

ARTICLE XIX

Signs

SECTION 1901 General Provisions:

§ 190101 The regulation of signs in Adams Township, as provided in this Article, is designed to achieve the following goals:

- a. To encourage the effective use of Signs as a means of identification and communication within Adams Township.
- b. To maintain and enhance the aesthetic environment of Adams Township by minimizing adverse effects of signs on both private and public property.
- c. To enhance the ability of Adams Township to attract resources of economic growth and development by promoting tasteful, progressive usage and design of signs which complement the buildings and property they serve.
- d. To protect the public health, safety, morals and general welfare by enhancing pedestrian and vehicular safety through fair and consistent enforcement of the sign regulations.
- e. To preserve the wholesome and attractive character of Adams Township by prohibiting the erection of signs in such numbers, sizes, designs and locations that would result in visual clutter, unsightliness, and confusion.
- f. To avoid excessive competition for large or multiple signs so that the permitted signs can provide adequate identification and direction within Adams Township.
- g. To promote signs which are designed utilizing clear, crisp lettering and uncomplicated symbols which identify their intended message efficiently.
- h. To diminish the uncontrolled proliferation of signs.

§ 190102 Definitions of sign use classifications or types regulated by this ordinance.

“Billboard,”

A large (greater than thirty two (32) square feet) freestanding or attached sign owned or leased by an individual or commercial establishment for the purpose of advertising information under contractual arrangements for a service fee.

“Building Sign,”

Identification signs attached to a building. No commercial message shall be permitted on the sign except for a commercial message drawing attention to an activity legally offered on the premises.

“Changeable Type Sign,”

Any sign that by design has removable character, symbol or graphic parts that can be easily updated or changed to reflect current pricing, scheduled events, or other information such as a **thought for the day** or a **public message**.

“Freestanding Sign,”

Any detached structure specifically built for the purpose of displaying signage information of either commercial or non commercial nature.

“Identification Sign,”

Any sign specifically designed to display the name of a person, family, business, corporation, or other entity as being located on the premises.

“Location Sign,”

Any sign erected by a municipality which identifies the name of a borough, historic place, highway, playground, public park, town, township, street, or village.

“Marquee Sign,”

Any sign constructed over the doorway or window of a building so that it projects outward like an awning .

“Off Premises Sign,”

Any sign identifying a commercial, public, or private organization that is not located on property directly owned by the said commercial, public, or private organization or which promotes some message, either commercial or non-commercial, which draws attention to an activity not offered on the premises.

“Permanent Sign,”

Any sign constructed of building materials and erected or attached with a design intended to last for a period greater than one (1) year.

“Residential Sign,”

Identification signs attached to a residence. No commercial message shall be permitted on the sign except for a commercial message drawing attention to an activity legally offered on the premises.

“Shopping Center Sign,”

Identification signs for the premises indicating the businesses or retail outlets located within the shopping center. No commercial messages shall be permitted on the sign.

“Temporary Sign,”

Any sign constructed of non-permanent building materials which is designed to be placed on a premises for a limited period of time not to exceed sixty (60) days.

“Traffic Sign,”

Any sign, lighted or unlighted, erected for the purpose or warning, directing, or regulating vehicular travel along public rights-of-way.

§ 190103 Any sign constructed, erected, or altered after the effective date of this ordinance shall be subject to the provisions and regulations contained in this article including, but not limited to, the following:

- a. A **permit** shall be required for any sign erected or constructed that has a surface area greater than two (2) square feet with the exception of temporary signs for any purpose. (The area of a sign shall mean the total area of all lettering, wording, and accompanying designs and symbols, together with the background and border space on which they are displayed.)

- b. All signs shall be constructed and maintained in a safe orderly manner. Signs which are not maintained properly may be ordered removed by the Township Zoning Officer.
- c. No sign shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic by obscuring view or causing distraction.
- d. All illuminated signs, shall be of a non-flashing type, lighted in such a manner as to not deter clear night vision along any public right-of-way.
- e. No sign, except traffic signs, or other official directional or warning signs, maybe erected so that they extend onto or over any pedestrian walkway, public street or right-of-way.
- f. Any sign attached to or constructed on a building may protrude a maximum distance of six (6) inches from the wall to which it is attached.
 - (1) Total sign area may cover a maximum of twenty-five (25%) percent of the total area of the building or structure to which it is attached,
 - (2) Signs shall not extend beyond any point of the line of the building to which the sign is attached.
 - (3) No signs shall be erected upon, or extend above the roof of any building.
 - (4) Signs shall not extend out over any pedestrian walkway or vehicular right-of-way.
- g. No permanent free standing sign erected within the township may exceed a height of twenty (20) feet, as measured from the ground level to the top of the sign.
- h. No sign structure, erected directly upon the ground, shall have less than three (3) feet of clearance space between the sign and the ground, however, necessary supports may extend through such open space.
- i. No signs shall be permitted to be posted, stapled, or otherwise permanently attached to any public utility pole or trees within the street line.
- j. Nonconforming signs, once removed, shall be replaced only with conforming signs. However, nonconforming signs may be repainted or repaired, provided such repainting or repairing does not increase the dimensions of the existing sign.
- k. Temporary signs or displays may be erected provided the regulations of this Article are adhered to.

§ 190104 Exemptions: The following signs shall be exempt from regulations under this Article:

- a. Any public notice or warning required by a valid and applicable Federal, State or Local law, regulation or ordinance.
- b. Any sign inside a building or structure that is not attached to a window or door, and not legible from a distance of more than three (3) feet beyond the lot line of the premises or site on which such sign is located.

- c. Commissioned works of art that do not include a commercial message.
- d. Holiday lights and decorations with no commercial message, but only installed and displayed for a period of not more than sixty (60) days.
- e. Memorial signs or markers denoting the date of erection of a building or structure or denoting the occurrence of a historic event.
- f. Auctions, garage or yard sale signs provided that they do not exceed eight (8) square feet and are removed as soon as the event or activity is completed. Such signs shall not be permitted to be erected more than seven (7) days prior to the event and only permitted on the site at which the event will take place.
- g. Signs and banners erected by a governmental body or under the direction of such body.
- h. Temporary event signs and banners announcing a non-profit event of a civic organization for non-commercial purposes, where such sign does not exceed thirty-two (32) square feet in area and for a period not to exceed thirty (30) days prior to the start of the event and removed within three (3) days after the conclusion of the event.
- i. Political signs announcing candidates seeking public office provided they be free standing signs not exceeding thirty-two (32) square feet and meet the other requirements of a temporary signs as listed in this Article.
- j. Building 911 Ordinance Street Address numbering signs erected in accordance with the Cambria County and Adams Township 911 Emergency Preparedness Act
- k. An off-premises sign for facilities that provide twenty-four (24) hour emergency services, provided that said facility is approved by the Pennsylvania Department of Health for Stabilization and Treatment. Such sign must be approved by the Zoning Officer or the Supervisors as to size and location.

§ 190105 Prohibited Signs. All signs not specifically authorized by this Article are prohibited in Adams Township. Prohibited signs shall include, but are not limited to:

- a. Animated or flashing outdoor neon tubing signs, beacons, or strobe lighting,
- b. Inflatable signs and tethered balloons,
- c. Non-commissioned works of art “graffiti” whether painted, drawn, constructed or otherwise created without the expressed written consent of the land owner.
- d. Obsolete Signs which identify businesses or organizations or products that no longer exist.
- e. Projecting signs of any type or placement other than traffic signs.
- f. Sign structures which may constitute a hazard to public safety or health,
- g. Signs which by reason of their size, location, content, coloring or manner of illumination, obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public street or rights-of-way,
- h. Signs which mimic traffic signs by making use of words such as "Stop", "Look", "One Way", "Danger", "Yield", or similar words, phrases, symbols, lights or

characters that may interfere with, mislead or confuse traffic,

- i. Strings of lights, except those exempt under previous sections of this Article,
- j. Signs attached to or supported by a tree or utility pole,
- k. Signs painted on a stone, cliff or other natural object.

§ 190106 Schedule of permitted signs in the various zoning districts of Adams Township.

Type of Sign	A	A/R 1	R-2	R-3	U	H	C	L-1	O	S	FP	W
Billboard	SE	SE	N	N	N	N	P	P	N	N	N	N
Building Sign	P	P	P	P	P	SE	P	P	N	N	N	N
Changeable Type	P	P	P	P	P	SE	P	P	N	N	N	N
Freestanding	P	P	N	N	N	SE	P	P	N	N	N	N
Identification	P	P	P	P	P	P	P	P	SE	SE	N	N
Location	P	P	P	P	P	P	P	P	P	P	P	P
Off-premises	P	SE	N	N	N	N	P	P	N	N	N	N
Permanent	P	P	P	P	P	P	P	P	N	N	N	N
Residential	P	P	P	P	P	P	SE	N	N	N	N	N
Shopping Center	N	N	N	N	N	N	P	SE	N	N	N	N
Temporary	P	P	P	P	P	P	P	P	P	P	N	N
Traffic	P	P	P	P	P	P	P	P	P	P	P	P
Marquee	SE	SE	SE	SE	P	N	P	P	N	N	N	N

Key: P = Permitted
 SE = Permitted by Special Exception
 N = Not Permitted

SECTION 1902 Supplemental Regulations:

§ 190201 The following supplemental regulations shall apply to the construction, erection, and use of signs within the Agricultural (A, A/R-1) Zoning districts of Adams Township.

- a. All signs erected in the Agricultural Zones (A, A/R-1) offering the sale of farm products, nursery products, or livestock produced or raised on the premises shall be limited in size not to exceed twelve (12) square feet.
 - (1) Not more than one (1) single faced or one (1) double faced sign shall be permitted on any single street or road frontage within one hundred fifty feet of another such sign.
 - (2) All permitted signs shall be set back a minimum of twenty (20) feet from the property line

b. Signs denoting membership in an agricultural association, cooperative, or indicating specialization in a particular breed of cattle, horses, sheep, hogs, chickens, etc., or a particular hybrid or strain of plant shall be limited in size to six (6) square feet.

(1) Not more than one (1) such sign shall be permitted on any single street or road frontage within one hundred feet of another sign.

(2) All permitted signs shall be set back a minimum of twenty (20) feet from the property line.

§ 190202 The following supplemental regulations shall apply to the construction, erection, and use of signs within the Residential (A/R-1, R-2, R-3) Zoning Districts and the Historic (H) and Urban (U) Zoning Districts of Adams Township.

a. All signs erected shall be on premise signs and refer, advertise, or direct attention only to activities conducted on the site; except that a temporary directional sign may be erected for special events, if prior approval is granted by the owner of property on which the sign is to be erected under the same conditions provided for temporary promotional signs in this Article.

(1) Identification signs shall be limited to one (1) for each professional and/or accessory use occurring on the premises.

(2) Information on identification signs shall be limited to:

(a) Entity Name

(b) Profession or Service Offered

(c) Street Address

(1) Identification signs shall be limited in size to not exceed three (3) square feet.

(2) Identification signs must be set back a minimum of ten (10) feet from the nearest property line.

b. One (1) identification sign shall be permitted for motels, office buildings, church, school, restaurants, mobile home parks, funeral homes and other places of business permitted in the respective residential zones.

(1) Such signs shall not exceed an area of twenty-four (24) square feet.

(2) Such signs shall be setback a minimum distance of fifteen (15) feet from the nearest property line.

§ 190203 The following supplemental regulations shall apply to the construction, erection, and use of signs within the Commercial (C) Zoning District of Adams Township.

a. Signs permitted within the Font Yard Setback Area between the building setback line and the property line.

(1) All signs must be setback a minimum distance of five (5) feet from all property lines.

(2) Any sign within the setback area must be erected in a manner to permit the free and unobstructed view of persons entering or leaving the property and

adjacent property.

- (3) A sign within the setback line may be permitted for each twenty-five (25) feet of street frontage of the lot used for the particular business advertising on the sign.
- (4) The maximum number of such signs shall not exceed four (4) pertaining to any single business or commercial lot
- (5) Double faced signs shall be considered two (2) signs under this provision.
- (6) A commercial lot with a frontage of less than 60 linear feet shall be limited to placing two (2) signs not exceeding a total area of sixty (60) square feet on the premises.
- (7) In no case may the combined area of all signs erected within the setback area of a commercial lot exceed three hundred sixty (360) square feet.

b. Temporary signs are not permitted except as follows:

- (1) Signs advertising political parties or candidates for elections, provided that the sign area does not exceed four (4) square feet.
 - (a) Such signs shall be non-illuminated,
 - (b) And shall not be displayed more than 30 days prior to election and must be removed no later than seven (7) days following the election.
- (2) Signs directing attention to temporary exhibits, shows, or special events of a noncommercial nature, provided the sign area does not exceed four (4) square feet.
 - (a) Such signs shall be non-illuminated,
 - (b) and shall not be displayed for more than 30 days prior to the advertised event and must be removed no later than seven (7) days following the event.
- (3) One temporary sign of contractors, realtors, architects, mechanics and artisans providing temporary services on the premises.
 - (a) Such signs shall not exceed six (6) square feet,
 - (b) and shall be set back a minimum of ten (10) feet from the property line,
 - (c) and shall be removed within thirty (30) days following completion all work.

c. Signs permitted behind the setback line and/or attached to a building.

- (1) All freestanding signs shall conform to the construction, height and setback regulations for accessory structures as outlined in Article XI of this ordinance.
- (2) One sign may be permitted for each twenty-five (25) feet of linear frontage of the lot used for commercial purposes.
- (3) The combined area of all signs behind the setback may not exceed one (1) square foot in area for each one (1) foot of lineal frontage of the lot used for commercial purposes.

- (4) In no case may be made the total combined area of all signs exceed 360 square feet
- d. Billboards may be permitted by a special exception granted after a hearing by the Adams Township Zoning Hearing Board provided that:
- (1) The area of the billboard does not exceed 300 square feet.
 - (2) The billboard is setback a minimum distance of 50 feet from the nearest public right-of-way.
 - (3) The billboard does not exceed 40 feet in height.
 - (4) The billboard is a minimum distance of three hundred (300) feet from the nearest residential district, church, park, school, or other public building.
 - (5) The billboard is a minimum distance of four hundred (400) feet from the centerline of any Expressway or Limited Access Highway it faces or from which its message can be viewed.
 - (6) Illumination must not obstruct automobile traffic or residential areas.
- e. Off-promise signs may be permitted by special exception granted after a hearing by the Adams Township Zoning Hearing Board subject to the regulations for accessory uses as listed in Article XI of this ordinance.#90204 The following supplemental regulations shall apply to the construction, erection, and use of signs within the Light Industrial (L-1) Zoning District of Adams Township.
- f. One identification sign may be erected or constructed for each individual business or corporation occupying buildings on a single light industrial parcel or lot.
- (1) Any individual sign may not exceed one (1) square foot of area per one (1) foot of linear street frontage of the light industrial lot being used.
 - (2) In no case shall a single sign exceed a total area of one hundred twenty (120) square feet.
- g. If more than three individual businesses or corporations occupy buildings on a single light industrial parcel or lot, a group identification sign shall be erected for all the businesses or corporations in the group.
- (1) Such identification sign shall be free standing and equally identify each business entity in the group. The total area of such sign shall not exceed two hundred forty (240) square feet.
 - (2) Such identification sign shall be set back at least ten (10) feet from the property line or street line, or any required buffer area.
 - (3) Such identification sign shall be clearly visible from the approaching main entrance to the light industrial site and positioned so it does not obstruct vehicular travel to and from the site.
- h. Any signs mounted or attached to buildings or other structures of the light industrial site may not project outward from the building lines or above the roof line of the building or structure.
- i. All freestanding signs must meet the construction guidelines and set back requirements listed in Article XII for accessory uses in the Light Industrial Zoning District.

§ 190205 The following supplemental regulations shall apply to the construction, erection, and use of signs within the Open Space and Recreation (O), Conservancy (S), and Watershed (W) Zoning Districts of Adams Township.

- a. One (1) identification sign shall be permitted for each named public recreation park or play area on a single parcel or lot..
 - (1) Such signs shall not exceed an area of twenty-four (24) square feet.
 - (2) Such signs shall be setback a minimum distance of fifteen (15) feet from the nearest street or roadway line.
 - (3) Such signs shall be clearly visible from the approaching main entrance to the recreational site and positioned so they do not obstruct vehicular travel to and from the site.
- b. Advertising signs are not permitted except to identify individuals, businesses, corporations, or other legal entities that are contributing sponsors or supporters of the recreational site or play area.
 - (1) Such signs shall be limited in size to thirty two (32) square feet for each contributing entity.
 - (2) Such signs shall be constructed of permanent building materials and erected in a manner so as not to detract from the open space natural setting of the area.
 - (3) Where possible a single contributor or sponsor sign should be erected indicating all supporting entities of the recreation or play site.
 - (4) Such signs shall be positioned so they do not obstruct vehicular travel to and from the site.
- c. Informational signs listing the rules and regulations governing the use of the recreational or play area shall not exceed thirty two (32) square feet.
- d. Directional signs may not exceed six (6) square feet in area and may not protrude or extend over any public right-of-way or street line.

§ 190206 The following supplemental regulations shall apply to the construction, erection, and use of signs within the Flood Plain Zoning Districts of Adams Township.

- a. No private signs are permitted within the listed flood plain zones of Adams Township.
- b. Signs indicating health and public welfare hazards are permitted within the Flood Plain Zoning Districts of the township.

ARTICLE XX

NON-CONFORMING USES AND BUILDINGS

SECTION 2001: Continuance:

- § 200101 The lawful use of a building existing at the time of the effective date of this ordinance may be continued, although such use does not conform to the provisions here all of.
- § 200102 If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same character.
- § 200103 Whenever a nonconforming use has been changed to a conforming use or to a conforming use, such use shall not thereafter be changed to a non conforming.
- § 200104 Whenever the use of a building becomes nonconforming through a change in the zoning ordinance or district boundaries, such use may be continued.

SECTION 2002: Discontinuance of Use:

- § 200201 Whenever a nonconforming use of a property, building, accessory use, sign, or part thereof has been discontinued for a period of twelve (12) consecutive months, said nonconforming use shall be presumed to be abandoned and any uses of the promises thereafter shall be in conformance with the regulations of the zoning district.
- § 200202 A discontinued nonconforming use may be extended beyond the twelve-month period if it is properly registered with the Adams Township Zoning Officer.
- a. Only one twelve-month extension may be granted for any discontinued nonconforming use.

SECTION 2003: Alterations:

- § 200301 On any nonconforming structure or portion of the structure containing a nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty (50%) percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.
- § 200302 If a nonconforming structure or portion of the structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.
- § 200303 Nothing in this article or this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building, structure, or partner of that has been declared to be in an unsafe condition by an official charged with protecting the public safety, upon order of such official.

SECTION 2004: Provisions for Reconstruction:

- § 200401 Any building, or structure containing a nonconforming use which is damaged by flood, fire, wind, or any other act of God or man to the extent of seventy five (75%) percent or more of its fair market value immediately prior to the inflicted damage of such structure, shall not be repaired or reconstructed except in a manner which will not be detrimental to the character of the neighborhood.
- § 200402 In the event that the qualified independant estimate of the extent of damage a fair market value is not acceptable to the applicant for any building permit to repair or reconstruct such building or structure, the applicant may appeal to the Adams Township Zoning

ARTICLE XXI
ADMINISTRATION AND ENFORCEMENT

SECTION 2101: Zoning Officer:

§ 210101 A Zoning Officer shall be appointed by the Adams Township Supervisors to administer and enforce this Zoning Ordinance.

§ 210102 The Zoning Officer shall not hold any elective office in the municipality.

SECTION 2102: Duties and Powers:

§ 210201 **Enforcement:** The Zoning Officer shall have such duties and powers as are conferred on him or her by this Ordinance and as are reasonably implied to carry out and enforce the regulations of this Ordinance.

§ 210202 **Literal Interpretation:** It shall be the primary duty of the Zoning Officer to enforce literally the provisions of this ordinance, as amended.

§ 210203 **Additional Duties:** The Zoning Officer's additional duties shall include but are not limited to the following:

- a. Receive applications and issue building / use permits and sign said permits.
- b. Keep an official record of all business and activities, including complaints of all violations of any of the provisions of this ordinance and of the action taken consequent to each such complaints.
- c. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign, and or land use within the Township, and retain such files in the Township office building for as long as they remain in existence.
 - (1) All such records shall be open to the public for inspection.
 - (2) No additional copies of such records shall be made or distributed without the approval of the Board of Supervisors.
- d. Make inspections as required to fulfill his/her duties.
- e. Only issue permits for special exception uses and for variances after such uses and or variances have been approved by the Adams Township Zoning Hearing Board in accordance with the regulations of this Ordinance.
- f. Be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.
- g. Institute Civil Enforcement Proceedings against violations as a means of enforcing the provisions of this ordinance

SECTION 2103: Violations:

§ 210301 **Serve Notice:** The Zoning Officer shall serve notice of violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance,

or who are in violation of a detailed statement or a plan approved thereunder.

§ 210302 In Writing: Notice of violation shall be in writing, indicating the nature of the violation and the action necessary to correct said violation.

- a. The violation notice shall be sent to the owner of record of the parcel of land on which the violation has occurred, or
- b. to any person who has filed a written request to receive violation notices regarding that parcel, or
- c. to any other person requested in writing by the landowner of record.

§ 210303 Contents: The violation notice shall include at least the following information:

- a. Name of the owner of record and or any other person against whom Adams Township intends to take action.
- b. Exact location of the property in violation of this ordinance.
- c. A list of the specific violations with a description of the requirements which have not been met along with a reference to the applicable provisions of the Adams Township Zoning Ordinance.
- d. A specific date by which steps for compliance must be commenced and the date by which the steps for compliance must be completed.
- e. List the rights of appeal and the prescribed appellate time the recipient of the violation notice has according to the Adams Township zoning ordinance to appeal such notice.
- f. Notice that failure to comply within the prescribed time, unless extended by the Zoning Hearing Board, constitutes another violation of this ordinance which could result in sanctions against the land owner(s) listed in the notice.

§ 210304 Non-compliance: If a notice of violation is not complied with, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign, and or land use, and shall initiate Civil Proceedings against the landowner.

SECTION 2104: BUILDING PERMITS:

§ 210401 No building, structure, or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall a change in land use be put to any use without a permit therefore, being issued by the Zoning Officer.

§ 210402 No such permit shall be issued except in conformity with the provisions of this ordinance, or upon written order from the Zoning Hearing Board in the form of an administrative review, special exception, or variance, as provided by this Ordinance or by the Courts.

§ 210403 All applications shall be made in writing and submitted in such form as the Zoning Officer or the Township may prescribe, and shall be accompanied by two sets of plans showing at least the following information:

- a. Actual dimensions in shape of the lot to be built upon.
- b. The exact and location on the lot of buildings, structures, or existing and or

proposed extensions thereto.

- c. The correct 9-1-1 address.
- d. Methods of sewage and solid waste disposal, plus information on quantity and quality of sewage involved in proposed method of treatment if required
- e. Parking spaces provided and or loading facilities required.
- f. A statement indicating the existing or proposed use of the property.
- g. Height of any and all structures buildings or sign's.
- h. All other information necessary for the Zoning Officer to make a determination of conformance with and provide for enforcement of this Ordinance.

§ 210404 A copy of the plan shall be returned to the applicant, by the Zoning Officer, indicating that the plan has either been approved or disapproved and attesting to same by the Zoning Officer's signature on said copy.

§ 210405 One copy of the plan shall be retained by the Zoning Officer for the Township's permanent records.

§ 210406 Approval or disapproval of a building permit application shall be issued within thirty (30) days from the date the application is received by the Zoning Officer.

- a. Work must be completed within two (2) years of the date of issuance of a building permit or it shall expire.
- b. In case the plan is disapproved, the applicant shall be informed, in writing, of his/her rights of appeal. This will be in a form of a check list for the applicant.

SECTION 2105: Schedule of Fees:

§ 210501 Payment Required: Each application for a building permit shall be accompanied by cash payment, certified check, or money order, payable to Adams Township in accordance with the schedule of fees as follows:

- a. Single and Two Family Residential (All New Construction):

(1) \$0.08 per square foot

- b. Single and Two Family Residential (Alterations), including sheds, signs, decks, pools, porches and fences:

Construction Value	Fee
\$0 – 1,500	\$20.00
\$1,501 – 2,000	\$25.00
\$2,001 – 3,000	\$30.00
Each Additional \$1,000	\$5.00

- c. Multi-Family Residential, Commercial, Industrial (All New Construction):

(1) \$0.12 per square foot

- d. Multi-Family Residential, Commercial, Industrial (Alterations):

Construction Value	Fee
\$0 – 1,500	\$25.00
\$1,501 – 2,000	\$30.00
\$2,001 – 3,000	\$35.00
Each Additional \$1,000	\$8.00

e. Permits for all construction not specifically listed above shall have a fee of \$15.00 for the first \$1,500 of construction value and an additional fee rate of \$5.00 per thousand dollars construction value over the minimum.

§ **210502 Late Fee:** A **\$50.00 late fee** will be added to the cost of any permit issued on an application submitted after construction activity has commenced.

- a. Permit will only be issued if the construction activity and land use is in compliance with the requirements of this ordinance for the zoning district in which the lot is located.
- b. If such application is not approved, the applicant shall be responsible for the cost of undoing all construction activity and returning the land to its former state.
- c. All fees are non refundable.

210503 Fees for Special Exceptions and Variance Hearing.

a. Applicant will pay a total fee of **two hundred fifty (250.00) dollars**. This rate applies to Residential, Commercial and Light Industrial requests. Any extra costs will be passed on to the applicant after all expenses are paid for the hearing.

SECTION 2106: Remedies for Violations:

§ **210601 Action to Halt Violations:** If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this Ordinance, the Adams Township Board of Supervisors, or with their approval the Zoning Officer, may institute, in the name of the Adams Township, any appropriate action or proceedings to halt or prevent the continuation of such violations.

§ **210602 Additional Remedies:** Nothing in this section shall preclude or prevent the Adams Township Board of Supervisors from seeking other additional remedies in an attempt to correct violations of this Ordinance.

SECTION 2107: Penalties Imposed:

§ **210701 \$500.00 Judgement:** Any person, partnership, or corporation, who or which, has violated or permitted the violation of the provisions of this Zoning Ordinance, upon being found liable therefore in a Civil Enforcement Proceeding, commenced by the Township, shall pay a judgment of not more than \$500 plus all court costs, including a reasonable attorney fees incurred by the Township, as a result thereof.

§ 210702 **District Magistrate Findings:** No judgment shall commence or be imposed, levied, or payable, until the date of the determination of a violation made by a district magistrate.

§ 210703 **Timely Appeal:** If the defendant neither pays nor appeals the judgment on a timely basis, the Township may enforce the judgment pursuant to applicable rules of civil procedure.

§ 210704 **Daily Assessment:** Each day a violation continues shall constitute a separate violation, unless the district magistrate determines that there was a good-faith basis for the defendant to have believed there was no violation, in which case, there shall be deemed to have been only one such violation, until the fifth day following the determination of that violation by the district magistrate. Thereafter each day the violation continues shall constitute a separate violation.

§ 210705 **Collection of Monies:** All judgments, costs, and reasonable attorney fees collected for the violation of the zoning ordinance shall be paid over to Adams Township.

§ 210706 **Court Ordered Stay of Action:** The Court of Common Pleas, upon petition, may grant an order of stay upon cause shown tolling the per diem fine pending a final adjudication of the violation and judgment.

SECTION 2108: Certificate of Use and Occupancy:

§ 210801 **Certificate Required:** A Certificate of Use and Occupancy shall be required upon the completion of the work contemplated and listed in the application for a building permit.

§ 210802 **Unlawful Occupancy:** It shall be unlawful to use and/or occupy any structure, building, and/or land portions thereof that have been in any manner erected, constructed, moved, added to, or structurally altered after the effective date of this Ordinance, unless a Certificate of Use and Occupancy has been issued.

- a. The application for Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer, or the Adams Township Planning Commission may prescribe.
- b. The Zoning Officer shall inspect any structure, building, sign and/or land portions thereof and shall determine the conformity therewith.
- c. If the Zoning Officer is satisfied that the work completed is in conformity with this Ordinance and with the work listed in the building permit, a Certificate of Use and Occupancy shall be issued.
- d. The Certificate of Use and Occupancy shall be granted or refused, in writing, by the Zoning Officer within ten (10) days from the date of application.
- e. If a Certificate of Use and Occupancy is refused, the aggrieved party shall have the right of appeal in accordance with **Article IX, §909.1 (a) 3**, of the **Pennsylvania Municipal Planning Code**.

ARTICLE XXII
The Zoning Hearing Board

SECTION 2201: Creation and Organization:

§ 220101 Membership: This Article hereby establishes a Zoning Hearing Board, pursuant to **Article IX, §901.** of the **Pennsylvania Municipalities Planning Code**, which has the powers and duties listed herein and whose membership shall be as follows:

1. The Board shall consist of three (3) members, all of which are residents of Adams Township, and each of which shall be appointed to the Board by a majority vote of the Adams Township Board of Supervisors.
2. Their individual terms of office shall be three (3) years and shall be so fixed that the term of one member shall expire each year.
3. Members of the Board shall hold no other office in the municipality.
4. The Township Supervisors may appoint at least one (1) but not more than three (3) alternate members to the board, each for a three year term, to serve on the Board in the absence of a regular member.
5. The Board shall promptly notify the Township Supervisors of any vacancies which occur.
6. Appointments to fill vacancies shall only be for the unexpired portion of the term being filled.

§ 220102 Removal of Members: Any Board Member may be removed from office for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Adams Township Board of Supervisors.

- a. The member shall receive fifteen (15) days advance notice of the intent to take such a vote.
- b. A hearing shall be held in connection with the vote if the member requests the hearing in writing at least seven (7) days prior to the meeting at which the vote is to be taken.

§ 220103 Organization of the Board: The Board shall elect, from its own membership, its officers who shall serve annual terms as such, and may succeed themselves.

- a. The Board may make, alter, and rescind rules and forms for its procedure consistent with ordinances of Adams Township and the laws of the Commonwealth of Pennsylvania.
- b. The Board shall keep full public records of its business and shall submit a report of its activities to the Adams Township Board of Supervisors as requested by the supervisors.
- c. For the conduct of any hearing and in the taking of any action, a quorum shall be not less than a majority of all the membership of the Hearing Board, but the Hearing Board may appoint a **Hearing Officer** from its own membership to

conduct any hearing on its behalf and the parties involved may waive further action by the Board.

- d. If, due to the absence or disqualification of one or more Board Members, a quorum is not reached, the chairman of the Board shall designate an alternate member or members to sit on the Board to provide a quorum.
- e. The alternate member or members shall continue to serve on the Board in all proceedings involving the issue for which the alternate was initially appointed, until the Board has made its final determination in the matter or case at hand.

§ 220104 Expenses: Within the limits of funds appropriated by the Adams Township Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services it deems necessary to perform its duties.

- a. Members of the Board may receive compensation for the performance of their duties.
- b. Alternate members of the Board may receive compensation for the performance of their duties.
- c. In no case shall the compensation paid to Zoning Hearing Board members or alternates exceed the rate of compensation paid to the governing body.

SECTION 2202: Powers and Duties:

§ 220201 Errors: In cases of error by the Zoning Officer:

- a. The Zoning Hearing Board shall have powers to hear and decide appeals where it is alleged or where there exists any error in any order, requirement, decision, or determination made by the Zoning Officer in the enforcement of this Zoning Ordinance.
- b. The Board shall, upon reaching a decision in such matters, inform the Adams Township Board of Supervisors in writing of such decision within seven (7) days of the appeal.

§ 220202 Unnecessary Hardship: Where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant, the Board may **grant a variance**, pursuant to **Article IX § 910.2** of the **Pennsylvania Municipalities Planning Code**, if all of the following conditions are found relevant to the given case.

- a. That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the neighborhood where the property is located.
- b. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, therefore the authorization of a variance is necessary to enable the reasonable use of the property.

- c. That such unnecessary hardship has not been created by the applicant.
- d. That the variance, if authorized, will not alter the central character of the neighborhood or the zoning district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent properties, nor be detrimental to the public welfare.
- e. That the variance, if authorized, will represent the minimum variance that will afford relief to the applicant and will represent the least modification possible on the regulations in issue.
- f. In the granting of any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to uphold the original intent of the regulations of the zoning ordinance with regards to the Zoning District in which the property is located.

§ 220203 Special Exceptions: In any instance where the Board is empowered to consider a request for a Special Exception, the Board should determine that the following guidelines be met before granting the requested special exception.

- a. The science, scope, extent, and character of the Special Exception, variance or use requested is consistent with the current Comprehensive Plan of Adams Township and promotes the harmonious and orderly development of the zoning district involved.
- b. The proposed changes or modification in the Special Exception constitutes an appropriate use consistent with the character and type of development in the area surrounding the location for which such request is made.
- c. That the request for Special Exception will not substantially impair, alter, or detract from the use of surrounding properties or the character of the neighborhood in light of the zoning classification of the area affected.
- d. The effect the Special Exception will have on other properties in the area especially noting the following:
 - (1) The extent and scope of nonconforming uses existing in the area.
 - (2) The presence or absence in the neighborhood of conditions or uses which are the same or similar in character to the special exception being requested.
- e. The proposed uses suitable with respect to traffic and highways in the area and provides for adequate access and off street parking arrangements in order to protect major streets and highways from undue congestion and hazard.
- f. That major streets and highway frontage will be developed so as to limit the total number of access points.
- g. That the proposed changes are reasonable in terms of logical, efficient, and economical extensions of the public services and facilities such as public water, sewers, police, fire protection, and public schools and assures adequate arrangements for sanitation in specific instances.
- h. That all commercial or industrial parking, loading, access, or service areas will be adequately illuminated at night while in use.

- i. That conditions shall be imposed upon the granting of the request for Special Exception to ensure that the general-purpose and intent of this Zoning Ordinance is complied with and that uses of the properties adjacent to the land involved in the Special Exception are adequately safeguarded with respect to harmonious design of buildings, aesthetics, landscaping, hours of operation, lighting, ventilation, noise, sanitation, safety, smoking fume control, and the minimizing of noxious, offensive, or hazardous elements.
- j. That where the lot for which the Special Exception is being requested, abuts any residential areas, a planting of trees and shrubs shall be made and maintained as a buffer zone with regards to site and sound.
- k. The proposed change protects and promotes the safety, health, morals, and general welfare of Adams Township.

§ 220204 Appeals: Upon appeal, the Zoning Hearing Board shall be empowered, pursuant to **Article IX § 912.1** of the **Pennsylvania Municipalities Planning Code** to permit the following special exceptions in addition to those otherwise specifically set forth in this Zoning Ordinance for the various zoning districts.

- a. To permit the reconstruction of a zoning district where the boundary line of the district divides any lot of record of single ownership.
- b. To permit the reconstruction, alteration, extension, or enlargement of a nonconforming building as provided in Article XX of this Ordinance.
- c. To interpret the provisions of this Zoning Ordinance where there is a disparity between the actual physical layout, on the ground, of various streets and lot boundaries to those shown on the Official Zoning Map, which is attached to and made a part of this Ordinance.
- d. To vary the parking regulations of the Zoning Ordinance whenever the character or use of a building is such as to make unnecessary the full provision of parking facilities required or when such regulations would impose an unreasonable hardship upon the use of the lot as contrasted with merely granting an advantage or convenience.
- e. In granting a Special Exception, The Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance as the Board may deem necessary. (For further provisions relating to Special Exceptions, See Article XVII of this Ordinance.)

§ 220205 Zoning Challenges: The Zoning Hearing Board shall exercise the privileges given to it under **Article IX §909.1 Jurisdiction** of the **Pennsylvania Municipalities Planning Code** in reference to any challenges to the validity of any specific provision of the Zoning Ordinance or the Zoning Map..

- a. In exercising its powers, the Zoning Hearing Board may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination made by a Township Officer, regarding the enforcement of these regulations to which appeal is being sought and to that end shall have the powers of the Township Officer from whom the appeal is taken.

- b. In considering all appeals, the Board shall, before making any finding of fact in a specific case, first determine that the proposed change will not establish a non-permitted use for the zoning district, nor will it impair an adequate supply of light and air, or increase the danger of fire, or materially diminish established property values within the surrounding area, or in any other respect threaten the public health, safety, comfort, morals, and welfare of the citizens of Adams Township.
- c. Every change, granted or denied, by the Zoning Hearing Board shall be accompanied by a **written finding of fact**, as based upon sworn testimony and evidence specifying the reasons for granting or denying the requested variation.
- d. The decision of the Zoning Hearing Board, as a result of a hearing, shall be made part of the requirements to fulfill the building permit on which a variation has been granted
- e. A concurring vote of a majority of the members of the Zoning Hearing Board shall be necessary to reverse any order, requirement, decision, or determination of the Adams Township Zoning Officer, or to decide in favor of an applicant's appeal upon any matter which is required under this ordinance, or to allow any variance or special exception of this ordinance to be granted.
- f. Any party before the Board, any Officer of the Township, or an Aggrieved Party may appeal to the Commonwealth Court of Common Pleas any decision made by the Zoning Hearing Board.
 - (1) All zoning appeals shall be filed with the Cambria County Prothonotary not later than 30 days after issuance of notice of the decision or report made by the zoning board.
 - (2) Appellants procedures shall follow the requirements as set forth in the Pennsylvania Municipalities Planning Code, pursuant to Article X-A.

SECTION 2203: Procedures:

§ 220301 The Zoning Hearing Board shall hear and decide appeals filed with the Board in writing, when it is alleged by any person aggrieved, or by proxy of the aggrieved, that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

§ 220302 The Zoning Hearing Board may also hear all challenges to the validity of the Zoning Ordinance or the Zoning Map, **except those brought before the governing body pursuant to sections 609.1 and 916.1(a)(2).** of the **Pennsylvania Municipalities Planning Code** and shall hear all requests for variations, or special exceptions filed with the Board by any land owner, or tenant with the permission of such land owner.

§ 220303 The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

- a. Public notice shall be given to the public, the applicant, the Cambria County Planning Commission, the Adams Township Zoning Officer, and other such persons as the Adams Township Board of Supervisors shall designate by

ordinance or to any person who has made a timely request for such notification.

- (1) Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or in the absence of ordinance provision, by or rules of the Board.
 - (2) In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior 20 schedule hearing.
 - (3) The Adams Township supervisors may prescribe reasonable fees with respect to said hearings before the Board, which may include compensation for the Secretary and members of the Board, notice and advertising costs, and necessary administrative overhead connected with said hearing.
 - (4) The costs shall not include legal expenses of the Board, engineering expenses of the Township, fees for architectural or other technical consultants, or expert witness costs
- b. A scheduled hearing shall be held within 60 days from the date of the applicant's written request, unless the applicant has agreed in writing to an extension of time.
- c. The hearing may be conducted by the entire Zoning Hearing Board or the Board may appoint any member of the Board as a Hearing Officer.
- (1) The parties to the hearing shall be any person who is entitled to notice under SECTION 220303 (a) without special request therefore, or who has made timely appearance of record before the Board, and/or any other person permitted to appear by the board.
 - (2) The final decision, or were no decision is required, the official statement of findings shall be made by an affirmative vote of a majority of the Board.
 - (3) Affected parties may, prior to any decision, waive the need for a decision or statement of findings by the entire Board, and except the decision or findings of the Hearing Officer as final.
- d. The acting Chairman of the Board or the presiding Hearing Officer shall have the 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 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 from testimony.
- g. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record all the proceedings.
- (1) The appearance fees for this stenographer shall be shared equally by the applicant and the Zoning Hearing Board.
 - (2) The cost of printing the original transcript shall be paid by the Hearing

Board if a printed transcript is ordered by the Board or the Hearing Officer.

- (3) The cost of printing the original transcript shall be paid by the person appealing any decision of the Board if an appeal is made and no printed transcript exists.
- (4) Any additional copies of the printed transcript shall be paid by the person or persons requesting such additional copies.
- (5) In all other cases, the party requesting a printed copy of the hearing transcript shall bear the cost thereof.

§ 220304 The Zoning Hearing Board or the Hearing Officer while in the process of conducting a hearing shall not:

- a. 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.
- b. Take notice of any communication, reports, staff memoranda, or other materials except advice from their solicitor unless all the parties are afforded an opportunity to contest the material so noticed.
- c. Inspect the site or its surroundings with any party or his representatives unless all parties are given an opportunity to be present.

§ 220305 The Zoning Hearing 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 of fact on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer.

- a. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.
- b. Conclusions based on any provisions of this act or any ordinance, rule, or regulation shall contain a reference to the provisions relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- c. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decisions are final, the Board shall make his report and recommendations available to all parties within thirty (30) days of the conclusion of the hearing, and the parties shall be entitled to make written representations thereon to the Board prior to any final decision or entry of findings by the Board.
- d. The Board's final decision shall be entered no later than forty-five (45) days after the report of the Hearing Officer.
- e. Where the Board has power to render the same within the period required by this clause, and fails to do so, the decision shall be deemed to be rendered in favor of the applicant.
- f. A copy of the final decision, or where no decision is called for, a copy of the findings of fact shall be delivered to the applicant personally or mailed to him

or her not later than the day following its date.

- g. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of its decision or findings and a statement of the location where the full decision or findings may be examined.

SECTION 2204: Stay of Proceedings:

§ 220401 Upon filing any proceeding referred to in **Article IX, § 913.3 of the Pennsylvania Municipal Planning Code**, 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 eminent pearl 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 over zoning appeals, on the petition, after giving notice to the Zoning Officer or other appropriate agency or body.

- a. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction over zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
 - (1) After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous.
 - (2) At the hearing, evidence may be presented on the merits of the case.
 - (3) It shall be the burden of the applicant for a bond to prove the appeal is frivolous.
 - (4) After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond.
- b. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- c. The question whether or not such petition should be granted and the amount of the bond to be posted, shall be within the sound discretion of the Court.
 - (1) An order denying a petition for bond shall be interlocutory.
 - (2) An order directing the responding party to post a bond shall be interlocutory.

§ 220402 Court Costs on a Sustained Appeal: If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, and the appellate court sustains the order of the lower court to post a bond, the respondent to the petition for a bond, upon motion of the petitioner, and after a hearing in the court having jurisdiction over zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

- a. A fee of two hundred fifty (\$250) shall be paid by the applicant at the time any appeal or request for hearing is filed.

- b. At the conclusion of the hearing or proceedings, the Township may assess the applicant for additional costs incurred by the Zoning Hearing Board or the Township in the conduct of the proceedings, pursuant to Section 2203 of this Ordinance.
- c. All Fees shall be paid to Adams Township in the form of cash, certified check, personal check or money order, to be deposited in the General Fund.

SECTION 2205: Time Limitations and Appeals:

§ 220501 No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal official, agency, or body, if such proceeding is designed to secure a 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.

- a. If such person had succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- b. The failure of anyone, other than the landowner, to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the Pennsylvania Municipal Planning Code, or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or zoning map, pursuant to Section 916.2, shall preclude an appeal from a final approval, except in the case where a final submission substantially deviates from the approved tentative approval.

§ 220502 All appeals from determinations, which are adverse to the land owner, shall be filed by the land owner within thirty (30) days after notice of the determination is issued.

ARTICLE XXIII
CHANGES AND AMENDMENTS

SECTION 2301: Amendments:

§ 230101 **Zoning Ordinance May be Amended:** Whenever it is deemed desirable in order to meet the public needs, promote the convenience and welfare of the public, conform with good zoning practice, and fulfill the intent and purpose of this Ordinance by adhering to the guiding principles of the current Comprehensive Plan for Adams Township, the Board of Supervisors may amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Ordinance, subject to the procedures provided in this section.

§ 230102 **Initiated Actions:** Any amendment, supplement, reclassification, modification, or change to the Zoning Ordinance or the Official Zoning Map may be initiated by any of the following:

- a. The Adams Township Planning Commission may initiate action by filing a written report to the Adams Township Board of Supervisors; or
- b. The Adams Township Board of Supervisors may initiate action by filing a written request to the Adams Township Planning Commission; or
- c. If fifty one (51%) percent of the owners of frontage properties found between two intersecting streets agree to propose a change, the owners may submit a notarized petition of appeal to the Township;
- d. The owner of a tract of land may submit a petition for consideration of a Special Exception to the Zoning Hearing Board.

§ 230103 **Citizen Petition:** Any township citizen or group citizens, owning land in a zoning district, may petition for a change of district boundaries or reclassification of the district as shown on the Official Adams Township Zoning Map, and include:

- a. A narrative description which defines the limits of the requested change by street name or recognizable physical feature.
- b. A statement of the specific reason for the requested change.
- c. A statement of the specific use, type of development, and type of structure to be erected under the proposed change.
- d. A map and/or preliminary site plans of the area to be rezoned for reference and review by the Planning Commission.

§ 230104 **Forward Preliminary Report:** After the facts are presented and the data and information from the petition are studied and reviewed by the Adams Township Planning Commission, the petition and the commission's preliminary recommendations shall be forwarded to the Adams Township Board of Supervisors.

- a. The report of preliminary recommendations shall be forwarded within fifteen (15) days following the next regularly scheduled meeting from the time the petition was received by the Planning Commission.

- (1) The preliminary report shall not establish final approval of the petition's requests but serve as a means to provide the Township Supervisors with additional information to facilitate their review and possible action.
- (2) The preliminary report may have attached to it a recommendation by the Planning Commission for approval or refusal, based upon its findings, or the Planning Commission may remain neutral.

§ 230105 Scheduled Public Hearing: Upon receipt of the petition and the preliminary report, the Board of Supervisors shall fix a time and date for a public hearing on the petition, pursuant to Public Notice Requirements of the Municipal Planning Code.

a. Public notice shall include:

- (1) A brief description of the proposed change,
- (2) the time and place of the public hearing for consideration of the proposal,
- (3) and state when and where a copy of the proposal will be available for public inspection.

b. In addition, if the proposal involves a zoning map change, notice of the said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township, along the perimeter of the property tract, to notify neighboring property owners of the proposed change.

c. The affected property tract or area shall be posted at least one (1) week prior to the scheduled date of the public hearing.

§ 230106 Adams Township Planning Commission Informed: For proposed amendments, supplements, or changes that have not been initiated by the Adams Township Planning Commission, the commission shall be informed by the Board of Supervisors in writing of the proposed amendment, supplement, or change at least thirty (30) days prior to the scheduled public hearing.

§ 230107 Cambria County Planning Commission Informed: The Board of Supervisors shall submit any proposed amendment, supplement, or change, to the Zoning Ordinance or the Official Zoning Map, regardless of its origin, to the Cambria County Planning Commission for its recommendations at least thirty (30) days prior to the scheduled public hearing.

SECTION 2302: Conduct of Public Hearing:

§ 230201 Presiding Officer: The Chairman of the Board of Supervisors, or an Examining Officer appointed by the Township Board of Supervisors, shall be responsible for the conduct of any public hearings relative to amendments, supplements, or changes to the Zoning Ordinance or Official Zoning Map.

a. The purpose of the public hearing is to receive relevant facts, data, and other material desirable and necessary for making a decision on the petition for change.

§ 230202 Powers: The Chairman or Acting Chairman of the Board or the Presiding Hearing Officer shall have the 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 all parties.

- a. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence an argument and cross-examine adverse witnesses on all relevant issues.
- b. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

§ 230203: Records Kept: The Board, Compliance Zoning Officer or the Hearing Officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

§ 230204 Changes Require New Public Hearing: If after the public hearing the proposed amendment is changed substantially, or is revised to utilize land previously not affected by it, the Township supervisors shall hold another public hearing, pursuant to public notice requirements, prior to proceeding to vote on the amendment.

§ 230204 Review by Planning Commission: Following the public hearing, the Adams Township Planning Commission shall review all material, data, testimony and facts submitted for consideration in the petition for change.

- a. The Commission shall make a final report on the petition setting forth in detail reasons wherein public necessity, convenience, and general welfare do or do not justify the proposed change.
- b. The Commission shall make a determination as to whether the proposed change is or is not in accordance with the general objectives of the current Adams Township Comprehensive Plan and good zoning practices.
- c. The Commission shall forward its findings and recommendations to the Adams Township Board of Supervisors within thirty (30) days following the last public hearing.

§ 230205 Presumed Approval: If the Planning Commission fails to file such a report within the specified time, or in the specified manner, it shall be presumed that the Planning Commission has approved the proposed amendment, supplement, or change.

§ 230206 Recommendation Not Binding: In any event the recommendation on the Planning Commission shall be regarded as advisory in nature and shall not be binding on the Township or any other party of the issue.

SECTION 2303: Enactment of Proposed Amendment

§ 230301 Give Public Notice: If a determination by the Adams Township Board of Supervisors results in proposed enactment of an amendment to the Zoning Ordinance, notice of the proposed enactment shall be made public.

- a. Such notice shall include the time and place of the meeting where passage will be considered, and a reference to the place were copies of the amendment may be examined without charge or obtained at cost.
- b. The Adams Township Board of Supervisors shall publish the proposed amendment once each week for two successive weeks in a newspaper of general circulation in Adams Township.

- (1) Such notice shall state the time, place of the meeting, and the particular nature of the matter to be considered at the meeting.
 - (2) The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the meeting.
 - (3) Publication of the proposed amendment shall include either the full text or the title and a brief summary of the proposed amendment prepared by the Township solicitor.
 - (4) If the full text is not included, a copy will be supplied to the newspaper at the time public notice is to be published, and an attested copy of the proposed ordinance will be filed at the Cambria County Law Library.
- c. If substantial changes are made to the amendment after this point, the Township Supervisors shall re-advertise a brief summary, setting forth all provisions and changes, according to the aforementioned notice for enactment in a newspaper of general circulation in Adams Township.

§ 230302 Vote and Passage: The passage of an ordinance amending, supplementing, or changing the regulations, district boundaries, or classification of property, now or hereafter established by this Ordinance, shall require the affirmative vote of a majority of the members of the Adams Township Board of Supervisors.

- a. If any ordinance amending, supplementing, or changing the regulations, district boundaries, or classifications of property hereinafter established by this Ordinance, is not passed by the Township Board within sixty (60) days after the required public hearing, there shall be required a new public hearing, prior to the Board of Supervisors taking any action on the item.
- b. The Adams Township Board of Supervisors shall forward a copy of the approved amendment to the Cambria County Planning Commission within thirty (30) days after it is enacted.

§ 230303 Filing Fees: Any person other than the Adams Township Supervisors or the Adams Township Planning Commission that requests a Curative Amendment be made to this Zoning Ordinance shall pay a preliminary fee of two hundred fifty dollars (\$250.00) at the time the request is filed with the Township Secretary.

- a. At the conclusion of the proceedings pertaining to the proposed amendment the Township may assess the applicant for costs incurred by the Township in the conduct of the proceedings relative to adopting or denying the amendment.
- b. All such fees shall be paid to the Township and be deposited in the General Fund.
- c. Regardless of whether the amendment proposal is adopted or refused, no part of any fees paid, pursuant to this action, shall be refunded to the applicant.

§ 230304 Review and Hearing: Any individual, person, or corporation aggrieved by any decision on a curative amendment, modification, or special exception made by the Township Board of Supervisors, may within thirty (30) days after such decision by the Township, seek a review and hearing by the Adams Township Zoning Hearing Board in a manner provided under Article XXII of this Ordinance.

SECTION 2304: Landowner Proposed Curative Amendment:

§ 230401 **Validity Challenge:** Any landowner who desires to challenge, on substantial grounds, the validity of the Zoning Ordinance, the Official Zoning Map, or any provision thereof which prohibits or restricts the use or development of land in which he has any interest, may submit a Curative Amendment to the Adams Township Board of Supervisors in the form of a written request that his challenge and proposed amendment be heard and decided.

§ 230402 **Scheduled Public Hearing:** The Township supervisors shall commence a public hearing within sixty (60) days of the written request by the landowner or his legal representative..

- a. The hearing shall be conducted in accordance with the requirements set forth in Article XXII, Section 2203 of this Ordinance, and all references therein to the Zoning Hearing Board shall, for the purposes of this section, refer to the Township Board of Supervisors.
 - (1) Public Notice requirements for the hearing are the same as outlined in Article XXI Section 2110 of this ordinance.
 - (2) The Adams Township Planning Commission and the Cambria County Planning Commission shall be notified and given a written copy of the proposed amendment, at least thirty (30) days prior to any public hearing on the matter.
- b. In addition to the curative amendment, plans, and information submitted by the landowner, the Township Supervisors shall also consider the following.
 - (1) A report of the proposal on roads sewer facilities, water supplies and other public facilities.
 - (2) A report of residential proposals on regional housing needs and their effectiveness in providing housing units of the type available to and affordable by persons otherwise excluded by the challenged ordinance or map.
 - (3) Site suitability in relation to fit geographic features.
 - (4) A report of the proposed use on physiographic and environmental considerations.
 - (5) A report on agricultural preservation, public health and public welfare considerations.
- c. If it is determined that the challenge has merit, the Township Supervisors may accept the landowner's curative amendment with or without revision, or may adopt an alternative amendment which cures the challenged defects.

§ 230404: **Severability:** If the landowner's curative amendment is not accepted and a Court subsequently rules that the challenge has merit, the courts decision shall not result in a declaration of invalidity for the entire Zoning Ordinance, or the Official Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

SECTION 2305: Municipal Proposed Curative Amendment:

- § 230501 **Determination and Declaration:** The Township Supervisors may determine that this Zoning Ordinance or sections or portions thereof are substantially invalid.
- a. Upon such determination the Board of Supervisors shall declare by formal action the Articles, Sections, or specific portions of the Ordinance that are substantially invalid and propose a Curative Amendment to overcome this invalidity.
 - b. Within thirty (30) days of such declaration and proposal the Board of Supervisors shall:
 - (1) Make specific findings setting forth the declared invalidity which may include specific uses, class of uses, or references to the entire ordinance; and,
 - (2) begin to prepare and consider a Curative Amendment to correct the declared invalidity.
 - c. Within one hundred eighty (180) days of the declaration and proposal, the Township Board of Supervisors shall enact the Curative Amendment, or reaffirm the existing validity of the Zoning Ordinance pursuant to the procedures outlined above in this section.
- § 230502: **Limitations:** After using this procedure, the Township may not entertain making another Curative Amendment for a period of thirty six (36) months following the date of the Curative Amendment's enactment, or following the reaffirmation of the Zoning Ordinance because the Curative Amendment fails to get a majority vote of the Board.
- § 230503: **Imposed Duties:** The Township may use the provisions of this section before the thirty six (36) month moratorium on amendments has expired, if Pennsylvania Statute or an Appellate Court imposes a new duty or obligation upon the Township.

ARTICLE XXIV
AIRPORT ZONING SPECIAL PROVISIONS

SECTION 2401: Scope:

- § 240101: An article regulating and restricting the height to which structures may be erected, or objects of natural growth be placed, and otherwise regulating the use of property in the vicinity of the Greater Johnstown-Cambria County Airport by:
- a. Creating the appropriate zones and establishing the boundaries thereof;
 - b. Providing for changes in the restrictions and boundaries of such zones;
 - c. Defining certain terms used herein;
 - d. Referring to the Greater Johnstown-Cambria County Airport Height Limitation Overlay and Adams Township Official Zoning District Map which is incorporated in and made a part of this Ordinance;
 - e. Providing for enforcement;
 - f. Establishing a zoning hearing board;
 - g. And imposing penalties.

SECTION 2402: Policy:

§ 240201: This **ARTICLE** is adopted pursuant to the authority conferred by 1984 PA Laws 164, codified at 74 PA Cons. Stat. 5105 et. seq.

§ 240202: It is hereby found that:

- a. An obstruction has the potential for endangering lives and property of users of the Greater Johnstown-Cambria County Airport, and property or occupants of land in its vicinity;
- b. An obstruction and may affect existing and future instrument approach minimums of the Greater Johnstown-Cambria County airport;
- c. An obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Greater Johnstown-Cambria County airport and the public investment therein.

§ 240203: Accordingly, it is declared that:

- a. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region servants serviced by the Johnstown Cambria County airport.
- b. It is necessary in the interest of the public health, safety, morals, and general welfare that the creation or establishment of obstructions which are a hazard to air navigation be prevented.
- c. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

SECTION 2403: Definitions:

§ 240301: The following words and phrases when used in this Article shall have the meaning listed in this section unless the context clearly indicates otherwise:

“Aircraft,”

Any contrivance, except an unpowered hang glider or parachute, used for ascent into or flight through the air.

“Airport,”

Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft in any of pertinent areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term airport includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

“Airport Elevation,”

The highest point of an airport's usable landing area measured in feet above sea level.

“Airport Hazard,”

Any structure or object, natural or man-made, or use of land which obstructs the air space required for flight of aircraft in landing or taking off at an airport or is otherwise hazardous as defined by airport hazard in 74 P. S. 5102.

“Airport Hazard Area,”

Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this article and act 164 of 1984 Pennsylvania Laws Relating to Aviation.

“Approach Surface,”

Of surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in section 4 of this article. The perimeter of the approach surface coincides with the perimeter of the approach surface zone.

Approach, Transitional, Horizontal, and Conical Surface Zones,”

The zones are set forth in section 4 of this article

“Board of Appeals or Adjustment,”

A board appointed by the authority adopting these regulations. The number of members, powers, governing roles, etc. of the Board are set forth in section 9 of this article.

“Conical Surface,”

A surface extending outward and upward from the periphery of the horizontal surface at a slope of 1/20 for a horizontal distance of 4000 feet.

“Department, (PennDOT)”

The Pennsylvania Department of Transportation.

“FAA,”

The Federal Aviation Administration of the United States Department of Transportation.

“Height,”

For the purpose of determining the height limits in all zones set forth in this Article and shown on the Official; Adams Township Zoning Map, the data shall mean sea level elevation unless otherwise specified.

“Horizontal Surface,”

A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

“Larger Than Utility Runway,”

A runway debt is constructed for any intended to be used by propeller driven aircraft of > 12,500 pounds maximum gross read weight and jet powered aircraft.

“Nonconforming Use,”

Any pre-existing structure, object, or natural growth, or use of land which is inconsistent with the provisions of this article or an amendment thereto.

“Line Precision Instrument Runway,”

A runway having an existing instrument approach procedure utilizing air navigation facilities with only a horizontal guidance, or area type navigation equipment, for which a straight in line precision instrument approach procedure has been approved or planned.

“Obstructions,”

Any structure, growth, or other object included a mobile object, which exceeds a limiting height set forth in any section of this article.

“Person,”

An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, including a trustee, a receiver, an assignee, or a similar representative of any of them.

“Precision Instrument Runway,”

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR)

It also means a runway for which a precision approach system is planned and is so indicated on approved airport layout plan or any other planning document.

“Primary Surface,”

A surface longitudinally centered on the runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways, or when the runway has no special prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth by FAA standards. The elevation of any point on the primary surface is the same as the

elevation of the nearest point on the runway centerline.

“Private Airport,”

An airport which is privately owned in which is not open or intended to be open to the public as defined in 74 PA Cons. Stat. 5102

“Public Airport,”

An airport which is either publicly or privately owned in which is open to the public as defined in 74 PA Cons. Stat. 5102

“Runway,”

A defined area on airport prepared for landing and takeoff of aircraft along its length.

“Structure,”

An object including a mobile home object constructed or installed by man including but without limitation buildings towers cranes smokestacks earth formation and overhead transmission lines. It

“Transitional Surfaces,”

These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

“Tree,”

Any object of natural growth.

“Utility Runway,”

A runway that is constructed for in intended to be used by propeller driven aircraft of twelve thousand-five hundred (12,500) pounds maximum gross weight or less.

“Visual Runway,”

A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION 2004 Airport Surface Zones:

§ 240401: In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Greater Johnstown-Cambria County Airport.

- a. Such zones are shown on the Greater Johnstown-Cambria County Airport Height Limitation and Zoning District Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated Spring 1989, which is attached to this Ordinance and made apart hereof.

- b. Any area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitations.

§ 240402: The various zones listed are hereby established and defined as follows and are contained as an overlay on the Adams Township Official Zoning Map.

a. **Non-precision Instrument Approach Surface Zone (Runway Larger Than Utility with A Visibility Minimum Greater Than $\frac{3}{4}$ Mile):**

- (1) Established beneath the non-precision instrument approach surface.
- (2) The inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide.
- (3) The zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface.
- (4) Its centerline is the continuation of the centerline of the runway.

b. **Precision Instrument Runway Approach Surface Zone:**

- (1) Established beneath the precision instrument approach surface.
- (2) The inner edge of this zone coincides with the width of the primary surface and is one thousand (1,000) feet wide.
- (3) The zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface.
- (4) Its centerline is the continuation of the centerline of the runway.

c. **Transitional Surface Zones:**

- (1) Established beneath the transitional surface adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.

d. **Horizontal Surface Zone:**

- (1) Established beneath the horizontal surface, one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.
- (2) The horizontal surface zone does not include the approach surface and transitional surface zone.

e. **Conical Surface Zone:**

- (1) Established beneath the conical surface.
- (2) This zone commences at the periphery of the horizontal surface and expands outward therefrom a horizontal distance of four thousand (4,000) feet.

SECTION 2405: Airport Surface Zone Height Limitations

§ 240501: Excess Height Not Permitted: Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height limitations herein established for such zones.

§ 240502: Height Limitation Listings: Such applicable height limitations are hereby established for each of the zones in question as follows:

a. Non-precision Instrument Approach Surface Zone:

- (1) For a Runway larger than utility, with a visibility minimum greater than 3/4 mile:
- (2) Slopes thirty four (34) feet outward for each foot upward beginning at the end called and at the same elevation as the primary surface and extending toward horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

b. Precision Instrument Runway Approach Surface Zone:

- (1) Slopes fifty 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline,
- (2) Then slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.

c. Transitional Surface Zones:

- (1) Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is 2,284 feet above mean sea level.
- (2) In addition to the foregoing when an airport has a precision instrument runway approach zone, there are established height limitations sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
- (3) Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limitations sloping at seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at 90 degree angles to the extended runway centerline.

d. Horizontal Surface Zone:

- (1) Established at one hundred fifty (150) feet above the established airport elevation or at a height of 2,434 feet above mean sea level.

e. Conical Surface Zone:

- (1) Slopes twenty (20) feet outward for each foot upward beginning at the Perez three of the horizontal surface and at one hundred fifty (150) feet above the established airport elevation and extending to a height of three hundred fifty (350) feet above the established airport elevation or at a height of 2,634 feet above mean sea level.

SECTION 2406: Airport Zoning Requirements:

§ 240601: Reasonableness: All airport zoning regulations adopted under this Article shall be reasonable.

- a. No requirement or restriction shall be applied unless it is reasonably necessary to effectuate the purpose of this Article.
- b. In determining what regulations it may adopt, each municipality and joint airport zoning board shall consider, among other factors,
 - (1) The character of the flying operations expected to be conducted at the airport,
 - (2) The nature of the terrain within the airport hazard area,
 - (3) The character of the neighborhood,
 - (4) The scheduled uses of the zoned property.

§ 240602: Use Restriction: Notwithstanding any other provision of this Ordinance,

- a. No use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals, or radio communication between the airport and aircraft,
- b. No use may make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport,
- c. No use may impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intended to use the airport.

§ 240603: Nonconforming Uses:

- a. The Regulations prescribed by this Article, of the Zoning Ordinance, shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 2407 relating to permits and variances.
- b. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently executed.

§ 240604: Marking and Lighting:

- a. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon or nearby of such markers and lights as such shall be deemed necessary by the Adams Township Board of Supervisors

to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions.

- b. Such markers and lights shall be installed cap operated, and maintained at the expense of the Greater Johnstown-Cambria Airport Authority.

SECTION 2407: Permits and Variances:

§ 240701: **Permit Needed:** Except as specifically provided in this Article, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted.

§ 240702: **Permit Application Requirements:**

- a. Each application for permit shall indicate the purpose for which the permit is desired, with sufficient information to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed.
- b. If such determinations are in the affirmative, the permit shall be granted.
- c. No permit shall be granted which would allow a use to be inconsistent with the provisions of this Article unless a variance has been approved by the Zoning Hearing Board in accordance with this Ordinance.

§ 240703: **Horizontal and Conical Zone Calculations:** In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

§ 240704: **Approach Zone Calculations:** In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy five (75) feet of vertical height above the ground, except when, because of the terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such approach zones.

§ 240705: **Transition Zones Calculations:** In the areas lying within the limits of the transition zones beyond the permit or all the horizontal zones, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transitional zones.

§ 240706: **Documentation Required with Exception Calculations:** In determining exceptions to height restrictions listed in SECTIONS 2400703, 240704, and 240705, the Zoning Officer may require each application to be accompanied by a copy of the “*Notice of Proposed Construction or Alteration,*” (FAA 7460 -- 1 or Bureau of Aviation AV-5 7), and/or require the applicant to perform calculations outlined in this Article and/or request the advice of the Pennsylvania Department of Transportation, Bureau of Aviation, and the Manager of the Greater Johnstown-Cambria County Airport.

§ 240707: No Permitted Exception to Height Limitations:

- a. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limitations, established by this Article, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarged or increase the height of any existing structure.
- b. Before any nonconforming structure may be replaced, substantially altered, or rebuilt, or any tree to be replanted, a permit must be secured from the municipality authorizing the replacement or change.
- c. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments thereto or when the application for a permit is made.

§ 240707: Nonconforming Uses Abandoned or Destroyed: Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Article.

§ 240708: Variances Require a Hearing:

- a. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any natural object, or otherwise use his property in a nonconforming manner, to the Airport Zoning Regulations may apply to the Zoning Hearing Board for a variance from the Zoning Regulations in question.
 - (1) A variance shall only be granted after the requirements of Article and Section are satisfied.
 - (2) A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the zoning regulations and this Article.
- b. Any variance may be granted subject to any reasonable condition that the Zoning Hearing Board may deem necessary to effectuate the purposes of this Article.

§ 240709: FAA Determination Required and Airport Manager Informed:

- a. The application for variances shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of their navigation facilities and the safe, efficient use of navigable airspace.
- b. Additionally, no application for variance to the requirements of this Article may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager, or personnel equal and description, for advice as to the aeronautical effects of the variance.

- c. If the Airport Manager, or personnel equal and description, does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

§ 240710: Hazard Marking and Lighting Installed:

- a. In granting any permit or variance under this Section, the Zoning Hearing Board shall, require the installation of such markers and lights as are listed in the guidelines or regulations adopted by the FAA to insure safe operation of the airport.
 - (1) The owner applicant of the structure or object of natural growth in question may be required to give permission to the airport authority, at its own expense, to install, operate, and maintain such markers and lights or,
 - (2) The owner applicant of the structure or object of natural growth in question may be required to give permission to the municipality, at its own expense, to install, operate, and maintain such markers and lights or,
- b. The Zoning Hearing Board may require **the owner** of the structure or object of natural growth in question, to install, operate, and maintain **their own** such markers and lights at **no expense to the municipality**.

SECTION 2408: Enforcement:

§ 240801 Local Enforcement: It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein as follows:

- a. Applications for permits and variances shall be made to the Zoning Officer upon a form published for that purpose.
- b. Applications required by this Article to be submitted to the Zoning Officer shall be promptly considered and granted or denied.
- c. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Officer.

§ 240802 Notice Given To Department of Transportation:

- a. Notwithstanding any other provision of law, a municipality or Board which decides to grant a permit or variance under this Article shall notify the Department of Transportation of its decision.
- b. This notice shall be in writing and shall be sent so as to reach the department at least ten (10) days before the date upon which the decision is to be issued.

§ 240803 Powers of the Zoning Hearing Board:

- a. To hear and decide appeals from any order, requirements, or decision, or determination made by the Zoning Officer in the enforcement of this Article.
- b. To hear and decide Special Exceptions to the terms of this Article upon which such Boards of Adjustment under such regulations may be required to pass
- c. To hear and decide special variances.

§ 240804 Penalties: Each violation of this Article shall be punishable as set forth in Article XXI, Section 2107 of this Ordinance.

§ 240805 In Conflicts More Stringent Rules Apply: In the event of a conflict between any Airport Zoning Regulations adopted under this Article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, or the use of land, or any other matter, and whether the other regulations were adopted by the municipality which adopted these Airport Zoning Regulations, or by some other municipality, or otherwise, the more stringent limitations or requirements shall govern and prevail.

SECTION 2409: Calculations for Height Exceptions:

§ 240901 In cases where the Zoning Officer has determined that an exception may exist relating to height restrictions as set forth in SECTIONS 2400703, 240704, and 240705 above, the applicant may be required to perform the appropriate calculations for submittal with the application.

ARTICLE XXV
SEVERABILITY

SECTION 2501: Severability

§ 250101 The provisions of this ordinance shall be deemed to be severable, and if any regulation herein shall be found to be invalid by a Court of Law, the remainder shall, unless the court order determines otherwise, remain in full force and unaffected.

§ 250102 Any event that a court of competent jurisdiction renders a final order that remains unappealed to this Ordinance constitutes a taking under the laws of the Commonwealth of Pennsylvania, on the United States of America, then such regulation or determination shall be of no force or affect.

§ 250103 It is the intention of the Adams Township Board of Supervisors by the adoption of this ordinance that it supersedes Zoning Ordinance No.75 of 1990, and any and all previous zoning ordinances and amendments thereto of Adams Township as amended to the extent that the provisions of this Ordinance, including the Official Zoning Map, are constitutional, legally adopted, and in full force and effect.