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

**104 COMMUNITY DEVELOPMENT OBJECTIVES:** The Zoning regulations and districts set forth in this ordinance are made in accordance with and are designed to clearly achieve the objectives of the Summit Township Comprehensive Plan, adopted by resolution March 5, 2001, incorporated in the Comprehensive Plan of Erie County, as most recently updated. The specific objectives upon which the Comprehensive Plan and the Ordinance have been based include the following:

- (1) To support and encourage order and beauty in the development of Township's environment for the convenience and pleasure of present citizens and future residents through sound land development utilities and facilities.
- (2) To encourage future land development to complement a logical, harmonious, and efficient pattern of future Township growth.
- (3) To encourage future residential use to occur in harmonious arrangement within compact neighborhood units.
- (4) To preserve strategic properties suitable for industrial development for the establishment of suitable diversified industry throughout the Township.

- (5) To guide commercial development in such a way so as to minimize adverse influences of adjacent road or land values; to maintain and protect existing commercial facilities to locate in functionally designed centers with safe and adequate highway access.
- (6) To protect property values to insure suitable, attractive and efficient community environment.
- (7) To encourage development of integrated, cohesive urban development.
- (8) To encourage developers to incorporate adequate public facilities and open spaces in neighborhood design.

**105 COMPLIANCE:** No structure shall be located, erected, constructed, reconstructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used except in full compliance with all the provisions of this Ordinance, and after the lawful issuance of all permits and certifications required by this Ordinance, except that the Township of Summit will be exempt from the provisions of this ordinance in the exercise of its municipal functions.

**106 INTERPRETATION OF REGULATIONS:** Whenever the provisions of this ordinance vary from or conflict with any other lawfully adopted rules, regulations or ordinances, the more restrictive requirements shall govern.

**107 SEVERABILITY:** Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole nor the validity of any other section or provision of the ordinance than the one so declared.

**108 REPEAL:** Any resolutions or ordinances, or any parts of any resolutions or ordinances conflicting with the provisions of this ordinance are hereby repealed to the extent of such conflict. This ordinance, as designed, completely revises and repeals the existing Zoning Ordinance of Summit Township known as Ordinance #84, as amended through May 5, 1992.

**109 MUNICIPAL LIABILITY:** The granting of a Zoning Permit or Summit Township Occupancy/Use Permit for the erection and/or use of a structure or lot shall not constitute a representation, guarantee or warranty of any kind or nature, by the municipality, or an official or employee thereof, of the safety of any structure, use or other proposed plan from any cause whatsoever and shall create no liability upon or cause of action against such municipality, public official or employee for any damage that may result pursuant thereto.

**110 CONTINUATION:** The provisions of this ordinance, so far as they are the same as those of ordinances and regulations in force, immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and regulations and not as new enactments.

## ARTICLE 2

### DEFINITIONS

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

**202 SPECIFIC TERMS:** The following words and phrases shall have the meaning given in this section.

**ACCESS ROAD TO MULTIPLE BUSINESS:** A single private access roadway providing primary access to multiple businesses located on a single property. These roadways have a 40 ft paved cartway and will have a cul-de-sac if over 300 ft in length.

**ACCESSORY BUILDING:** A subordinate building, incidental to and located on the same lot as principal building, and used for an accessory use.

**ACCESSORY USE:** A use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

**ADULT BOOKSTORE:** An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes, offers for sale adult-oriented merchandise and which may in conjunction therewith, has facilities for the presentation of adult entertainment for observation by patrons. (Added 11/03/08)

**ADULT DRIVE-IN MOVIE THEATER:** An outdoor movie theater attended primarily by patrons in their automobiles, used for presenting material, in any form or media (i.e. live shows, film, television, etc.) distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. (Added 11/03/08)

**ADULT ENTERTAINMENT:**

- (1) An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- (2) A live performance, display, or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered customers. (Added 11/03/08)

**ADULT MINI-MOTION PICTURE THEATER:** An enclosed building with a capacity of less than 50 persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons. (Added 11/03/08)

**ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity of more than 50 persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons. (Added 11/03/08)

**ADULT-ORIENTED ESTABLISHMENT:** The term includes, without limitation, the following establishments when operated for profit, whether direct or indirect:

- (1) Adult Bookstores.
- (2) Adult Motion Picture Theaters.
- (3) Adult Mini-Motion Picture Theaters.
- (4) Adult Retail Use Establishments.
- (5) Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member.
- (6) An Adult Entertainment Studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. (Added 11/03/08)

The term "**Booths, Cubicles, Rooms, Studios, Compartments or Stalls**" for the purpose of defining adult-oriented establishments does not mean enclosures which are private



offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees. (Added 11/03/08)

**ADULT-ORIENTED MERCHANDISE:** Includes any foods, products commodities, or other wares, including but not limited to adult-oriented devices which are designed or marketed primarily for the stimulation or specified anatomical areas or sadomasochistic activity, videos, CD ROMS, DVDS, computer disks or other storage devices, magazines, books, pamphlets, posters, cards, periodicals or non-clothing novelties which depict, describe or simulate specified anatomical areas or specified sexual activities. This definition shall not apply to birth control devices. (Added 11/03/08)

**ADULT RETAIL USE ESTABLISHMENT:** An enclosed building, or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade, to the sale, exchange, rental, loan, trade, transfer, or viewing of adult-oriented merchandise. (Added 11/03/08)

**AGRICULTURE:** Any agricultural use, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal husbandry.

**ALLEY:** Deleted in its entirety.

**ALTERNATIVE TOWER STRUCTURE:** Man-made trees, clock towers, tall steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas on towers. (added 12/3/97)

**ANTENNA:** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennae (such as panels) and omnidirectional antennae (such as whips) but not including satellite earth stations and any devices used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennae and directional or panel antennae, 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 antennae or amateur radio equipment including without limitation ham or citizen band radio antennae. (Added 10/05/98)

**ANTENNA EQUIPMENT BUILDING:** An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennae and covering an area of ground not greater than 250square feet. (Added 10/05/98)

**ANTENNA HEIGHT:** The vertical distance measured from the base of the antennae support structure at grade to the highest point of the structure. If the support structure is on a slope grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. (Added 10/05/98)

**ANNTENNA SUPPORT STRUCTURE:** Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy. (Added 12/03/97) (Amended 10/05/98)

**AREA:** Square footage within lot boundary lines excluding street or road right-of-ways.

**ARTERIAL HIGHWAY:** A public street having a minimum 80 ft wide right-of-way providing for through traffic movement across the Township, and direct access to abutting properties; subject to necessary control of entrances, exits and limited access. Arterial Highways have a minimum 48 ft wide cartway with 10 ft wide stabilized shoulders.

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

**AUTOMOBILE SALVAGE:** The dismantling or disassembling of two or more vehicles or trailers, or the storage, sale or dumping of two or more dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

**AUTOMOBILE SERVICE AND REPAIR:** Premises where motor vehicles are serviced and repaired, including engine overhaul and body work.

**BASEMENT:** A story or portion of a story partly below the average grade of the surrounding ground with at least one-half of its height (measured from the floor to ceiling) below the average grade level of the surrounding ground.

**BED & BREAKFAST:** A private residence which contains ten (10) or fewer bedrooms used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room. The remainder of the dwelling in which a Bed & Breakfast is located is used solely as a private residence for the dwelling's owner/operator occupant, leaving the principal use of the dwelling as residential. (Added 4/12/02)

**BOARD:** The Zoning Hearing Board established by this Ordinance.

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

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

**BUILDING LINE:** An imaginary line fixed by the setback requirements measured from the nearest road right-of-way, side lot line or rear lot line. No building may take place in front of said line(s).

**BUSINESS SERVICE:** Any business activity which renders service to other commercial or industrial enterprises.

**CARTWAY:** That portion of an improved road which is paved or improved for travel; or the entire grade surface of an unimproved road.

**CLINIC:** Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

**CLUB:** An establishment operated for social, athletic, recreational or educational purposes open only to members and not general public.

**CLUSTER:** A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**COLLECTOR STREET:** A public street having an 80 ft wide right-of-way providing for traffic movement between Local Streets and Arterial Highways are also providing direct access to abutting properties. Collector Streets have a minimum 36 ft wide paved cartway with 4 ft wide stabilized shoulders. Collector Streets may also have an additional optional two lanes which may be constructed in phases.

**COMMERCIAL/INDUSTRIAL STREET:** A public street having a 60 ft wide right-of-way providing for direct access to abutting lots for local traffic movements and providing access to Collector Streets or Arterial Highways. Commercial/Industrial Streets have a minimum 28 ft wide paved cartway, including shoulders and are constructed in accordance with Township Specifications.

**COMMERCIAL MOBILE SERVICES:** Includes cellular telephone services, SMR services and PCS services, cellular telephone radio service and paging.

**COMMON CARRIER:** Any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio, or in interstate or foreign radio transmission of energy, but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier. (Added 10/05/98)

**COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land and water within a development site, designed and intended for the use and enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**COMMUNICATION BUILDING:** Any structure or building used for or containing equipment primarily used for transmission, reception or switching of radio, television, wireless telephone, pager commercial mobile radio service, weather radar, or any other wireless communication signals for other personal wireless services. Communications Building shall not include antenna, antenna equipment building as defined in this ordinance. (added 08/02/99)

**COVERAGE:** That percentage of the lot area covered by principal and accessory use structure.

**DAY/NIGHT CARE FACILITY:** Care in lieu of parental care or guardian care given for **part of the twenty-four (24) hour day** to children or adults, away from their principal residences or homes, but does not include care furnished in places of worship during religious services and does not include care provided simultaneously for less than three (3) persons. This Ordinance identifies the following three (3) levels of care (Added 4/12/02):

**FAMILY DAY/NIGHT CARE HOME:** Any home in which day/night care is provided simultaneously for three (3), four (4) or five (5) persons who are not relatives of caregiver, where the care area also is used as a family residence.

**GROUP DAY/NIGHT CARE HOME:** Any home in which day/night care is provided simultaneously for six (6) to twelve (12) persons who are not relatives of the caregiver, where the care area also is used as a family residence. (Any home in which day/night care is provided simultaneously for six (6) to twelve (12) persons who are not relatives of the caregiver, where the care is not used as a family residence shall be considered a Day/Night Care Center.)

**DAY/NIGHT CARE CENTER:** Any facility in which day/night care is provided simultaneously for seven (7) or more persons who are not relatives of the operator, where the day/night care area is not used as a family residence.

**DENSELY PLANTED:** minimum criteria (Added 4/12/02):

1. Amount: 8 trees per 50 lineal feet of buffer
2. Species: 20% evergreen & 80% hardwood consisting of 4 varieties.
3. Size at time of planting: 2-inches in diameter & 10-feet in height

**DIRECTIONAL SIGN:** A sign to assist and identify traffic flow (ingress and egress).

**DROP OFF CENTER:** An area either within or without the confines of a municipal waste landfill, resource recovery facility or transfer station as those terms are defined in the Municipal Waste Planning Recycling and Waste Reduction Act (Act of July 28, 1988 No. 101), established for the collection and sale of recyclable materials and where such recyclable materials are placed and temporarily stored pending recycling.

**DWELLING (Only one dwelling shall be permitted on each lot of record):**

- A. **SINGLE FAMILY:** In R-1 District, a detached building designed for exclusive use by one family and having a minimum of 1,200 square feet of heated living area on a permanent foundation.
- B. **SINGLE FAMILY:** In R-2 and R-3 districts, a detached building designed for exclusive use by one family and having a minimum of 720 square feet of heated living area on a permanent foundation.
- C. **MULTISTORY:** In R-1 District, a detached building designed for exclusive use by one family, containing or designed to contain, two or more stories with common access facilities, and having a minimum of 620 square feet of heated living area on the primary story level.
- D. **MULTISTORY:** In R-2 and R-3 districts, a detached building designed for exclusive use by one family, containing or designed to contain, two or more stories with common access facilities and having a minimum of 520 square feet of heated living area on the primary story level.

**DWELLING - SINGLE FAMILY, SEMI-DETACHED:** A dwelling used by one (1) family, having one (1) side yard and one (1) party wall common with another dwelling.

**DWELLING--TWO FAMILY:** Building designed for use by two families living independently of each other, including a duplex (one living area above the other) or double house (one living beside the other). Each dwelling unit must contain 720 square feet of heated living area; 520 square feet of floor minimum on the primary story level, if multistory double house design.

**DWELLING - MULTIPLE:** A building or portion thereof, containing or designed to contain three or more separate units, with or without common access facilities. Each dwelling unit shall contain a minimum of 625 square feet of heated living space. However, a maximum of 10% of total living units may be comprised of one bedroom units with a minimum of 500 square feet of heated living space in each unit.

**ENVIRONMENTALLY SENSITIVE AREA:** An area with one or more of the following environmental characteristics:

1. steep slopes over twenty-five (25%) percent;
2. flood plain (floodway and flood fringe);
3. soils classified as highly erodible, subject to erosion, or highly acidic as identified with the Soil Survey of Erie County, Pennsylvania;
4. wetlands.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by a public utility company, municipality, or any other governmental agency, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wiring, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, and/or traffic signals, necessary for the furnishing of adequate service by such public utility company or municipality or other agency for the public health or safety or general welfare, but not including structures.

**FACILITIES:** Dwellings & public patronage establishments must be equipped with modern inside toilet & bath facilities including hot & cold running water, modern heating, lighting, unless authorized as a special exception.

**FAMILY:** The term family may be construed to mean;

- A. A single person occupying a dwelling unit and maintaining a household, or
- B. Two or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household. This group may include not more than two boarders or roomers
- C. Not more than five unrelated persons occupying a dwelling unit, living together and maintaining a common household.
- D. The term family may not be construed to encompass any business use (profit or nonprofit), including a family or group care facility or personal boarding home, as defined in this ordinance.

**FAMILY OR GROUP HOMES:** A facility which provides **resident service** in a private residence to five (5) or fewer individuals who are not related to the resident household. These individuals are handicapped, developmentally disabled, mentally ill, mentally retarded, or otherwise in need of adult supervision and provided service in accordance with their individual needs. This category includes foster or boarding houses for children, group homes, and halfway houses. (Added 4/12/02)

**FENCE:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas. See Section 602.4: "Application of Yard Regulations, Fence."

**FLAG LOT:** A Lot which is comprised of two (2) parts: The "flag," which includes that portion of the lot away from the adjoining street that is the intended location of the principal use and related accessory structures; and the "flagpole," which shall be considered that portion of the lot adjoining the street that is used for vehicular access between the "flag" and the adjoining street. The "flagpole" must meet the minimum frontage requirements of Section 312.09 for lots along the public street right-of-way.

**FLOOR AREA, (HABITABLE):** The enclosed area of a building designed and intended for all season use of human inhabitants.

**FUEL ISLAND:** An island upon which fuel dispensers are mounted for the fueling of motor vehicles which may or may not have a canopy.

**GARAGE, VEHICLE SERVICE AND REPAIR:** Premises where motor vehicles are serviced and repaired, including engine overhaul and body work.

**GASOLINE SERVICE STATIONS:** An area of land together with any structures thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and hand washing of motor vehicles and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

**GOVERNING BODY:** The Summit Township Board of Supervisors.

**GROUP CARE FACILITY:** A facility which is licensed and inspected by an agency of the Commonwealth of Pennsylvania which provides **residential services** to at least six (6) residents who are handicapped, developmentally disabled, mentally ill or mentally retarded, including residents who are serving the sentence of a court of law, but not requiring or receiving skilled or intermediate nursing care of psychiatric or correctional

treatment normally provided in an institutional setting, including rehabilitation homes. (Added 4/12/02)

**HARD SURFACE:** The surface material layer must consist of either (a) asphalt [cold or hot] or (b) cement or solid brick, with either (a) or (b) having a minimum depth of two (2) inches or, (c) triple seal coat; and an under-layer of a gravel material approved by the Township with a minimum depth of six (6) inches. (added 2/03/03)

**HEALTH AUTHORITIES:** Any federal, state, county or local agency having authority over health factors such as sewers, water and other related matters.

**HEIGHT OF AN ANTENNA TOWER:** The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennae mounted on the tower. (Added 10/05/98)

**HIGH-RISE SIGN:** Any sign with a height in excess of 60 feet measured from the ground level to the top of the physical sign structure.

**HOME OCCUPATION:** Any occupation or profession which is customarily carried on in a dwelling unit; and is carried on by a member of the family residing in the dwelling unit with not more than two employees outside the family and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. See also Section 400.07 of this ordinance.

**JUNK:** Any discarded material or article including, but not be limited to, scrap metal; scrapped, abandoned or junked motor vehicles; machinery; equipment and/or paper, glass, refuse, or garbage kept in a proper container for the purpose of prompt disposal.

**LANDFILLS:** See Summit Township Ordinance No. 4-70A. Passed 4/6/70.

**LIGHT INDUSTRY:** See Manufacturing, Light.

**LIMITED ACCESS HIGHWAY:** A public roadway having variable width right-of-way which provides expeditious movement of large volumes of traffic between areas and across the Township, and not intended to provide access to abutting properties.

**LOADING SPACE:** A space on a lot usable for the standing, loading or unloading of trucks.

**LOCAL STREET:** A public street having a 50 ft wide right-of-way and providing for direct access to abutting lots for local traffic movements and providing access to Collector Streets. Requiring standing (plain) concrete curbs in residential



subdivisions (regardless of zoning district), having a 28-ft. paved cartway, face of curb to face of curb, and constructed in accordance with Township Specifications.

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

**LOT, CORNER:** A lot at the point of intersection of and abutting on two (2) intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of two street lines.

**LOT LINE:** A line dividing a lot from another lot or from an abutting street or other right-of-way.

**MANUFACTURING, LIGHT:** The assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce noise, vibration, air pollution, fire hazard, or emissions that are noxious or dangerous to any properties within 400 feet.

**MARGINAL ACCESS STREET:** A public roadway having a 33 ft width right-of-way and its primary use is as a service access to the sides and backs of properties. A Marginal Access Street may also serve as a Marginal Access Way. This street has a 28 ft paved cartway and cul-de-sacs are provided on dead-ends. A Marginal Access Street must be at least 250 ft long and must be constructed in accordance with Township Specifications.

**MARGINAL ACCESS WAY:** A privately owned minor right-of-way used for vehicular service access to the front, sides, or rear of properties and/or abutting properties on a main thoroughfare, or a development accessing its parking lot with abutting developments for a common service drive. A Marginal Access Way has a 24 ft paved cartway and is constructed in accordance with Township Specifications.

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

**MOBILE HOME LOT:** A parcel of land in a Mobile Home Park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK:** a parcel or contiguous parcels of land which has been so designated and improved that it contains two or

more mobile home lots for the placement thereon of mobile homes.

**MONOPOLE:** An antenna support structure consisting of a single pole or spire constructed without guy wires or ground anchor.  
(Added 10/05/98)

**MOTEL:** A building or group of buildings containing individual room or apartment accommodations, with each unit provided a parking space, and offered principally for rental and use by motor vehicle travelers. The term "motel" includes, but is not limited to, auto courts, motor courts, motor inns, motor lodges, or roadside hotels.

**NET ACREAGE:** Net acreage is that land area remaining upon the exclusion of any portions of the tract located within existing and proposed rights-of-way, environmentally sensitive areas (wetlands, flood plains or slopes in excess of twenty-five (25%) percent, those areas designated for non-residential uses, including, but not limited to, limited neighborhood commercial areas, and common open space.

**NONCONFORMING LOT:** A lot the area of dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

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

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

**NON-PRIMARY WAGERING FACILITY:** A wagering establishment which is permitted, authorized and licensed by the Pennsylvania State Harness Racing Commission under power granted to it by the Race Horse Industry Reform Act under 4 P.S. Section 325-402.

**OFF STREET PARKING:** A parking lot or area located completely off of the travel portion of the road.

**OPEN SPACE DEVELOPMENT:** A form of development that permits a

reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development (excepting that provided through bonus provisions) and the remaining land area is devoted to open space, recreation, preservation or environmentally sensitive areas or agricultural purposes.

**PARKING LOT OR GARAGE, COMMERCIAL:** A lot or structure the principal use of which is the parking or storage of motor vehicles for specified time periods, or on a rental basis, and not for commercial or public utility vehicles or the dead storage of motor vehicles.

**PARKING SPACE:** An open space with a dustless all-weather surface, or a space in a private garage or other structure used for the storage of one automobile and accessible from a public way, which shall be a rectangle a minimum of 18 feet long and 9 feet wide regardless of the angle of parking. All measurements shall be at right angles.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE:** The Pennsylvania Municipalities Planning Code (Act 247 of July 31, 1948, reenacted and amended December 21, 1988 by Act of 1988 P.L. 1329, No. 170).

**PERMANENT FOUNDATIONS:** A full perimeter masonry or poured concrete foundation, resting upon a suitable concrete footer, said footer to be at least three (3) feet below finished grade. The foundation wall shall have a minimum width of six (6) inches, with the footer projecting at least three (3) inches on each side. A permanent foundation shall also include a pole type construction so long as the pole shall be an integral part of the building extending from ground to ceiling of the first story. In addition, such pole shall be four (4) feet in the ground resting on a one (1) foot concrete base. The pole shall consist of treated lumber to prevent rotting.

**PERSONAL CARE BOARDING HOMES:** A Group Care Facility where one or more business services are provided in-house in addition to housing. A personal care boarding home may provide clinic, nursing, food, laundry or personal services. This category includes nursing, convalescent or retirement homes. (Added 4/12/02)

**PERSONAL SERVICES:** Any enterprise which primarily offers services to the general public, such as shoe repair, valet services, watch repairing, barber shops, beauty shops, and related services.

**PERSONAL WIRELESS SERVICE FACILITIES:** Facilities for the provision of personal wireless services. (Added 12/03/97) (Amended 10/05/98)

**PERSONAL WIRELESS SERVICES SITE:** A tract or parcel of land that contains a personal wireless service antenna as the principal use, its support structure, accessory building(s), parking, and may include other uses and equipment associated with and ancillary to telecommunication signal transmission or processing. (Added 10/05/98)

**PERSONAL WIRELESS SERVICES:** Include commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. (Added 10/05/98)

**PLANNING COMMISSION:** The Summit Township Planning Commission.

**PRINCIPAL BUILDING:** The building or portion thereof housing the main or primary use of the land.

**PROFESSIONAL OFFICE:** The office or studio of a resident physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar profession.

**PUBLIC HEARING:** A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the P.P.C.

**PUBLIC MEETING:** Any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action.

**PUBLIC NOTICE:** A notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the dwelling purposes in a recreational vehicle park and constructed to be transported or towed by a motor vehicle on the public highways without a special permit.

**PUBLIC SERVICE:** Concerns provisions to grant special permits for the Township, Township agencies such as Sewer Authority, Water Authority, and commissions.

**PUBLIC UTILITY:** Any utility that is regulated by the Pennsylvania Public Utility Commission, or any Township Authority that provides utilities, such as water, sewer, etc. (added 12/3/97)

**RECREATIONAL VEHICLE:** A movable structure or any appurtenance thereto not exceeding 300 square feet in combined floor area, to be used for temporary dwelling purposes in a recreational

vehicle park and constructed to be transported or towed by a motor vehicle on the public highways without a special permit.

**ROAD:** The entire right-of-way of a public or private street or highway.

**ROOMING HOUSE:** A dwelling having more than four (4) sleeping rooms for rent to persons not related to its other occupants. The term "rooming house" includes the term "boarding house".

**SCREEN PLANTING:** A vegetative material of sufficient height (minimum 6'feet) and density to conceal from view of property owners on adjoining properties, with said property owners standing at ground level at the adjoining property line, the structures and uses on the premises on which the screen planting is located.

**SCREENING:** A method of visually shielding or buffering one abutting or nearby structure or use from another by fencing (including solid weather-resistant wood fencing or fencing of a similar appearance such as solid vinyl fencing or chain link fence with privacy slats), walls (including decorative masonry walls), earthen berms, or densely planted vegetation. All shielding or buffering methods must be of sufficient height (minimum of 6 feet) and shall be approved by the Planning Commission during their review process.

**SIGN:** Any structure or device designed to attract attention by words or graphic display. The term "sign" shall not apply to a religious symbol bearing no lettering when applied to a place of worship, or to public traffic or directional signs.

**SIGN, BUSINESS:** A sign which directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises where displayed.

**SIGN, PORTABLE:** Any sign that is not permanently affixed to real property or any structure erected thereon and is capable of being moved from one location to another. This term shall apply to mobile signs with wheels even in cases where the wheels are removed, unless such sign is permanently affixed to real property or structure after removal of the wheels. This term shall not include Temporary Signs as defined elsewhere in this ordinance. (adopted 3/6/95)

**SIGN, TEMPORARY:** Any sign that is intended to advertise or provide information about an item, subject or topic that is temporary in nature, such as real estate sale signs, political signs and construction signs. The examples identified herein are not intended to be, nor shall they be construed to be, exhaustive of the types or examples of temporary signs covered by this ordinance. The term "temporary" shall include Portable

Signs as defined elsewhere in this ordinance. (adopted 3/6/95)

**SOLID WASTE DISPOSAL FACILITY:** Any land or building used for the purpose of disposal of solid wastes of an industrial, commercial or domestic nature, provided that said waste does not exhibit hazardous or toxic characteristics as defined by the Resource Conservation and Recovery Act. Amended 09/06/81.

**SPECIAL EXCEPTION:** A use permitted with special permission granted by the Zoning Hearing Board, to occupy and use land and/or building for specific purposes in accordance with this ordinance when such use is not permitted by right.

**SPECIALIZED ANIMAL RAISING AND CARE:** Any commercial facility engaged in the raising and care of animals, except farms.

**SPECIALTY SHOPS:** Small scale retail operations that specialize in one type or line of merchandise. Such stores may include, but are not limited to: antique shop, gift shop, bakery, candy store, art & framing shop, music store, clothing/apparel store, food establishments (pizza shop, ice cream shop, food/grocery markets), stationary stores, hair salon, florist, and similar establishments. Such stores provide goods directly to the consumer where such goods are available for immediate purchase and removal from the premises by the purchaser. (Added 4/12/02)

**SPECIFIED ANATOMICAL AREAS:** As defined in 68 PA.C.S.A. 5502, as may be amended.

**SPECIFIED SEXUAL ACTIVITIES:** As defined in 68 PA.C.S.A. 5502, as may be amended.

**STEEP SLOPE:** Average land areas exceeding twenty-five (25%) percent in slope measured and presented as follows:

1. The development, grading, and stripping of vegetation shall be limited to a percentage of land within steep slope categories established by this Section. The applicant proposing the subdivision and/or land development shall prepare a topographic site plan with contour intervals of ten feet (or of greater detail) and depicting the slope of all areas within the site according to the categories of 0-7.9%, 8-14%, 15-24.9% and greater than 25%. Such plan shall be sealed by a professional engineer, professional land surveyor, or a landscape architect.
2. The maximum area of land which may be developed, graded and stripped of vegetation shall be as follows:
  - A. No greater than 40% of area with slopes ranging from 8% to 14.9% shall be developed, graded, or stripped of vegetation.
  - B. No greater than 30% of areas with slopes ranging from 15% to 24.9% shall be developed, graded or stripped of

vegetation.

- C. No greater than 15% of areas with slopes greater than 25% shall be developed, graded, or stripped of vegetation.

**STORY:** That portion of a building located between the surface of any floor and the next floor above; if there is not more than one floor the space between any floor and the ceiling next above it shall be considered a story.

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

**STREET LINE:** A line defining the right-of-way boundaries of a street.

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

**TOWNHOUSE:** A multi-family dwelling consisting of three or more dwelling units that are attached side by side by an unpierced party wall.

**TOWNSHIP CONSULTANT:** An expert hired by the Township through appropriate resolution to review applications, annual reports and other necessary tasks in relation to Township Ordinance. (Added 10/05/98)

**TRAILER:** A vehicle designed to be towed by a motor vehicle used primarily for transportation of property (full or semi).

**TRAVEL TRAILER:** A mobile vehicle, with wheels, designed for overnight occupancy or camping purposes, capable of being towed by a passenger automobile and having an overall length of forty (40) feet or less, and an overall width of less than eight (8) feet. (See also, Recreational Vehicles)

**TRUCK:** A motor vehicle designed primarily to transport property.

**TRUCK TRACTOR:** A motor vehicle designed primarily to pull other vehicles, which is not constructed to carry a load except part of a towed vehicle.

**TRUCK TERMINAL:** A facility operated by a common carrier where freight enroute to other destinations is transferred, warehoused, or temporarily stored for no more than thirty (30) days, with secondary allowances for service, repair, and storage of vehicles involved in the normal operation.

**VARIANCE:** A departure from the strict letter of the ordinance as it applies to specific properties as authorized by the Zoning Hearing Board.

**YARD:** That portion of a lot which is unoccupied and open to the sky and extends from the lot line to the yard line.

**YARD LINE:** An imaginary line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

**YARD, FRONT:** The area between an adjacent road right-of-way and the building, structure or portion thereof, and extending for the full width of the lot.

**YARD, REAR:** The area between the rear lot line and the building, structure or portion thereof, and extending for the full width of the lot.

**YARD, SIDE:** The area between the side lot line and the building, structure or portion thereof, extending for the full depth of the lot.

**YARD, SUPPLY:** The area used for storage of materials for the principle use.

**ZONING OFFICER:** The Zoning Officer of the Township of Summit or the Zoning Officer's authorized representative.

**ZONING PERMIT:** A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of the Zoning Ordinance or with an Order of Zoning Hearing Board authorizing an applicant to proceed with said use, building or structure.



**ARTICLE 3**

**ZONING MAP DISTRICTS AND BOUNDARIES**

**301 Zoning Map:** A map entitled "Summit Township Zoning Map" is hereby adopted as part of this ordinance.

The zoning and transportation map shall be kept on file, available for examination, at the Township Municipal Building.

**302 Transportation Map:** A map entitled "Summit Township Transportation Map" is hereby incorporated as part of this ordinance. The transportation map represents the Township's Comprehensive Transportation Plan and includes existing and proposed public streets and roads throughout Summit Township including marginal access service roads. For the purpose of maintaining the integrity of the Transportation Map and Comprehensive Transportation Plan, no permit shall be issued for any building or sign structure within the lines of any street or road shown or laid out on the Transportation Map.

In cases where the proposed use of property is adversely affected by the Transportation Map and Comprehensive Transportation Plan, the owner of the property may request that the governing body consider altering the Plan so as to provide relief.

**303 Zoning Districts:** The Township is divided into thirteen (13) districts shown by the district boundaries on the Zoning Map and known as:

- A-1 Agriculture
- A-2 Agriculture
- R-1 Residential
- R-2 Residential
- R-3 Residential
- T-1 Transitional
- B-1 Business
- B-2 Business
- I-1 Industrial
- I-2 Industrial
- I-3 Industrial
- IP Industrial Park
- LIP Light Industrial Park

**304 District Boundaries:** The boundaries of the Zoning Districts shall be as shown upon the Zoning Map entitled "Summit Township Zoning Map". Where uncertainty exists with respect to the boundaries of the various Zoning Districts, the following rules shall apply:

1. Where a Zoning District boundary approximately follows the Center Line of a Street or Road the center line of such street or road shall be interpreted to be the Zoning District boundary.
2. Where a Zoning District boundary approximately parallels a street lot line or road lot line - The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
3. Where a Zoning District boundary approximately follows a lot line - The lot line shall be interpreted to be the Zoning District boundary.
4. Submerged Areas - All areas within the Township which are under water and are bounded by two or more zoning districts the boundary lines of these districts shall be extended to the center of the body of water.
5. Classification of Annexed or Unzoned Lands - For zoning purposes all areas annexed to the Township or which are discovered to be unzoned due to administrative oversight or a change in municipal boundaries shall be classified as "R-1" Rural Residential until such time as the Ordinance and Map are officially amended to include the annexed or excluded areas and classify them in accordance with the Township's Comprehensive Plan.
6. Vacation of Public Ways - Whenever any street, road or way is vacated, the Zoning District or Districts adjoining such street road or way, shall be automatically extended to the center of such vacated area.
7. Boundary Determination Problems - Where it is not possible or practical for the Zoning Officer to determine the location of a zoning district boundary line after consulting with the governing body regarding the location of said line, or if a petitioner contests the Zoning Officer's determination of the boundary, the Zoning Hearing Board, upon appeal, shall determine and establish the location of said boundary line.

8. All distances pertaining to the delineation of zoning districts as shown on the Zoning Map shall be measured from the existing road right-of-way line when such distance is measured from a public road.

### **305 Agriculture Districts**

**A. Purpose:** A-1 - To preserve or encourage the preservation of agricultural land. This district is established to provide space that will be used primarily for agricultural activities and to protect such areas against unjustifiable urban encroachment.

A-2 - To provide a buffer or transition area between residential and agricultural districts.

**306 Residential Districts:** Consists of areas designated for residential usage, district zone designations are limited to agricultural uses, dwellings, and uses normally associated with residential neighborhoods.

**307 Business Districts:** Areas designated for business, districts "B-1" and "B-2" are limited to commercial and research industrial uses. By defining compact areas for such uses, better fire protection, police protection and utilities may be provided. Most industrial uses are excluded in order to reduce the hazards caused by extensive truck and rail movements normally associated with such uses. However, research industrial uses and certain light industrial uses are permitted if they are of such nature that they do not cause these hazards and if they meet the specific requirements set forth in this ordinance. To facilitate efficient traffic movement and promote highway safety, it is required that a developer submit a site plan showing ingress and egress points, building size and parking facilities.

### **308 INDUSTRIAL DISTRICTS**

**A. I-1 Industrial District:** The purpose of the industrial district is to provide suitable space for existing industries and their expansion, as well as future industrial development. Performance standards, loading parking specifications and yard regulations are set forth in the Ordinance in order to insure, insofar as possible, safe, non-objectionable industrial installations.

**B. I-2 Industrial District:** The purpose of this district is to provide a district in the Summit Township Zoning Ordinance consonant with the applicable decisions of the Erie County Court of Common Pleas of Erie County, Pennsylvania, and the Commonwealth Court of Pennsylvania regarding the request for curative amendment by the Erie Disposal Company relating to the operation of the Lake View Landfill. Said decisions having been handed down by the court.

**C. I-3 Industrial District:** The purpose of the I-3 Industrial District is to designate a district (or districts) in the Summit Township Zoning Ordinance to provide suitable space for "drop-off centers" as that term is defined herein.

**309 Industrial Park and Light Industrial Park:**

These areas are created to be developed exclusively to industrial activity but with more restrictions than an industrial designation. The purpose of these districts are to encourage the use of industrial park development. Such development treats a large expanse of land as an industrial subdivision by planning, constructing, servicing and maintaining it in a manner that will make resourceful use of the land, increase compatibility and attractiveness of these uses to each other, and protect the Township's advantage in attracting industry.

All requirements for this district are listed in the Industrial Park section of this ordinance, Article 5.

**310 Permitted uses:** The principal use or uses on special exceptions for each district are shown in the following tables: 310.1, 310.2, 310.2A, 310.3, 310.4, 310.5. Uses given in the following categories shall be according to the common meaning of the term or definitions given in Article 2.

**311 Transitional District:**

An area designated to permit light business uses and residential uses to mix, allowing, but controlling, through traffic volume and building size, various uses (no big box retail). A district where the residential character of the area will be maintained and preserved utilizing buffers of natural (wooded) or man made barrier to separate different zoning uses. This designation broadens the use of properties otherwise affected by nearby business, industry or major thoroughfares. (Added 4/12/02)

**311.01 General Criteria for a Transitional District** is as follows: (Added 4/12/02)

**(A) Decorative Front Façade for Buildings**

1. No plain block walls. (i.e. - use brick, split-face, shadow block etc.)
2. No florescent colors (i.e. - use earth-tone colors etc.)

**(B) Driveways**

1. Traffic volume maximum of 1,500 per day (using criteria set forth in "Chapter 441 Access to and Occupancy of Highways by Driveways and Local Roads"- "Medium Use Driveway".

**(C) Landscaping & Buffer Strips**

1. A minimum of 30% of the area shall be landscaped. Of that landscaping 25% must be perimeter & 5% must be interior.
2. Minimum 20-foot width planting strip across entire front yard
3. Minimum 25-foot width buffer strip for side and rear yards (if not adjacent to different zoning districts); densely planted with mixed hardwood and evergreens - when mature creating a natural wooded barrier. (*see new definition/densely planted*)
4. Minimum 50-foot buffer strips required between residential & transitional districts; densely planted with mixed hardwood and evergreens - when mature creating a natural wooded barrier. (*see new definition/densely planted*)
5. Preservation of existing native growth (over 6 inches) whenever possible. Photographs to be provided with landscape plan.
6. Buildings, driveways (except to access a public roadway), and parking shall not protrude into planting and/or buffer strips (parking on hard surface only).

**(D) Lot Coverage**

1. 30% maximum buildings
2. 70% maximum impervious (includes building)

**(E) Lot Size**

1. No maximum or minimum lot size (as long as general criteria can be met)
2. For residential uses, minimum lot areas and maximum lot coverage are as listed in table 312.02. Landscaping/buffer strips would apply to development perimeter.

- (F) **Maximum Building Height**
1. 45 feet
  2. May be increased if front, rear & side yard are increased one foot for each one foot of increased height, excluding stand-alone signs.
- (G) **Minimum Distance Between Structures**
1. Commercial = 20'
  2. Residential = 14'
- (H) **Off-Street Parking**
1. Off-street parking to the front of the development shall not exceed 10% of the required spaces.
  2. Off-street parking shall be provided for each use located on the lot in accordance with Section 606.2.
- (I) **Outdoor Display Areas**
1. Not permitted unless by Special Event Permit.
- (J) **Outside Storage**
1. None permitted.
- (K) **Utilities**
1. Underground encouraged on premises.
- (L) **Environmentally Sensitive Areas**
1. Environmentally sensitive areas on a lot shall to the greatest extent possible be preserved.
  2. Environmental analysis map(s) showing and identifying the location of Environmentally Sensitive Areas (defined in Section 202) affecting the tract shall be provided (proof of the non-existence of such conditions shall be provided by the applicant).
- (M) **Allowable Density**
1. Allowable density shall be based upon net acreage (defined in Section 202) and shall be calculated as follows:
    - a. Maximum Densities per zoning district shall be:
      1. 6.8 dwelling units per acre.
    - b. Calculate Allowable Density  
(Net Acreage x Maximum Density)

311.02 "Use Specific Criteria for a Transitional District" is added as follows:

- (A) **Recreation - Outdoor**
  - 1. Hours of operation; 7:00a.m. - 11:00 p.m.
- (B) **RESTAURANTS/CAFES**
  - 1. Eat-in Only - no "Drive-Through"
- (C) **VETERINARY CLINICS**
  - 1. No outdoor kennels
  - 2. Outdoor exercise runs or similar facilities permitted.
- (D) **SPECIALTY SHOPS**
  - 1. One building may be up to 10,000 sq. ft. maximum size.
  - 2. Remaining buildings must be non-contiguous and 5,000 sq. ft. or less.

**312 Lot, Yard and Height Requirements:** The minimum lot area per family, maximum coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, side yard requirements and maximum height of structures for each district shall be as specified in Table 312.01 and Table 312.02.

**TABLE 310.1**

**A-1 AGRICULTURAL DISTRICT**

**PERMITTED PRINCIPAL USE**

**USES ON SPECIAL EXCEPTIONS**

Antennae - (on pre-existing structures) (Added 10/05/98)	Antennae & Structures (400.26) (NEW Structures) (Added 10/05/98)
Accessory Buildings	Airports (400.03)
Agriculture	Golf Courses (400.06)
Cemeteries	Home Occupations (400.07)
Churches & Community Houses	Hospitals & Clinics for Humans (400.01)
Essential Services	
Fire Stations	Kennels & Veterinary Clinics (400.15)
Parks & Playgrounds	
Single Family Dwellings	
Specialized Animal Raising and Care	Public Utilities (400.02)
Stables & Riding Academies	Water Recreation & Storage (400.05)

**A-2 AGRICULTURAL DISTRICT**

**PERMITTED PRINCIPAL USE**

**USES ON SPECIAL EXCEPTIONS**

Accessory Buildings	Airports (400.03)
Agriculture	Golf Courses (400.06)
Antennae - (on pre-existing structures) (Added 10/05/98)	
Cemeteries	Home Occupations (400.07)
Churches & Community Houses	Hospitals & Clinics for Humans (400.01)
Essential Services	
Fire Stations	Kennels & Veterinary Clinics (400.15)
Parks & Playgrounds	
Single Family Dwellings	
Specialized Animal Raising and Care	Public Utilities (400.02)
Stables & Riding Academies	Water Recreation & Storage (400.05)



**TABLE 310.2**  
**R-1 RESIDENTIAL DISTRICT**

<u>PERMITTED PRINCIPAL USE</u>	<u>USES ON SPECIAL EXCEPTIONS</u>
Accessory Buildings	Churches & Community Houses
Agriculture	(400.01)
Antennae -	
<b>(on pre-existing structures) (Added 10/05/98)</b>	
Essential Services	Golf Courses (400.06)
Municipal Bldgs. & Libraries	Home Occupations (400.07)
Parks & Playgrounds	
Schools	
Single Family Dwellings	Public Utility (400.02)
Fences (See Art. II): Four feet in height allowed on side yards; six feet in height on side yards by mutual consent.	Water Recreation & Storage (400.05)

**R-2 RESIDENTIAL DISTRICT**

<u>PERMITTED PRINCIPAL USES</u>	<u>USES ON SPECIAL EXCEPTIONS</u>
Accessory Buildings	Churches & Community Houses
Agriculture	(400.01)
Antennae -	
<b>(on pre-existing structures) (Added 10/05/98)</b>	
Essential Services	Family Day/Night Care Home(400.08)
Fire Stations	Funeral Homes (400.10)
Municipal Bldgs. & Libraries	Golf Courses (400.06)
Parks & Playgrounds	Home Occupations (400.07)
Schools	Multi Family Dwellings (400.12)
Single Family Dwellings	Public Utilities (400.02)
Two Family Dwellings	Water Recreation & Storage (400.05)
Fences (See Art. II): Four feet in height allowed on side yards; six feet in height on side yards by mutual consent.	

**R-3 RESIDENTIAL DISTRICT**

<u>PERMITTED PRINCIPAL USE</u>	<u>USES ON SPECIAL EXCEPTIONS</u>
Accessory Buildings	Churches & Community Houses
Antennae -	(400.01)
<b>(on pre-existing structures) (Added 10/05/98)</b>	
Essential Services	Cemeteries (400.27)
Fire Stations	Family Day/Night Care Home(400.08)
Municipal Bldgs. & Libraries	Funeral Homes (400.10)
Parks & Playgrounds	Golf Courses (400.06)
Schools	Home Occupations (400.07)
Single Family Dwellings	Public Utilities (400.02)
Two Family Dwellings	Water Recreation & Storage (400.05)
Multi Family Dwellings	

**TABLE 310.2A  
T-1 TRANSITIONAL DISTRICT**

**PERMITTED PRINCIPAL USES**

All Permitted Principal Uses of the R-3 Residential District

The following "Permitted Principal Uses" of the B-1 Business District:

- Bed & Breakfasts  
(owner/operator occupied only)
- Dry Cleaners (Drop-off Services Only)
- Farmers Market & Roadside Stands
- Financial Services
- Government Services
- Laundromats
- Libraries
- Museums
- Offices & Office Buildings
- Personal Services
- Professional Services
- Recreation, Indoor  
(Physical Activities Only)
- Recreation, Outdoor  
(Physical Activities Only)
- Restaurants (Eat-in Only)
- Specialty Shops

**SPECIAL EXCEPTION USES**

All Special Exception Uses of the R-3 Residential District.

The following "Special Exception Uses" of the B-1 Business District:

- Veterinary Clinic  
(400.15)(311.02C)
- Clinics for Humans  
(400.01)
- Personal Care Boarding Homes (400.08)

**NOTE:** See T-1 District "General Criteria", Section 311.01 and "Specific Criteria" Section 311.02

**TABLE 310.3**  
**B-1 BUSINESS DISTRICT**

<u>PERMITTED PRINCIPAL USES</u>	<u>USES ON SPECIAL EXCEPTION</u>
Accessory Buildings	Veterinary Clinic (400.15)
Antennae - <b>(on pre-existing structures)</b> (Added 10/05/98)	Antennae & Structures <b>(NEW Structures)</b> (400.26) (Added 10/05/98)
Automobile Sales	Automobile & Truck Towing Service(400.1)
Automobile Service	Bottle Club (400.11)
Car & Truck Wash	Day/Night Care Facility <i>i.e.</i> Family Day/Night Care Home Group Day/Night Care Home Day/Night Care Center (all 400.08)
Churches & Community Houses	Family or Group Homes (400.08)
Clubs	
Communication Building	
Computer Operations Center	
Essential Services	
Financial Services	High Rise Signs (400.22)
Fire Stations	Hospitals & Clinics for Humans(400.01)
Fuel Islands (accessory structure)	Kennels (400.15)
Funeral Homes	Light Machine Shop (400.18)
Governmental Services	Light Mfg./Light Fabrication (400.18)
Indoor Entertainment Facility	
Libraries	
Motels & Hotels	
Multi-Family Dwellings	Miniature Golf (400.25)
Museums	Mobile Home Parks (400.09)
Offices	Outside Storage (400.17)
Office Buildings	Personal Care Boarding Homes (400.08)
Outdoor Entertainment Facility	Go-Carts (400.25)
Personal Services	
Professional Services	
Public Utility Corp. Bldg.	
Restaurants, excl. drive-in	Pitching & Batting Cages (400.25)
Retail/Wholesale Business with indoor storage area adjunct to business for  warehousing of goods and products merchandised by the business.	Restaurants, with drive-in (400.04)
Research Laboratories (that produce no hazardous or chemical waste	Single-Family Dwellings (400.23)
Schools	Two-Family Dwellings (400.23)
Travel Trailer & Recreational	Water Recreation & Storage (400.05)
Vehicle Sales & Service	Mini-Storage Warehousing (400.24)

**TABLE 310.4**  
**B-2 BUSINESS DISTRICT**

**PERMITTED PRINCIPAL USE**

**USES ON SPECIAL EXCEPTION**

Accessory Buildings	High Rise Signs (400.22)
Adult-Oriented Establishment (added 11/03/08)	
Animal Clinics	Light Machine Shop (400.18)
Antennae - (on pre-existing structures) (Added 10/05/98)	Antennae & Structures (400.26) (NEW Structures) (Added 10/05/98)
Automobile Sales, Service Clubs	Light Mfg./Light Fabrication (400.18)
Commercial Schools	Outside Storage (400.17)
Computer Operations Center	Single-Family Dwelling
Commercial Vehicles Sales and Service	Supply Yards (400.13)
Communication Building	Two Family Dwelling (400.23)
Drive-in Restaurants	Water Recreation & Storage (400.05)
Essential Services	Mini-Storage Warehousing (400.24)
Fire Stations	
Fuel Islands(accessory structure)	
Garage, Repair	Truck Terminal (400.16)
Hospitals & Clinics for Humans	
Indoor Entertainment Facility	
Mobile Home Parks	
Mobile Home Sales	
Motels	
Offices	
Personal & Professional Services	
Printing, Lithography and Publishing Plants	
Public Utilities	
Restaurants	
Retail/Wholesale Business with <i>indoor storage area adjunct to business for warehousing of goods and products merchandised by the business.</i>	
Travel Trailer Parks	
Travel Trailer Sales	

**TABLE 310.5**  
**I-1 INDUSTRIAL DISTRICT**

**PERMITTED PRINCIPAL USE**

Accessory Structures  
Antennae -  
    **(on pre-existing structures)**  
    (Added 10/05/98)  
Antennae & Structures -  
**(FOR DISTRICTS LOCATED ADJACENT**  
**TO I-90 or I-79 ONLY**)  
    (Added 10/05/98)

Essential Services  
Fire Stations  
Laundry & Dry Cleaning Products  
Light Manufacturing  
Office Buildings  
Printing & Publishing  
Railroad Freight Facilities  
Research & Testing Labs  
Warehousing Establishments  
Wholesale food processing

**USES ON SPECIAL EXCEPTION**

Bulk Fuel Storage (400.19)  
Antennae & Structures (400.26)  
    **(on NEW Structures)**  
    (Added 10/05/98)

Heavy Manufacturing (400.14)  
Injection Wells (400.20)  
Outside Storage (400.17)  
Public Utility Bldgs. (400.02)  
Truck Terminal (400.16)  
All other uses of land and  
    buildings not permitted in  
    other zoning districts  
    as long as the highest  
    attainable standards of  
    health, safety, morals and  
    general welfare are  
    observed; and furthermore,  
    all activities are carried  
    out in strict compliance  
    with any laws of the  
    Township, County, or State.

**I-2 INDUSTRIAL DISTRICT**

**PERMITTED PRINCIPAL USE:**

Antennae -  
    **(on pre-existing structures)** (Added 10/05/98)

Solid Waste Disposal (Amended July 6, 1981)

**I-3 INDUSTRIAL DISTRICT**

**PERMITTED PRINCIPAL USE:**

Antennae -  
    **(on pre-existing structures)** (Added 10/05/98)

Drop Off Center (as defined in Article 2 Definitions)  
Recycling/Transfer Facility (400.21)  
Sewage Treatment Plants (400.19)

**INDUSTRIAL PARK DISTRICT**

For uses, refer to Section 502

**TABLE 312.01  
YARD SET BACK REQUIREMENTS (MINIMUM)**

District	Use	Front			Side			Rear			Maximum
		(A)	(C)	(D)	(A)	(C)	(G)	(A)	(C)	(G)	Height (B)
A-1	Dwellings Residential	50 feet			25 feet			50 feet			45 feet
	Accessory Bldgs.	50 feet			25 feet			25 feet			45 feet
	All other Bldgs.	50 feet			50 feet			50 feet			45 feet
A-2	Dwellings	50 feet			25 feet			50 feet			45 feet
	All other uses	50 feet			25 feet			50 feet			45 feet
R-1	Principal Bldg	50 feet			10 feet			50 feet			45 feet
	Accessory or Structures	50 feet			10 feet			10 feet			45 feet
R-2	Dwellings	50 feet			10 feet			50 feet			45 feet
	All other uses	50 feet			10 feet			10 feet			45 feet
R-3	Dwellings	30 feet			10 feet			30 feet			45 feet
	All other uses	30 feet			10 feet			10 feet			30 feet
T-1	All Uses	50 feet			25 feet			25 feet			45 feet
B-1	All uses	50 feet			10 feet (F)			10 feet			30 feet
B-2	All uses	50 feet			10 feet (F)			10 feet			30 feet
I-1	All uses	100 feet			50 feet			50 feet			45 feet
I-2	All uses	100 feet			50 feet			50 feet			45 feet
I-3	All uses	100 feet			50 feet			50 feet			45 feet
IP	All uses	50 feet (E)			25 feet			50 feet			50 feet

(A) Building set back requirements to comply with Summit Township Overall Transportation Plan. The setbacks listed in the above chart are from the road right-of-way line, with exceptions listed below.

--On route 19, 97 and 99, setback is 125 feet from centerline of the road.

--On regional or internal collector roads (Bloomfield Parkway, Douglas Parkway, Downs Drive, Hershey Road, Oliver Road [North of 5-points intersection], Robison Road, Townhall Road,)), the setback is 100 feet from the centerline of the road (example: 75 feet from edge of right-of-way line of a 50' road right-of-way).

--Corner lots provide front yards on both streets (refer to Section 602.1).

(B) May be increased if front, rear, and side yards are increased one foot each for each one foot of increased height, excluding stand-alone signs.

- Continued -

- (C) 50 feet from side street (in park). 100 feet from street defined as a main thoroughfare.
- (D) See Section 312.10

**TABLE 312.02  
LOT REGULATIONS**

<u>DISTRICT</u>	<u>USE</u>	<u>AREA PER DWELLING; STRUCTURE (SQ. FT)</u>	<u>5</u>	<u>LOT WIDTH AT BLDG SETBACK LINE (2)</u>	<u>TOTAL MAXIMUM COVERAGE BY STRUCTURE</u>
A-1	Dwellings	60,000		200 feet	10%
	Other Uses	60,000		400 feet	10%
A-2	Dwellings	1 acre		150 feet	10%
	Other Uses	1 acre		150 feet	10%
B-1, 2	All Uses	25,000		100 feet	40%
I-1, 2, 3	All Uses	5 acres		400 feet	50%
IP, LIP	All Uses	(4)		(4)	50%
R-1, 2, 3 T-1	Single Family Dwellings and Other Uses	20,000		100 feet	10%
R-2, R-3 T-1	Two Family Dwellings (Amended 10/05/98)	30,000		135 feet	10%
R-2, R-3 T-1	Three or More Family Dwellings (Amended 10/05/98)	35,000 + 5,000 for each unit over three		135 feet	10%
R-2 (1)	Single Family & Other Uses	15,000		90 feet	20%
R-3 (1) T-1	Single Family & Other Uses	14,400 (2)		80 feet	20%
R-3 (3) T-1	Single Family & Other Uses	9,600		70 feet	30%

- (1) Served by either a central water supply or a central sewage disposal system, or both.
- (2) 9,600 square feet if ownership prior to 2-4-57 per Section 602, Article 6.
- (3) Served by both a central water supply and a central sewage disposal system.
- (4) See Article 5
- (5) Corner lots must have 25% additional area.

312.03 In areas where, twin (semi-detached), row (attached), and multiple family structures are permitted, the lots shall be a minimum of one hundred (100) feet in depth and have a minimum area per dwelling of thirty thousand (30,000) square feet for first two units, and five thousand (5,000) square feet for each additional unit. If row house structures are to be constructed, there shall be no more than ten (10) dwelling units in each structure,



and there shall be a minimum of fifty (50) feet between each such structure. In no event shall a lot designed for more than one dwelling be less than thirty thousand (30,000) square feet in area. (Amended 10/05/98)

312.04 The size of lots in Table 312.02, above, may be increased according to the results of soil percolation tests. In all areas of the Township where on-lot sewage disposal is planned, the subdivider shall consult the County Department of Health before establishing a lot size and designing a subdivision or land development.

312.05 Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

312.06 The depth of lots shall be not less than one, nor more than three times their width.

312.07 Side lines of lots, so far as practical, shall be at right angles or radial to street lines.

312.08 Corner lots shall be increased a minimum of 25% in size, so as to provide that any structure to be placed thereon shall conform to the building line of each street.

312.09 In all Zoning Districts within the Township, regardless of the required lot width at the building setback line, each lot shall have a minimum frontage of fifty-five (55) feet along a public street right-of-way.

312.10 Flag lots shall be permitted subject to the following regulations:

A. Lot requirements for the "Flag."

a. The lot area, lot width, yard setbacks, and yard requirements of the applicable zone shall be in accordance with Tables 312.01 and 312.02 and shall be measured exclusively upon the "flag."

b. The flag lot shall contain adequate driveway dimensions exclusively upon the "flag," designed to include an improved vehicle turnaround area to permit vehicles to maneuver in order that said vehicles can enter the street right-of-way in a forward direction.

B. Requirements for the "Flagpole"

- a. The flagpole shall not exceed six hundred (600) feet in length unless additional length is needed to avoid the disturbance of productive agricultural land or another significant natural or cultural feature.
- b. No part of the "flagpole" shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements, such as landscaping, fences, decorative walls, utilities, mailboxes, and signage.
- c. The driveway contained on the "flagpole" shall be located a minimum of ten (10) feet from any lot line, and twenty-five (25) feet from any existing structure on an adjoining lot.

312.11 In a plaza type development, internal side yard setback will be zero (0) feet on properties contained within one building structure. The outer sidewalls must conform with the requirements of Table 312.01. The plaza must comply with the total square footage and landscaping requirements of the Summit Township Greenspace Provisions.

312.12 All Business, Industrial, or Agricultural land developments abutting a different use district shall be appropriately landscaped and maintained in accordance with applicable portions of Section 513 (4) of this Ordinance. Such buffer zone shall remain open and unoccupied by any principal or accessory building or use. No gravel or paved area will be permitted except when used for an approved access to a public right-of-way. Stormwater detention basin slopes shall not exceed a ratio of four to one (4:1) horizontal to vertical dimension. Stormwater management facilities shall be screened and landscaped so to blend with the natural growth and be compatible with adjacent landscape areas. Buffer zone topography shall not exceed a ratio of four to one (4:1) horizontal to vertical dimension. The Greenspace Provisions, Appendix A of the Summit Township Subdivision, Land Development, and Mobile Home Ordinance (SALDO), must be complied with by the land owner. The applicable greenspace planting strip may be included within the fifty-foot (50') buffer zone. Land Developments shall be defined as set forth in Article II of the SALDO.

ARTICLE 3-A

OPEN SPACE DEVELOPMENT

(SEE APPENDIX I)

**ARTICLE 4**  
**SPECIAL EXCEPTIONS**

**400.00** The criteria for Special Exceptions are listed below. In addition to these, the Zoning Hearing Board, in granting Special Exceptions is charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision.

**Note:** Any use listed under this section that is fully or partially allowed as a permitted use in any zoning district must be in full compliance with the following criteria.

**400.01 Churches, Community Houses, Hospitals, Clinics and Nursing Homes:**

- (a) Shall provide all parking, loading, and unloading requirements as required by this ordinance.
- (b) Shall be so located as to be readily accessible from streets that are adequate to handle anticipated traffic.
- (c) The design shall be compatible with, and preserve the character of, adjoining residential users.
- (d) All parking and recreational/play areas which abut residential uses shall be screened.
- (e) Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- (f) All sideyards shall be at least 20 feet in width.

**400.02 Public Utilities:**

- (a) Shall be landscaped to preserve the residential character of the neighborhood.
- (b) Shall be enclosed by a security fence, notwithstanding any other section of this ordinance, the height of this fence shall be adequate to provide property security for the installation.

**400.03 Airports:**

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

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

- (b) The minimum lot size shall be five acres.
- (c) The developer shall submit a complete development plan to the Board. The Board shall at the developers expense engage an engineer to review these plans and make recommendation thereon. The Model Airport Zoning Regulations of the Federal Aviation Administration will be used as a guide in this matter. The recommendations of the Board's engineer will be conditions for approval of the airport.

**400.4 Drive-In Restaurants:**

- (a) Shall provide adequate stacking space in aisles for drive-in facilities for at least six autos.
- (b) Shall provide screen planting along any yard that abuts a residential use.

**400.05 Water Recreation and Storage:**

Any facility for water recreation such as inground swimming pools, commercial fishing ponds, reservoirs, fish hatcheries, sewage lagoons or farm ponds shall comply with the following regulations:

- (a) The facility must meet all setback requirements.
- (b) The facility must be enclosed by a fence no less than four (4) feet high, except that farm ponds in the A-1 Agriculture District are exempt from this requirement. Any fence gates shall be self-latching and self-locking.

**400.06 Golf Courses:**

All regulation golf courses, public or private, shall comply with the following requirements:

- (a) Clubhouses shall be located at least one hundred (100) feet from any property line.
- (b) If eating and drinking facilities are provided, the parking requirements for restaurants shall apply.
- (c) Any swimming pool shall comply with Section 400.05.
- (d) Ponds designed as part of the golf course shall be exempt from Section 400.05.

**400.07 Home Occupation:**

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

- (a) The occupation or profession shall be carried on wholly within the principal structure or accessory structure.
- (b) There shall be no exterior display, exterior sign other than permitted under Section 612.3, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal structure.
- (c) No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced.
- (d) In particular, home occupations include, but not limited to, art studios, dressmaking, professional offices of physicians, dentists, lawyers, engineers, architects, or accountants, or teaching with musical instruction limited to one pupil at a time.
- (e) However, a home occupation shall not be interpreted to include barber shops, commercial kennels, real estate offices, restaurants, or auto and truck towing operations.
- (f) Additional parking must be set by Zoning Hearing Board.

**400.08 Group Care Facility, Personal Care Boarding Homes, Day/Night Care Facility** (*i.e.* Family Day/Night Care Home; Group Day/Night Care Home; Day/Night Care Center) **and Family or Group Homes** shall meet the following requirements:

- (a) The minimum lot size shall be forty thousand (40,000) square feet.
- (b) Sideyards shall be increased to at least twenty (20) feet.
- (c) If any approvals, permits, certificates or licenses are required to operate such facilities, from Federal or State authorities, copies of same shall be filed with the Township and the facility shall not be allowed to operate until same has been secured.
- (d) No group care facility or personal care boarding home shall be located within one thousand five hundred (1,500) feet of another group care facility or personal care boarding home.
- (e) Adequate off street parking shall be furnished for guests, staff and visitors.
- (f) Any outdoor recreation space shall be screened from neighboring properties.

- (g) No family or group care facility/home shall be located within five hundred (500) feet of an adjoining zoning district or any residential structures.

**400.09 Mobile Home Parks:**

All mobile home parks must comply with the provisions of the Township's Mobile Home Park Regulations as set forth by the ordinance of December 5, 1972, as the same may be amended.

**400.10 Funeral Parlors:**

- (a) There shall be no receiving vault, preparation room or display for merchandise or advertising from outside the principal building.
- (b) There shall be a minimum of 5,000 square feet of off-street parking, but in no event less than required by Section 607 OFF STREET LOADING AND PARKING.

**400.11 Bottle Clubs:**

- (a) Shall be located at least 1,000 feet from the nearest property line of any other bottle club, church, school or other institution of learning or education, hospital, library, park or playground.
- (b) Shall be located at least 300 feet from any land zoned residential.
- (c) Shall be located at least 300 feet from any property line of any single or multi-family dwelling.

**400.12 Multi-Family Dwellings:** Shall comply with the following regulations:

- (a) Must be in full compliance with Table 312.01, Minimum Yard Set-Back Requirements and Table 312.02, Lot Regulations-Minimum Lot Size and Maximum Lot Coverage.
- (b) When a lot is not serviced by public sewer the developer shall be required to secure an on-lot sewage permit from the Erie County Health Department, or the Department of Environmental Resources. The number of units allowed shall not exceed the amount of units permitted by said sewage permit.
- (c) Any multi-family development in excess of six (6) families per building shall provide side yards of at least 20 feet.
- (d) All required parking shall be off street.

**400.13 Supply Yards:**

- (a) Shall effectively screen the yards facing surrounding properties. Such screening shall be via fencing or other screen planting.

**400.14 Heavy Manufacturing:** Shall be located where the emission of objectionable gases, fumes, smoke, or dust will not be objectionable to established permitted uses nearby or is controlled by the installation of special equipment. Outside storage yards abutting or immediately across a street from any "R" district shall be screened with a solid fence or wall facing the "R" district. They shall meet all performance standards set forth in Section 606.

**400.15 Kennels and Veterinary Clinics:**

- (a) In the A-1 district, such uses shall be accessory to a farm, or when proposed as a principal use shall have a minimum site area of two (2) acres.
- (b) Such uses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning classification and at least fifty (50) feet from any other property line.
- (c) Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with self-latching gates and shall be screened by a screen planting area. Such runs shall be located behind the principal structure.

**400.16 Truck Terminal:**

- (a) All repair work, servicing, lubrication and related service shall occur within an enclosed building.
- (b) All drive and parking areas shall be hard surfaced.
- (c) Loading dock shall be of the completely enclosed type.
- (d) Any vehicle that is accident damaged or being salvaged for parts, or does not display a current inspection sticker and/or registration plate shall be completely screened from view to the front, side and rear of property, either by a fence or screen planting.
- (e) Truck Terminals must be located no more than 1,000 feet from any interstate.
- (f) The requirements of Section 400.19 Bulk Fuel/Sewage Treatment Plants applies to truck terminals.



- (g) Access must be off a collector or arterial road
- (h) Landscaping requirements of an Industrial Park (IP) District must be met.

**400.17 Outside Storage:**

- (a) Products for retail sale may be displayed openly.
- (b) Materials to be used in a machining, fabrication, or a manufacturing process; or materials that are a byproduct of a machining, fabrication, or a manufacturing process shall be shielded from view by a fence (including, but not limited to, solid weather-resistant wood fencing, fencing of a similar appearance such as a solid vinyl fencing, or chain link fencing with privacy slats, whichever shall be approved by the Zoning Hearing Board) or screen planting.
- (c) Storage of materials intended to be stock piled shall be shielded from view by a fence (including, but not limited to, solid weather-resistant wood fencing, fencing of a similar appearance such as solid vinyl fencing, or chain link fencing with privacy slats, whichever shall be approved by the Zoning Hearing Board) or screen planting. Height of such stock pile shall be limited to a maximum of fifteen (15) feet.
- (d) Any vehicle parking or storage of equipment or vehicles abutting a residential use or district shall be effectively screened from view by a fence (including, but not limited to, solid weather-resistant wood fencing, fencing of a similar appearance such as solid vinyl fencing or chain link fencing with privacy slats, whichever is approved by the Zoning Hearing Board) or screen planting.
- (e) Motor vehicles without current, valid license plates or inspection stickers, or vehicles which have been accident or fire damaged shall not be parked or stored in any zoning district, unless stored within an enclosed building, or completely screened from view by a fence (including, but not limited to, solid weather-resistant wood fencing, fencing of a similar appearance such as solid vinyl fencing or chain link fencing with privacy slats, whichever is approved by the Zoning Hearing Board) or screen planting.
- (f) Nothing in this section shall be interpreted to prevent the unenclosed storage of motor vehicles without current valid license plates and current valid inspection stickers, or vehicles that are accident or fire damaged if such storage is performed in

conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or a junkyard.

**400.18 Light Machine Shop/Manufacturing/Fabrication:**

- (a) No emission of objectionable gases, fumes, smoke or dust.
- (b) Shall meet all performance standards set forth in Section 605.
- (c) Outside storage of materials shall be screened from front or side view by a fence or screen planting.
- (d) All drive, parking and storage areas shall be hard-surfaced.

**400.19 Bulk Fuel Storage/Sewage Treatment Plants:**

- (a) Must have all required federal, state and local permits.
- (b) No emission of objectionable gases, fumes or dust.
- (c) Shall meet all performance standards set forth in Section 605.
- (d) All drive, storage and parking facilities shall be hard surfaced.
- (e) Property shall be completely screened from view by use of a fence, fronted by a screen planting.

**400.20 Injection Wells:**

- (a) Must comply fully with Article IX, Ordinance No. 1987-2. Adopted April 6, 1987.

**400.21 Recycling/Transfer Facility:**

- (a) Facility shall only process recyclable materials. No waste material of any kind shall be processed or baled for the primary purpose of transferring to a landfill or incinerator for disposal. No material classified as hazardous waste will be processed or recycled at this facility.
- (b) All receiving, processing and storage of materials to be completely within the enclosed building. The loading dock shall be of the completely enclosed type.
- (c) All material must be processed and shipped from the

facility within thirty (30) days of receipt of same.

- (d) There shall be no outside storage of any material.
- (e) All drive and parking areas shall be hard surfaced with asphalt or concrete.
- (f) Facility shall be enclosed by a security fence fronted by a screen planting.
- (g) No emission of objectionable gases, fumes, smoke or dust.
- (h) Shall meet all performance standards set forth in Section 606 of this Ordinance.
- (i) Must have all required federal, state and local permits.

**400.22 High Rise Signs:**

- (a) A high-rise sign will be permitted only within a 1,000 foot radius of the center of the intersections of Route 19/I-90, and Route 97/I-90.
- (b) Sign may only contain the name, symbol, and nature of the business or services provided on the premises.
- (c) Sign structure must be completely on premises of the advertising business and located behind the front building set back.
- (d) No high rise sign structure may be placed in such a position as to block visibility of an existing high rise sign.
- (e) Must have all required Federal and State permits.
- (f) Must comply with State Act 160, Outdoor Advertising Control Act of 1971, and all rules and regulations thereunder.
- (g) Total signage shall generally be 400 square feet with a maximum of 600 square feet.
- (h) Revolving, rotating, and flashing signs are not permitted.

**400.23 Single and Two Family Dwellings:**

- (a) Family must have owned the property for a minimum of five (5) years in order for any family member to build.

- (b) Must have a minimum of 720 square feet of heated living space and meet all other requirements of an R-2 zoning.

**400.24 Mini Storage Warehousing:**

- (a) Facility shall be built with all garage doors, loading doors, etc., facing interior area only.
- (b) All receiving, processing and storage of materials to be completely within the interior area.
- (c) No outside storage of any material.
- (d) No storage of flammable or explosive material.
- (e) All drive and parking areas shall be hard surfaced with asphalt or concrete.
- (f) If facility will be enclosed by a security fence, then fence must be landscaped by a screen planting.
- (g) No emission of objectionable gases, fumes, smoke or dust.
- (h) Shall meet all performance standards set forth in Section 606 of this Ordinance.
- (i) Must have all required federal, state and local permits.
- (j) Any related conditions set by the Zoning Hearing Board unique to the area.

#### 400.25 Go-Carts - Pitching & Batting Cages - Miniature Golf

1. Performance Standard for Noise: Noise may be considered offensive when an activity results in a 3 dBA increase over the natural background level. Perimeters must be developed in a pre-development background study which establish the one (1) hour equivalent noise level (Leq) for the time periods when the activity will take place, ie. from 10 AM through 12 AM. Measurements should be taken at the property line or extrapolated to the property line as determined by the acoustician. A projection of the increase in noise should be made which results from the activity. The study should also identify on a map, the adjacent zoning uses and residences.

Provisions should be made for a post development noise study within one year of occupancy. Further, agreements will need to be made for what actions will take place should the post study reveal non-compliance with the pre-development study.

License must be filed annually with the Township.

2. Parking: In addition to the requirements for parking by other related site uses, the development should provide for two (2) parking spaces per go-cart.
3. Customer/Public Facilities: The development should provide permanent restrooms for the use of customers/public which are served by public sewer and water supplies.
4. Greenspace: Special planting should be considered for screening the track and maintenance areas from adjoining property uses. Specifically a requirement for closely spaced dense plantings and fencing for controlled access would be appropriate.
5. Zoning Districts: The proposed go-cart track use may be allowed only as a special exception to the B1, B2 use currently in the Zoning Ordinance, and only where the track is further than 500 feet from a residential district and/or a residence.
6. Lighting: The facility, if lighted, shall utilize fixtures mounted to provide a downward illumination pattern with no splash outside the property boundaries.
7. Storage Tanks: Valid E.P.A. tank be inspected for any storage of fuel.

400.26 Antenna Structure  
(See Appendix II)

**ARTICLE 5**  
**SUMMIT TOWNSHIP INDUSTRIAL PARK AND LIGHT INDUSTRIAL PARK**  
**ZONING CLASSIFICATIONS**

**501 PURPOSE**

The Industrial Park (I.P.) and Light Industrial Park (L.I.P.) are created as areas to be developed exclusively for industrial activity but with more restrictions than an Industrial designation. These districts encourage the use of industrial park development. Such development treats a large expanse of land as an industrial subdivision by planning, constructing, servicing and maintaining it in a manner that will make resourceful use of the land, increase the compatibility and attractiveness of these uses to each other, and protect the township's advantage in attracting industry. All requirements in this ordinance shall govern for both the Industrial Park and Light Industrial Park designations except where specific exceptions or additions are provided.

The intent and purposes of Summit Township in creating these districts are as follows:

1. To encourage the establishment of industries which are compatible with one another.
2. To establish standards for the height and size of buildings, the areas and dimensions of yards and open spaces.
3. To provide development and operational standards for yards, structures and equipment that will minimize traffic congestion, noise, glare, air pollution, fire and safety hazards and insure adequate drainage.
4. To provide standards for off-street automobile parking and storage and loading facilities adequate in area, design, arrangement and development to properly serve the use for which such facilities are intended and sufficient to preclude the need for on-street parking or storage of automobiles or trucks.
5. To provide standards for the location and illumination of signs and advertising devices so as to minimize glare and distraction to motorists and neighboring residential districts.
6. To prohibit commercial uses except as such uses are purely accessory and incidental to the industrial uses they are intended to serve.
7. To prohibit industrial uses which, because of potential emission of dust, ash, smoke, noise, fumes, gas, odors or vibrations, are or may be inconsistent with the intent and purposes of this section.

8. To establish standards for environmental development including landscaping and requirement of open areas that will tend to result in healthful and productive working conditions.
9. Residences or any structures intended for living purposes are prohibited in this district.

#### **502 PERMITTED USES**

Only those industrial, manufacturing, compounding, processing, packaging or treatment uses and processes from the following listing are permitted when and if they do not represent a health or safety hazard to the community through air, water, and noise pollution including the production or emission of dust, smoke, refuse matter, toxic or noxious odors, explosives, gas and fumes, excessive noise or similar substances and conditions.

No use shall be permitted in a Light Industrial Park district which shall have noise levels sustained or periodic of 60 decibels (dbA) or greater unsustained non-periodic noise levels of 80 decibels (dbA) or greater measured at any property line and/or residential or agricultural district line.

#### Principal Uses:

1. Wholesale, warehousing and storage.
2. Highway freight, transportation and warehousing.
3. Transportation terminals.
4. Distributing plants, beverages, bottling and/or distribution.
5. The manufacturing, compounding, processing/packaging, treatment and distribution of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food and kindred products.
6. Laboratories devoted to research, design, experimentation, processing and fabrication incidental thereto.
7. Utility operations (electric and gas company operations, sewer and water authorities).
8. Radio and television facilities and operations, telephone exchange and transformer stations.
9. Carpenter, electrical, plumbing, welding, heating or sheet metal shop, furniture upholstering shop, laundry and clothes cleaning establishments, printing shop or publishing plant.



10. Building material supplies, but not including stone crushing or concrete mixing.
11. Assembly, manufacturing, compounding, processing, packaging or treatment uses or processes which produce or emit dust, smoke, toxic or noxious odors, gases, fumes and noise levels which are in conformance with Environmental Protection Agency and Pennsylvania Department of Environmental Resources standards.  
  
In Light Industrial districts, assembly, manufacturing, compounding, processing, packaging or treatment uses or processes which do not produce or emit dust, smoke, toxic or noxious odors, gases, and fumes, that are offensive to the public. Allowable discharges are ventilation air, uncontaminated water vapor and normal products of combustion from approved heating units.
12. Office buildings and buildings used for research and development (R&D) facilities.
13. Antennae attached to pre-existing personal wireless facility, smoke stack, water tower, or any other similar structure. (Added 10/05/98)

### **503 ACCESSORY USES**

The following accessory uses shall be permitted in an Industrial Park District provided that the buildings and accessory buildings and uses comply with all requirements of other districts in which they are normally permitted.

1. Cafeteria or restaurants specifically designed and intended for use by those employees and management of permitted uses in Industrial Park District.
2. Bowling alleys, auditoriums, meeting rooms, or other buildings primarily intended for the mutual use of the permitted uses located within the District, for meetings, programs, displays, recreation and other such uses as the users of the District may deem necessary. These facilities shall be prohibited for use by organizations, clubs and fraternities not specifically associated with businesses in the District.
3. Outdoor recreational facilities designed and intended for use by employees and management of those permitted uses within the District. These facilities and associated uses shall comply with all requirements of this Section in respect to front yard, side yard and rear yard clearances. The facilities, if lighted, must be shielded away from any thoroughfares and residential districts.

4. Heliports, provided that the same are licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, and meet minimum requirements specified by the Federal Aviation Administration or other governing agency.

**503.5** Visibility at Intersection: On a corner lot in any district, no structure, fence wall, hedge, or other planting shall be erected or allowed to grow, be placed or maintained, at a height of more than two and one-half feet above the berm or curb line within a triangle formed by the street side property lines and a straight line joining said street side property lines at points fifty (50) feet from their point of intersection.

#### **504 PROHIBITED USES**

1. All those uses not specifically stated as permitted uses in an Industrial Park District are prohibited.

#### **505 MINIMUM LOT AREA AND LOT WIDTH**

1. An Industrial Park District shall be required to contain a minimum of fifty (50) acres of land area and a Light Industrial District shall contain a minimum of twenty (20) acres of land unless it is an addition to existing I.P. or L.I.P. designated area.
2. All buildings or structures permitted in the Industrial Park District shall be located on a lot having a minimum area of one (1) acre and a minimum frontage on a public thoroughfare of one hundred (100) feet.

#### **506 YARDS REQUIRED**

1. Front Yards - There shall be a front yard of not less than one hundred (100) feet measured from the street right-of-way line on streets defined as "Main Thoroughfares" in the Summit Township Subdivision Ordinance and for buildings on those lots abutting Residential or Agricultural districts as defined in other sections of this code. Front yards on other streets shall be not less than fifty (50) feet, measured from the street right-of-way. Refer to the Official Summit Township Subdivision Land Development and Mobile Home Park Ordinance for minimum lot frontages along a public street right-of-way. (503.10)
2. Side Yards - There shall be two (2) side yards, each having a width of not less than twenty-five (25) feet. Such yards shall be appropriately landscaped and maintained as per Section 513(4) of this Ordinance. For lots abutting any Residential or Agricultural District as

defined in this Zoning Ordinance, there shall be a side yard clearance for the side abutting the Residential or Agricultural district of not less than one hundred (100) feet. The first fifty (50) feet abutting the Residential or Agricultural district shall be appropriately landscaped and maintained as per Section 513(4) of this Ordinance. Such space shall remain open and unoccupied by any principal or accessory building or use.

3. Rear Yard - There shall be a rear yard of not less than fifty (50) feet. Such yards shall be appropriately landscaped and maintained as per Section 513(4) of this Ordinance. For those lots with rear lot lines abutting any Residential or Agricultural district, there shall be a rear yard of not less than one hundred (100) feet. The 100 feet abutting the Residential or Agricultural district shall be appropriately landscaped and maintained as per Section 513(4) of this Ordinance. Such space shall remain open and unoccupied by any principal or accessory building or use. Where a Light Industrial designation exists and the said buffer area is provided for in the adjoining Residential or Agricultural use district by deed covenant, then the set back shall be 50 feet for principal and accessory use.

#### **507 BUILDING HEIGHT LIMITS**

1. Except as provided in the following sub-section 2, no building or structure shall exceed a height of fifty (50) feet.
2. Other Structures - Chimneys, water tanks, communication towers and antennae, ventilators and other similar structures, whether or not accessory to building or appurtenant thereto may be erected to a height exceeding fifty (50) feet provided they are in compliance with the applicable Federal regulations relative to objects affecting navigable air space.

#### **508 PERCENTAGE OF LOT COVERAGE**

Not more than fifty (50) percent of the lot area shall be covered by any main and accessory buildings.

## **509 OFF-STREET PARKING**

Space for off-street parking of employees, customers and visitors shall be required in the following manner and in accordance with other sections of this Zoning Ordinance governing off-street parking. There shall be no on street parking permitted in an Industrial Park under this zoning classification.

1. Off-street parking space shall herein be interpreted to be an accessory use which must conform to all requirements as to side yard and rear yard clearances and shall provide one parking space for every 400 square feet of floor area.
2. All parking spaces provided in the District shall be located on the same property with the permitted use it is intended to serve and conform to the landscaping requirements described in Section 513(4) of this Ordinance.
3. Sufficient parking spaces for employees, customers and visitors shall be provided, except for lots along "main thoroughfares", visitor only parking shall be permitted to the front of the building but in all cases there shall be at least 50 feet from the front line of the parking lot to the street right-of-way. Parking to the front of the building shall not exceed 10% of the required spaces except for lots along "Main Thoroughfares" where this restriction shall not apply. All parking shall conform to Section 506 Yard Requirements, of this Ordinance.
4. Space also shall be provided for the parking of freight and delivery trucks during any time in which the off-street facilities prescribed in the Ordinance are insufficient to handle all such trucks waiting to use said facilities.

## **510 OFF-STREET LOADING/UNLOADING AND STORAGE**

Space for off-street loading/unloading and storage shall be required in the following manner and in accordance with other sections of the Ordinance governing loading requirements.

1. Off-street loading/unloading and storage space shall herein be interpreted to be an accessory use and shall conform to all requirements as to front, side and rear yard clearances as specified in the Zoning Ordinance.
2. All loading/unloading and storage space shall be located on the same property with the permitted use it is intended to serve.

3. All open areas used for storage of any type shall be enclosed by a solid wall or fence. All solid walls or fences shall be a minimum of seven (7) feet and a maximum of (15) feet in height and in no case shall storage of materials be permitted to exceed the height of the fence. Storage shall be limited to materials in accordance with the standards of the Pennsylvania Department of Environmental Resources, the Environmental Protection Agency and State Fire Marshall regulations.
4. In no case shall storage spaces or loading/unloading facilities be permitted in the front of any main building.
5. All loading/unloading facilities shall be located a minimum of three hundred (300) feet from any Residential or Agricultural district boundary if operated between the hours of 6 p.m. and 7 a.m. Where a Light Industrial designation exists and a buffer area is provided for in the adjoining Residential or Agricultural use district by deed covenant, the set back shall be 100 feet.
6. Sufficient area shall be provided for the loading and unloading and storage of motor vehicles used in the conduct of the business or industrial activity.

#### **511 SIGNS AND LIGHTING REQUIREMENTS**

##### **1. Signs**

- a. Only identification signs identifying the names and businesses of the persons or firms occupying the premises shall be permitted. Advertising signs, billboards or other signs except those specifically permitted are prohibited. No free standing sign shall be larger than forty (40) square feet. No wall mounted sign shall be larger than one hundred (100) square feet.

Identification signs shall generally be placed upon the outside walls of the buildings, but shall not extend above the line of the roof meeting the wall. However, identification signs may be placed in the front yard set-back area when they are constructed and designed to be a part of a landscaping element. All other signs in the front yard set-back area, signs painted on exterior faces of buildings or on roofs and fences, flashing or moving signs are prohibited. Signs shall not be placed or externally illuminated in a manner which casts glare or is otherwise detrimental to neighboring occupancies or to the safe movement of traffic.

- b. No sign shall be located within one hundred (100) feet of any intersection unless affixed to a building and not extending more than three (3) feet beyond same.
- c. No sign shall be erected or maintained in any yard which will in any way obstruct a view of any street intersection or otherwise create a traffic hazard.
- d. Sign Permits shall be required for any exterior signs.

2. Glare and Light Standards

- a. Lighting, including spot lights, flood lights, electrical reflectors and other means of illumination for signs, structures, landscaping, parking areas, loading and unloading areas and the like, shall be focused directed, and so arranged as to prevent glare or direct illumination on streets, adjoining property lines, and/or any residential or agricultural district line unless required to illuminate a hazard.

**512 STREETS**

All streets in any Industrial Park District must be public streets and shall meet the following standards.

- 1. All streets shall have minimum right-of-way width of 60'.
- 2. All streets shall have a paved cartway with a minimum width of 28 ft including shoulders, or 28 ft with concrete curbs.
  - a. Pavement shall be designed to accommodate existing subgrade material.
  - b. Minimum pavement cross-section shall include, but not be limited to, 8" subbase (2A material), bituminous concrete wearing course. Class I geotextile material shall be used where a high moisture content exists in the subgrade material and/or when recommended by the Township engineer. All pavements will be designed in accordance with PaDOT Pub. 242, Roadway Management Manual.
  - c. Traffic turnarounds may be provided with a minimum pavement width of 32 ft and 4 ft stabilized shoulders or concrete curbing. The radius to the outside edge of pavement shall not be less than 80 ft; radius to outside edge of right-of-way shall not be less than 100 ft.

- d. Underdrains and pavement base drains are required under all streets and roads. Base drains will be installed at a maximum spacing of 100 ft.

**513 SUPPLEMENTAL CONDITIONS**

1. Vibration Standards

Permitted uses shall not be permitted to provide vibration in excess of these standards:

- a. Requirements: Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible without instruments.
- b. Method of measurement: Any vibration recurrently generated that is perceptible to the normal senses without instruments is prohibited.
- c. Locational Requirement: Vibration shall be determined along the property line of the property on which the use is located.

2. Storm Drainage Standards

Storm drainage facilities shall be provided to meet the following criteria.

- a. A 25 year storm frequency shall be utilized to design facilities serving local, commercial/industrial and marginal access streets and marginal access ways and access roads to multiple business properties. All longitudinal and side drains and slope pipes for streets, roads and highway systems will also be designed considering a 25 year storm frequency.
- b. Culvert cross drains and any other type of drainage facility in an underpass or depressed roadway section shall be designed utilizing the following storm frequencies.
  - 1. Arterial Highways 25 year
  - 2. Collector and Local Streets and others 25 year
- c. Any storm sewer crossing under a roadway and being part of a storm sewer system shall be designed for the same storm frequency as the remainder of the system.
- d. Greater design frequencies may be required by the Township where justified on individual projects.

- e. The Rational Method will be used to calculate rates of runoff. Other methods may be approved for use when the Rational Method is not practical.
- f. In instances where state or federal agencies require more stringent design requirements, the more stringent requirement will govern the design of the facility.
- g. All storm sewer pipes shall be at least 15 inches in diameter and may consist of concrete, coated corrugated steel or corrugated polyethylene pipe.
- h. All storm sewer piping under roads, highways and streets shall be properly designed and constructed to withstand the fill and traffic loads which they must support.

All new land developments are required to develop and receive Township approval of a Storm Water Management Plan pursuant to the official Storm Water Management Ordinance of Summit Township.

### 3. Solid Waste and Refuse Standards

The disposal of solid waste and refuse must be in conformance with the requirements of the Pennsylvania Department of Environmental Resources.

### 4. Landscaping Standards

The following landscaping standards shall be adhered to:

- a. The landscaping requirements described in Section 506 of this Ordinance shall be located on the street side of all walls, barriers, fences and other screening.
- b. All areas not paved shall be screened by landscaping from public view with shrubs or trees and be properly sodded or seeded. All earthen areas shall be protected from erosion.
- c. Landscaped yard areas may include the use of flagpoles, screens, terraces, fountains, pools and other water arrangements, and various types of trees and shrubs. All trees, plants and shrubs shall be varieties that are adaptable to the local soil and climate condition and which blend with natural growth and shall be compatible with adjacent landscaped areas, in the opinion of a qualified landscape architect or horticulturist.



1. One street tree (Maple, Oak, Honeylocust, etc.) shall be in place or planted for each fifty (50) feet of property abutting a public right-of-way. Trees shall be in a place or planted adjacent to or in the right-of-way (depending on the location of utility easements).
  2. One small flowering tree (Dogwood, Crabapple, Hawthorn, etc.) or tall deciduous tree (Maple, Oak, Honeylocust, etc.) shall be in place or planted for each one hundred (100) feet of building perimeter. These trees shall be located in the landscaped areas of the site.
  3. One small flowering or tall deciduous tree shall be in place or planted for each 12 parking spaces. These trees shall be planted adjacent to the parking area.
  4. The use of shrubs, additional trees (evergreen, deciduous and small flowering), annuals, perennials, spring flowering bulbs, and ground shall be at the owner's option.
  5. Minimum size plants which shall be counted in meeting the requirements of 1, 2 and 3 are as follows:  
  
Street or tall deciduous tree: 1 1/2" trunk diameter 1'1" above ground line. A small flowering tree: 4' to 5' plant.
  6. The owner is encouraged to keep as many of the existing trees on the site as possible.
  7. The owner may elect to treat portions of the site as natural landscaping by encouraging the growth of native plants. Plants which can become a nuisance (Japanese Honeysuckle, Multiflora Rose, Autumn Olive, etc.) shall not be planted on the site unless a part of designated wetlands.
- d. All landscaped areas shall be perpetually maintained and in good condition at all times.
- e. Landscaping devices shall not obscure the site distances in a manner that may create a traffic hazard.

5. Utility Standards

- a. Electrical and telephone service may be brought into the Park overhead but shall be brought underground into the individual sites and to the buildings from the nearest available source with the exception of rail served buildings where overhead service may be permitted. The purchaser or lessee will be responsible for the cost of such underground service. Pad-mounted electrical transformers shall be located and screened so as to prevent viewing from any public street or adjacent property.
- b. Any Industrial Park district shall be provided with an adequate water supply for both industrial and fire protection use by service from the City of Erie, Pennsylvania Water Company, the Millcreek Township Water Authority or the Summit Township Water Authority. The water supply and system shall be constructed in conformance with the specifications and requirements of the supplier.

6. Fire Protection Standards

- a. Direct and unobstructed access to the perimeter of all buildings shall be provided for emergency vehicles as follows: For building under 50,000 square feet - 50% of the perimeter; buildings over 50,000 square feet but less than 100,000 square feet - 75%; and buildings larger than 100,000 square feet - 100%.

Any street or driveway shall be considered an access point if located not more than fifty (50) feet from the building served.

All means of access must be designated to sustain the weight of emergency vehicles and shall be not less than eighteen (18) feet in width.

No structure shall be more than 1,000 feet from a fire hydrant.

- b. All permitted uses must conform to the Fire Prevention Code currently in effect in Summit Township.

7. Erosion and Sedimentation Control

Prior to any earthmoving activities, developer shall prepare an Erosion and Sedimentation Control Plan which shall meet the standards of Chapter 102 (Erosion Control) of Title 25 Rules and Regulations of the Pennsylvania Department of Environmental Resources and shall be reviewed and found adequate by the Erie County Conservation District.

## ARTICLE 6

### SUPPLEMENTAL REGULATIONS

#### 601 NON-CONFORMING USES, STRUCTURES AND LOTS

##### 601.1 INTENT AND STANDARDS

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

It is the intent of this ordinance to permit these non-conforming uses to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may not be enlarged, extended or expanded unless to a conforming use, except as determined by the Zoning Hearing Board.

A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by:

1. the addition of other uses, if such additions are of a nature which would be prohibited generally in the district
2. attachment of additional signs to a building
3. the placement of additional signs or display devices on the land outside the building.

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

##### 601.2 EXISTING LOTS OF RECORD

Any existing lot of record at the effective date of the Summit Township Zoning Ordinance of 1957, known as Ordinance II, enacted February 4, 1957, and acquired by the owner prior to the date of this ordinance and held in continuous ownership by

the same owner and held in different ownership from the adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this ordinance. It is the intent of this section to grant relief from the area and width requirements of the ordinance only to those owners who have held title continuously since February 4, 1957. This section does not apply to any owner who might have acquired title after the passage of Ordinance II, adopted 2/4/57.

### **601.3 NON-CONFORMING USES OF LAND**

Where lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, subject to the following provisions:

1. No such non-conforming use shall be expanded, occupy a greater area of land than was occupied at the effective date of this Ordinance, except as specified by Section 601.1 of this Ordinance.
2. No such non-conforming use shall be moved to any other portion of the lot occupied by such use at the effective date of this Ordinance.
3. If any such non-conforming use of land ceases, for any reason, for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations for the district in which such land is located.

### **601.4 NON-CONFORMING STRUCTURES**

Where a lawful structure exists that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. A structure may be enlarged or altered in a reasonable amount as approved by the Zoning Hearing Board.
2. Should such structure be destroyed by any means, it may be rebuilt provided the use and intensity of use is no more objectionable or no greater than existed prior to destruction. Application for permit to rebuild a non-conforming structure shall be filed within twelve months of the date of destruction otherwise it shall not be reconstructed except in conformity with the provisions of this Ordinance unless a variance is granted by the Zoning Hearing Board.

3. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after moved.
4. An owner of structure, which is non-conforming due to a front yard setback requirement imposed after its erection, may, upon application to the zoning officer, be eligible for a Zoning Permit to expand such non-conforming structure to either side or rear provided that:
  - A. such expansion does not violate existing side and rear yard requirements, and
  - B. the road abutting the front yard is not designated for widening within four years of application.Otherwise, a variance from the Zoning Hearing Board is required.

#### **601.5 NON-CONFORMING USES OF STRUCTURES**

If a lawful use of a structure or of a structure and premises in combination exists that would not be allowed in the district, the lawful use may be continued subject to the following provisions:

1. An existing structure devoted to a use not permitted in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered upon granting of a variance by the Zoning Hearing Board.
2. Any non-conforming use may be extended throughout any part of a building, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, upon application thereto, shall find that the proposed use is equally or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require additional conditions and safeguards.
4. Once a non-conforming use is superseded by a permitted use, the non-conforming use shall not be resumed.
5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve consecutive months, they shall not thereafter be used except in conformance with the regulations of the district in which it is located.
6. When non-conforming use status applies to a structure and premises in combination, removal or destruction of the

structure shall eliminate the non-conforming status of the land.

#### **601.6 REPAIRS AND MAINTENANCE**

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

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### **601.7 USES GRANTED UNDER SPECIAL EXCEPTION PROVISIONS**

Any use for which a special exception is granted shall be deemed a conforming use.

#### **602 APPLICATION OF YARD REGULATIONS**

**602.1 Lots** which abut on more than one street shall provide the required front yards along every street.

**602.2** All structures whether attached to the principal structure or not, and whether open or closed, including porches, carports, balconies, sheds, decks, patios, platforms, or swimming pools above normal grade level, shall not project into any minimum front, side, or rear yard. However, this Section shall not apply to the following structures: light poles, utility poles, flag poles, utility boxes, curbs, mail boxes, retaining walls, decorative walls, and fences.

**602.3 Visibility at Intersection:** on a corner lot in any district, no structure, fence wall, hedge, or other planting shall be erected or allowed to grow, be placed or maintained at a height of more than two and one-half feet above the berm or curb line within a triangle formed by the street side property lines at points fifty (50) feet from their point of intersection.

**602.4** An artificially constructed privacy fence six (6) feet or less in height, will be allowed in any zoning district provided such fence maintains a twenty-five (25) foot setback from the front street or road right-of-way line. Any fence or decorative wall must comply with Section 602.3, entitled Visibility at Intersections (clear line of sight). Walls and fences required for screening purposes under this Ordinance are not subject to the six (6) foot height limitations.

## **603 TEMPORARY STRUCTURES**

Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period. Residing in basement or foundation structures before completion of the total structure shall not be permitted. In the event of a catastrophic loss of a residence, a temporary structure permit may be issued for a mobile dwelling if it can be connected to sewer and water.

## **604 HEIGHT REGULATIONS**

The Zoning Officer shall permit exceptions to the height regulations in each district under certain conditions.

**604.1** The following structures are exempt from height regulations: licensed personal amateur radio towers, personal television reception, church spires, belfries, monuments, tanks, water and fire towers, stage towers, scenery lofts, cooling elevator bulkheads, smokestacks, conveyors and flagpoles; provided they do not constitute a hazard to an established airport. (amended 12/3/97)

## **605 PERFORMANCE STANDARD**

No use of land or structure in any district shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the Township. Furthermore, every use of land or structure in any district must observe the following performance requirements.

**605.1 Fire Protection:** Fire protection and fire fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.

**605.2 Electrical Disturbances:** No activity shall cause electrical disturbances adverse to radio, television or other communication equipment in the neighboring area.

**605.3 Noise:** Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.

**605.4 Smoke:** The maximum amount of smoke emissions permitted shall be determined by the use of the Standard Ringleman Chart issued by the United States Bureau of Mines. No smoke darker than No. 2 will be allowed.



- 605.5 Vibrations:** Vibrations detectable without instruments on neighboring property in any district except for the industrial district shall be prohibited. Vibrations detectable without instruments on neighboring property in the industrial district shall be permitted providing such vibrations do not endanger or in any way damage persons or properties on neighboring properties.
- 605.6 Odors:** In any district, except the industrial district, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- 605.7 Air Pollution:** No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health, or to animals, vegetation or other property.
- 605.8 Glare:** Lighting devices which produce objectionable, direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
- 605.9 Erosion:** No erosion by wind or water shall be permitted which carries objectionable substances onto neighboring properties.
- 605.10 Water Pollution:** The discharge of all waste water shall be acceptable to the Summit Township Sewer Authority, or its successor, and comply with any and all applicable regulations of the State of Pennsylvania or the United States. Surface water discharges shall be acceptable under the provisions of Pennsylvania Act 537, and other State and Township regulations as the same may be amended from time to time.

## **606 OFF-STREET LOADING AND PARKING**

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

- 606.1 Off-Street Loading:** Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths in accordance with the table that follows:

**OFF-STREET LOADING SPACE REQUIREMENTS**

Uses	Square Feet of Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Undertakers and Funeral Parlors	10,000 or more For each additional 5,000 or major fraction thereof	1 1 additional
Hotels and Offices	10,000 or more	1
Commercial, Wholesale, Manufacturing and Storage	10,000 - 25,000 25,000 - 40,000 40,000 - 60,000 60,000 - 100,000 For each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

Each loading space shall not be less than twelve (12) feet in width, fifty five (55) feet in length, and fourteen (14) feet in height.

**606.2 Off-Street Parking**

- A. Size and Access: Each off-street parking space shall have an area of not less than 162 square feet - nine (9) feet in width and eighteen (18) feet in length - exclusive of access drives or aisles and be in usable condition. Except in the case of a dwelling, no parking area shall contain less than three spaces. There shall be adequate ingress and egress to all parking spaces. Where lot does not abut on a public or private alley or easement of access, there shall be provided an access drive to the parking or storage areas or loading spaces. Such access drive shall not be less than ten (10) feet wide. Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.
- B. Number of Parking Spaces Required: The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.
- C. Add spaces to required parking spaces equal to 1/2 the number of employees on the maximum shift.

**OFF-STREET PARKING SPACE REQUIREMENTS**

<u>Uses</u>	<u>Required Parking Spaces</u>
Automobile Laundry	5 for each wash lane
Automobile Sales & Service	1/each 400 sq. ft of floor area
Garages Banks, Offices	1/each 200 sq. ft of floor area
Churches and Schools	1/each 3.5 seats in an auditorium, or 1 for each 17 class-room seats, whichever is greater
Bowling Alleys	7.5 for each alley
Community Buildings and Social Halls	1 for each 100 sq. ft of floor area
Beauty Parlor and Barber Shops	1.5 for each chair
Driving Ranges and Miniature Golf	1 for each tee
Dwellings (single through multiple types)	2.5 for each family or dwelling unit including space in garage
Food Supermarkets	1 for each 100 sq. ft of floor area
Funeral Homes, Mortuaries	5 for each parlor
Furniture or Appliance Store	1 for each 200 sq. ft of floor area
Hospitals, Nursing or Convalescing Homes	1 for each 2 beds
Hotels and Motels	1 for each living or sleeping unit
Manufacturing Plants,	1 for each 500 sq. ft of floor area
Research or Testing Labs, Bottling Plants, Studios	
Medical or Dental Offices	5 for each doctor or dentist
Restaurants, Taverns and Night Clubs	1 for each 1.5 seats, for employees and patrons
Retail Stores and Shops	1 for each 200 sq. ft of floor area
Rooming Houses and Dormitories	1 for each 2 bedrooms
Service Stations	3 for each service bay
Sports Arenas, Auditoriums	1 for each 3.5 seats
Theaters, Assembly Halls	
Trailer or Monument Sales	1 for each 2,500 sq ft of lot area

-continued -

<u>Uses</u>	<u>Required Parking Spaces</u>
Wholesale Establishments	1 for each 2 employees on maximum shift. The total parking area shall not be less than 25% of the building floor area.
Warehouses	1 for each 2 employees on maximum shift. The total parking area shall not be less than 10% of the building floor area.
Other Uses	1 for each 100 sq. ft of floor area

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

**606.4** Minimum Distances and Setbacks: No off-street loading or parking area for more than five vehicles shall be closer than twenty (20) feet to any adjoining property containing a dwelling, school, hospital, or similar institution.

**606.5** Surfacing: All parking and loading areas and access drives shall have a hard surface, graded and drained to dispose of all surface water, and designed to provide for orderly and safe loading and parking.

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

**607 DUMSTER SCREENING AND LOCATION:**

A. Solid waste dumpsters shall be screened on all sides. Such screening shall consist of decorative masonry walls, solid weather-resistant wood fencing, fencing of a similar appearance (including, but not limited to, vinyl vertical planks) or chain link fencing with privacy slats. The fence or wall shall include a self-latching door or gate.

- B. Solid waste dumpsters and their enclosures shall not be located closer than twenty-five (25) feet to any front yard property line or closer than one (1) foot to any side or rear yard property line. However, solid waste dumpsters and their enclosures shall be a minimum of ten (10) feet from any Marginal Access Way.
- C. Setback from Dwellings: An outdoor solid waste container for commercial/industrial use shall be kept the maximum distance that is feasible away from any abutting dwelling (maximum distance shall be approved by the Planning Commission).
- D. All Waste Containers shall be completely enclosed, and the lid shall be kept in place at all times. The locations of all dumpsters shall be shown on all site plans and land development plans submitted to the municipality.
- E. This section shall not apply to dumpsters placed during actual construction or demolition on the premises.

**608 PERMANENT FOUNDATION:** Every dwelling shall be placed on a permanent foundation consisting of a full perimeter masonry or poured concrete foundation, resting upon a suitable concrete footer, said footer to be at least three (3) feet below finished grade. The foundation wall shall have a minimum width of six (6) inches, with the footer projecting at least three (3) inches on each side. A permanent foundation shall also include a pole type construction so long as the pole shall be an integral part of the building extending from the ground to ceiling of the first story. In addition, such pole shall be four (4) feet in the ground resting on a one (1) foot concrete base. The pole shall consist of treated lumber. Mobile home parks and travel trailer parks are exempt from these provisions.

**609 DWELLINGS TO BE ON PERMANENT FOUNDATIONS:** All single family dwellings, multistory dwellings, two family dwellings or multiple dwellings (as those terms are defined in this Zoning Ordinance), or mobile homes constructed on private lots in accordance with Section 610 of this Zoning Ordinance, or any additions of heated living space, including enclosing a porch, patio or deck, shall be constructed upon a permanent foundation as defined in this Zoning Ordinance.

**610 MOBILE HOMES:** Mobile homes may be constructed upon private lots provided that the proprietor complies with the following:

**610.1** Each mobile home shall contain a minimum of 720 square feet of heated living area.

**610.2** Must have a full perimeter masonry or poured concrete foundation and be in full compliance with Section 608 Permanent Foundation.

**610.3** Mobile homes shall be constructed to the above requirements or be removed from the Township.

## **611 ACCESS ROADWAY TO MULTIPLE PROPERTIES OR BUSINESSES**

A hard (asphalt) surfaced roadway with a minimum of forty (40) foot undivided width must be provided for access to and or from commercial entertainment, dining, or lodging establishments, including any plaza type operations or to any non-private sites using a single access roadway to multiple properties, or sites.

If the roadway is greater than 300 feet in length there shall be a cul-de-sac with a minimum radius to the outside edge of pavement of 45 ft at the distant end. It shall be unlawful to park along or obstruct any part of the complete easement including roadway. The easement shall be posted with signs reading "NO PARKING, TOW AWAY ZONE". It shall be the responsibility of the deeded owner (or owners) of the easement to enforce parking regulations and vehicles towed if necessary.

If multiple private businesses other than those noted above are located along an easement road, the roadway need not necessarily be hard surfaced but must comply with the other provisions of the Ordinance.

## **612 SIGNS**

No signs shall be permitted except as herein provided.

### **612.1 GENERAL REQUIREMENTS**

All signs shall comply with the following.

- A. They shall not be illuminated in any manner which will cause undue distraction, confusion, or hazard to vehicular traffic.
- B. They shall not project over public right-of-way.
- C. No sign, temporary or permanent, shall be erected or maintained on any lot which will in any way obstruct a view of any street intersection or otherwise create a traffic hazard.

- D. Any permanent sign structure in excess of forty-eight (48) square feet must be placed behind the building set back line in any District, and the excess sign square footage greater than 48 sq. ft is tabulated as part of total signage on premises (see Sec 612.4B).
- E. Any permanent sign structure in front of the building set back line shall have a minimum of a ten (10) feet clear span, measured from the highest point of the cartway of the State highway or local street nearest the sign structure to the bottom of the sign, other than the supporting post, for visibility (clear line of sight under sign structure). (Amended 10/05/98)
- F. In the event that any use of a structure or lot is discontinued, all signage listing the name and/or business activity conducted on the premises shall be removed or covered within thirty (30) days from the date of discontinuance.
- G. The total area of a sign face shall not exceed the total permitted area in the respective district in which it is placed. The square footage on sign requirements is defined to be the length (highest point) times the width (widest point). The length is determined by measuring top to bottom at the highest point and width is determined by measuring side to side at the widest point.
- H. The total height of the sign from the ground level shall not be greater than the maximum height permitted in the respective district that it is placed, as shown in Table 312.01 Maximum height allowed in each district.
- I. Driveway directional signs may be permitted by the Zoning Officer (section 703.3). All other direction signs will be submitted on a complete site plan for Township approval. Directional signs are permitted to have a maximum height of 3.5 feet and a maximum size of 3 square feet.

#### **612.2 ENTRANCE SIGN - MULTIPLE LISTING**

- A. One sign structure will be permitted at the entrance to a plaza type operation or a private no outlet road serving multiple properties.
- B. Top sign may list the name of the plaza or development.

- C. The multiple stack type signs will have a maximum of 25 square feet and contain only the names and/or logo of the business located in the plaza or development. No other type of advertising will be allowed on the sign structure.
- D. The sign structure shall be of a one or two post construction with a minimum of 10 foot clear span, other than the support posts, from the bottom of the lower listing to the ground for visibility.

### **612.3 RESIDENTIAL DISTRICT**

No sign shall be permitted except as herein provided.

- A. One sign not exceeding three (3) square feet in area will be permitted which announces the name and the professional activity of the occupant of the premises on which said sign is located.
- B. One bulletin board not exceeding eight (8) square feet in area will be permitted in conjunction with any church, school, or similar public structure.

### **612.4 BUSINESS DISTRICTS AND TRANSITIONAL DISTRICTS**

No sign shall be permitted except as herein provided.

- A. One free-standing business sign in connection with any legal commercial use or structure will be permitted on the premises of the business provided said sign contains no information beyond the name, symbol, and nature of the business activity conducted on the premises.
- B. Total signage (excluding high rise signs and excluding 48 square feet for one free standing business sign) allowed on premises shall not have an aggregate area greater than one and one-half (1 1/2) square feet for each linear foot of the principal building fronting the front set back lot line.

### **612.5 INDUSTRIAL DISTRICTS**

No sign shall be permitted except as herein provided:

- A. One free-standing business sign in connection with any legal commercial use or structure will be permitted on the premises of the business provided said sign contains no information beyond the name, symbol, and nature of the business activity conducted on the premises.



- B. Total signage allowed on premises shall not have an aggregate area greater than one and one half (1 1/2) square foot for each linear foot of the principal building fronting the front set back lot line.
- C. Signs advertising a business commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises shall have an area of not more than fifty (50) square feet or any single dimension exceeding ten (10) feet. Such signs must maintain a distance of 300 feet from any other sign on the same side of the road, and be in full compliance with Section 612.7 of this ordinance.

#### **612.6 AGRICULTURE DISTRICT**

No sign shall be permitted except as herein provided.

- A. They shall not exceed 300 square feet in area nor 25 feet in length, nor 12 feet in height. Total height of sign from ground level shall not exceed eighteen (18) feet.
- B. They shall be located not closer than 250 feet to a road intersection.
- C. They shall not be located so as to interfere with highway horizontal sight distances nor shall they be located at curves.
- D. They shall not be permitted closer than 1,000 feet from another sign on the same side of the road and not closer than 500 linear road feet from another sign on the opposite side of the road.
- E. They shall not be permitted closer than 100 feet of any residential use, school, church, park, playground or cemetery.

#### **612.7 SIGNS ON PRIMARY ROADS**

Signs along roads designated as Interstate Highways and Federal Aid Primary Highways shall comply with State Act 160, "Outdoor Advertising Control Act of 1971" and all rules and regulations thereunder. These include interstates 79 and 90, and U.S. Route 19, in Summit Township.

**612.8 TEMPORARY DIRECTIONAL SIGNS**

- A. In the event of major road construction requiring the closing of a road in excess of fourteen (14) days, denying normal access to businesses located on such road, temporary directional signs may be erected along a detour showing the location of such businesses. Upon the opening of the road the temporary directional signs must be removed within seven (7) days, at the cost of individual businesses.

**612.9 PORTABLE SIGNS/TEMPORARY SIGNS**

- A. Portable signs shall be permitted for a period of forty-five (45) days during a six (6) month period. At the expiration of forty-five (45) days, portable signs must be removed from the property, until the expiration of the six (6) month period. The portable sign may then be used again for a period of forty-five (45) days during the next six (6) month period. No portable sign shall remain on any property for more than ninety (90) days during a full year.
- B. All users of portable signs shall register such signs with the Township on a form, and in the manner, prescribed by the Board of Supervisors for such registration. All users of portable signs shall pay a registration fee for such signs in an amount set by resolution of the Board of Supervisors. The registration process and fee payment provided for herein shall apply to each forty-five (45) day period a sign is used.
- C. Temporary signs shall be permitted only on the property to which the information or advertisement on the temporary sign applies.
- D. Temporary signs shall not exceed thirty-two (32) square feet in area in all districts except residential districts which will be limited to sixteen (16) square feet in area.
- E. The regulations set forth in this subsection shall apply in all zoning districts.
- F. All persons who construct, install or use any portable signs or temporary signs shall comply with all other applicable provisions of this Ordinance, including this Section 612. In the event of conflicting provisions between this subsection and any other provision of this Ordinance, the more restrictive provisions shall apply.

**612.10 DIRECTIONAL SIGN-MULTIPLE LISTING (Amended 10/05/98)**

- A. One sign structure identifying the intersecting secondary highway or street and business, industrial and/or multi-family residential developments located on that secondary highway or street and/or on any side street having no entrance other than from the secondary street will be permitted at the entrance to a secondary highway or street serving multiple properties at its intersection with the primary highway or street, subject to the regulations in this section.
- B. As used in this Section:
  - 1. A "primary" State highway or local street shall be that having the greater traffic volume, as determined by the Township Engineer;
  - 2. A "secondary" State highway or local street shall be that having the lesser traffic volume, as determined by the Township Engineer.
- C. Multiple listing directional signs authorized by this Section are intended to inform operators of vehicles on the primary highway or street of the identity of the intersecting secondary highway or street and of multiple business, industrial or multi-family residential developments located on that secondary highway or street, so as to assist the safe flow of traffic onto that secondary highway or street, and the authority and regulations established in this Section shall be interpreted so as to effectuate this intention.
- D. The top of the sign structure shall identify the name of the intersecting secondary highway or street in letters not less than eight inches (8") in size.
- E. All panels on such sign shall be of equal size, shall identify an eligible development in lettering not less than six inches (6") in size and shall not exceed ten (10) square feet of area per panel.
- F. No advertising other than the name or logo of an eligible development shall be allowed on any panel or any other portion of the sign.
- G. The sign structure shall be of a one- or two-post construction with a minimum clear span of ten (10) feet, measured from the highest point of the cartway at the intersection of the highway(s) and/or street to the bottom of the sign, other than the supporting post, for visibility.

- H. The maximum height of the sign structure shall not exceed the maximum height for the use district as established in this Ordinance.
- I. The maximum width of the sign structure and any portion of it shall be eight (8) feet.
- J. The sign structure shall face traffic on the primary highway or street.
  - 1. The Board of Supervisors is authorized to allow location of a sign lengthwise in a secondary Township street's medial strip, if the width of the medial strip is not less than sixteen (16) feet, proper sight distance clearance is assured and the Board otherwise deems such location appropriate.
  - 2. If a sign is authorized within a medial strip, the sign owner shall be solely responsible for maintenance and landscaping of the medial strip in which the sign is located.
  - 3. Any authorization of the location of such sign in a medial strip shall be subject to the requirement that the owner(s) of such sign shall be responsible for removal and relocation of the sign at the owner(s)'s sole cost and expense and without any claim against the Township in the event the Township should in the future remove the median or reduce its width so as to render continued location of the sign inappropriate in the discretion of the Board of Supervisors.
- K. Minimum setback requirements for such sign structure shall be as follows:
  - 1. No sign structure shall be located within the Pennsylvania Department of Transportation right of way of a State highway, absent the express prior written consent of the Department and the approval of the Township Engineer.
  - 2. No sign structure shall be located less than twelve (12) feet from the outside edge of the drive lane of a Township street.
  - 3. The Board of Supervisors, upon recommendation of the Township Engineer, may increase one or both setbacks in a given case if deemed necessary to assure proper sight distance clearance at the intersection.

4. The Township's allowance of a sign within the right of way of a public street shall be subject to the express condition that, in the event the street or cartway in the future is widened or the Board of Supervisors should otherwise require, the sign owner shall at the owner's sole cost and expense shall relocate the sign to a location acceptable to the Township.
- L. Business, industrial and multi-family residential developments within Summit Township located on the secondary highway or street, or on a highway or street whose sole entrance is from the secondary highway or street, shall be eligible for inclusion on the directional sign for the particular secondary highway or street, subject to the following requirements:
1. No development shall be entitled to inclusion on more than one (1) multiple listing directional sign for the intersection of the highway or street with a primary highway or street; and
  2. A development located on a highway or street whose sole entrance is from the secondary highway or street served by a multiple listing directional sign shall be entitled, in addition to any panel on a multiple listing sign at the intersection with the primary highway or street, to a directional sign at the intersection of that secondary highway or street and the highway or street on which the development is located; provided, however, that
    - (a) such second directional sign shall not exceed three (3) square feet in area; and
    - (b) the height of a second sign shall not exceed three and one-half (3½) feet; and
    - (c) such second sign shall contain only the name or logo of the development.
- M. As conditions upon authorization of a multiple listing directional sign under this Section:
1. The sign owner shall maintain at all times general liability insurance on the sign structure, protecting the Township and third persons against personal injury, death and/or property damage and claims or causes of action therefor caused or resulting from such sign; and

2. The sign owner shall enter into a written agreement with the Township governing construction, use and maintenance of such sign, on a form adopted by the Board of Supervisors; and
3. The sign owner shall be responsible for compliance with the intentions and regulations of this Section and such agreement.

**613 AGRICULTURE**

Agricultural uses shall comply with the following:

- 613.1** Intensively used facilities for animal raising and care including but not limited to such facilities as feed lots, and pens shall not be constructed within 150 feet of a neighboring property.
- 613.2** Roadside stands for sale of agricultural products shall be permitted providing:
- A. They are erected at least fifty (50) feet back from the center of any road, excepting state and federal highways.
  - B. Adequate parking spaces are provided off the road right-of-way.
  - C. They shall be used exclusively for home products, the sale of agriculture and home products.

**614 FILLING, GRADING, DREDGING, EXCAVATION AND EARTH MOVING**

- 614.1** It shall be unlawful for any landowner to conduct any filling, grading, dredging, excavation or earth moving activities without a permit.
- 614.2** No permit shall be required for the following classes of excavation, grading, dredging, filling or earth moving:
- A. Under provisions of a duly authorized Building Permit or Zoning Permit.
  - B. Any excavation and filling clearly incidental to the improvement of the property and consisting of less than 1 1/2 acres in size. This section shall be construed to prohibit piecemealing or tacking on additional parcels of land.
  - C. Necessary grading, removal or excavation for the purpose of constructing streets and other improvements in accordance with approved subdivision plans for which a permit has already been issued.
  - D. Farming, nurseries, gardening or similar agricultural or horticultural use where and as permitted by the Zoning Ordinance.

**614.3** An application for such an operation permit must be submitted to the Zoning Officer and shall set forth the following information:

- A. Name of landowner.
- B. Location, description and size of area to be filled, excavated, graded, dredged or moved.
- C. Type of resources or materials to be used as fill or to be removed.
- D. Estimated quantity of material to be graded, filled, excavated, dredged or moved.
- E. Location and present status of any previously permitted excavation or fill operations on the property.
- F. Estimated number of loads per day and estimated weight of load and time of day of proposed filling.
- G. Name of the individual, firm or company in charge of the operation.
- H. Details of soil replacement and of re-vegetation or other methods of soil erosion control.
- I. Details of plans to control any changes in surface water flow and drainage.

**614.4** The permit shall be denied if any one or more of the following conditions are deemed to exist.

- A. The resources or materials to be used as fill include any materials other than soil, rocks, stone, clay, sand, gravel and cement blocks. Trees, brush, stumps or other vegetation material generated on the site are also permitted fill.
- B. The activity will create a hazard, or threat to the public safety, health and welfare.
- C. The activity may damage Township roads.
- D. The activity will interfere with surface water flow and/or drainage or cause erosion.



The Township supervisors may impose such conditions or requirements upon the issuance of a permit as they deem necessary or proper to assure faithful compliance with this Ordinance.

**614.5** If the permit is denied because the activity may damage Township roads, interfere with surface water flow and drainage or cause erosion, the landowner may be permitted to file with the Township a cash bond or bond with corporate surety in an amount approved by the Township supervisors to assure that the landowner, his servants, agents and employees will save harmless the Township from any expense incurred through any damage to Township roads or to insure completion of all work pursuant to conditions of approval. If a corporate bond is offered, it shall be executed by a company authorized to do business in Pennsylvania as a corporate surety.

**614.6** The fee to apply for a permit shall be in accordance with the fee schedule in effect, said fee schedule to be adopted by the supervisors by resolution.

#### **615 STEEP SLOPE LAND AND/OR FLOOD PLAINS**

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

**615.1 Steep Slope:** Land having a slope in excess of twenty-four (24) percent slope shall be deemed steep slope land. For the purpose of determining compliance with the area requirements of this Ordinance, the area of steep slope land shall be computed at one-tenth (1/10) of the value of the land, that is, each ten (10) square feet of steep slope shall be counted as one (1) square foot in computing such compliance.

**615.2 Flood Plains:** Buildings or emplacement of residential dwellings within the flood plain areas of Summit Township shall be prohibited unless the basement floor, or equivalent, is constructed at least one (1) foot above flood level and secured on a flood proof footing able to withstand a 100 year frequency flood.

Flood plain areas will be determined by a qualified engineering survey for that purpose, or in lieu thereof from soils maps of Erie County Soil Survey conducted by the U.S. Dept. of Ag., as delineated in the General Development Plan of Summit Township, dated July 1966, called Exhibit No. 16, "Open Space Plan", page 36.

Ordinance No. 8-81, adopted August 3, 1981, is on file in the Township office, together with maps showing areas of the Township where the measure applies. It is known as the Summit Township Flood Plain Management Ordinance.

#### **616 STORAGE TRAILERS**

Any semi-trailer used as permanent storage shall have the tires and wheels removed and be supported in a level position by a minimum of three (3) pile type piers each side, total six (6), from ground level to frame. The landing gear is not to be used to support the trailer. Any sign, lettering, or advertising logos are to be removed. A skirting of a stockade type fence or equivalent shall be placed around complete perimeter from ground level to bottom of trailer concealing the under carriage from view. At initial placement, trailer and fence skirting shall be painted one single color. Any trailer not displaying a current inspection sticker will be considered a permanent storage trailer unless offered for resale on a PA registered dealers sales lot. Any mobile home not being utilized as a dwelling must conform to these requirements, except pile type piers must be placed the full length of frame with maximum distance between piers to be fifteen (15) feet. Any trailer that does not conform to the above requirements must be removed from the Township.

#### **617 VEHICLE STORAGE**

Motor vehicles without current, valid license plates or inspection stickers, or vehicles which have been accident or fire damaged shall not be parked or stored in any zoning district, unless stored within an enclosed building, or completely screened from view by a fence (including, but not limited to, solid weather-resistant wood fencing, fencing of a similar appearance, such as solid vinyl fencing, or chain link fencing with privacy slats) or screen planting. The following requirements shall also apply:

- A. If a motor vehicle is screened from view by a stockade type fence or vegetation screening, the total area of the enclosure shall not exceed five hundred (500) square feet and the enclosure must conform to all setback requirements of the property's respective zoning district.
- B. No Parts salvage for commercial use will be permitted.
- C. Any vehicle(s) stored in accordance to the above requirements must be titled in the resident's name and be for personal use only.

- D. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of conveyance on public streets.
- E. Nothing in this section shall be interpreted to prevent the unenclosed storage of motor vehicles without current valid license plates and current valid inspection stickers, or vehicles that are accident or fire damaged if such storage is performed in conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or a junkyard.

#### **618 FIRE PROTECTION STANDARDS**

Direct and unobstructed access to the perimeter of all commercial buildings shall be provided for emergency vehicles as follows:

- A. For buildings under 50,000 square feet - 50% of the perimeter; buildings over 50,000 square feet but less than 100,000 square feet - 75%; and buildings larger than 100,000 square feet - 100%.
- B. Any street or driveway shall be considered as access point if located not more than fifty (50) feet from the building served.
- C. All means of access must be designed to sustain the weight of emergency vehicles and shall be not less than eighteen (18) feet in width.
- D. No structure shall be more than 500 feet from a fire hydrant if municipal water supply is available.

#### **619 FACILITIES**

All new dwellings and public patronage establishments must be fully equipped with modern inside toilet and bath facilities including piping for hot and cold running water, and modern heating and lighting.

#### **620 FUEL ISLAND**

Must meet all structure setbacks and may only be an accessory structure to a principle building.

**ARTICLE 7**  
**ADMINISTRATION, ENFORCEMENT AND APPEALS**

**701 ZONING OFFICER**

The Governing Body shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code.

**702 DUTIES OF THE ZONING OFFICER**

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. As may be required, the Zoning Officer shall make reports to the Governing Body at the close of each month's business. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

**702.1 Application for Zoning Permits:** The Zoning Officer shall receive applications for Zoning Permits. A Zoning Permit application shall be filed prior to the start of construction/development by a developer. The application shall describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Township regulations. The proposed activity may be verified by a site visitation by the Zoning Officer or an agent designated by the governing body, prior to the issuance of the Zoning Permit. All applications for construction/development that conforms to zoning ordinances shall be approved; those not conforming to zoning ordinances shall be denied. (amended 3/01/93)

**Denial of Permits:**

**A.** When the Zoning Officer is not satisfied that the applicant's proposed construction/development will meet the requirements of this Ordinance, the Zoning Officer shall refuse to issue a Zoning Permit. The applicant may appeal the Zoning Officer's decision to the Zoning Hearing Board.

**B.** The permit may be denied and/or revoked because the activity may damage Township roads, interfere with surface water flow and drainage, or cause erosion. The landowner may be permitted to file with the Township a cash bond or bond with corporate surety in an amount approved by the Township supervisors to assure that the landowner, his servants, agents and employees will save harmless the Township from any expense incurred through any damage to

Township roads or to insure completion of all work pursuant to conditions of approval. If a corporate bond is offered, it shall be executed by a company authorized to do business in Pennsylvania as a corporate surety.

**702.2 Non-Conforming Uses and Structures:** The Zoning Officer shall prepare, and keep up-to-date, a register of all non-conforming uses, structures and signs.

**702.3 Permits, Applications, Appeals and Certificates:** The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved; shall receive all applications for Special Exceptions, Conditional Uses, and Variances and forward the same to the appropriate body. In addition, the Zoning Officer shall receive all applications for appeals prior to forwarding the same to the Zoning Hearing Board.

**702.4 Revocation of Permits:** If it shall appear at any time, to the Zoning Officer, that the application or accompanying information is in any material respect false or misleading, or that work is being done upon the premises differing materially from that called for in the application on file with the Zoning Officer under existing laws or ordinances, the Zoning Officer may forthwith revoke the Zoning Permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the Zoning Officer.

### **703 PERMITS AND CERTIFICATES**

**703.1 Zoning Permits:** An application for a Zoning Permit will be required to show compliance with this and other appropriate Township ordinances. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plot plans as well as the number of copies, limits and fees for such applications shall be determined by the Governing Body. A Zoning Permit shall be valid for two (2) years from the date of issuance, after which time it shall become null and void. After the expiration of two (2) years, an application must be filed for another permit as though the permit had never been issued. Any unheated addition or storage building of 100 square feet or less shall not require a Zoning Permit but must comply with all other sections of this Ordinance. (amended 03/01/93).

- A. Any commercial construction requiring plans approved by the Pennsylvania Department of Labor and Industry, covered under PA Code Title 34, Labor and Industry Fire and Panic Regulations, Chapters 49-59, will not be issued a Summit Township Zoning Permit until such approved plans are presented to the Zoning Officer.

### **703.2 Summit Township Occupancy/Use Permits**

- A. New Uses: Upon completion of the whole building or structure for which a Zoning Permit was previously issued, the owner or developer thereof shall apply for a Summit Township Occupancy/Use Permit upon a form furnished by the Zoning Officer setting forth such facts that are required for issuance of the permit. Occupancy/Use of the completed building or structure is expressly prohibited until an Occupancy/Use Permit has been issued by Summit Township.

The Zoning Officer shall verify the facts and information set forth on the application and, upon finding the facts and information to be true and accurate, shall issue in duplicate, a Summit Township Occupancy/Use Permit. This Occupancy/Use Permit shall signify only that the use of the building or structure is in compliance with the provisions of the ordinance and may be used for the purpose set forth in the permit upon completion of the structure as described in the Zoning Permit. A Summit Township Occupancy/Use Permit, once granted, shall continue in effect as long as there is no change of use, regardless of change in ownership, tenants, or occupants.

A copy of the Summit Township Occupancy/Use Permit shall be kept and/or displayed upon the premises affected. A record shall be kept by the Zoning Officer for all Summit Township Occupancy/Use Permits issued and the original applications for Zoning Permits.

Any change in structure or land to a different use requires a new Summit Township Occupancy/Use Permit prior to such use, to ensure that the new use is in compliance with the Zoning Ordinance.

- B. Existing Uses: Any use of a building, structure and/or lot existing at the enactment date of this Ordinance shall require a Summit Township Occupancy/Use Permit prior to any change to a different use, to ensure that the new use is in compliance with the Zoning Ordinance.
- C. Conditional Summit Township Occupancy/Use Permits may be issued by the Zoning Officer, upon approval of the supervisors, provided such applicant provides to the Township sufficient security to insure the faithful performance of all incompleting improvements and to cover administrative, legal and

engineering costs of the Township. The amount of such security, and the duration of the conditional permits, shall be determined by the supervisors and agreed to by the applicant.

Approval by the supervisors will only be granted if proper and sufficient justification is provided by the applicant; otherwise, the request for conditional Summit Township Occupancy/Use Permit will be denied. (paragraph added 11/6/95)

**703.3 Sign Permits:** A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Section 612 of this Ordinance.

- A. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all requirements of this Ordinance.
- B. Permits shall be granted or refused within fifteen (15) days from date of application.
- C. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or a court of competent jurisdiction.
- D. All applications for sign permits shall be accompanied by plans or diagrams in duplicate, drawn approximately to scale, showing the following:
  - 1. Exact dimensions of lot or building upon which the sign is proposed to be erected.
  - 2. The exact size, dimensions and location of the sign on lot or building.
  - 3. Any other lawful information which may be required by the Zoning Officer.
- E. One copy of said plans or diagrams shall be returned to the applicant after the Zoning Officer shall have marked such copy either approved or disapproved, and attested to same by his signature. The second copy, similarly marked, shall be retained and filed by the Zoning Officer.

#### **704 DUTIES OF THE OWNER/DEVELOPER**

It shall be the duty of the owner/developer to apply for and secure all permits and certificates as required by this Ordinance. Failure to secure necessary permits or certificates or failure to apply for same in a timely fashion shall be a violation of this Ordinance.

#### **705 APPEALS, VARIANCES, SPECIAL EXCEPTIONS**

The Zoning Officer shall receive all applications for appeals, variances, and special exceptions. Said applications shall be on forms as approved by the Governing Body for the Board, as appropriate, and shall be accompanied by a fee as set by these respective bodies. It is the intent of this Ordinance that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate State law. The filing of appeals, variances and special exceptions shall be within such time limits as shall be set by the Board. These applications shall be filed by the last Monday of the month. A hearing shall be held within 60 days from the date of applicant's request, unless the applicant has agreed in writing to an extension of time.

#### **706 VIOLATIONS**

Failure to comply with any provision of this Ordinance or to secure a Zoning Permit, or Zoning Hearing Board permit, when required, prior to the erection, construction, extension, alteration, or addition to a structure shall be a violation of this Ordinance. Failure to secure a Summit Township Occupancy/Use Permit prior to occupying a building, structure or lot shall also be a violation of this Ordinance.

**706.1 Notice of Violation:** When a violation of this Ordinance occurs, the Zoning Officer shall provide a written notice of violation to the offending party. When such written notice of violation has been served, the owner, agent or occupant, contractor or builder, shall correct such violation within the time provided in the notice of violation.

**706.2 Penalties:** Any person, partnership or corporation who or which has violated or permitted violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of the violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.



## 707 PLANNING COMMISSION

The governing body shall appoint a Planning Commission consisting of seven members. All members of the Commission shall be residents of Summit Township and shall serve without compensation, but may be reimbursed for necessary and reasonable expenses. The organization and operating procedures of the Commission shall be in accordance with Article II, Section 202, of the Pennsylvania Municipalities Planning Code.

**707.3 Report to Township Supervisors:** Following the enactment of this Ordinance, the Planning Commission may, from time to time, prepare and file with the Township supervisors, a report on the operation of this Ordinance, including recommendations on the enactment of amendments, supplements, or changes thereto.

**ARTICLE 8  
ZONING HEARING BOARD**

**801 CREATION**

There is hereby created a Zoning Hearing Board, herein referred to as the "Board", consisting of three (3) regular members and three (3) alternate members. All such members shall be residents of the Township, who shall be appointed by resolution of the Township Board of Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

**802 APPOINTMENT**

The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one regular member and one alternate member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. The Board of Supervisors may appoint an individual to fill such vacancies, for the unexpired portion of the term, or the Board may direct that any of the alternate members perform the duties of the vacant member's position. Members of the Board shall hold no other office in the Township.

**803 REMOVAL OF MEMBERS**

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

**804 ORGANIZATION OF BOARD**

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the regular members of the Board, but where two (2) members are disqualified to act in a particular matter, the remaining member may act for the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 806. The Board may make, alter and rescind rules and forms for its procedure, consistent with Township ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year.

## **805 EXPENDITURES FOR SERVICES**

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

## **806 HEARINGS**

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

- A. Notice shall be given to the public by notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. 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 be not more than thirty (30) days or less than seven (7) days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Personal notices shall be given at such time and in such manner as shall be provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The hearing shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- C. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

- D. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- G. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copies or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- H. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- I. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate

in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the decision of the hearing officer. Where the Board fails to render the decision within the period required by this subsection or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Township shall give public notice of said decision within ten (10) days in the same manner as provided in subsection (1) of this section.

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

- J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### **807 BOARD'S FUNCTION**

- A. Appeals from the Zoning Officer: The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to rules of civil procedure relating to mandamus.

- B. Challenge to the Validity of Ordinance or Map: The Board shall hear challenges to the validity of this Ordinance or map except as provided by law. In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 806. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
- C. Variances: The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions generally created by the provisions of this ordinance in the neighborhood or district in which the property is located.
  2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  3. That such necessary hardship has not been created by the applicant.
  4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

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

- D. Special Exceptions: Special Exceptions are to be granted or denied by the Board pursuant to the express standards and criteria listed in Article 4. The Board shall hear and decide requests for special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

#### **808 UNIFIED APPEALS**

Where the Board has jurisdiction over a zoning matter pursuant to Section 807, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Township ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 806. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

#### **809 PARTIES APPELLANT BEFORE BOARD**

Appeals under Section 807 (A) and proceedings to challenge the Ordinance under Section 807 (B) may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 807 (C) and for special exception under Section 807 (D) may be filed with the Board by any landowner or any tenant with the permission of such landowner.

#### **810 TIME LIMITATIONS**

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

- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

#### **811 STAY OF PROCEEDINGS**

Upon filing of any proceeding referred to in Section 807 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.



**ARTICLE 9  
AMENDMENTS**

**901 GENERAL**

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

**902 PETITIONS**

Petitions for amendments shall be filed with the Planning Commission and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a schedule affixed by the Township.

- A. When a petition to amend this Zoning Ordinance is presented to the Supervisors, the Zoning Officer shall send notice to the owner of the subject property and to all property owners within one thousand five hundred feet (1,500 ft) in any direction of the subject property within seven (7) calendar days from the date on which the petition is presented to the supervisors. The Zoning Officer shall also post a notice upon the subject property to inform the general public of the amendment petition, said notice to be posted within the same seven (7) calendar days specified above. If a petition to amend is presented by the owner of the subject property, notice to such owner shall not be required. In such cases, the Zoning Officer shall comply with all other notice requirements outlined above.
  
- B. The notice shall identify the nature of the proposed amendment and the date on which it was presented, identify the subject on which it was presented, identify the subject property, and identify the individual or entity petitioning for such amendment. The notice shall also contain a brief description of the zoning ordinance amendment process. This notice shall be sent by United States mail, first class postage prepaid and shall be deemed effective upon mailing.

### **903 REFERRAL**

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

### **904 ACTION**

Before acting upon a proposed amendment, the Board of Supervisors shall, as required by law, hold a public hearing thereon. Notice of such hearing, containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such a 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 thirty (30) days, and the second publication not less than seven (7) days from the date of the hearing.

### **905 CURATIVE AMENDMENTS**

Any landowner who desires to challenge on substantive grounds, the validity of this Zoning Ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment along with the substantive validity challenge to the Zoning Ordinance to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 909.1 (b) (4) of the Pennsylvania Municipalities Planning Code. As with other proposed amendments the curative amendment shall be referred to the Summit Township Planning Commission and the Erie County Planning Department at least thirty (30) days before the hearing is conducted by the Board of Supervisors. Public notice shall be given and the hearing conducted in accordance with applicable provisions of the Pennsylvania Planning Code, Act 247, as amended by Act 170.

**ARTICLE 10**  
**TRAVEL TRAILERS**

**1000 TRAVEL TRAILER PARKS**

Trailer parks intended for the parking of travel trailers, and those portions of mobile home parks designed for use of travel trailers shall comply with the requirements of the following sub-sections:

- 1000.1 Record of Tenants:** The operator of a trailer park or mobile home park shall keep an accurate register of all transient tenants occupying transient trailers located in the park. The register shall show the name and permanent residence address of the owner and occupants of any travel trailer located in the park; the make and registration of the trailer; the time and date of arrival and departure; and such other information as might be necessary to provide information about the occupants of the trailer. These records shall be open to authorities at all times.
- 1000.2 Area of Travel Trailer Spaces:** Based upon the gross area of the trailer park the number of individual unit spaces not be more than twenty (20) per acre. The minimum area of any space for travel trailer shall be not less than eight hundred (800) square feet with dimension less than twenty (20) feet. No such space shall be located less than twenty (20) feet from the street lot lines and alley lines and not less than five (5) feet from interior lot lines. Travel trailers shall be so located on each space so that there will not be less than ten (10) feet to any other trailer or building within the park.
- 1000.3 Transient Parks:** Lots and parcels of land which are designed for the temporary parking and occupancy of two (2) or more travel trailers used for human habitation may be located in areas zoned to permit such use; and shall be of adequate area to provide parking spaces, access lanes, utilities, and accessory buildings as herein required. Swimming pools, structures, and accessory buildings provided for any such park shall comply with applicable requirements of the Zoning Ordinance and the regulations of the building official and health official.

- 1000.4 Enclosures of Parks:** Transient parks shall be enclosed with an approved fence or planted hedge, not less than seven (7) feet in height and with no openings to adjoining property other than the required entrances and exits to streets or public spaces.
- 1000.5 Individual Travel Unit Space:** Minimum area and arrangements of spaces for individual travel trailers shall comply with the applicable requirements of Section 1000.2. The number of spaces allowed shall be based upon the gross area of the park. Gross area shall be defined as the entire area of the park property. When a park provides space for both travel trailers and mobile homes, the portions of the park allotted to each shall be governed by the requirements of the specific use of the respective areas.
- 1000.6 Streets and Walkways:** Streets and driveways shall be provided within the park area to afford easy access to all parking spaces. They shall be constructed with a hard, dustless road surface and shall provide ready means of entrance and exit to the street in an approved manner. The minimum width of streets provided for two-way traffic shall be thirty-eight (38) feet when parking of vehicles is allowed on both sides, thirty (30) feet when parking is allowed on one side and twenty-two (22) feet when no parking of vehicles is allowed. Satisfactory means of drainage shall be provided with all streets and lanes draining into catch basins properly connected to the sewer system in accordance with applicable requirements for such facilities. Walkways shall be provided as necessary to all accessory building and service facilities of the park. Walks shall have a non-slip impervious surface and shall comply with the applicable requirements for public sidewalks. Streets and walkways shall be illuminated as required for streets.
- 1000.7 Service Buildings:** Office buildings and structures housing sanitary, service or similar equipment, shall be constructed to meet the applicable requirements of the Zoning Ordinance. Motor fuel service stations shall be located adjacent to a public street and shall be not less than thirty (30) feet from spaces for parking of travel trailers or mobile homes or any building. Mobile units, as defined in the Zoning Ordinance may not be used for accessory uses in connection with any park except upon special permission in writing from the building official.

Such units may be mounted on permanent foundations for accessory uses when specifically permitted by the special permit.

- 1000.8 Anchorage and Tie-Down:** Every parking space for travel trailer shall be provided with devices for anchoring the unit to prevent overturning or uplift. Where concrete platforms are provided for the parking of units, anchorage may be by eyelets imbedded in the concrete with adequate anchor plates or hooks; or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift for buildings and structures, based upon the size and weight of the units.
- 1000.9 Water Supply:** An approved water supply system shall be installed with adequate water taps and connections for travel trailer parking space to supply running water for all sanitary and washing fixtures, drinking and domestic purposes as required by health authorities. Connections to individual units shall be arranged to prevent back siphoning into the main system.
- 1000.10 Sewer System and Sanitary Facilities:** Faucets for community use shall be installed in accessible locations in a manner to be safe and sanitary. Sanitary facilities consisting of water closets, urinals, showers or baths, shall be provided for community use in accordance with the fixture requirements of the health authorities. In addition, not less than one (1) laundry tub and one (1) slop sink shall be installed for each ten (10) travel trailers. Such facilities shall be located so as to be accessible to all units in the park. Each space for a travel trailer shall be provided with a sewer outlet not less than four (4) inches in diameter connected to the main sewer system and properly trapped to receive waste from the fixtures in the mobile home unit. These shall be capped when not in use. The main sewer system shall be connected to the public sewer system or to other approved disposal plant. Provisions shall be made for the receipt, collection and disposal of all garbage and rubbish from each mobile unit in accordance with the requirements for dwelling occupancies. Garbage and waste receptacles shall be kept clean and in sanitary condition.

**1000.11 Electrical Equipment and Systems:** The main electric service to the park shall be of adequate capacity to serve the maximum connected load. Main service, fusing, switching, and distribution shall comply with the applicable requirements of the Pennsylvania Electric Company and shall be installed and maintained in accordance with applicable laws and ordinances governing such system. Each travel trailer space shall be provided with electric service having a grounded type supply receptacle with appropriate fuse or circuit breakers. The minimum service for a travel trailer shall be 115 volt AC ampere. Service shall be mounted in an approved manner adjacent to each mobile unit space.

**1000.12 Gas Supply:** Installations for use of natural gas or liquefied petroleum gas shall comply with all laws and ordinances of the community applicable to the use of such systems for dwellings, or compliance with governing public utilities.

Effective Date

ORDAINED AND ENACTED INTO AN ON ORDINANCE MAY 18, 1992.

Amended March 1, 1993  
Amended May 3, 1993  
Amended July 19, 1993  
Amended October 18, 1993  
Amended February 21, 1994  
Amended March 21, 1994  
Amended May 2, 1994  
Amended December 5, 1994  
Amended December 12, 1994  
Amended February 6, 1995  
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Amended April 3, 1995  
Amended November 6, 1995  
Amended October 21, 1996  
Amended July 7, 1997  
Amended December 3, 1997  
Amended October 5, 1998  
Amended August 2, 1999  
Amended August 17, 1999  
Amended April 12, 2002  
Amended February 3, 2003  
Amended August 16, 2004  
Amended October 1, 2007  
Amended November 3, 2008  
Amended September 16, 2013  
Amended June 18, 2018

(see amendment recaps pages i, ii, iii, iv, v)

ATTEST:

  
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Zoning Officer

SUMMIT TOWNSHIP SUPERVISORS

  
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Christene S. Yeast, Secretary