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*Relator's Ex. 2*

ZONING RESOLUTION

A resolution providing for the zoning of the unincorporated area of Chester Township by regulating the location, size, height and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands and for such purposes dividing the unincorporated area of the township into zones or districts of such number, sizes and shapes as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this resolution.

WHEREAS, the Board of Trustees of Chester Township deems it in the interest of the public health, safety, morals, comfort, and general welfare of said township and its residents to establish a general plan of zoning for the unincorporated area of said township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Chester Township:

## SECTION I. PURPOSE.

For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of this Township finds it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins and trailer coaches; ~~parameters of lot areas~~ which may be occupied, set-back building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches and the uses of land for trade, industry, residence, recreation or other purposes and for such purposes divides the unincorporated area of the township into districts or zones.

## SECTION II. DISTRICTS

For the purpose of carrying out the provisions of this resolution, the unincorporated area of the township is hereby divided into the following districts:

1. Residential, which shall be designated as "R" districts.
2. Business and commercial, which shall be designated as "B" districts.
3. Industrial and manufacturing, which shall be designated as "I" districts.

The districts as shown on the map hereto attached are hereby established and said map is made a part of this resolution. No building

or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

### SECTION III. AGRICULTURE.

Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which such buildings shall be located, but such buildings shall conform to the regulations contained in this resolution. For the purpose of this resolution, "agriculture" shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

### SECTION IV. CLASSIFICATION OF USES.

For the purposes of this resolution, the various uses of buildings and premises shall be classified as follows:

#### R District (Residential)

The following uses and no other shall be deemed to be R

uses and permitted in all R districts:

1. Single or two-family dwellings and buildings accessory thereto, but excluding tents, cabins and trailer coaches, except that any structure or trailer coach may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such excluded use shall not be continued for more than two (2) years.
2. Tourist homes, rooming houses and boarding homes accepting not more than four (4) guests at any one time.
3. Church, school, college, university, children's home, public library, public museum, community center, fire station, township hall, publicly-owned park, publicly-owned playground.

4. Any person may use his office or any other use in a building located in the dwelling house used by him as his private residence providing such use does not involve any extension or modification of said dwelling which will alter its outward appearance as a dwelling and providing such use does not involve any outward evidence of such use other than a sign as authorized in other sections of this resolution.

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame or vibration.

B District (Business and Commercial) Map designates depth of commercial zones.

The following uses and no other shall be deemed Class B uses and permitted in all B districts:

1. Any use permitted in an R district shall be permitted in a B district.
2. Apartment house, rooming house, hotel, living quarters over business establishment, restaurant, lunchroom, garage.
3. Retail store or shop, repair shop, beauty parlor, funeral home, mercantile establishment, bank, office or office building, studio.
4. Hospital or rest home other than for contagious diseases, insane, mental cases, drug or liquor addicts.
5. Lodge hall.
6. Gasoline filling and service station providing storage tanks are underground.
7. Indoor theater, bowling alley, dance hall.
8. Job printing, newspaper printing plant.
9. Coal yard, builder's supply, ice storage and sales, plumbing and heating supply.
10. Dairy.
11. Cabins for transient use on Mayfield Road B districts only.

The above uses shall be permitted only providing such use is

not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, fumes, flame or vibration.

I District (Industrial and manufacturing)

The following uses and no other shall be deemed Class I uses and permitted in all I districts:

1. Any use permitted in an R district or a B district shall be permitted in an I district.
2. Any normal industrial or manufacturing use, providing such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, flame or vibration, except uses specifically prohibited in this resolution.

SECTION V. PROHIBITED USES.

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any R, B, or I districts:

1. Amusement Park.
2. Commercial Aviation Field.
3. Brewery
4. Metallic powder works.
5. Bulk petroleum station with tanks above ground.
6. Chemical plant.
7. Crematory.
8. Distilling of bones, fat or glue, glue or gelatin manufacturing.
9. Manufacturing or storage of explosives, gun powder or fireworks.
10. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal use

of premises, unless such dumping is done at a place provided by the township trustees for such specific purpose.

- 11: ~~Junk yards, automobile graveyards, or places for the~~ collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes.

The storage of three or more unlicensed or abandoned motor vehicles shall be deemed to constitute an automobile graveyard.

12. Outdoor theaters.
13. Slaughter houses.
14. Trailer parks.
15. Hospitals and sanitariums for contagious diseases, insane, mental cases, drug or liquor addicts.
16. Veterinary hospital.
17. Dog kennel.
18. Basements, wholly or partially below the grade of the lot upon which it is located, for dwelling purposes, except temporarily and not to exceed two years.

#### SECTION VI. NON-CONFORMING USES

a. A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

b. Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution, but not completed may be completed and put to such non-conforming use, providing it is done within one (1) year after this resolution takes effect.

c. Any building or structure, existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction.

d. A building or structure devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use more than 10% in area.

e. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

#### SECTION VII. OUTDOOR ADVERTISING

For the purposes of this resolution, outdoor advertising shall be classified as a business use and shall be permitted in all B and I districts and on all lands used for agricultural purposes, subject to the regulations contained in this resolution:

1. Signs not larger than three square feet in area are permitted in any district when the use of the sign is in direct relation to the use of the premises.

2. An outdoor advertising sign or billboard, other than those mentioned in paragraph 1 of this section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced.

3. No outdoor advertising sign, except those mentioned in paragraph 1 of this section, shall be placed nearer any street or road than the minimum set-back building line.

4. No outdoor advertising sign more than three square feet

in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three feet.

5. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.

#### SECTION VIII. PUBLIC UTILITIES AND RAILROADS

This resolution shall not apply to public utilities or railroads.

#### SECTION IX. MINIMUM LOT AREA PER FAMILY

1. No single-family dwelling shall be erected or building altered to accommodate one family as a residence on less than one-half acre of lot area unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to conform with this requirement.

2. No two-family or multiple dwelling shall be erected or building altered for dwelling purposes to accommodate more than one (1) family on less than one-half acre of lot area per family.

3. No apartment house or living quarters over a business establishment shall be erected or building altered into apartments to accommodate more than one family for each twenty-five hundred (2500) square feet of lot area.

4. In computing lot areas, not to exceed one-half of the width of the road or street right-of-way may be included if the lot owner holds title to the same.

#### SECTION X. MINIMUM LOT WIDTH

No dwelling shall be erected in any district on a lot having a frontage of less than eighty (80) feet on a public thoroughfare unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to comply with this requirement. No minimum lot width shall be required in a B or I district for uses other than dwellings except such as is necessary to comply with the requirements for yard and lot areas or parking facilities.

#### SECTION XI. SET-BACK BUILDING LINES

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within fifty (50) feet of the right-of-way side line of any road or street. If there is no established right-of-way side line for any road or street, said side line shall be deemed to be thirty (30) feet from the center of the road. Provided, however, that the set-back building line on Opalacka Drive and Ward Drive shall be forty (40) feet from the right-of-way side line.

#### SECTION XII. SIDE YARDS

For every building erected in an R district and for every dwelling erected in any district, there shall be a minimum side lot clearance on each side of said building of not less than fifteen (15) feet, except on Opalacka Drive where the minimum side lot clearance on each side of said building shall be not less than eight (8) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be

construed to be part of the main building for the purposes of this section. All other accessory buildings shall be at least twenty (20) feet from any dwelling.

Provided, however, that an accessory building located not less than twenty (20) feet to the rear of the main building may be erected not less than five (5) feet from a side lot line, except on corner lots, provided that it will be not less than twenty (20) feet distant from any existing residence. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

#### SECTION XIII. CORNER LOTS

The set-back building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. If possible, the side yard clearance on the side street should conform to the set-back line for an inside lot on said road or street, but in no event shall said side yard clearance be less than twenty-five (25) feet.

#### SECTION XIV. REAR YARDS

For every building erected in an R district and for every dwelling erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least five (5) feet provided it is twenty (20) feet from an existing dwelling, which space shall remain open and unoccupied by any building or structure.

#### SECTION XV. REAR HOUSES

No dwelling or apartment house shall be erected or altered or

used unless the same shall have access to a public street and, if located in the rear of another building and has no immediate street frontage, then a permanent easement for access shall be provided over an unoccupied strip of land at least twenty (20) feet in width and such reserved strip may not form a part of any lot width or lot yard or lot area required by this resolution, and, if more than one dwelling is located in the rear of another building and has no immediate street frontage, then said easement for access shall be not less than forty (40) feet in width and each additional said rear house shall be subject to the same requirements for frontage on the easement for access and other requirements for lot and yard areas as though said dwelling was located on a public street. Said easements shall be executed with the requirements provided by law for deeds and shall be filed with the Recorder of this county for record.

#### SECTION XVI. MAXIMUM HEIGHT OF BUILDINGS

No building shall be erected in any B or I district to a height in excess of two and one-half (2½) stories or in excess of thirty-five (35) feet, measured from the natural grade at the building line to the highest point on the roof, except that these provisions shall not apply to the height of a church spire, belfry, clock tower, wireless tower, chimney, water tank, elevator bulk head, stage tower, scenery loft or other mechanical appurtenances when erected upon and as integral part of such building.

#### SECTION XVII. MINIMUM SIZE OF DWELLINGS

Every dwelling, residence or apartment house shall have a floor space designed and used for living quarters of not less than six hundred

(600) square feet per family unit, exclusive of basements, porches, garages, breezeways, terraces, attics or partial stories.

SECTION XVIII. PARKING FACILITIES.

1. All dwellings and apartment houses shall provide parking space off the road or street and outside of the public right-of-way, together with means of ingress and egress thereto, for not less than one motor vehicle per dwelling unit or apartment. Not less than two hundred (200) square feet of area shall be deemed necessary for each such vehicle.

2. All Class B uses shall provide parking space off the road or street, outside of the public right-of-way and not more than three hundred (300) feet distant from an entrance to said establishment of an area of not less than two hundred (200) square feet for each one hundred (100) square feet of area of the first floor of said establishment which it serves.

3. Every theatre, auditorium, stadium, arena, building or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment and similar activities shall provide off the street or road and outside of the public right-of-way not less than two hundred (200) square feet of space, suitable for parking automobiles and other vehicles, for every four persons to be accommodated. Such parking space shall be within four hundred (400) feet of the main entrance to such use, shall provide adequate means of ingress and egress and shall be available for the use of such patrons.

4. All Class B and Class I uses shall provide adequate parking

space off the road or street and outside of the public right-of-way for ~~the purpose of receiving or loading or taking away from said user~~ goods, unloading, materials, supplies, or waste in connection with said business or use.

#### SECTION XIX. ZONING CERTIFICATE

The position of Township Zoning Inspector is hereby created. The Township Clerk or any other person appointed by Township Trustees shall serve as the Township Zoning Inspector and shall receive as compensation the fees provided herein. He shall keep records of all applications for zoning certificates and the action taken thereon.

Before constructing, changing the use of, or altering any building, including accessory buildings, or changing the use of any premises, application shall be made to the Chester Township Zoning Inspector for a zoning certificate. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan, showing the proposed location and dimensions, height of the building and the proposed use. Within ten (10) days after receipt of the application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this resolution and the application is accompanied by the proper fee.

The Township Zoning Inspector shall be paid the following fees, which shall accompany each application for a zoning certificate:

Minimum fee \$2.00.

SECTION XX. BOARD OF ZONING APPEALS

There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. The members of the Board of Zoning Appeals shall serve without compensation.

The Township Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning laws or of this resolution or any amendments thereto.

2. To authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

In exercising the above-mentioned powers, such board may, in conformity with the provisions of law and this resolution and amendments thereto, reverse or affirm, wholly or partly, or may modify the order,

requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

The Township Board of Zoning Appeals shall organize, and adopt rules in accordance with the provisions of this zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, in his absence the acting chairman, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

The Township Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, and decide the same within thirty (30) days after it is sub-

mitted. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of a Township Board of Zoning Appeals may appeal to the Court of Common Pleas of this county on the ground that such decision was unreasonable or unlawful.

#### SECTION XXI. AMENDMENTS

The Township Zoning Commission shall meet quarterly and may initiate amendments to this resolution from time to time. Amendments may also be initiated by the Township Trustees or by petition. Before submitting a recommendation of any amendment to the Zoning Resolution to the Board of Township Trustees, the Township Zoning Commission shall hold not less than one (1) public hearing thereon, notice of which shall be given by one (1) publication in one (1) or more newspapers of general circulation in the township at least thirty days before the date of such hearing. When the Township Zoning Commission has completed its recommendations for an amendment, it shall certify the same to the Board of Township Trustees.

After receiving the certification of a proposed amendment to the Zoning Resolution from the Township Zoning Commission and before adoption of any such zoning amendment, the Board of Township Trustees shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the township. Such hearing may be continued from time to time if in the public interest to do so.

No change in or departure from the text or maps of the amendment as certified by the Township Zoning Commission shall be made unless the same be first submitted to the Township Zoning Commission for its approval, disapproval or suggestions. If such changes are disapproved by the Town-

ship Zoning Commission, provisions so disapproved must receive the favorable vote of the entire membership of the Board of Township Trustees in order to be adopted.

After receiving a recommended amendment to the zoning plan from the Township Zoning Commission and holding the public hearing provided for, the Board of Township Trustees shall consider such recommendation and vote upon the recommended amendment to the zoning resolution. If the amendment to the zoning resolution is adopted by the Board of Township Trustees, it shall take effect thirty (30) days thereafter, unless within said period there is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the amendment to the zoning resolution and affected by the amendment, equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last general election in which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election, in which event the amendment shall not take effect unless a majority of the electors voting on said issue shall approve the same.

#### SECTION XXII. ENFORCEMENT

a. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a

misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00). Each day and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use ~~constitutes~~ ~~may~~ ~~be~~ ~~deemed~~ ~~a~~ ~~separate~~ ~~offense~~.

b. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the county, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

#### SECTION XXIII. INTERPRETATION

In interpretation and application, the provisions of this resolution shall be held to the minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law,

rules regulations, covenants or agreements, the provisions of this resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this resolution.

#### Effect of Invalidity

Each section, sub-section, provision, requirement, regulation or restriction established by this resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect nor render invalid the resolution or amendments thereto as a whole or any other part thereof except the particular part so declared to be invalid.