

ORDINANCE NO. 94

An Ordinance of Pymatuning Township, Mercer County, Pennsylvania,  
amending the Pymatuning Township Zoning Ordinance.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the  
Township of Pymatuning, Mercer County, Pennsylvania, and it is hereby enacted  
and ordained by and with the authority of the same as follows:

Section 1: That Section 1400.2 of the Pymatuning Township  
Zoning Ordinance be amended to read as follows:

1400.2 - Appointment. - The Zoning Officer shall be  
appointed by the Board of Supervisors as prescribed  
by the Pennsylvania Municipalities Planning Code  
(Act 247 of 1968, as amended).

Section 2: That a new section be added to the Pymatuning  
Township Zoning Ordinance, to be known as Section  
1401.3, to read as follows:

1401.3 - Registration of Nonconforming Uses and  
Structures. - The Zoning Officer shall be required to  
identify and register all nonconforming uses and  
structures that: (1) exist at the time the Ordinance is  
adopted, or (2) are created by subsequent amendment  
of the Ordinance.

Section 3: That Section 1403.1 of the Pymatuning Township  
Zoning Ordinance be amended by deleting the phrase:

"(except a sign as prescribed in Subsection 1000.47  
or an accessory structure used solely for agricultural  
purposes or any building less than 100 square feet in  
floor area)".

Section 4: That Section 1404.11 of the Pymatuning Township  
Zoning Ordinance be amended to read as follows:

1404.11 - Applicable Permit Fees. - When a permit is  
required under Section 1403.1, the following fee  
schedule shall apply:

Residential (including mobile homes)

\$.02 per square foot with a maximum permit fee of \$30.00

Industrial and Commercial

\$.02 per square foot but not less than \$30.00 nor more than \$200.00

Section 5: That Section 1407 of the Pymatuning Township Zoning Ordinance be deleted and the following section substituted therefor:

Section 1407 - Enforcement Penalties. - Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance and are convicted thereof in a summary proceeding, shall be subject to fine or imprisonment as prescribed in Section 616 - Enforcement Penalties of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.

Section 6: That Article XV and all Sections thereunder of the Pymatuning Township Zoning Ordinance are hereby deleted except for Section 1507.3 (including Section 1507.31 and Section 1507.32)- Special Exceptions, which latter section shall become Section 1501.

Section 7: That the following Article and Sections of the Pymatuning Township Zoning Ordinance are substituted for the Sections deleted by this Ordinance in Article XV of the Zoning Ordinance:

ARTICLE XV

ZONING HEARING BOARD

Section 1500 - Creation and Function

A Zoning Hearing Board shall be created for the purpose of reviewing applications for variances or exceptions to the Zoning Ordinance and deciding whether there is a legitimate reason for granting relief or exception to a specific provision or provisions of the Ordinance when requested.

The Zoning Hearing Board shall be created as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended, and shall have all authority, perform all duties and exercise all powers vested in it by the provisions of the aforementioned Act.

Section 1501 - Special Exceptions, former Section 1507.3, including 1507.31 and 1507.32, inclusive, is hereby changed to become Section 1501 of the Zoning Ordinance, and except for the change in numbering all of the provisions of the former Section 1507.31 and former Section 1507.32 shall remain in effect. Former Section 1507.31 shall become Section 1501.1, and former Section 1507.32 shall become Section 1501.2.

Section 1502. - Parties Appellant Before Board

Appeals, requests for a variance or special exceptions and other applications for relief shall be filed with the Secretary of the Board, in writing, shall set forth the grounds therefor and shall be accompanied by a fee of \$75.00.

An appeal, request for a variance or special exception or other application shall not be filed with the Board without first filing an application for a Permit and Certificate of Use and Occupancy as required by other provisions of this Ordinance. The Zoning Officer shall forthwith submit to the Board all papers constituting the record on any matter as to which an appeal, request for a variance or special exception or other application has been filed with the Board.

Section 1503 - Termination and Modification of Permit.

1503.1 - Termination of Permits. - If after a Permit has been authorized by the Board, such permit is not applied for and not lifted within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no Permit shall be issued thereunder.

1503.2 - Modification of a Permit. - Any Permit so issued shall not be modified except by action of the Board.

Section 8: That Section 1600 of Article XVI of the Pymatuning Township Zoning Ordinance be deleted and the following Section 1600 substituted therefor:

Section 1600 - Procedure for Amendments

Whenever deemed desirable and to meet the public needs, and in conformity with good zoning practice, the zoning regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed by the Board of Supervisors in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended, and with the following general procedures:

1. Any amendment, supplement, change, modification or repeal may be initiated by:
  - (a) The Commission
  - (b) The Board of Supervisors
  - (c) A notarized petition to the Board of Supervisors.

2. Amendments shall be submitted to the Board of Supervisors at a regular or special meeting of the Board.
3. Before voting on the enactment of an amendment, the Board shall hold a public hearing on the proposed amendment, pursuant to public notice as defined in Section 107 (18) "Public Notice" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.
4. Review by the Pymatuning Township Planning Commission and the Mercer County Regional Planning Commission. All amendments shall be submitted to the Pymatuning Township Planning Commission and the Mercer County Regional Planning Commission for review and recommendation prior to the public hearing as prescribed in Section 609 - Enactment of Zoning Ordinance Amendments and Section 609.1 - Procedure Upon Curative Amendments, of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.

Section 9: That Article XVIII of the Pymatuning Township Zoning Ordinance be amended by deleting the entire Article and substituting the following Article:

ARTICLE XVIII

APPEALS

Section 1800 - Zoning Appeals

The review or appeal of any provisions of this Ordinance or decision, determination, order or finding of the Board of Supervisors or its agencies or officers shall follow the procedures set forth in Article X - Appeals, of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.

Section 10: That Article XIX of the Pymatuning Township Zoning Ordinance be changed by substituting for the definition of the word "Board" the following definition:

"Board":                   The Zoning Hearing Board of  
Pymatuning Township, Mercer  
County, Pennsylvania.

ENACTED AND ORDAINED by the Board of Supervisors of the Town-

ship of Pymatuning this 20<sup>th</sup> day of AUGUST, 1975.

TOWNSHIP OF PYMATUNING by

Vern E. Barlett

Charles J. Erdman

Supervisors

LAW OFFICES  
CUSICK, MADDEN, JOYCE,  
MCKAY & ASSOCIATES  
FIRST FEDERAL BUILDING  
SHARON, PA.  
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