

**TOWNSHIP OF PULASKI
BEAVER COUNTY, PENNSYLVANIA
ZONING ORDINANCE #227**

AN ORDINANCE for the Zoning Ordinance of the Township of Pulaski; Regulating the Location and the Use of Structures and Land for Residences, Business, Industry, and Other Purposes; Other Open Spaces, Automobile Parking and the Density of Population; Providing a Method of Administration by Establishing a Zoning Hearing Board; Prescribing Duties and Powers of Officials; and Prescribing Penalties for Violations.

WHEREAS, it is the finding of the Governing Body that this Ordinance is in accordance with the spirit and intent of the Comprehensive Plan for Pulaski Township, now therefore:

BE IT HEREBY ordained by the Pulaski Township Board of Supervisors, County of Beaver, Commonwealth of Pennsylvania:

ARTICLE ONE - BASIC PROVISIONS

101 TITLE: This Ordinance may be cited as the Pulaski Township Zoning Ordinance.

102 EFFECTIVE DATE: This Ordinance shall take effect on January 3, 2005.

103 DEFINED WORDS: Words used in a special sense in this Ordinance are defined in Article Six.

104 COMMUNITY DEVELOPMENT OBJECTIVES: This Ordinance and zoning map are intended to protect the public health, safety, morals and general welfare, facilitate coordinated and practical community development, emergency management preparedness, density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, public recreation and other community facilities, as well as to accommodate orderly land use and reasonable variety of dwelling types and economic opportunities and

to preserve prime agricultural land, wetlands and natural and historic values within the built environment.

105 ZONING MAP: A map entitled "Pulaski Township Zoning Map" is hereby adopted as a part of this Ordinance. The Pulaski Township Zoning Map shall be kept on file for examination in the office of the Pulaski Township Secretary in the Municipal Building.

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

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

108 INTERPRETATION: The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, morals, and general welfare of Pulaski Township.

109 CONFLICT: This Ordinance is not intended to interfere with abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements. If the Ordinance imposes more stringent restrictions upon the use of buildings and land than are elsewhere established, the provisions of this Ordinance shall prevail. In construing the language of the Pulaski Township Zoning Ordinance to determine the extent of the restriction upon the use of the property, the language shall be construed, where doubt exists as to the intended meaning of the language adopted by the Pulaski Township

Board

of Supervisors, in favor of the property owner and against any implied extension of the restriction.

ARTICLE TWO - DISTRICT REGULATIONS

201 ZONING DISTRICTS: The Municipality is divided into the Districts stated on Table 201 as shown by the District boundaries on the Pulaski

Township Zoning Map.

202 **DISTRICT BOUNDARIES**: District boundaries shown on the lines of roads, streams, and transportation rights of way shall be deemed to follow the centerlines. The vacation of roads shall not affect the location of such district boundaries. When the Pulaski Township Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimensions stated on the Zoning map, or by the fact that it clearly coincides with a property line, he shall refuse

action,

and the Pulaski Township Board of Supervisors, shall interpret the location of the district boundary with reference to the scale of the Pulaski

Township

Zoning Map and the purposes set forth in all relevant provisions of this ordinance.

(1) **REGULATIONS**: Permitted use, conditional uses, special exceptions where listed), lot and yard dimensions, maximum height of structures, maximum lot coverage and minimum parking requirements for each district are listed in Table 201 or elsewhere within the Ordinance. "Whenever, in any district established under this ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the Pulaski

Township

Zoning officer for such use, the Pulaski Township Zoning officer shall refer such application to the Pulaski Township Zoning and Hearing Board which shall have the authority to permit the use or deny the use upon such condition as a Pulaski Township Zoning Hearing Board deems necessary and proper. The use may be permitted if it is similar to and compatible with permitted uses in the district and no way is in conflict with the general purpose and intent with this Ordinance." Conditional uses require approval of the Pulaski Township Board of Supervisors, after recommendation by the Pulaski Township Planning Commission, whereas permitted uses require only compliance with building and zoning permit application procedures. Special exceptions require the approval of the Pulaski Township Zoning Hearing Board which may attach such reasonable conditions as deemed necessary. Uses, which are normally accessory to the declared permitted uses, are also permitted.

203 **PERMITTED USES**: The permitted uses for each district are shown on Table 201.

204 CONDITIONAL USES: The Pulaski Township Board of Supervisors may authorize conditional uses as specified on Table 201 if all conditions and provisions of Article Four are met.

205 HEIGHT REGULATIONS: No structure shall exceed a maximum height above average ground level of 35 feet, provided however:

1. A structure for any permitted or conditional use in any District may exceed 35 feet in height if 1.) Every required yard is increased by one foot for each additional foot of height, and 2.) The permit for such structure has been reviewed and authorized as a Conditional Use as regulated by Article Four.
2. No accessory structure shall exceed a height of fifteen (15) feet.
3. In determination of the height of a structure in stories, a basement shall be counted as a story when more than sixty percent (60%) of its wall surface measured between floor and ceiling, is or will be above grade as shown on construction plans.
4. The height regulations of this Ordinance shall not apply to television and radio towers, such spires, belfries, barns, silos, monuments, tanks, water or fire towers, ornamental towers, spires, chimneys, elevator bulkheads, smokestacks, and flagpoles.

206 FLOOR AREA REQUIREMENTS: No single-family dwelling shall have a floor area of less than 840 square feet.

207 LOT AND YARD REQUIREMENTS: The maximum lot coverage, the minimum lot area, minimum width of lot, minimum depth of front yard, minimum width of each side yard for each district shall be shown on Table 201.

1. One and only one principal structure permitted for each lot except that two or more structures may be permitted in shopping centers, mobile home parks, and industrial parks as provided in this Ordinance.

2. No structure, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, and platforms above normal grade level, shall project into any minimum front, side, or rear yard, except as provided below:
 - (a) Structures accessory to single-family residences may extend into required rear and side yards, but not closer than ten feet to rear and five feet side yard lot lines.
 - (b) Minor utility fixtures, unenclosed patios, and articles of decoration around a main building may be located in any required yard.
 - (c) A buttress, chimney, cornice, pier, or pilaster extending no more than twenty-four inches (24) from the wall of the principal structure may be located in any required yard.
 - (d) An unenclosed porch no more than one story or fifteen (15) in height and twelve feet in depth may be erected in the front yard of a residential structure, but may not extend into a required side yard.
3. Non-residential structures or uses in any District shall not be located or constructed closer to any lot line of any lot in any "R" District than the distance specified in the following schedule:

MINIMUM Side or Rear Yard abutting any lot in any "R" District

	Use
10 feet	Off-street parking spaces, access drives for non-residential uses.
20 feet	Churches, schools, public or semi-public structures.
40 feet	Recreational facilities, entertain-

ment facilities, motels, all business uses and all industrial uses.

4. The Pulaski Township Zoning Officer may authorize the projection of a principal structure into a required front yard on a lot located between two structures which may be non-conforming with respect to the front yard, providing the resulting front yard shall not be less than the median front yard of the two adjacent structures.
5. Any portion of a lot once counted as a yard or as lot area per family in compliance with the area requirements of this Ordinance, shall not be counted again as required yard or lot area per family for another building.
6. No required yard in any residential area shall be used for parking vehicles except on a driveway or in parking areas designated on an approved site plan. In single-family developments, not more than thirty percent of the front yard may be devoted to driveway access. In single-family attached developments, not more than fifty percent of the front yard may be devoted to driveway access. In multiple family developments, not more than forty percent of the front yard may be devoted to a driveway access.

ARTICLE THREE - GENERAL REGULATIONS

301 NON-CONFORMING USES: The following provisions shall apply to all non-conforming uses:

1. A non-conforming use may be continued but may not be extended, expanded, or changed unless to a conforming use, except as permitted by the Pulaski Township Zoning Hearing Board in accordance with the following and with all other provisions of this Ordinance.
 - (a) The new use will more closely correspond to the uses permitted in the District.
 - (b) The changed use will be in keeping with the character of the neighborhood in which it is located.

2. **Zoning Certificate** A Zoning Certificate must be obtained by the owner of the non-conforming use as evidence that the use lawfully existed prior to the adoption of the provisions, which made the use non-conforming. The Pulaski Township Zoning Certificate shall be obtained within ninety (90) days of adoption of such provision.

3. Where a structure housing a non-conforming use is damaged by fire, flood, explosion, or other casualty to an extent of no more than fifty percent of its replacement value at the time of such casualty, such structure may be reconstructed if performed within twelve months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.
 - (a) There shall be no increase in non-compliance, if any, with lot and yard requirements; and
 - (b) Off-street parking, as required by 307 of this Ordinance, shall be provided as to the enlarged portion.

302 NON-CONFORMING STRUCTURES: A non-conforming structure used or occupied by a permitted use may be enlarged or expanded if the expansion, considered independently of the original structure, complies with the off-street parking of this Ordinance, and such expansion does not otherwise increase the extent of non-conformity in any respect.

1. Any non-conforming permanent sign legally existing on the effective date of this Ordinance may continue to exist, provided that signs which are structurally deteriorated to the extent that the cost of restoration would exceed fifty percent of the cost of replacing the structure, shall be removed. Signs, which are non-conforming because of flashing lights or intermittent illumination, shall be brought into compliance with this Ordinance within thirty days of the effective date of this Ordinance.

303 NON-CONFORMING LOTS OF RECORD: Any non-conforming lot of record existing on the effective date of this Ordinance and then held in separate ownership different from the ownership of adjoining lots shall be exempt from the minimum lot area, depth and width requirements

provided they are used in accordance with minimum yard requirements, and that uses other than a one family house conform to minimum lot area per family and floor area ratio requirements of this Ordinance.

304 **ACCESSORY USES:** The following provisions shall apply to accessory uses:

1. Every swimming pool shall be enclosed by a fence or wall not less than four feet high to prevent uncontrolled access by small children.
2. The exterior storage of not more than one motor vehicle, which does not have a current inspection sticker, shall be considered an accessory use, but two or more shall constitute an auto salvage business and shall not be permitted as an accessory use.
3. The pursuit of vocational or a vocational interests by a resident shall be deemed an accessory use to a dwelling, provided that such activity is clearly subordinate to the dwelling, that no equipment or facilities be involved which are dangerous or incompatible with the residential environment, and that there be no external evidence of any non-residential activity.

305 **SPECIAL EXCEPTIONS:** The following uses may be authorized with such conditions as are deemed appropriate by the Pulaski Township Zoning Hearing Board.

1. Living quarters in an accessory structure as an accessory use to a single-family house to accommodate domestic employees of the residents of the principal building.
2. The accommodation of not more than two non-transient roomers as an accessory use to a single-family house provided that no sign is displayed.
3. Directional signs not to exceed nine (9) square feet in size in connection with any legal business, etc. in connection with any legal business or industry provided they contain no information other than instructions for convenience of vehicular traffic in reaching such business or industry.
4. Temporary structures and trailers used in conjunction with

construction work may 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.

306 SIGNS: No sign, billboard, or exterior graphic display shall be permitted in any district except as herein provided.

1. A bulletin board not exceeding twenty-four square feet is permitted in connection with any church, school or similar public structure.
2. A temporary real estate or construction with any legal business or industry when located on the same premises, and if they meet the following requirements:
 - (a) Business signs shall not contain information or advertising for any product not sold on the premises.
 - (b) Signs shall not have a combined aggregate surface size greater than 1 ½ square feet for each foot of width of the principle structure on the premises.
 - (c) Signs shall not project over public right-of-way.
 - (d) Signs and structures shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.

307 OFF-STREET PARKING: Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is enlarged. Any existing single-family residential dwelling or structure shall be exempt.

USE	PARKING SPACE REQUIRED
Dwelling	Two for each dwelling unit
Church, Theatre, School	One for every four seats in largest meeting room

Stores, shops, restaurants, clubs, Funeral homes	One for every 100 square feet of public floor area
Business Services, Warehouses, Professional Offices	One for every 300 square feet of gross floor area
Manufacturing Plants	One per two employees
Hospitals	One per two beds
Motels	One per rental unit

1. No off-street parking space shall have an area less than 200 square feet exclusive of access drives.
2. Any off-street parking lot for more than five vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.
3. Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect light away from adjoining premises in any "R" District.

308 OFF-STREET LOADING: One off-street loading berth of not less than 35 feet by 10 feet shall be provided for every business and industrial use with a floor area of more than 5,000 square feet; with one additional berth required for each additional 25,000 square feet of floor area.

309 ENVIRONMENTAL PROTECTION REQUIREMENTS: The following provisions shall apply to all uses of land in all districts unless otherwise noted. Certain activities, such as highway construction and like, may be excepted from the following requirements provided such activities are closely controlled by other governmental environment protection agencies, and that Municipal reviewing agencies are satisfied that the spirit and intent of the Pulaski Township Zoning Ordinance is being met through the review processes, bonding requirements and administrative activities of the appropriate environmental protection agencies.

1. No cut or fill grade shall exceed a slope of 2/1 or fifty percent.

This

provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area including cuts and fills on land naturally

Exceeding 2/1 in slope.

2. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.
3. Any person, partnership or corporation proposing to dump wastes or hazardous materials on any land within Pulaski Township must provide an environmental impact statement conducted by experts hired by the Township at the cost of the developer, which shall include, but not be limited to complete data on the subsurface aquifers, the distance between such aquifers and the proposed waste site, the ability of the land to carry such fill, and a subsurface geologic analysis. Such developer shall obtain certificates from the United States Environmental Protection Agency and appropriate Pennsylvania and Beaver County agencies to certify that such wastes and materials are not hazardous to the health, safety and general welfare of the residents of Pulaski Township and the surrounding region.

310 PERFORMANCE STANDARDS: All uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements for this Ordinance, the Pulaski Township having jurisdiction may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

1. **Fire Protection:** Fire prevention and fire fighting equipment acceptable to the American Insurance Association shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
2. **Electrical Disturbances:** No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
3. **Noise:** Noise, which is determined to be objectionable because of volume, frequency, or beat, shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

4. **Vibrations**: Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
5. **Odors**: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot of property.
6. **Air Pollution**: No pollution of air by fly ash, dust, smoke, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property except smoke produced by wood burning stoves or fireplaces.
7. **Glare**: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
8. **Erosion**: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
9. **Water Pollution**: Water pollution shall be subject to the standards established by the State and Federal Governments.

311 PROPERTY MAINTENANCE:

1. **Accumulation Unlawful**: It shall be unlawful for any person to accumulate or store or permit the accumulation or storage of rubbish, garbage, or waste of any kind whatsoever on private or public property in Pulaski Township, Beaver County, Pennsylvania.
 - (a) Such accumulation is hereby declared to be a public nuisance and abatement of such shall be achieved as outlined herein.
 - (b) The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. person shall not occupy as owner occupant or permit another person to use premises, which do not comply with the requirements of the section.
 - (1) **Sanitation**: All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish, garbage or refuse.

- (2) **Grading and drainage**: All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Water retention area and/or reservoirs approved by the Pulaski Township Zoning Officer and Pulaski Township Engineer.

- (3) **Sidewalks and driveways**: All sidewalks, walkways, driveways, parking spaces, and similar areas within public rights-of-way shall be kept in a proper state of repair, and maintained free of hazardous conditions.

- (4) **Accessory Structures**: All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.

- (5) **Motor Vehicles**: Except as provided in other regulations, no currently unregistered and/or un-inspected motor vehicle shall be parked or kept on any property and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided such work is performed inside a structure or similarly enclosed area designed and approved for such purposes by the person who owns the vehicle.

2. **Structures as Public Nuisances**: It is hereby declared that a dangerous structure on either public or private ground is considered to be a public nuisance and is hereby prohibited. A dangerous structure shall be one that constitutes a danger to the public health because of its condition, as a result of a fire, natural calamity or as a result of negligence, or which may cause or aid in the spread of disease or injury to the occupants of it or neighboring structures, due to their proximity, or because its condition creates a new fire hazard or that its condition is liable to cause injury or damage by collapse.

- (a) Once a structure is determined to be dangerous, the Pulaski Township Zoning Officer shall place a placard on or about the premises declaring the structure "Unsafe for Human Habitation."
 - (b) Following such condemnation, the owner may apply for a demolition permit to remove the structure or a building permit to rehabilitate the structure.
 - (c) The Pulaski Township Zoning Officer shall notify the owner by certified mail that either demolition or rehabilitation shall take place within a reasonable period of time or legal proceedings to abate said public nuisance shall be initiated by the Township.
- 3. **Sewage Discharge Unlawful:** It shall be unlawful to maintain an open cistern, or cesspool or to permit the discharge of raw or untreated sewage onto private or public grounds. An existing on-lot septic system, which is malfunctioning, shall be repaired within a reasonable period of time following receipt of notice to do so from the Pulaski Township Sewage Enforcement Officer.
- 4. **Infestation:** In the event that a structure or premises are observed to have been infested by rodents, insects, vermin, or other pests, the Pennsylvania Department of Health shall be notified by the Pulaski Township Zoning Officer.
 - (a) The owner of said property or premises shall be notified in writing of the determination of the Department of Environmental Protection findings by the Pulaski Township Zoning Officer.
 - (b) All state and local remedies shall be applicable in order to abate said nuisance including the filing of liens against the property for the cost of extermination borne by the Township.
- 5. **Township Hearing:** The Pulaski Township Board of Supervisors may hold a public hearing in order to determine the existence of a public nuisance within the terms and provisions of this ordinance.

- (a) Notice of said hearing shall be given by certified mail to the occupant, if applicable, to the operator or to the owner of the subject premises. Said notice shall be given at least ten (10) days prior to the hearing date.
 - (b) Upon determination of the existence of a public nuisance under the terms and provisions of this Ordinance, the Pulaski Township Secretary shall, by Certified Mail addressed to the last known address of the owner and occupier of such property, give notice requiring the abatement or removal of said nuisance within such notice requiring the abatement or removal of said nuisance within such period of time as is set forth in the Notice, but in no even shall said period be less than fifteen (15) days. If the property is not occupied and the whereabouts or identity of the owner is unknown then notice shall be given by posting said notice on the property. Upon failure of the owner or occupier to abate or remove the nuisance, collection of said cost shall be accomplished by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsits without the filing of a claim. In the exercise of the powers herein conferred, the Township may seek relief by bill in equity.
- 6. **Notice of Abate Nuisances:** As herein provided, all notices of time limits within which abatement of public nuisances shall occur, shall be sent certified to the last known address of the owner or person in control of the subject premises. The Pulaski Township Zoning Officer shall prepare such notices on a form provided by the Township. The Township shall also provide placards for posting.
- 7. **Failure to Abate:** Failure by the owner or person in control of the property determined to be in violation of the provisions of this Ordinance, following receipt of proper notice, to abate those public nuisances identified shall be fined as specified in Article XI for each day that a violation continues.
 - (a) If the owner or person in control of the premises refuses to sign for said certified mail or cannot be located; the posting of said violation notice on the premises shall constitute proper notice.

- (b) For the second offense of these provisions and for all subsequent offenses of the same provisions being violated, the fine shall be the maximum permitted.

312 Mobile or Modular Homes: Individual mobile or modular homes are permitted as single-family dwellings as set forth by the use requirements in this Ordinance. All mobile homes shall be placed upon a permanent foundation with appropriate exterior "skirting," between the bottom of the frame and the finished grade or pad upon which the mobile or modular home is located.

313 Home Occupations: 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 met:

1. The occupation is customarily carried on in a dwelling unit or building accessory to a dwelling unit.
2. The occupation is carried on by a member of the family residing in the dwelling unit, with not more than two (2) employees not living on the premises.
3. The occupation is carried on wholly within the principal building or accessory building.
4. There shall be no exterior display or exterior sign except as herein provided: no exterior storage material, and no exterior indication have the home occupation or variation from the residential character of the principal building.
5. There shall be no exterior alterations, which are not customary in residential buildings.
6. No offensive odor, no vibration, smoke, dust, heat, noise, or glare shall be produced.
7. There shall be no commodity sold which is produced elsewhere than on the premises except those items clearly incidental to the home occupation.
8. The occupation shall occupy no more than thirty percent (30%) of the principal building.

9. Adequate off-street parking shall be provided for all employees and patrons where applicable.

Home occupations may include, but are not limited to, studios, dressmaking, professional offices of physicians, dentists, lawyers, engineers, architects, or accountants; real estate offices, insurance offices, barber shops and beauty parlors, teaching with musical instruments or electronic repair services. However, a home occupation shall not be interpreted to include, for instance, commercial stables and kennels, and restaurants.

ARTICLE FOUR - GUIDELINES AND CRITERIA FOR CONDITIONAL USES

401 Conditional uses may be granted or denied by the Pulaski Township Board of Supervisors after review and recommendations by the Pulaski Township Planning Commission. In addition to determining the compliance of the proposed conditional use to the expressed standards and criteria set forth in this Ordinance, the Pulaski Township Board of Supervisors may also set forth reasonable conditions for approval which it feels are necessary to preserve and protect the neighborhood.

The chief criteria that must be considered by Township Supervisors in granting Conditional uses, is the effect such a use would have on the immediate neighborhood. The preservation and integrity of each neighborhood's characteristics shall be considered.

The following specific criteria must be considered:

1. **Public and Private Schools:**
 - (a) Such uses must provide adequate parking and loading areas.
 - (b) All playground areas must provide screening where the same abuts residential properties.
2. **Fire and Emergency Stations:** Fire station location shall be coordinated with Township Supervisors and the Fire Chief for consideration of traffic coordination and safety.
3. **Public Utilities and Facilities Buildings:** Public utilities and facilities shall be required to provide reasonable yard space and shall be suitably landscaped. In the interest of public safety, height

limitations for fences surrounding such installations are hereby waived.

4. **Multi-Family Structures and Apartment buildings:**

- (a) The requirement of two (2) parking spaces per unit may be decreased for multi-family dwelling especially designed and dedicated for use by the elderly. In such an event, the Pulaski Township Board of Supervisors shall consult with the Beaver County Housing Authority or the U.S. Department of Housing and Urban Development to require adequate alternative parking rations.
- (b) All parking areas for multi-family structures shall be properly drained. Where the site includes slopes areas, a storm water management plan will be required so that off-site problems caused by storm water runoff can be avoided.
- (c) All materials used in the construction of this dwelling type shall meet current fire prevention code standards.

5. **Libraries:** Each facility of this type must provide for easy and safe access and egress from parking areas which shall be illuminated with sharp cut-off light sources.

6. **Automotive Service Stations and Auto Sales, Service and Repairs With or Without Convenience Retail:**

- (a) Fire safety, access by emergency equipment, interior pedestrian safety, and traffic impact shall be considered.
- (b) Access drives to and from the facilities shall be well delineated, and shall be a minimum of twelve feet (12') wide.

The driveways shall be separated by a distance of at least thirty feet (30') centerline to centerline.
- (c) No area of the public sidewalk or right-of-way shall be used, or designed to be used, for the storage or parking of motor vehicles, parts or equipment.
- (d) In the interest of public safety, no gasoline service station

shall be located closer than five hundred feet (500') to a school, hospital, church or place of public assembly.

- (e) The perimeter of subject property which abuts single or multiple family dwelling structures shall be screened with opaque fencing or a mixture of high and low plantings, unless the abutting property owner consents in writing to any other type of barrier or the absence of the same.

7. Truck Terminals:

- (a) Truck terminals shall include any facility that deals specifically with the servicing or the loading/unloading of, or the parking or storage of trucks or tractor-trailer vehicles.
- (b) These facilities shall be located along major roads and shall have adequate egress and ingress areas. If these conditions are not met, then it may be denied.
- (c) No area of public sidewalk or right-of-way shall be used, or designed to be used, for the storage or parking of motor vehicles parts or equipment.

8. Contractor Storage, Shops, Yard and Offices:

- (a) Such facilities shall provide adequate parking and loading/unloading areas as specified in this Ordinance.
- (b) All materials stored on the exterior of the site shall be arranged in open-faced bins.
- (c) Screening, as necessary, shall be provided for those residential areas that abut the property for such facilities.

9. Public Parks and Playgrounds:

- (a) All playground areas, which abut residentially developed

properties, must provide screening with an opaque fence or planted material.

- (b) Adequate parking shall be provided for park and playground facilities.

10. Hotels and Motels:

- (a) Such facilities shall be required to provide reasonable yard space and be landscaped.
- (b) All parking areas shall be properly graded and drained. A storm water management plan shall be required with the application for land development approval.

11. Automotive Recycling:

- (a) All handling, sorting, bailing and/or storage of junk, wrecked, worn out or discarded automobiles, scrap iron, scrap metal, plastic, paper or cloth shall be conducted within a building, or entirely enclosed within a fence or wall not less than eight feet (8') in height.
- (b) Said fence or wall shall be constructed of opaque material and shall provide a visual barrier to occupants of adjoining properties.
- (c) No materials or parts of any kind shall be stored in such a way as to be visible to adjacent properties, or create a nuisance on the said properties.
- (d) No materials or parts of any kind shall be stored less than twenty-five feet (25') from a public right-of-way.

12. Adult Businesses:

- (a) Adult businesses shall not be located within one thousand (1,000) linear feet of any property, which is zoned residential.

- (b)** Adult businesses shall not be located within one thousand Feet (1,000') of the property boundary line of the following uses:
- (1)** Public or private school (existing)
 - (2)** Day Care Center
 - (3)** Hospital
 - (4)** Group Care Facility
 - (5)** Nursery School
 - (6)** Public Park or Playground
 - (7)** Church (Place of Worship)
 - (8)** Establishment licensed to serve or sell alcoholic beverages
- (c)** No adult business shall be located within one thousand (1,000) linear feet of any other existing or proposed adult business.
- (d)** Any adult business which exhibits on the premises, film, Videocassette or other method of image production, which Depicts nudity or sexual conduct, shall comply with the following:
- (1)** At least one (1) employee shall be on duty at all times that any patron is on the premises.
 - (2)** here viewing rooms are located on the premises, an unobstructed view of access to all such rooms shall be available to the employee on duty.
 - (3)** No viewing room shall be occupied by more than one (1) person at any time.
 - (4)** No connections or openings to adjoining viewing rooms shall be permitted.

- (5) A minimum of one (1) foot candle of illumination measured at floor level shall be provided in every area where patrons are permitted access.
- (6) Where live performances are given, separate stage and viewing areas shall be provided with separate access to each and no connecting access between the areas.
- (7) Alcoholic beverages shall not be sold on the premises of an adult business, unless the operator has been issued a valid, current permit or appropriate license from the Commonwealth.
- (8) An annual Occupancy Permit issued by the Pulaski Township Zoning Officer shall be secured prior to the operation of any adult business. Failure to apply for said permit by the owner or operator shall constitute grounds for the issuance of a notice of violation.
- (9) Adult Businesses shall be conditional use in a C District.

ARTICLE FIVE - ADMINISTRATION, ENFORCEMENT AND APPEALS

501 Zoning Officer: The Pulaski Township Board of Supervisors shall appoint the Pulaski Township Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

1. **Duties of the Zoning Officer:** The Pulaski Township Zoning Officer shall literally interpret and enforce all the provisions of the Pulaski Township Zoning Ordinance and shall have such duties and powers as are conferred by the Pulaski Township Zoning Ordinance and are reasonably implied for that purpose. The Pulaski Township Zoning Officer shall have a working knowledge of zoning, hold no elective office in the Township and meet the qualifications established by the Pulaski Township Board of Supervisors.
 - (a) **Applications, Zoning and Building Permits, Occupancy Permits and inspections:** The Pulaski Township Zoning

Officer shall receive applications for zoning and building permits and make all inspections in accordance with the provisions of the Pulaski Township Zoning Ordinance.

- (b) **Inspection**: The Pulaski Township Zoning Officer may examine, or cause to be examined, all structures and/or land for which an application has been filed for a zoning certificate, and he may conduct such inspections from time to time, during and at completion, of the work for which a zoning certificate has been issued.
 - (c) **Nonconforming Uses**: The Pulaski Township Zoning Officer may keep an up-to-date list of nonconforming uses, structures and lots.
2. **Zoning Building Permit**:
- (a) **Requirements**: Until the Pulaski Township Zoning Officer has issued a zoning/building permit applicable thereto, no person shall:
 - (1) Occupy or use any vacant land, other than for agricultural purposes.
 - (2) Occupy or use any structure hereafter constructed, reconstructed, moved, altered, or enlarged.
 - (3) Change the use of a structure or land to a different use.
 - (4) Change a nonconforming use, except that a change of a use that is less nonconforming shall be permitted.
 - (b) **Expiration of Zoning/Building Permit**: The zoning/building permit shall expire twelve (12) months from the date of its issuance.
 - (c) **Application and Fees**: Each application for a zoning certificate shall present with the application, a plan of the property showing clearly and completely the location, dimensions and nature of any structure involved and such other information as the Pulaski Township Zoning Officer may require as complying with this Ordinance, together with a filing fee in accordance with the schedule as fixed annually

by the Pulaski Township Board of Supervisors.

- (d) **Records**: The Pulaski Township Zoning Officer shall maintain a permanent file of all zoning/building permits and applications as public record.
- (e) **Occupancy Permits**: Each applicant for a zoning/building permit shall also apply for an occupancy permit as required by this Ordinance, together with a filing fee in accordance with the schedule as fixed annually by the Pulaski Township Board of Supervisors.

3. **Enforcement Penalties:**

- (a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Pulaski Township Board of Supervisors, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Pulaski Township Board of Supervisors as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Pulaski Township Board of Supervisors may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and, thereafter each day that a violation continues shall

constitute

a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Pulaski Township Zoning Ordinance shall be paid over to the Pulaski

Township Board of Supervisors.

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

4. **Enforcement Notice:**

- (a) If it appears to the Pulaski Township Board of Supervisors that a violation of this Zoning Ordinance enacted under the Pennsylvania Municipalities Planning Code has occurred, the Pulaski Township Board of Supervisors shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
 - (1) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- (b) An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the Pulaski Township Board of Supervisors intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the

ordinance.

- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Pulaski Township Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the ordinance.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Pulaski Township Zoning Hearing Board, constitutes a violation, with possibly sanctions clearly described.
5. **Causes of Action:** In case any building, structure, landscaping or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under the Pennsylvania Municipalities Planning Code, Pulaski Township Board of Supervisors, an officer of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon Pulaski Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Pulaski Township Board of Supervisors. No such action may be maintained until such notice has been given.

502 Conditional Uses:

1. **General:** Conditional uses may be allowed or denied by the Pulaski Township Board of Supervisors after recommendation by the Pulaski Township Planning Commission in accordance with the specific criteria contained in each district article of this Ordinance and
- the following provisions. In allowing conditional use, the Pulaski Township Board of Supervisors may attach such reasonable conditions and safeguard, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

2. **Application:** Application for Conditional Uses will be filed with the Township Secretary and shall be accompanied by:
- (a) **Fee:** An application fee in an amount equal to that set by resolution of Township Supervisors.
 - (b) **Plans:** Five (5) copies of a site plan and supporting data which shows the size, location, and topography of the site, the use of adjacent land, the proposed size, bulk, use and location of building; the location and proposed function of all yards, open spaces, parking areas, driveways, storage areas and accessory structures; the location of all utilities, the provisions for parking, moving or loading of vehicles and the timing of construction proposed.
 - (C) **Review:** The Township Secretary shall forward copies of the Application to the Pulaski Township Zoning Officer, Pulaski Township Secretary and the Pulaski Township Planning Commission for review and approval, within (10) days of application.
 - (1) **Time:** The Pulaski Township Planning Commission shall forward its recommendation to Pulaski Township Board of Supervisors within forty-five (45) days unless the petitioner agrees in writing to a time extension. Failure to act within the allotted time shall be deemed to be a favorable recommendation.
 - (2) **Conditions:** The Pulaski Township Board of Supervisors will review each application at a public hearing within sixty (60) days of receipt of such request and may attach such conditions as it deems necessary to the approval of any Conditional Use. The Pulaski Township Board of Supervisors shall render a written decision within forty-five (45) days of the close of the last hearing. The approved site plan and all attached conditions shall be recorded by the petitioner within thirty (30) days of the final approval. All development, construction and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved and recorded. Any development contrary to the approved plan shall

constitute a violation of this Ordinance.

- found (d) A Conditional Use shall be approved if, and only if, it is to meet the following provisions and the criteria contained in the district articles of this Ordinance.
- (1) **Use:** The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
 - (2) **Special Standards:** The proposed use meets all special standards, which may apply to its class of conditional uses as set forth in this Article.
 - (3) **Performance Standards:** The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards herein.
 - (4) **Relationship:** The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - (5) **Environment:** The proposed use shall produce a total visual impression and environment, which is consistent with the environment of the neighborhood.
 - (6) **Screening:** A nonresidential use proposed in a residential district shall be adequately screened from residential areas as deemed appropriate by the Pulaski Township Board of Supervisors.
 - (7) **Parking:** Adequate off-street parking shall be provided in accordance with the Ordinance. No off-street parking area for a non-residential use shall be closer than twenty feet (20') to any adjacent lot in a residential district.
 - (8) **Access:** The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood. 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.

- (9) **Objectives:** The proposed use shall preserve the objectives of this Ordinance.

503 Enforcement Remedies: In case any building, structure on land is or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, The

Pulaski

Township Board of Supervisors may, in addition to other remedies, institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises any act, conduct, business or use constituting a violation.

504 Amendments: The governing body may amend this Ordinance as proposed by a member of the Pulaski Township Board of Supervisors, by the Pulaski Township Planning Commission, or by a petition of a person residing or owning property within the Municipality by complying with the Pennsylvania Municipality planning code as stated in 53 P.S. 10101 through 11202.

1. Petitions for amendments shall be filed with the Pulaski Township Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with a schedule annually affixed by resolution. The Pulaski Township Planning Commission shall review the proposed amendment, and report its findings and recommendations in writing to the Pulaski Township Board of Supervisors and to the petitioner. The proposed amendment shall be introduced before the governing body only if a member of the governing body elects to do so. If an amendment proposed by petition is not introduced, the advertising deposit shall be refunded to the petitioner, otherwise, shall be paid to the Pulaski Township Board of Supervisors.
2. Any proposed amendment introduced by a member of the Pulaski Township Board of Supervisors without written findings and recommendations from the Pulaski Township Planning Commission

shall be referred to the Pulaski Township Planning commission for review at least thirty (30) days prior to public hearing by the Pulaski Township Board of Supervisors.

3. Before voting on the enactment of an amendment, the Pulaski Township Board of Supervisors shall hold a public hearing thereon pursuant to public notice. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Pulaski Township Board of Supervisors shall hold another public hearing pursuant to public notice, before proceeding to vote on the amendment.

505 Zoning Hearing Board: In accordance with law, the Pulaski Township Board of Supervisors shall appoint and organize a zoning hearing board, which board shall adopt rules to govern its procedures. The zoning board shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearing, compel the

attendance

of witnesses, take testimony under oath, and render decisions in writing, all as required by law. A fee shall be charged in accordance with a schedule annually affixed by resolution for any appeal or proceeding filed with the Pulaski Township Zoning hearing board. The zoning hearing board shall have the functions, powers, and obligations specifically granted by law.

1. **Variances:** The board shall bear requests for variances where it is alleged that the provisions of the Pulaski Township Zoning Ordinance inflict unnecessary hardship upon the applicant. In granting any variance, the board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of the Pulaski Township Zoning Ordinance. The board may grant a variance provided the following findings are made where relevant in a given case:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shaped, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the

circumstances or conditions generally created by the provisions of the Pulaski Township Zoning Ordinance in the district in which the property is located.

- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Pulaski Township Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of such property;
- (c) That such unnecessary hardship has not been created by the appellant:
- (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (f) In granting any variance, the board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of Municipalities Planning Code and this Ordinance.

506 Special Exceptions: The board shall hear and decide requests for special exceptions enumerated in Section 305. In granting a special exception, the board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Ordinance.

1. The following shall apply to all nonconforming uses and structures:

- (a) Any nonconforming use may be continued but may not be extended or expanded or changed to a conforming use, except as permitted by the Pulaski Township Board of Supervisors in accordance with the provisions of this Ordinance.

- (b) Any nonconforming building may be reconstructed and used as before, if such reconstruction is commenced within twelve (12) months of discontinuance of use, if the restored building covers no greater area and contains not greater cubic content. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content as provided for in this Section, but must meet minimum yard requirements of the district in which the structure is located, and must meet off-street parking and loading requirements of this Ordinance. Nonconforming signs shall not be replaced.
- (c) In the event that any nonconforming use, conducted in a structure or structures and lot in combination, ceases for whatever reason, for a period of one (1) year, such nonconforming use shall be considered abandoned and shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance. The property owner has the right to appeal the determination of abandonment to the Pulaski Township Zoning Hearing Board.
- (d) The nonconforming use of a building may be extended throughout those parts thereof, which were manifestly arranged or designed for such use at the time of adoption of this ordinance. A nonconforming building or structure may, with the approval of the Board, be extended, enlarged by a maximum of fifty-percent (50%) or replaced, but must meet the minimum yard requirements and height regulations of the district in which the structure is located, and must meet off-street parking and loading requirements of this Ordinance.
- (e) If no exterior structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.
- (f) Nothing contained herein shall require any change on the overall layout plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted, or where no approvals are necessary, where construction has been legally started before the enactment

of this Ordinance.

- (g) Any structure or portion thereof declared unsafe by a proper authority shall be restored to a safe condition.
- (h) Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- (i) Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Article shall also apply to any uses, which thereby become nonconforming.
- (j) The Board shall have the power to authorize the change of lawful nonconforming uses as follows:
 - (1) A nonconforming use which occupies a portion of a structure or premise, may be extended within such structure or premise as they existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the district in which such structure or premises is located.
 - (2) The Board may impose such conditions, as it deems necessary for the protection of adjacent property and the public interest. No changes of a nonconforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.

ARTICLE SIX – DEFINITIONS:

601 GENERAL: Certain words used in this Ordinance are defined below. Words used in the present sense shall include the future. The singular number shall include the plural, and plural the singular. The work “shall” is mandatory and not permissive.

ACCESSORY USES: A subordinate use, which is clearly incidental and related to that of a main structure or main use of land.

ACCESSORY STRUCTURE: A subordinate structure, located on the same lot as the main structure, or a portion of the main structure, the use

of which is clearly incidental to and customarily found in connection with the main structure or principal use of the land.

AGRICULTURE: Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Uses permitted in conjunction with an agricultural use may include barns, stables, corncribs, silos and any other use or structure that is clearly related to an agricultural operation.

AMUSEMENT USE: A theatre, stadium, arena, bowling alley, or related facility for the presentation of musical, theatrical or sporting events where the number of spectators normally is greater than the number of players and where such use is not accessory to a school or church.

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

BASEMENT: A story partly below ground and having one half or more of its height below the average level of the adjoining ground.

BASIC GRADE: A reference plane representing the average of the finished ground level adjoining the structure at all its exterior walls.

BOARD: The Pulaski Township Zoning Hearing Board.

BUSINESS SERVICES: A service shop or office providing services and sales of office supplies and equipment where the repair and maintenance of equipment is limited, and does not include manufacturing or industrial operations.

CHILD CARE CENTER: Any place, home, or institution which cares for four (4) or more children under the age of sixteen (16) years apart from their parents, guardians, or custodians for regular periods of time for compensation; provided, however, that the term "child care center" shall not include or apply to bonafide schools, custody fixed by a court, children related by blood or marriage within the third degree of the custodial person, or churches and other religious or public institutions caring for children within an institutional building.

COMMON OPEN SPACE: A parcel of land integral to a Planned Residential Development and subject to provisions which assure the continued availability and maintenance of such open space for the use and benefit of the residents of the planned development.

COMMUNITY USE: A public or parochial school, playground or related recreation facility, public building or public maintenance facility.

CONDITIONAL USE: A specific exception to the standard regulations of this Ordinance, which requires approval by the Pulaski Township Board of Supervisors under terms and procedures and with conditions prescribed herein.

CONTRACTOR'S YARD: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods, but not including the wrecking; salvaging, dismantling or storage of junked automobiles and similar vehicles.

DEPENDENT DWELLING: An accessory dwelling unit attached to a principal one family house, installed and intended solely for the use of elderly parents, or other dependent, close relatives.

DEVELOPMENT PLAN: The provisions for development, including a planned residential development, a plan of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DEVELOPER: Any landowner or agent of such landowner who makes or causes to be made a Development Plan and an application for a planned development.

DWELLING UNIT: one or more living or sleeping rooms with cooking and sanitary facilities for one person or one family.

FAMILY: Either an individual, or two or more persons related by blood or marriage or adoption, or a group of not more than five persons not so related (not counting servants) occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

FLOOR AREA: In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. In a store, shop, restaurant, club or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other

preparation or administrative spaces. Gross floor area is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

FRONT YARD DEPTH: The prescribed minimum open space extending across the entire width of the lot between the front line of building and street right of way.

GARDEN APARTMENT: A multiple family residential structure containing three or more dwelling units having a height of no greater than three stories.

GAS STATION: A premises providing fuel and minor accessories and services to automobiles, but not including major overhaul, spray painting, recapping of tires, or auto wrecking.

GOVERNING BODY: The Pulaski Township Board of Supervisors, Beaver County, Pennsylvania.

HEIGHT: The vertical distance from the average contact ground level at the front wall of a structure to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

HOTEL: A structure or structures designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals, including auto courts, motels, motor hotels, motor lodges, tourist courts and the like.

LANDOWNER: The legal or beneficial owner of owners of land including the holder of an option or contract to purchase, a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazards, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods,

pharmaceutical goods, and food products, but not animal slaughtering, curing, nor rendering of fats.

LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

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

LOT OF RECORD: Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder of Deeds of the County.

LOT, DEPTH OF: A mean horizontal distance between the front and rear lot lines.

LOT, AREA OF: The horizontal projected area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.

LOT, WIDTH OF: The mean width measured at right angles to its depth.

LOT, ZONING: A parcel of land, fronting on a street, which is or may be occupied by a structure with accessory uses and structures and the open spaces required under this ordinance, including easement areas if any, but not including any public or private street or alley.

MANUFACTURING: The processing and fabrication of any article, substance or commodity.

MEMBERSHIP CLUB: A chartered, non-profit organization, the primary purpose of which is the advancement of its members of the community in education, fraternal, cultural, or civic pursuits and activities.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, on two or more units designated 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 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.

MULTIPLE FAMILY STRUCTUE: A residential structure containing three or more dwelling units.

NON-CONFORMING STRUCTURE: Any structure or part of a structure legally existing at the time of enactment of this Ordinance or any of its amendments which does not conform to the provisions of this Ordinance.

NON-CONFORMING LOT: A lot whose width, area or other dimension does not conform to the regulations of this Ordinance and which was a lot of record or lawfully existed at the time the regulations with which it does not conform became effective.

ONE-FAMILY HOUSE: A detached building having accommodations for and occupied by not more than one (1) family.

PLANNING COMMISSION: The Pulaski Township Planning Commission, Beaver County, Pennsylvania.

PUBLIC BUILDING: A structure owned or leased and operated by a governmental agency.

REAR YARD DEPTH: The prescribed minimum open space extending across the entire width of the lot between the back line of the building or accessory structure and the rear lot line.

RECREATION CLUB: A non-commercial facility operated by and for its members and providing recreational facilities for the use of members and their guests.

RESEARCH LABORATORY: A facility for applied research conducted within an enclosed structure where no goods are produced in quantity.

SEAT: A fixed seat in a theatre, auditorium or meeting room, or 24 lineal inches of an installed bench or pew, or in the absence of these, six square feet of floor space in the seating area.

SCREENING: Screening relative to this Ordinance shall mean a fence, evergreen hedge or wall at least six feet high, provided in such a way that it would block a line of sight. The screening may consist either of one or several rows of bush or trees or have a constructed fence or wall.

SIDE YARD WIDTH: The prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot lines not a rear line or a front line shall be deemed as a sideline.

SIGN: Any surface, fabric or device bearing lettered pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboards, poster panels, or other graphic displays) designed to carry the above visual information.

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

SURETY BOND: An agreement between land owner or his agent of a builder or developer and the Township of Pulaski providing for full payment to the Township for any improvements promised by the land owner builder or developer, but not completed within the time prescribed by the promissory agreement.

SWIMMING POOL: A container of water used for swimming or bathing purposes, of any depth or size if wholly or partially sunk beneath adjacent ground level. If erected above ground, the same shall be covered under the terms of this Ordinance only if it has at least one dimension greater than fifteen (15) feet, or is more than thirty-six (36) inches in depth. As herein defined the term "Swimming Pool" shall be deemed to be a structure.

TOWN HOUSE: A row of three or more attached, one-family dwellings, separated by vertical party or lot-line walls, and each having private entrances giving direct access to the outdoors.

TWO-FAMILY HOUSE: A detached structure having accommodations for and occupied by not more than two (2) families.

VEHICLE SALES AREA: The sale or leasing of automobiles, mobile homes, trucks, or farm equipment in a building or on an open lot where no repair work except that which is minor and incidental to the principal use.

YARD: An open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky, not occupied by structure or

used for parking or storage, except as otherwise provided, and not including any portion of a street or alley.

ZONING CERTIFICATE: A document issued to an applicant by the Zoning Officer certifying that the proposed use of land and structures, the characteristics of the uses, and the approved site plan are in conformance with all pertinent provisions of this Ordinance, and authorizing the applicant to proceed with the preparation and development of such land and structure.

ZONING OCCUPANCY PERMIT: A document issued by the Zoning Officer upon completion of the construction of a structure, or a change in use of structure or parcel of land, or change of occupancy of structure, and indicating that the use and structure is in compliance with this Ordinance. That all conditions attached to the granting of the Zoning Certificate have been met, and that the structure and land may be occupied and used for the purposes set forth in the Zoning Certificate.

ADDITIONAL DEFINITIONS:

ALLEY: A narrow service-way providing a secondary public means of access to abutting properties.

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

ASSISTED LIVING CENTER: A residence for the elderly that provides rooms, meals, personal care and supervision of self-administered medication and may provide recreation, financial services and transportation.

AUTOMOTIVE RECYCLING YARD: The storage, collection, processing, sale or disposal of three (3) or more scrapped, junked or damaged vehicles for the purpose of parts salvage.

BILLBOARD: An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

BUILDING: A roofed structure enclosed by walls for the shelter, housing or enclosure of persons, goods, material or animals.

BUILDING HEIGHT: A vertical distance from the average elevation at grade level to the highest point of the roof.

BUILDING OR SETBACK LINE: Imaginary line parallel to, or concentric with, the nearest road right-of-way line. No portion of a structure may extend nearer the lot line than the required front, side or rear yard depth.

COMMISSION OR PLANNING COMMISSION: The Pulaski Township Planning Commission of Beaver County, Pennsylvania

COVERAGE: The percentage of the lot area covered by principal and accessory use structures.

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

DWELLING: Any building designed or used as permanent or temporary living quarters for one (1) or more families.

DWELLING, MULTIPLE FAMILY: A building arranged or used as a residence for two (2) or more families living independently of each other and each having its own cooking facilities therein.

DWELLING, SINGLE FAMILY: A permanent building on a permanent foundation arranged or used for occupancy by one (1) family. (See also definition of Mobile Home)

DWELLING, UNITS: One (1) or more rooms for living purposes, together with separate cooking and sanitary facilities, used or intended to be used, by one (1) or more persons living together and maintaining a common household and accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, or municipal, or other government agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnished of adequate services by such public utilities or municipal or governmental agencies or for the public health and safety or general welfare, but not including buildings.

EXTERIOR PROPERTY: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

HOME OCCUPATION: Any use customarily carried on entirely within a dwelling by occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and which does not change the residential character thereof. (See Also Section 313 of this Ordinance)

INFESTATION: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

JUNK VEHICLE: A vehicle, which is inoperable or unable to meet the vehicle requirement and inspection standards under Section 4101 et seq. Of the Pennsylvania Motor Vehicle Code to the extent that the cost of repairs would exceed the value of the repaired vehicle. The term does not include a vehicle, which would qualify as an antique or classic vehicle except for its lack of restoration or maintenance.

LAND DEVELOPMENT: Any of the following activities:

1. The improvement of one (1) lot or two (2) contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

- (c) A subdivision of land.
- (d) Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988.

LAND DEVELOPMENT PLAN: Those plans, drawings, and supporting documents required to be submitted prior to action being taken by the Planning Commission or the Pulaski Township Board of Supervisors.

MOBILE OR MODULAR HOME: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) units, or in two (2) units designed to be joined into one (1) integral unit, capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.

OCCUPANCY PERMIT: A required permit authorizing the use of a building or structure after it has been determined that all requirements of this Ordinance have been met for use and construction as it relates to location on a parcel.

OCCUPANCY: The use by ownership, residence or employment of a structure or the use of equipment, merchandise, or machinery in any public, commercial or industrial building.

OCCUPANT: Any person living or sleeping in a building; or having possession of a space within a building.

OPEN SPACE: Land in a Planned Residential Development or as part of a density transfer arrangement used for recreation, resource protection, amenity and/or buffers, not including any area of a lot constituting the minimum lot areas, any part of any existing or future street right-of-way, easement of access, or area set aside for public facilities.

PERMITTED USE: Any use of land and/or structure(s) in a district, which is in conformity with the provisions of this Ordinance.

PERSONAL SERVICES: Any enterprise of a commercial nature, which offers service to the general public, on a one to one basis, including, but

not limited to such as shoe repair, valet service, watch repairing, barber shops and beauty parlors.

PLANNING COMMISSION: The Pulaski Township Planning Commission, Beaver County, Pennsylvania

PREMISES: A lot, plot or parcel of land including the buildings or structures thereon.

PROFESSIONAL SERVICES: The use of offices and related spaces for such professional services, including but not limited to those services provided by doctors, dentists, lawyers, architects, engineers and similar occupations.

RECYCLING YARD: Land or structure used for the collecting, storage, processing, and/or sale of scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers, plastic and other recyclable materials.

REFUSE: All discarded articles or materials including but not limited to ashes, rubbish and combustible and noncombustible waste.

RESIDENTIAL DISTRICT: A district defined on the Zoning Map in which single or multiple family structures may be permitted.

RETAIL BUSINESS: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

SPECIAL EXCEPTION: A modification of the regulations of this Ordinance which the Zoning Hearing Board is permitted to authorize in specific instances listed or authorized in this Ordinance, under the terms, procedures and conditions prescribed herein.

VARIANCE: Relief granted pursuant to the provisions of Section 505 of this Ordinance.

ENACTED and ORDAINED this 13th Day of December, 2004.

PULASKI TOWNSHIP

Mark P. Wagle, Chairman

ATTEST:

Mable C. Henn, Secretary