

ZONING ORDINANCE

BOROUGH OF BIG BEAVER

BEAVER COUNTY, PENNSYLVANIA

Prepared by
Big Beaver Planning Commission

Technical Assistance
Provided By

Lennon, Smith, Souleret Engineering, Inc.
846 Fourth Avenue,
Coraopolis, Pennsylvania 15108

TABLE OF CONTENTS

| | <u>Page No.</u> |
|-----------------------------------------------------------------------------------|-----------------|
| Article I – Zoning Purposes and Authority | 1 - 2 |
| <u>Section 100.</u> Short Title | 1 |
| <u>Section 101.</u> Interpretation | 1 |
| <u>Section 102.</u> Purposes | 1 |
| <u>Section 103.</u> Authority | 2 |
| <u>Section 104.</u> Use of Property | 2 |
| <u>Section 105.</u> Effective Date | 2 |
| | |
| Article II – Statement of Community Development Goals and Objectives | 2 - 4 |
| <u>Section 200.</u> Purpose | 2 |
| <u>Section 201.</u> Community Goals and Objectives | 2 - 4 |
| <u>Section 202.</u> Statement of Consistency..... | 4 |
| | |
| Article III - Definitions | 4 - 41 |
| <u>Section 300.</u> Interpretation of Words | 4 - 5 |
| <u>Section 301.</u> Meaning of Words | 5 - 41 |
| | |
| Article IV – Designation of Zoning Districts | 41 - 43 |
| <u>Section 400.</u> Establishment of Zoning Districts | 41 |
| <u>Section 401.</u> Exemptions | 41 |
| <u>Section 402.</u> District Boundaries | 43 |
| <u>Section 403.</u> Interpretation of District Boundaries | 43 |
| | |
| Article V – Application of Regulations | 43-61 |
| <u>Section 500.</u> Interpretation of this Ordinance | 43 |
| <u>Section 501.</u> One Principal Use | 44 |
| <u>Section 502.</u> One Yard Per Principal Residential Use | 44 |
| <u>Section 503.</u> Additional Non-Residential Use Per Lot | 44 |
| <u>Section 504.</u> Additional Residential Use Per Lot | 44 |
| <u>Section 505.</u> Clustered Housing | 44 - 46 |
| <u>Section 506.</u> Exceptions to Yard Requirements | 46 |
| <u>Section 507.</u> Exceptions to Heights Regulations | 47 |
| <u>Section 508.</u> Small Lot of Record..... | 47 |
| <u>Section 509.</u> Steep Sloped Lots | 47 |
| <u>Section 510.</u> Corner Lots/Front Yards | 47 |
| <u>Section 511.</u> Public Utility Corporation..... | 48 |
| <u>Section 512.</u> Sign and Parking Restrictions | 48 |
| <u>Section 513.</u> Clear Sight Triangle Requirements..... | 48 |
| <u>Section 514.</u> Private Swimming Pools..... | 48 |
| <u>Section 515.</u> Parking of Recreation Vehicles and Recreation Equipment..... | 49 |
| <u>Section 516.</u> Mineral Extractions..... | 49 |
| <u>Section 517.</u> General Storage..... | 49 |
| <u>Section 518.</u> Sanitary Landfills..... | 49 |

TABLE OF CONTENTS
(CONTINUED)

| | <u>Page No.</u> |
|-------------------------------------------------------------------|-----------------|
| Article V - Application of Regulations | |
| <u>Section 519.</u> Salvage Yard | 48 |
| <u>Section 520.</u> Adult Related Businesses | 49 - 53 |
| <u>Section 521.</u> Communication Towers and Antennas | 53 - 62 |
| Article VI – S-C, Special Conservation District..... | 62 - 64 |
| <u>Section 600.</u> Purpose | 62 |
| <u>Section 601.</u> Review Procedures..... | 62 - 63 |
| <u>Section 602.</u> Uses | 63 - 64 |
| <u>Section 603.</u> Lot Area and Lot Width Regulations..... | 64 |
| <u>Section 604.</u> Yard Regulations | 64 |
| <u>Section 605.</u> Lot Coverage Regulations..... | 64 |
| <u>Section 606.</u> Height Regulations | 64 |
| Section 607. Off-Street Parking Requirements..... | 65 |
| Article VII – R-1, Rural Residential District..... | 65 - 68 |
| <u>Section 700.</u> Purpose..... | 65 |
| <u>Section 701.</u> Permitted Uses | 65 - 66 |
| <u>Section 702.</u> Uses by Special Exception..... | 66 |
| <u>Section 703.</u> Conditional Uses..... | 66 |
| <u>Section 704.</u> Lot Area and Lot Width Regulations..... | 66-67 |
| <u>Section 705.</u> Yard Regulations | 67 - 68 |
| <u>Section 706.</u> Lot Coverage Regulations..... | 71 |
| <u>Section 707.</u> Height Regulations..... | 71 |
| <u>Section 708.</u> Off Street Requirements | 71 |
| Article VIII - R-2, Suburban Residential District..... | 69 - 71 |
| <u>Section 800.</u> Purpose..... | 69 |
| <u>Section 801.</u> Permitted Uses | 69 |
| Section 802. Uses by Special Exception..... | 69 |
| Section 803. Conditional Uses..... | 69 - 70 |
| Section 804. Lot Area and Lot Width Regulations..... | 70 |
| <u>Section 805.</u> Yard Regulations | 70 - 71 |
| <u>Section 806.</u> Lot Coverage Regulations | 72 |
| <u>Section 807.</u> Height Regulations | 72 |
| Section 808. Off-Street Parking Requirements..... | 71 |
| Article IX – R-3, General Urban Development District | 72 - 75 |
| <u>Section 900.</u> Purpose..... | 72 |
| <u>Section 901.</u> Permitted Uses | 72 |
| <u>Section 902.</u> Uses by Special Exception..... | 73 |
| <u>Section 903.</u> Conditional Uses..... | 73 |
| <u>Section 904.</u> Lot Area and Lot Width Regulations..... | 73 - 74 |

| | |
|--------------------------------------------------------------------------------------------|-----------------|
| <u>Section 905.</u> Yard Regulations | 74 - 75 |
| <u>Section 906.</u> Lot Coverage Regulations..... | 75 |
| <u>Section 907.</u> Height Regulations..... | 75 |
| Article X – C-1, Commercial Development District | 75 - 80 |
| <u>Section 1000.</u> Purpose..... | 75 |
| <u>Section 1001.</u> Permitted Uses | 76 |
| <u>Section 1002.</u> Uses by Special Exception..... | 76 - 77 |
| <u>Section 1003.</u> Review Procedures..... | 77 - 79 |
| <u>Section 1004.</u> Lot Area and Lot Width Regulations..... | 79 |
| <u>Section 1005.</u> Yard Regulations | 79 - 80 |
| <u>Section 1006.</u> Heights Regulations | 80 |
| <u>Section 1007.</u> Lot Coverage Regulations..... | 80 |
| Article XI – C-2, Neighborhood Commercial Development District | 80 - 83 |
| <u>Section 1100.</u> Purpose..... | 80 |
| <u>Section 1101.</u> Permitted Uses | 80 - 81 |
| <u>Section 1102.</u> Conditional Uses..... | 81 |
| <u>Section 1103.</u> Lot Area and Lot Width Regulations..... | 81 |
| <u>Section 1104.</u> Yard Regulations | 81 - 83 |
| <u>Section 1105.</u> Height Regulations..... | 83 |
| <u>Section 1106.</u> Lot Coverage Regulations..... | 83 |
| Article XII – C-3, Limited Access Highway rea Commercial Development District | 83 - 88 |
| <u>Section 1200.</u> Purpose..... | 83 |
| <u>Section 1201</u> Review Procedures..... | 83 - 85 |
| <u>Section 1202 A-1</u> Permitted Uses..... | 85 |
| <u>Section 1202 A-2</u> Condition Uses..... | 85 - 86 |
| <u>Section 1203.</u> Lot Area and Lot Width Regulations..... | 87 |
| <u>Section 1204.</u> Height Regulations..... | 87 |
| <u>Section 1205.</u> Lot Coverage Regulations..... | 88 |
| Section 1206 Building Coverage Regulations | 88 |
| Article XIII – I, Industrial Development District | 88-93 |
| <u>Section 1300.</u> Purpose..... | 88 |
| <u>Section 1301.</u> Permitted Uses | 88 - 89 |
| <u>Section 1302.</u> Conditional Uses..... | 89 - 91 |
| <u>Section 1303.</u> Storage and Waste Disposal..... | 92 |
| <u>Section 1304.</u> Area and Lot Width Regulations | 92 |
| <u>Section 1305.</u> Coverage Regulations | 92 |
| <u>Section 1306.</u> Yard Regulations | 92 - 93 |
| <u>Section 1307.</u> Heights Regulations | 93 |
| Article XIV – Airport Overlay District..... | 94 - 101 |
| <u>Section 1400.</u> Purpose..... | 94 |
| <u>Section 1401.</u> Restrictive Beaver County Airport Zone Height Limitations..... | 94 - 95 |
| <u>Section 1402.</u> Regulation of Airport Zoning Districts..... | 95 |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <u>Section 1403.</u> Application for an Airport Zoning District Permit | 95 - 97 |
| <u>Section 1404.</u> Request for Variance..... | 97 - 98 |
| <u>Section 1405.</u> General Airport Zoning District Regulations and Requirements | 99 - 100 |
| <u>Section 1406.</u> Administration, Enforcement and Notice | 100-101 |
| | |
| Article XV – Off-Street Parking, Loading and Unloading Regulations | 101-112 |
| <u>Section 1500.</u> General Regulations | 101-103 |
| <u>Section 1501.</u> Parking Facilities Required | 103-110 |
| <u>Section 1502.</u> Access to Off-Street Parking and Loading Areas | 111 |
| <u>Section 1503.</u> Loading and Unloading Space | 111-112 |
| <u>Section 1504.</u> Parking and Loading Area Setbacks | 112 |
| | |
| Article XVI – Sign Regulations | 112-129 |
| <u>Section 1600.</u> Purpose | 112 |
| <u>Section 1601.</u> Erection and Maintenance of Signs | 112 |
| <u>Section 1602.</u> Major Types and Classifications of Signs | 112-113 |
| <u>Section 1603.</u> Minor Types of Permanent Signs | 113-114 |
| <u>Section 1604.</u> Temporary Signs | 114-116 |
| <u>Section 1605.</u> Billboards | 116-120 |
| <u>Section 1606.</u> Prohibited Signs | 120 |
| <u>Section 1607.</u> General Signs Provisions | 121-122 |
| <u>Section 1608.</u> Size Regulations of Major Signs..... | 122-124 |
| <u>Section 1609.</u> Sign Packages, Permits, Fees, and Procedures | 124-129 |
| | |
| Article XVII – Regulation of Flood – Prone and Mudslide – Prone Areas | 129-131 |
| <u>Section 1700.</u> Purpose | 129 |
| <u>Section 1701.</u> Borough of Floodplain Requirements | 129 |
| <u>Section 1702.</u> Regulation of Mudslide – Prone Areas..... | 130 |
| <u>Section 1703.</u> Variances | 131 |
| <u>Section 1704.</u> Advice from the Borough Engineer | 131 |
| <u>Section 1705.</u> Legislative Intent | 131 |
| | |
| Article XVIII – Standards and Criteria Governing Allowance of Conditional Uses, Uses by Special Exceptions, and Variances | 131-135 |
| <u>Section 1800.</u> General Standards and Criteria for Conditional Uses | 131-132 |
| <u>Section 1801.</u> Standards and Criteria for Uses by Special Exceptions..... | 133 |
| <u>Section 1802.</u> Standards and Criteria for Variances from this Ordinance | 133-134 |
| <u>Section 1803.</u> Performance Standards | 135 |
| | |
| Article XIX – Nonconforming Uses, Structures, and Lots | 135-138 |
| <u>Section 1900.</u> Definition | 136-137 |
| <u>Section 1901.</u> Permitted Continuation | 137 |
| <u>Section 1902.</u> Alterations..... | 137 |
| <u>Section 1903.</u> Extension or Expansion | 137 |
| <u>Section 1904.</u> Change of Use | 137 |
| <u>Section 1905.</u> Abandonment | 137 |
| <u>Section 1906.</u> Repair or Maintenance of Unsafe Structures | 137 |

| | |
|----------------------------------------------------------------------------------|----------------|
| <u>Section 1907.</u> Unlawful Use of Authorization..... | 138 |
| <u>Section 1908.</u> District Changes | 138 |
| <u>Section 1909.</u> Construction Approved Prior to Legal Enactment of Ordinance | 138 |
| <u>Section 1910.</u> Registration..... | 138 |
| Article XX – Conditional Uses | 138-139 |
| <u>Section 2000.</u> Powers and Duties | 138 |
| <u>Section 2001.</u> Procedures for Approval | 139 |
| Article XXI – Administration and Enforcement | 140-144 |
| <u>Section 2100.</u> Zoning Officer | 140-141 |
| <u>Section 2101.</u> Permits | 141-144 |
| Article XXII - Amendments..... | 144-147 |
| <u>Section 2200.</u> Zoning Amendments | 144 |
| Section 2201 Curative Amendments | 145-147 |
| Article XXIII –Zoning Hearing Board | 147-152 |
| <u>Section 2300.</u> Creation and Appointment | 147-148 |
| <u>Section 2301.</u> Removal of Members..... | 148 |
| <u>Section 2302.</u> Organization of Zoning Hearing Board | 148 |
| <u>Section 2303.</u> Powers and Duties..... | 149-150 |
| <u>Section 2304.</u> Procedures..... | 150-151 |
| <u>Section 2305.</u> Mediation Option..... | 151-152 |
| <u>Section 2306.</u> Time Limitations for Appeals..... | 152 |
| <u>Section 2307.</u> Appeals | 152 |
| Article XXIV –Validity | 152-153 |
| Article XXV –Remedies | 153 |
| Article XXVI –Penalties | 153 |
| Article XXVII –Repealer | 153 |
| Article XXVIII–Enactment | 154 |
| Appendix A – Parking Configurations | |

ARTICLE I

ZONING PURPOSES AND AUTHORITY

Section 100 SHORT TITLE

This Ordinance shall be known and may be cited as the "Big Beaver Borough Zoning Ordinance."

Section 101 INTERPRETATION

- A. In the event of conflicts between the provisions of this Ordinance and any other ordinance or regulation, the more restrictive provisions shall apply.
- B. In the interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety, and general welfare of the public.
- C. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough Council, in favor of the landowner and/or developer and against any implied extension of the restriction.

Section 102 PURPOSES

This Ordinance is enacted pursuant to the following purposes, as outlined in the North Central Beaver County Multi-Municipal Comprehensive Plan for Big Beaver, Homewood, Koppel, and New Galilee Boroughs:

- A. To promote, protect, and facilitate one (1) or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and National defense facilities; and the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public ground, and other public requirements.
- B. To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, or other dangers.

Section 103 AUTHORITY

This Ordinance is enacted pursuant to the Authority contained in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 104 USE OF PROPERTY

No building, land area, or water body shall hereafter be used or occupied and no building or part thereof shall be erected, altered, or relocated unless in conformance with the regulations herein specified for the Zoning District in which it is located.

Section 105 EFFECTIVE DATE

This Ordinance shall take effect on the day of enactment.

ARTICLE II

**STATEMENT OF COMMUNITY DEVELOPMENT
GOALS AND OBJECTIVES**

Section 200 PURPOSE

In addition to the foregoing purpose contained in Article I, it is the purpose and intent of this Ordinance to assist in achieving, to the extent possible, the North Central Beaver County Multi-Municipal Comprehensive Plan for Big Beaver, Homewood, Koppel, and New Galilee Boroughs, adopted by the Big Beaver Borough Council on March 7, 2006.

Section 201 COMMUNITY DEVELOPMENT GOALS AND OBJECTIVES

The Community Development Goals and Objectives of the Big Beaver Borough Comprehensive Plan and thus this Ordinance include but are not limited to the following:

A. GOAL: The Borough will strive to conserve its natural resources, directing man's economic activities and land use development toward compatibility with the physical environment.

Objectives:

1. Preserve areas of scenic and/or unique natural and historic features from destruction or misuse by development.
2. Encourage protection of the natural ground cover and prevention of soil erosion.

3. Encourage protection of water resources and prevent encroachment of natural flood plains or natural swamp lands.

B. GOAL: The Borough will strive to encourage a development pattern that will result in orderly growth, produce a distinctive community character, and allow various land use types to relate harmoniously.

Objectives:

1. Provide adequate amounts of land for all land use types; urban as well as rural, developed uses as well as undeveloped uses.
2. Discourage incompatible land use combinations.
3. Guide development to prevent premature use of undeveloped areas.
4. Encourage the evolution of cohesive development areas or neighborhoods having distinctive characteristics.

C. GOAL: The Borough will promote the growth of a sound, balanced, and diversified economy.

Objectives:

1. Develop an industrial expansion program to encourage development of industrial parks with diversified industrial activities.
2. Preserve those areas of the Borough that are well suited for commercial and industrial development.
3. Program the Borough's capital expenditures in roads, community facilities, and public utilities to enhance investment potential of areas designated for commercial or industrial development.

D. GOAL: The Borough will encourage a variety of housing types, designs, and settings to permit a range of choice for the residents regardless of their economic status or social characteristics.

Objectives:

1. Encourage development of a variety of housing types, using innovative and efficient designs while maintaining the natural site settings.
2. Encourage coordination of housing development with adjacent residential subdivisions as well as adjacent lands uses and roadways.

3. Restrict multi-family development to areas that can be adequately serviced with utilities and provided with a full range of public facilities.
4. Encourage preservation of rural residential areas where high density development is in conflict with the natural resources or natural setting.

E. GOAL: The Borough will encourage a transportation system that integrates neighborhoods as well as land uses and affords safe, convenient, and efficient movement.

Objectives:

1. Promote roadway design standards to assure the availability of roads adequate to carry existing and future traffic.
2. Prepare for the future development of regional transportation systems and their effect on the Borough.
3. Encourage improvement of the Borough's existing roadways, their intersections, conditions, and alignments.
4. Encourage improvement of state roadways, their intersections, conditions, and alignments.
5. Discourage further development of private roads.

Section 202 STATEMENT OF CONSISTENCY

This Ordinance is enacted with consideration for the natural and manmade environment of the Borough, the character of this community and its various parts, and the suitability of the various parts for particular uses and structures. Furthermore, this Ordinance is enacted in accordance with an overall program, the North Central Beaver County Multi-Municipal Comprehensive Plan, adopted by Big Beaver Borough Council on March 7, 2006.

ARTICLE III

DEFINITIONS

Section 300 INTERPRETATIONS OF WORDS

For the purpose of this Ordinance, the terms and words herein shall be interpreted as follows unless otherwise expressly stated:

- A. Words used in the present tense shall include the future.

- B. Words used in the singular shall include the plural.
- C. Words used in the plural shall include the singular.
- D. The words "person," "owner," and/or "developer" includes a "profit" or "non-profit" "corporation," "company," "partnership," "individual" or an "association of individuals."
- E. The words "shall" and "will" are always mandatory.
- F. The word "may" is permissive.
- G. The words "used" or "occupied" as applied to any land or building include the words "intended," "arranged," or "designed" to be used or occupied.
- H. The word "building" includes "structure."
- I. Unless otherwise specified, all distances shall be measured horizontally.
- J. The masculine shall include the feminine.

Section 301 MEANING OF WORDS

Unless otherwise expressly stated, the following words or phrases shall, for the purpose of this Ordinance, have the meaning herein indicated:

1. ACCESS: A means of providing vehicular or pedestrian ingress and egress to and from a property.
2. ACCESS DRIVE: The principal means of access into all parking areas, public and semi-public uses, multi-family developments, on-site buildings and structures, and loading and unloading areas.
3. ACCESSORY STRUCTURE: A structure which is on the same lot with, but detached from, the principal building or structure and which is customarily incidental and subordinate to the principal structure or principal use of the land, including, but not limited to, private garages, storage sheds and the like.
4. ACCESSORY USE: A use customarily incidental and subordinate to the principal use of the land located on the same lot as the principal use. The Accessory Use may not occupy more than forty (40) percent of the net floor area of any one (1) floor in the principal structure or not more than twenty (20) percent of the lot area but not to exceed a maximum gross floor area of 5,000 S.F. per 10 acres.

5. **ADULT-ORIENTED BUSINESS:** Any adult bookstore, adult cabaret, adult mini-motion picture theater, or adult theater, adult arcade, adult video store, adult motel, escort agency, nude model studio, and/or adult encounter center as defined herein and which, under the Pennsylvania Obscenity Code, must exclude minors or may not knowingly disseminate to minors. Also, a massage establishment as defined herein.
- (a) Adult Bookstore – an establishment, having as a substantial or significant portions of its stock in trade, for sale or rental, books, magazines, video tapes, computer disks, or other materials, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “sexual activities” or “nudity” as defined herein.
 - (b) Adult Cabarets – a cabaret, tavern, bar, nightclub, theater, or similar club which features strippers, female topless and/or bottomless waitresses or employees or bottomless male waiters or employees, male or female impersonators, or similar entertainers who exhibit, display, or engage in nudity, sexual conduct, or sadomasochistic abuse, as defined in this Ordinance and the Pennsylvania Obscenity Code.
 - (c) Adult Encounter Club/Business or Lifestyle Club / Business (Archaic term “Swingers Club”) – A club or business that provides an opportunity for or an invitation to engage in or view sexual activity, stimulation or gratification.
 - (d) Adult Mini-Motion Picture Theater – an enclosed building or structure offering video presentations or other visual media distinguished or characterized by an emphasis or matter depicting, describing, or relating to “sexual activities” or “nudity,” as defined herein, for observation by patrons within private viewing booths and/or by use of token or coin-operated projectors or other video machines.
 - (e) Adult-Related Business – any adult bookstore, adult cabaret, and adult encounter club/business or lifestyle club/business, adult mini-motion picture theater, or adult theater as defined herein and which, under the Pennsylvania Obscenity Code, must exclude minors or may not knowingly disseminate to minors. Also, a massage establishment as defined herein.
 - (f) Adult Theater – any business which exhibits an indoor motion picture show or other presentation which, in whole or in part, depicts nudity, sexual conduct, or sadomasochistic abuse as

defined in the Pennsylvania Obscenity Code. Any adult theater which proposes to exhibit a motion picture show or other presentation as defined above, outside the confines of a building or structure, is prohibited.

- (g) Holiday – the entire 24 hour period of the days of New Year’s Day (January 1st), Martin Luther King Day (observed day), President’s Day, Good Friday, Election Day (both primary and general elections), Memorial Day, July 4th, Labor Day, Columbus Day, Veteran’s Day, Thanksgiving Day and Christmas Day.
- (h) Massage Establishment – any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, unless operated by a medical practitioner, chiropractor, and professional massage therapist licensed by the Commonwealth of Pennsylvania, or professional therapist licensed by the Commonwealth of Pennsylvania.
- (i) Nudity – shall be defined as completely without clothing; or with the human male or female genitals, pubic area, anus, or buttocks with less than a full opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the covered male genitals in discernible turgid state.
- (j) Sexual Activities – shall be defined as (1) acts of masturbation, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or if such a person is a female, breasts; (2) the condition of human male or female genitals when in a state of sexual stimulation or arousal; and/or (3) flagellation or torture by or upon a person nude or clad in undergarments, mask or costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one or one’s clothes.

6. **AGRICULTURAL OPERATION:** An enterprise that is actively engaged in the production and preparation of crops, livestock, and livestock products and in the production, harvesting, or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities.

7. **AGRI-TOURISM:** The practice of attracting travelers or visitors to an area or areas used primarily for agricultural purposes including, but not limited to, overnight stays (lodging and camping), special events and

- festivals, recreation activities and events, fresh products and value-added products, tourism-enhanced direct marketing, and/or education.
8. AIRPORT ELEVATION: The highest of an airport's useable landing area measured in feet from sea level. Relative to the Beaver County airport, such airport elevation is One Thousand Two Hundred Fifty-two (1,252) feet above sea level.
 9. ALLEY: A public right-of-way providing vehicular access to the side or rear of two or more properties.
 10. ALTERATIONS: As applied to land, a building, or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one (1) location or position to another.
 11. ALTERATIONS, STRUCTURAL: Any change in the supporting members of a structure such as bearing walls, columns, beams, or girders.
 12. AMENDMENT: An official change, including revisions, to the zoning ordinance text and/or the official zoning map. The authority for any amendment lies solely with Borough Council.
 13. ANIMAL GROOMING FACILITY: An establishment for the grooming and aesthetic enhancement of domestic animals that does not include medical or surgical treatment or overnight boarding facilities.
 14. ANTENNA: Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc), or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities as defined below.
 15. ANTENNA SUPPORT STRUCTRE: Any pole, telescoping mast, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency energy, including amateur radio, ham, or citizens' band radio antennas. This definition shall not include wireless communication facilities. The required setback from the base of an antenna support structure or any guyed wire anchors to any property line shall be the largest of the following:
 - (a) One hundred percent of the height of the antenna support structure; or
 - (b) The minimum setback for a principal use in the underlying zoning district.

16. ANTENNA SUPPORT STRUCTURE, HEIGHT OF: The vertical distance measured from the ground level to the highest point on an antenna support structure, including antennas mounted on the structure.
17. APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.
18. APPLICATION FOR DEVELOPMENT: Every application, whether preliminary, tentative, or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building/zoning permit, for the approval of a subdivision plat or plan, or for the approval of a development plan. An Application for Development must be signed by the property owner of record.
19. AREA, BUILDING: The total of the exterior areas taken on a horizontal plane at the main floor of the principal building and all accessory buildings, exclusive of uncovered porches, uncovered terraces, and uncovered steps.
20. AREA, GROSS FLOOR (Residential Uses): The sum of the gross horizontal areas of the several floors of a building, excluding unfinished basement floor areas, porches, patios, breeze ways, carports, sun porches, or other similar structural additions.
21. AREA, GROSS FLOOR (Non-Residential Uses): As applied to off-street parking, the area used or intended for services to the public as customers, patrons, clients, or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. Floor areas which are used exclusively for storage, housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen, and the general public are denied access are also included.
22. AREA, LOT: The total area within the lot lines.
23. ASSISTED LIVING FACILITY: Overnight residential use for the care of persons where services include assistance with daily living activities. (See also "Nursing & Personal Care Facility")
24. AUXILIARY BUILDING: A building or structure incidental and subordinate to the principal use, building, or structure.

25. BANK/ FINANCIAL INSTITUTION: A business in which money is kept for saving or commercial purposes, is invested, is supplied for loans, or is exchanged.
26. BASE FLOOD: A base flood is a flood with a one (1) percent chance of being equaled or exceeded in any given year.
27. BASEMENT: A story partly underground but having at least one-half (1/2) of its height below finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.
28. BED AND BREAKFAST: A specialized lodging house, having predominantly the character of a single-family residence, where rooms are provided for overnight transient guests and where meals may be served in conjunction with the accommodations.
29. BED AND BREAKFAST OWNER: A person or persons or partner or partners in a partnership owning the fee simple title to the real estate upon which the Bed and Breakfast use is operated subject to any bona fide encumbrances and conveyance of legal title for mortgage financing purposes.
30. BEAVER COUNTY AIRPORT: the airport of the County of Beaver as situate in the Township of Chippewa, Beaver County, Pennsylvania, and being the same depicted and shown on the Height Limitation & Zoning District Map made a part of this Ordinance.
31. BILLBOARD: See SIGN, BILLBOARD.
32. BOARD OF ADJUSTMENT: Pursuant to the Aviation Code, being Act No. 164 of 1984, for the purpose of this Article XXVI, the Zoning Hearing Board of Big Beaver Borough is the “Board of Adjustment” to hear variance requests or appeals from the decision of the Zoning hearing Officer under this Article XVII.
33. BOARDING HOUSE (ROOMING HOUSE): Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished room shall be deemed a boarding house.
34. BOROUGH OR BOROUGH COUNCIL: The Borough Council of the Borough of Big Beaver, Beaver County, Pennsylvania and/or its authorized officials and representatives.

35. **BUILDING OR STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
36. **BUILDING, FRONT LINE OF:** The line of that face of the building nearest the frontline of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
37. **BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
38. **BUILDING LINE:** A line located on the lot at a fixed distance from the street right-of-way line and interpreted as being the nearest point that a building may be constructed to the street right-of-way. The building line shall limit the location of porches, patios and similar construction, steps excepted, to the face of the building.
39. **BUILDING PERMIT:** The approved Borough Form signed by the Zoning Officer indicating that the application for permission to construct, alter, or add is approved and in accordance with the requirements of the terms of this Chapter.
40. **BUILDING SETBACK, FRONT:** The line of that face of the building nearest the front line of the lot. This face includes sun parlors, covered porches and covered patios, whether enclosed or unenclosed, but does not include steps.
41. **BUILDING SETBACK, REAR:** The line of that face of the building nearest the rear line of the lot. This face includes sun parlors, covered porches and covered patios, whether enclosed or unenclosed but does not include steps.
42. **BUILDING SETBACK, SIDE:** The line of that face of the building nearest the side line of the lot. This face includes sun parlors, covered porches and covered patios, whether enclosed or unenclosed but does not include steps.
43. **BULK REGULATIONS:** Standards that control the height, density, intensity, and location of structures.
44. **BUSINESS OFFICE:** A room area or series of areas, occupied by person or persons separate from surrounding areas, normally used in the operation

of or in conjunction with a business or profession. Retail and wholesale sales, and inventories are not permitted under this definition.

45. **BUSINESS SERVICES:** A commercial establishment which provides services primarily to business establishments on a fee or contract basis, such as advertising and public relations, management and consulting services, security and maintenance services, equipment rental and leasing, document reproduction and related services, and computer and data processing services.
46. **CAMPGROUND:** An open area, fields, or woodlands dedicated to rental or granted permission of space for organized overnight sleeping.
47. **CANOPY:** A permanent freestanding roofed structure without walls and not intended for human shelter.
48. **CARPORT:** An open space for the storage of one (1) or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one (1) or more walls may be the walls of the main building to which the carport is an accessory building or extension.
49. **CAR WASH:** A structure or area used for the purpose of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles but not including an incidental one-bay washing facility in a gasoline service station where washing facilities are accessory to the operation of said service station. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be a car wash. No vehicle repairs or sale of petroleum, fuels or lubricants shall be performed in association with the car wash.
50. **CARTWAY:** That portion of the street or alley right-of-way surfaced for vehicular use or other traffic use, excluding shoulders and berms. Width is determined from face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.
51. **CELLAR:** See BASEMENT.
52. **CEMETERY:** Land that is reserved for the burying of the dead and that could contain mausoleums and columbaria but not crematories.
53. **CERTIFICATE OF OCCUPANCY:** A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building or structure complies with this Zoning Ordinance, and/or that a building, structure, or parcel of land may lawfully be employed for specified use.

54. CERTIFICATE OF ZONING: An official finding of the Zoning Officer which states the current zoning district classification of a lot or parcel of land.
55. CERTIFICATE OF NON-CONFORMITY: An official finding of the Zoning Officer, indicating that a use, lot, building, and/or structure does not conform to one or more than one of the applicable provisions of this Ordinance.
56. CLEAR-SIGHT TRIANGLE: The triangular area formed by two (2) intersecting street centerlines and a line interconnecting points established on each centerline, seventy-five (75) feet from their point of intersection. This entire area is to remain clear of obstructions to sight above a plane established three and one-half (3-1/2) feet in elevation from grade level at the intersection of the street centerline.
57. CLUSTER DEVELOPMENT: Area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units or combination of residential and nonresidential uses. A CLUSTER DEVELOPMENT plan does not correspond to the Zoning requirements in any particular Zoning District.
58. CLUSTERED SUBDIVISION: A form of development for residential subdivisions that permits a reduction in lot area and bulk requirements where the resultant land area is devoted to open space.
59. CLUSTERED HOUSING: A subdivision in which individual lots are designated in somewhat tighter arrangements than a conventional subdivision with a significant percentage of the total plot or parcel being dedicated and held as common open space.
60. CLINIC, ALCOHOL OR DRUG: A facility licensed by the Department of Health for the treatment, maintenance, or detoxification of persons.
61. COLLECTION AREA: Visually screened areas for the collection of refuse not used for the storage or disposal of refuse materials beyond seven (7) days. (See "Refuse and Waste Collection Areas")
62. COLLECTOR STREET: Those public or private ways identified in the Big Beaver Borough's Comprehensive Plan as collector thoroughfares that are designed to carry a moderate traffic flow. (See "Street, Collector.")
63. CO-LOCATION: The mounting of one or more Wireless Communications Facilities (WCFs), including antennas, on an existing tower-based WCF or on any structure that already supports at least one non-tower WCF.

64. **COMMERCIAL:** Engaging in a business, enterprise, activity, or other undertaking for profit.
65. **COMMISSION, PLANNING:** The duly appointed members of the Big Beaver Borough Planning Commission which provides recommendations to the Borough Council on land use and community development issues.
66. **COMMON OPEN SPACE:** A parcel or parcels of land or an area of water suitable for recreational purposes or a combination of such land and water within a development site and designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.
67. **COMMONWEALTH:** The Commonwealth of Pennsylvania.
68. **COMMUNICATION ANTENNA:** A wire no more than ten (10) feet in height or dish not more than ten (10) feet in diameter upheld in a vertical or horizontal position used for transmitting or receiving electromagnetic waves or microwaves in wireless television, telephone, radio, and telegraphy and further used for distribution, redistribution, amplification, reception, broadcast, rebroadcast, or transmission to other wires, receivers antennas, or dishes not located on the site. This includes communication antennas operated by either public or private organizations. Any communication antenna as herein defined greater than ten (10) feet in height shall be considered a communication tower.
69. **COMMUNICATION TOWER:** A support structure which is usually tall in proportion to its other dimensions, usually constructed of steel and utilized to install, hold, and support an antenna or antennas at or near the top of the tower in order for the antenna or antennas to be functional.
70. **COMMUNICATIONS EMERGENCY:** A condition that:
 - (a) Constitutes a clear and immediate danger to the health, welfare, or safety of the public; or
 - (b) Has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.
71. **COMPREHENSIVE PLAN:** The Comprehensive Plan for the Borough of Big Beaver which guides the physical development of the Borough and which consists of maps, charts, and textual matter in accordance with the

provisions of the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. Section 10101 *et seq.*

72. **CONDITIONAL USE:** A use which is not appropriate to a particular zoning district as a whole, but which may be suitable in certain locations within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are an authorized use which may be granted by the Borough Council.
73. **CONICAL SURFACE:** A surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
74. **CONVENIENCE STORE:** A retail establishment offering for sale food products household items, and other goods commonly associated with the same and generally having a gross floor area of less than 10,000 square feet.
75. **CONVENTIONAL SUBDIVISION:** A subdivision in which all or most of a plot or parcel is divided into lots and streets with little or no area reserved as common open space.
76. **CONVERSION APARTMENT UNIT:** The remodeling of a single-family detached dwelling unit into two (2) or more separate living units each having a minimum of five hundred (500) square feet of habitable area, exclusive of basement and/or cellar dwellings; one (1) bathroom and three (3) habitable rooms; separate and private sanitary, cooking and dining facilities; and a minimum of two (2) off-street parking spaces per living unit.
77. **CORNER LOT:** A lot at the point of intersection of and abutting on two (2) or more intersecting streets or other public spaces, the angle of intersection being not more than 135 degrees.
78. **COUNTY COMPREHENSIVE PLAN:** A land use and growth management plan prepared by the County Planning Commission and adopted by the County Commissioners which establishes broad goals and criteria for municipalities to use in preparation of their Comprehensive Plan and land use regulation.
79. **COVERAGE, BUILDING:** That portion or percentage of the plot or lot area covered by the building footprint.
80. **COVERAGE, LOT:** That portion or percentage of the plot or lot area covered by the buildings and/or structures, including all impervious surfaces.

81. CROPLANDS: A land area without structures which is used for the raising of agricultural crops.
82. CUSTOMARILY INCIDENTAL: As applied to Accessory Uses, those Uses of a secondary or related nature to Principal Permitted Uses on the same lot or parcel.
83. DATA COLLECTION UNIT (DCU): A non-tower wireless communications facility that utilizes wireless technology to capture and transmit data.
84. DAY CARE HOME (home based business): A facility, licensed by the Commonwealth, located within a dwelling, for the care on a regular basis during part of a 24-hour day of not more than six children under 16 years of age, excluding care provided to children who are not relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes and persons who do not reside in the dwelling shall not be employed.
85. DAY CARE CENTER (commercial based business): A facility, licensed by the Commonwealth, located within a building or structure not used as a dwelling, for the care, during part of the 24-hour day, of children under the age of 16 years old or disabled or elderly persons.
86. DECISION: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Beaver County and the judicial district wherein the municipality lies.
87. DECK: A structure attached to the exterior of the principal use as an accessory use. All setbacks shall be those established for the principal structure or principal use.
88. DENSITY: A measure of the number of dwelling units per acre which occupy, or may occupy, an area of land.
89. DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who proposes, makes, or causes to be made an application for a subdivision of land, a land development, or a permit or approval pursuant to this Chapter.
90. DEVELOPMENT: Any man-made change to improved or unimproved lands or water body, including but not limited to buildings or other

structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

91. DEVELOPMENT PLAN: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. Such provisions shall be prepared by a surveyor, engineer, or architect and drawings associated with such provisions shall be drawn at a scale no greater than one (1) inch equals 100 feet.
92. DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one (1) municipality.
93. DISTRICT OR ZONING DISTRICT: An area delineated by text and map as to location, extent, and land use and development.
94. DOMESTIC PETS: Animals or fowl customarily found in a dwelling and kept for company or pleasure, including, but not limited to dogs, cats, hamsters, parakeets or canaries and the like, but not including any animal, reptile, fish, or fowl normally found in a zoo. Domestic pets shall not include a sufficient number to constitute a kennel, as herein defined.
95. DRIVE-THRU RESTAURANT: A drive-thru restaurant is an establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state, and whose design, method of operation, or any portion of whose business includes foods or beverages are served directly to the customer in a motor vehicle.
96. DRIVEWAYS: A private vehicular access route serving no more than two parcels or lots which provides access to a public street, but which does not provide access to any other lots or parcels under separate ownership.
97. DWELLING/RESIDENTIAL DWELLING: Any structure designed or used as permanent living quarters for one or more families, but not including hotels, motels, lodging or boarding houses.
98. DWELLING TYPE:
 - (a) APARTMENT BUILDING: A type of multi-family dwelling containing three (3) or more dwelling units per building or structure. Each apartment dwelling shall contain a minimum of five hundred (500) square feet of interior habitable area, shall have

a kitchen and bathroom facilities, and shall be permanently constructed or affixed to a foundation.

- (b) GARDEN APARTMENT: A multi-family residential building no more than three stories in height containing three or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.
- (c) HIGH-RISE APARTMENT: A multi-family residential building containing at least four residential floors.
- (d) MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
- (e) MULTI-FAMILY DWELLING: A residential building or portion thereof containing three or more dwelling units, including garden apartments, high rise apartments, and townhouses.
- (f) NURSING, CONVALESCENT HOME: Any building or other structure with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire, or a home operated as an institution. Such facility shall be licensed by the Commonwealth of Pennsylvania to provide the appropriate human services based on required staffing levels.
- (g) QUAD-PLEX: A detached building designed for or occupied exclusively as a residence and where the building is divided by two common party walls into four distinct dwelling units where each dwelling unit has direct access to the outdoors.
- (h) RESIDENTIAL CONVERSION UNIT: To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure or to alter the foundation shall not be considered a conversion and shall be required to meet the appropriate provisions established in that district for that particular use.
- (i) SINGLE-FAMILY DETACHED DWELLING: One (1) dwelling unit accommodating a single family, having two (2) side yards, and

permanently constructed or affixed to a foundation and having a minimum of nine hundred (900) square feet of habitable area exclusive of storage and utility areas. A single family detached dwelling may be an on-site constructed structure or may be a factory fabricated structure consisting of a minimum of two (2) separate modular units permanently combined on-site and permanently affixed to a foundation to form a single-family detached dwelling.

- (j) SINGLE-FAMILY SEMI-DETACHED DWELLING: Two (2) dwelling units each accommodating one (1) family which is attached side by side through the use of a common wall or adjoining walls extending through the attic to the roof. Each dwelling unit shall contain a minimum of nine hundred (900) square feet of interior habitable area, shall be permanently constructed or affixed to a foundation, and shall have one (1) side yard adjacent to each dwelling unit. Also, each dwelling unit shall be situated on a lot of record.
- (k) TOWNHOUSE DWELLING: A multi-family residential building no more than two and one-half stories in height which contains at least 3 but no more than six dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below. Furthermore, each dwelling unit shall contain a minimum of nine hundred (900) square feet of interior habitual area, be situated on a lot of record, contain an integral, attached, detached, or basement garage, and shall be permanently constructed or affixed to a foundation.
- (l) TWO-FAMILY DETACHED DWELLING (DUPLEX): Two (2) dwelling units each accommodating one (1) family which is located one (1) over the other and having two (2) side yards. Each dwelling unit shall contain a minimum of nine hundred (900) square feet of interior habitable area and shall be permanently constructed or affixed to a foundation.

99. DWELLING UNIT: A building or portion thereof which is designed and used exclusively for residential purposes of one family and includes complete kitchen and bathroom facilities.

100. EDUCATIONAL INSTITUTION: A school, including a public school, parochial school, private school, college, university, private nursery school or preschool, having regular sessions, with regularly employed instructors, which teaches those subjects that are fundamental and essential in

elementary, secondary or higher education under the supervision of the Commonwealth or a lawfully constituted ecclesiastical governing body or a corporation meeting the requirements of the Commonwealth.

101. EFFECTIVE DATE: The date on which this Chapter, or any amendment thereto, is duly adopted by the Borough or as specified in the Chapter adopting same.
102. EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
103. ESSENTIAL PUBLIC SERVICE FACILITIES: The erection, construction, alteration, or maintenance by public utilities, municipal authorities, or other governmental agencies of underground or overhead water, sanitary sewers, or storm sewers, gas service, electrical, telephone transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs and other similar equipment and accessories in connection therewith and where reasonably necessary for the furnishing of adequate service, buildings, and structures. Specifically excluded from this definition are communication towers, communication antennas, gas transmission, and wells.
104. EXCEPTION: See "Special Exception."
105. EXISTING CONDITIONS: Unique and/or environmentally fragile lands that are susceptible to negative geological or ecological impacts created by land development.
106. FAMILY: one of the following:
 - (1) All persons living in the same household who are related by birth, marriage, or adoption.
 - (2) Those defined as such by the United States Code or Federal Register.
 - (3) No more than four unrelated individuals occupying a premises and living as single housekeeping unit, as distinguished from a group occupying a boarding house, group home, hotel, or the like.
107. FARM: Any parcel of land containing ten (10) or more acres, which is used for the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-

bearing animals, riding academies, livery or boarding stables, and dog kennels.

108. FCC: The Federal Communications Commission.
109. FLOODPLAIN/FLOOD-PRONE AREA: A normally dry land area adjoining a river, stream or water course which is susceptible to being inundated by overbank stream flows as established by the Federal Flood Insurance Administration on the Flood Hazard Boundary Map. The 100 year floodplain as defined or amended by the National Flood Insurance Program (NFIP) is the area encompassed by a flood that has a 1 percent chance of being equaled or exceeded in any given year.
110. FLOODWAY: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood (100-year floodplain) without cumulatively increasing the water surface elevation more than 1 foot, or as amended by the National Flood Insurance Program (NFIP).
111. FLOODWAY FRINGE: The remainder of the floodplain, after the floodway has been determined. Generally, the slower velocity backwater area of the floodplain.
112. FLOOR SPACE, GROSS (Also Floor Area): The sum of the gross horizontal areas of the total floor space of all principal buildings on the same lot. Areas excluded are cellar and basement floor areas when not devoted to use, interior parking spaces, area of roofed porches, roofed terraces, and car ports. All dimensions shall be measured between the exterior faces of walls.
113. FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.
114. FRONTAGE: That side of a lot abutting on a street, the front lot line.
115. FRONT YARD: See "Yard, Front."
116. FUNERAL HOME: A building used for the embalming of the deceased for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.
117. GARAGE, PRIVATE: An enclosed or covered space for the storage of one (1) or more motor vehicles, provided that no business, occupation, or

service is conducted for profit therein nor space therein for more than one (1) car is leased to a non-resident of the premises.

118. GARAGE, PUBLIC: A building or structure where motor vehicles can be temporarily stored or parked.
119. GARDEN AND LANDSCAPING CENTER: A retail commercial sales establishment for the sale of plants, garden supplies, and related items. For purposes of this chapter, said establishments shall not include the sale or service of commercial machinery, tractors, or mowing equipment.
120. GARDENING: See "Home Gardening" for definition.
121. GAS STATION: Any premises used for the sale and supplying of gasoline, oil, and/or minor accessories.
122. GOVERNING BODY: The Borough Council of the Borough of Big Beaver, Beaver County, Pennsylvania.
123. GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.
124. GROUP CARE FACILITY: a facility, licensed or certified by a governmental or sponsoring agency, which provides room and board and specialized services for six or more residents who are mentally or physically handicapped or any number of residents who are recovering alcoholics, abused or battered persons, persons in a prison work-release program, or delinquent children adjudicated by the criminal court system under the age of 18 who are in need of supervision for specialized health, social, and/or rehabilitative services.
125. GROUP RESIDENCE (Group Home): A dwelling where room and board is provided to not more than five permanent residents, including but not limited to dependent children (excluding those adjudicated by the criminal court system), mentally or physically handicapped persons of any age, or elderly persons 62 or more years of age, who are in need of supervision and specialized services and no more than two supervisors on any shift who may or may not reside in the dwelling and who provide health, social, and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents, or any other responsible nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency. A group home shall be considered a single-family dwelling and shall be authorized wherever a single-family dwelling is permitted subject to the requirements of the district applicable to single-family dwellings.

126. GROUPED HOUSING: See "Clustered Housing."
127. HEIGHT: See "Building, Height Of."
128. HOME GARDENING: The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling for non-commercial use, excluding the keeping of livestock.
129. HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure of premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein; including, but not limited to, the following conditions: The professional practice of medicine, dentistry, architecture, law, and engineering; artists, beauticians, barbers, and veterinarians, excluding stables or kennels; and does not permit the employment of more than two (2) persons not living on the premises.
130. 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 Zone. In reference to the Beaver County Airport, the AZD – 5, Beaver County Airport Horizontal Zoning District, is such Horizontal Zone.
131. HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or facilities, as defined in current state licensure requirements.
132. HOTEL: An establishment which provides transient lodging accommodations to the general public and which may provide such additional supporting services as restaurants, meeting rooms, recreation facilities, and living quarters for a resident manager or proprietor. .
133. ILLUMINATED SIGN: Signs which are illuminated by electrical, mechanical, or other means as well as those using luminous paint or reflectorized glass to reflect light.
134. IMPERVIOUS COVERAGE: The percentage of land utilized by impervious surfaces including but not limited to buildings, structures, paving, parking structures, swimming pools, and recreational sport courts or surfaces.

135. **INDUSTRIAL:** The storage, warehousing, compounding, assembling, processing, recycling, salvaging, packaging, or treatment of raw material or other products.
136. **INTEGRATED BUSINESS CENTER:** A combination of two or more commercial uses designed, structured, and located so as to result in an integrated shopping plaza, mall, or other acceptable structural configuration.
137. **JUNK:** Any worn, cast-off, or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage, or conversion to some other use. Any such article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.
138. **KENNEL:** The keeping of four (4) or more household pets that are more than six (6) months old. A kennel is not a home occupation and is not an accessory use to a residential dwelling unless specifically permitted.
139. **LANDFILL:** Any site licensed by the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by Federal Statute.
140. **LANDOWNER:** A legal or beneficial owner or owners of land within the Borough of Big Beaver, Beaver County, Pennsylvania including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a legally recognized proprietary interest in land.
141. **LANDSCAPE ARCHITECT:** A professional landscape architect licensed as such in the Commonwealth of Pennsylvania.
142. **LANDSCAPE PLAN:** A plan prepared by a registered design professional identifying each tree and shrub by size, type, and scientific name, the location of each, including a planting diagram and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees over 10 inches in DBH.
143. **LANDSCAPE SERVICE CENTER, RETAIL:** A business primarily engaged in selling indoor or outdoor grown plants and landscaping materials to the general public.

144. LANDSCAPE SERVICE CENTER, WHOLESALE: A business primarily engaged in processing, selling, and distributing indoor or outdoor grown plants and landscaping materials to industrial, commercial, institutional, or professional users or to other wholesalers.
145. LAUNDROMAT: A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.
146. LEGISLATIVE BODY: The Big Beaver Borough Council.
147. LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, air pollution, fire hazard, or noxious emissions which will disturb or endanger neighboring lots. Light manufacturing includes the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, and food products, but no animal slaughtering, curing, or rendering of fats.
148. LIFE CARE FACILITY: A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing-care nursing home facility.
149. LIGHTING:
- (a) DIFFUSED: That form of lighting wherein the light passes from the source through a translucent cover or shade.
 - (b) DIRECT OR FLOOD: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
 - (c) INDIRECT: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.
150. LINE, BUILDING: See "Building Line."

151. LINE, RIGHT-OF-WAY: The dividing line between the street and the lot.
152. LOADING BERTH: A portion of a lot used for the standing, loading, or unloading of motor vehicles and which is not less than twelve (12) feet wide, forty-five (45) in depth, and fourteen (14) feet in height.
153. LOADING/UNLOADING FACILITIES: The total composite of all off-street structures and facilities for a loading berth to include but not be limited to the loading/unloading space(s), docking approach, access drive(s), and all related accessory facilities.
154. LOT: A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon.
155. LOT AREA: That area measured on a horizontal plane bounded by the front, side, and rear lot lines, exclusive of any area within a street right-of-way.
156. LOT, CORNER: See "Corner Lot."
157. LOT COVERAGE: The area of a lot covered by all principal and accessory structures.
158. LOT DEPTH: The average horizontal distance between the front and rear lot lines. For corner lots, the lot depth will be the distance from the front and side lot line most distant from the front lot line.
159. LOT, DOUBLE FRONTAGE: Any lot, except a corner lot, bounded on opposite sides by streets.
160. LOT, FLAG: A lot that has any portion of its front lot line or front yard abut the rear or side yard of an adjacent lot rather than a public road right-of-way and where access to the public road right-of-way would typically be by a narrow, private right-of-way or driveway.
161. LOT, FRONTAGE: The length of the front lot line measured at the street right-of-way line.
162. LOT, INTERIOR: A lot other than a corner lot.
163. LOT LINES: The lines bounding a lot.
164. LOT LINE, FRONT: That line which bounds the lot contiguous with the street right-of-way line.

165. LOT LINE, INTERIOR: Any property line that divides said lot from another lot. Said lot line may be a side or rear lot line.
166. LOT LINE, REAR: The opposite and most distant from the front lot line. Or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
167. LOT LINE, SIDE: Any lot line which is not a front or rear lot line.
168. LOT, MINIMUM AREA OF: The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.
169. LOT OF RECORD: Any lot which individually or as part of a subdivision has been recorded in the Beaver County Recorder of Deeds Office.
170. LOT WIDTH: The horizontal distance across the lot between the side lot lines, measured at the building line.
171. MANUFACTURING: The processing and fabrication of any article, substance, or commodity.
172. MASSAGE ESTABLISHMENT: Any establishment or business which primarily provides the services of massage and body manipulation, including exercises, heat and light treatments of the body.
173. MEDICAL CLINIC: A building or structure where two or more licensed medical professionals provide diagnostic health, medical, surgical, and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms, and a dispensary, providing that all such uses have access only from the interior of the building or structure.
174. MINERALS: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.
175. MINERAL REMOVAL: Any extraction of any mineral for sale or other commercial purpose which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is

not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc or, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas. Mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings are not included in this definition.

176. **MINI-WAREHOUSE AND SELF-STORAGE BUILDING:** A building or group of buildings in a controlled access and fenced compound that contains various sizes of individualized, compartmentalized, and controlled access stalls and/or lockers leased by the general public for a specified period of time for the dead storage of personal lot.
177. **MOBILE HOME:**
- (1) A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
 - (2) A mobile home which is utilized without a permanent foundation shall be located only in a mobile home park, as defined and regulated herein; however, a mobile home which is rendered immobile by permanent placement on a continuous masonry foundation or at least two concrete footers which project at least 3 feet below finished grade and are placed along the longer dimension of the mobile home and which mobile home is skirted and tied to its foundation in accordance with the requirements of the American National Installation of Mobile Homes Requirements (NFPA No. 501-A1974, ANSI A119.3-1975), as amended and which is connected to all available utilities shall be regarded as a single-family dwelling and shall be subject to the requirements of this Chapter for single-family dwellings in the district in which it is proposed to be located.
178. **MOBILE HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.
179. **MOBILE HOME PARK:** A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient use.

180. MODULAR HOME: A factory-fabricated transportable building unit, other than a mobile home, designed to be used independently or incorporated with similar units into a modular structure on a permanent foundation at a permanent building site.
181. MOTEL: An establishment which provides transient lodging accommodations to the general public and which may provide such additional supporting services as restaurants, meeting rooms, recreational facilities, and living quarters for a resident manager or proprietor.
182. MUNICIPALITIES PLANNING CODE (MPC): The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended.
183. MUDSLIDE (LANDSLIDE): The general movement down a slope of a mass of rock or soil, artificial fill or a combination of these materials, caused or precipitated by the accumulation of water on or under the ground.
184. MUDSLIDE AREA OR MUDSLIDE-PRONE AREA: An area characterized by unstable slopes and land surfaces, whose history, geology, soil, and bedrock structure, and climate indicate a potential for mudslides.
185. NONCONFORMING LOT: A lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
186. NONCONFORMING USE: Any use which does not comply with the applicable area and bulk provisions of this Chapter or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Chapter or any subsequent amendment.
187. NONCONFORMING STRUCTURE: A structure or part of a structure not designed to comply with the applicable use provisions of this Ordinance or amendments heretofore or hereafter enacted where such structure lawfully existed prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
188. NURSING, PERSONAL CARE FACILITY, OR CONVALESCENT HOME: Any facility providing residential accommodations where persons are housed or lodged and furnished with meals and nursing care for hire or a home operated by a nonprofit group and operated as an

institution where services include assistance with personal and/or medical care.

189. OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Article XXVIII.
190. OCCUPANCY PERMIT: A permit for the use or occupancy of a building, structure, or lot indicating compliance with all provisions of this Chapter and the ICC International Property Maintenance Code [Chapter 5, Part 2].
191. OFFICE, BUSINESS AND PROFESSIONAL: Any office of recognized professionals such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and other who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing, or other administrative functions, but not including banks or other financial institutions.
192. OFFICE, MEDICAL: A building or a series of buildings or rooms where one or more licensed medical professionals provide diagnosis and treatment to the general public without overnight observation. A medical office shall include such uses as reception areas, offices, examination rooms, and x-ray rooms, provided that all such uses have access only from one common entrance. A medical office shall not include a pharmacy or surgical suites.
193. OIL AND GAS WELL: The extraction of any oil or gas for sale or other commercial purpose which involves drilling or other means to remove the substance from the earth. The term "oil and gas" includes but is not limited to any crude oil, natural gas, methane gas, and coal bed methane gas. [Ord. 388]
194. ON-LOT SANITARY SEWER SERVICE: A single system of piping, tanks, or other facilities serving only a single lot and disposing of sanitary sewage in whole or in part into the soil, as approved by the Borough of Big Beaver.
195. ON-LOT WATER SERVICE: A single system of piping, tanks or other facilities serving only a single lot and obtaining the water either in whole or in part from a primary source located within the limits of the lot being served.
196. OPEN SPACE: Public or private land used for recreation, resource protection, amenity, and/or buffers, not including any area of a lot, any

part an existing or future street right-of-way, easement of access or areas set aside for public or private utilities, stormwater facilities and easements.

197. **OUTDOOR STORAGE:** Storage of materials and/or equipment, but not including motorized vehicles such as automobiles, boats, and buses, outside of a completely enclosed building.
198. **OWNER:** The duly authorized agent, attorney, purchaser, devisee, fiduciary, or any person having vested or equitable interest in the lot in question.
199. **PARKING FACILITIES:** The total composite of all off-street structures and facilities for a parking area to include but not limited to parking spaces(s), parking aisles, stand-by/stacking lanes, driveways, access drive(s), and all related accessory facilities.
200. **PARKING SPACE:** An off-street space whether inside or outside of a structure, for the temporary standing of automotive vehicles to be used exclusively as a parking stall for one (1) automotive vehicle.
201. **PARKS:** land designated for the purpose(s) of recreation and leisure and maintained by a private or public entity as such.
202. **PASTURE, PASTURAGE:** A fenced or enclosed land area without other structures covered with grass or similar vegetation used in the feeding or grazing of cattle, horses, sheep, and similar animals.
203. **PATIO/DECK/PORCH/STOOP:** An uncovered or covered outdoor living area, in excess of twenty-four (24) square feet in area projecting from the front, side, or rear walls of a building. These are considered part of the principal building and shall not extend beyond the building line nor into the front yard.
204. **PERSONAL SERVICE:** Any commercial establishment providing services pertaining to the person, his apparel or personal effects, including services such as beauty and barber services, music and dance studios, photographic services, laundry, dry cleaning and dyeing services, shoe repair services and apparel repair, alteration, cleaning pickup services, etc.
205. **PLACE OF WORSHIP:** An institution of any denomination where people regularly observe, practice, or participate in religious or spiritual services, meetings, and/or activities.
206. **PLANNING COMMISSION:** The duly constituted Planning Commission of Big Beaver Borough, Beaver County, Pennsylvania.

207. PLANTING STRIP: A landscape area of vegetative material attractively maintained and clear of foreign debris. The type and variety of landscaping material shall be approved by the Borough.
208. PLAT: A map, plan, or layout of a subdivision indicating the location and boundaries of individual properties.
209. PREMISES: Any lot, parcel, or tract of land and any building constructed thereon.
210. PRINCIPAL BUILDING OR STRUCTURE: The building(s) or structure(s) on a lot in which the principal use or uses are conducted.
211. PRINCIPAL USE: The major dominant use of the lot on which it is located.
212. PRIVATE CLUB: An organization catering exclusively to members and their guests; or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing that any vending stands, merchandising or commercial activities are conducted only as required generally for the membership of such club.
213. PRIVATE RIGHT-OF-WAY: Land reserved for use as a road, street, alley, etc. and not intended for use by the general public.
214. PUBLIC HEARING: A formal meeting held by the governing body or planning agency and open to the general public, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter
215. PUBLIC LANDS: Lands owned by the borough, county, state, or federal government, their agencies, and/or authorities.
216. PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than fourteen (14) days from the date of the hearing.
217. PUBLIC RIGHT-OF-WAY: Land reserved for use as a road, street, alley, crosswalk, pedestrian way, or other public purpose.

218. RECREATION:

- A. MUNICIPAL (PUBLIC) RECREATION: Developed or undeveloped open spaces and/or structures and facilities which are provided by a governmental body for public use for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens, and related amenities and activities.
- B. RECREATION, COMMERCIAL INDOOR: Indoor facilities for leisure time activities that are provided as a business pursuit, including facilities open to the public and those requiring membership; including but not limited to indoor theaters, lodges, fraternal organizations, bowling alleys, indoor skating facilities, and similar uses and activities.
- C. RECREATION, COMMERCIAL OUTDOOR: Outdoor facilities for leisure time activities that are provided as a business pursuit, including outdoor facilities open to the public and those requiring membership; including but not limited to swimming pools, tennis courts, riding stables, drive-in theaters, golf courses, and similar uses and activities.
- D. RECREATION, PRIVATE: Developed or undeveloped open spaces and/or structures and facilities which are provided by individuals or private organizations for the use of specified individuals or groups of individuals sharing common relationships or associations for the purposes of play, amusement, or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens, and related amenities and activities.

219. RECREATIONAL VEHICLE: A vehicle which is (i) built on a single chassis; (ii) not more than four hundred (400) square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

220. RECREATIONAL VEHICLE TRAILER CAMP: A tract of land where three (3) or more trailers are parked or which is used or held out for the purpose of supplying to the public a parking space for three (3) or more Recreational Vehicle trailers.

221. REGULATORY FLOOD ELEVATION: The one percent storm flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.

222. RESTAURANT, FULL-SERVICE: A restaurant, tearoom, or similar establishment where customers purchase and consume food or drink on site.
223. RETAIL CENTERS: Multi-use commercial developments with at least one anchor tenant and with direct access to a collector roadway.
224. RETAIL STORE: A business establishment located entirely within an enclosed building which sells goods, services, or merchandise to the general public for personal, household, or office consumption and which shall not include wholesaling, manufacturing, or processing of the goods offered for sale.
225. RIDING ACADEMY/RIDING STABLE: Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.
226. ROADSIDE STAND: A permanent or temporary structure used for the display, sale, support, and protection of products such as vegetables, fruits, poultry, and dairy or other products.
227. SALVAGE YARD (JUNK YARD): The use of more than one hundred (100) square feet of the area of any lot for the storage outside of an enclosure, keeping or abandonment of junk, including scrap material from the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. A "junkyard" shall include an automobile graveyard or motor vehicle graveyard.
228. SANITARY LANDFILL: A lot or land or part thereof used primarily for the disposal of garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities. The operation of a sanitary landfill normally consists of (a) depositing the discarded material in a planned controlled manner, (b) compacting the discarded material in thin layers to reduce its volume, (c) covering the discarded material with a layer of earth, and (d) compacting the earth cover. The location and operation of a sanitary landfill is subject to the approval and current requirements of the Pennsylvania Department of Environmental Protection.
229. SAWMILLS OR PLANING MILLS: Mills intended for the primary processing of timber or saw logs into lumber and shall exclude any secondary processing of the lumber thus produces.

230. **SCHOOLS, PUBLIC/PRIVATE:** A place of instruction operated by a public, private, or religious organization, having regular sessions with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocational, or post-secondary education. Schools can include a building or group of buildings.
231. **SCREEN PLANTING:** A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining districts the structures and uses on the premises on which the screen planting is located.
232. **SERVICE STATION:** Any premises used for the sale and supplying of gasoline, oil, minor accessories, and service for automobiles at retail direct to the motorist consumer, including the making of minor repairs, but not including major repairs.
233. **SETBACK:** The minimum distance that a structure can be located from a right-of-way or property line or another structure, thereby creating a required open space on a lot.
234. **SIGHT DISTANCE:** The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street. The safe stopping sight distance for the vertical curves on roadway pavement shall be calculated with an eye of 3.75 feet above the pavement.
235. **SIGN:** Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.
236. **SIGN, ANIMATED OR MOVING:** Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
237. **SIGN AREA:** The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.
238. **SIGN, BILLBOARD:** A sign which directs attention to a business, commodity, service, or entertainment conducted, at a location other than the premises on which the sign is located.
239. **SIGN, CONSTRUCTION:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction.

240. SIGN, DIRECTIONAL: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit".
241. SIGN, FACE: The area or display surface used for the message.
242. SIGN, FLASHING: Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.
243. SIGN, FREE STANDING: Any nonmovable sign not affixed to a building but located on the premises.
244. SIGN, GROUND: Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.
245. SIGN, ILLUMINATED: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
246. SIGN, OFF-SITE DIRECTIONAL: A sign of any nature which is located not on the site it is advertising or directing customers to.
247. SIGN, PYLON: A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is six feet or more above ground.
248. SIGN, POLITICAL: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.
249. SIGN, PRIVATE SALE OR EVENT: A temporary sign advertising private sales of personal property.
250. SIGN, REAL ESTATE: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
251. SIGN, RESIDENTIAL DEVELOPMENT DESIGNATION: A permanent sign which is erected to indicate the name of a residential subdivision or development. Such signs are usually located at the principal access points of such a development.
252. SIGN, ROOF: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

253. SIGN, TEMPORARY: A sign of any nature which is designed and erected to advertise or bring attention to a temporary event, sale, issue, or item. Such signs are usually not erected of a permanent material and in a permanent manner contrary to permanent signs.
254. SIGN, WALL: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.
255. SIGN, WINDOW: A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.
256. SPECIAL CONSERVATION: The designation of certain specified areas for the preservation of natural features representing land and/or water resources for regulating environmental sensitive lands, i.e., wooded areas, wetlands, floodplain areas, steep slopes greater than 25%, and stream corridors.
257. SPECIAL EXCEPTION: The granting of a modification of the provisions of this Ordinance as authorized in specific instances listed, and under the terms, procedures, and conditions prescribed herein. Special exceptions are administered by the Zoning Hearing Board.
258. STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.
259. STABLE, PUBLIC: A commercial building in which any horses are kept for remuneration, hire, or sale.
260. STEEP SLOPE: Any portion of any lot which has a natural or unfinished slope in excess of 25 percent shall be considered a steep slope and shall be subject to these regulations, except that high walls remaining from mineral removal activities shall be exempt from these regulations. Slope is calculated based upon contours at intervals of not more than 5 feet where the slope is greater than 10 percent and at intervals of not more than 2 feet when the slope is 10 percent or less.
261. STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

262. STORY, HALF: A story under a gable, hip or gambrel roof, the walls plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
263. STORY, HEIGHT OF: The vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is no ceiling, to the top of the roof rafters.
264. STREET: A public way which affords principal means of access to abutting properties.
265. STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Among other things, structures include foundations, walls, buildings, swimming pools, billboards, antennas, and other similar objects.
266. SUBDIVISION: An area of land divided by the owners or agent, either by lots or by metes and bounds into lots or parcels two (2) or more in number, for the purpose of conveyance, transfer, improvement, or sale. The appurtenant roads, streets, lanes, alleys, and ways dedicated or intended to be dedicated to public uses, or the use of purchasers or owners of lots fronting thereon are included. The word "subdivision" includes the words "resubdivision," "consolidation," "plat," or "plan".
267. SUBSTANTIAL IMPROVEMENT: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the actual cash value of the structure either (a) before the improvement started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.
268. SWIMMING POOL: Any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
269. TRAILER (CAMPING AND RECREATIONAL EQUIPMENT): Shall include travel trailers, pickup coaches, motorized homes, and recreational equipment as follows:
- (a) TRAVEL TRAILER: A portable structure built on a chassis designed to be towed and used as a temporary dwelling for travel, recreational, and vacation purposes, and permanently identified as a travel trailer by the manufacturer of the trailer.

- (b) PICKUP COACH OR RECREATION VEHICLE: A structure designed primarily to be mounted on a pickup or other truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation purposes.
 - (c) MOTORIZED HOME OR RECREATION VEHICLE: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
 - (d) BOAT: A vessel designed to travel on water.
 - (e) BOAT TRAILER: A trailer designed to haul a boat as defined above.
270. TRAILER CAMP: A tract of land: (a) where two (2) or more trailers are temporarily parked not to exceed 6 months; or (b) which is used or held out for the purpose of supplying to the public a parking space for two (2) or more trailers for recreational lodging purposes not to exceed 6 months.
271. TREE: Any object of natural growth.
272. USE: The specific purpose for which land, water, or a building is designed, arranged, or intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
273. USE, MIXED: The occupancy of a building or of a lot for more than one (1) use, such as: both a business and a residential use; both an industrial and a residential use, etc.
274. USE, UNLAWFUL: A use whether of land, water body, or structure which was not in existence prior to the enactment of this Zoning Chapter or its amendment(s) and does not comply with the regulations of this Zoning Chapter or its amendment(s).
275. UTILITY: Utilities shall include community and public water or sanitary sewer facilities, electric, telephone, gas, cable, and internet services.
276. VARIANCE: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship, and where the permission granted will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent

property nor be detrimental to the public welfare and intent of the Ordinance.

277. VETERINARY CLINIC: An establishment that provides for the treatment and prevention of diseases and injuries in domestic animals together with related boarding of said animals.
278. VISUAL SCREEN: A masonry wall, solid board fence with finished side toward adjacent use or a screen planting used to conceal from the view of the occupants of an adjoining use, the structures and uses on the premises on which the visual screen is located.
279. WAREHOUSE, MINI: A building or portion thereof designed and used for storing of non-hazardous materials separate from residential or business property.
280. WATER BODY/WATER: An area of water including, but not limited to, ponds, lakes, reservoirs, rivers, streams and creeks.
281. WHOLESALE USES: The storage and selling of commodities to retailers or tradesmen rather than consumers.
282. WIRELESS: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
283. WIRELESS COMMUNICATIONS FACILITY (WCF): The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
284. WIRELESS SUPPORT STRUCTRE: A freestanding structure, such as a Communications Tower or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Borough.
285. YARD: An unoccupied space open to the sky, on the same lot with a building or structure.
286. YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street right-of-way line, excluding limited access highway rights of way, and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches whether enclosed or

unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

287. YARD, REAR: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.
288. YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.
289. YARD SALE: The offering of goods for purchase by the general public, conducted from the yard, porch, or garage of a dwelling. Such activity shall be considered an accessory use and not a home occupation.
290. ZONING: Is a legal and administrative process whereby a municipality divides its territory into Districts and applies to each District a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground built upon.
291. ZONING AMENDMENT: A revision to the text regulating activities in any Zoning District which may include other revisions additions or deletions to ordinance text and/or the official zoning map.
292. ZONING HEARING BOARD: The Zoning Hearing Board of Big Beaver Borough as duly constituted by and established pursuant to this Ordinance.
293. ZONING OFFICER: The individual authorized by Big Beaver Borough to be the administrator of the daily application of the provisions contained in this Zoning Ordinance.
294. ZONING MAP, OFFICIAL: The official map of Big Beaver Borough delineating the zoning districts.

ARTICLE IV

DESIGNATION OF ZONING DISTRICTS

Section 400 ESTABLISHMENT OF ZONING DISTRICTS

The following Zoning Districts are hereby established in the Borough of Big Beaver:

- S-C Special Conservation
- R-1 Rural Development
- R-2 Suburban Residential Development
- R-3 General Urban Development
- C-1 Highway Commercial Development
- C-2 Neighborhood Commercial Development
- I Industrial Development
- AZD – 5 Beaver County Airport Horizontal Zoning District
- AZD – 6 Beaver County Airport Conical Zoning District

Section 401 OFFICIAL ZONING MAP AND BEAVER COUNTY AIRPORT ZONING DISTRICT MAP

- A. The boundaries of the zoning districts hereby established, with exception of the AZD – 5 and AZD – 6 Beaver County Airport Zoning Districts, are shown on the Official Zoning Map bearing the date of adoption of this Ordinance. Said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein.
- B. The boundaries of the AXD – 5, Beaver County Airport Horizontal Zoning District, and the AZD – 6, Beaver County Airport Conical Zoning District, are shown relative to the Borough of Big Beaver on the Beaver County Airport Height Limitation & Zoning District Map, as prepared by the South Western Pennsylvania Regional Planning Commission, with map prepared date of Spring 1986. Said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein. Said AZD – 5 and AZD – 6 Beaver County Airport Zoning Districts are overlays and in addition to the zoning districts established by Subparagraph A of this Article IV. In addition to meeting all criteria applicable to the zoning districts established by Subparagraph A of this Article IV, such lands also with the AZD – 5 and AZD – 6 Beaver County Airport Zoning Districts will be subject to the provisions of Article XXVIII, BEAVER COUNTY AIRPORT ZONING DISTRICT REGULATIONS AND RESTRICTIONS, of this Ordinance.

Section 402

DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any District as shown on the Official Zoning Map, the following rules shall apply.

- A. District boundary lines, unless otherwise indicated on the Map, follow or are parallel to the centerline of streets and streams; and to lot of property lines as they exist on a recorded deed or plan of record in the Beaver County Recorder of Deed Offices at the time of the adoption of this Ordinance.
- B. Where streets, streams, property lines or other physical boundaries and delineations are not applicable, boundaries shall be determined by the scale shown on the Official Zoning Map.
- C. Where a District boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- D. In unsubdivided land or where a District boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.

Section 403

INTERPRETATION OF DISTRICT BOUNDARIES

In circumstances not covered by Section 402, District Boundaries, the Zoning Hearing Board shall interpret the intent of the Official Zoning Map as to location of District boundaries.

ARTICLE V

APPLICATION OF REGULATIONS

The application of this Ordinance shall be subject to such provisions, additions, exceptions or modifications as herein provided by the following regulations:

Section 500

INTERPRETATION OF THIS ORDINANCE

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of Big Beaver Borough and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough which are in conflict with any provisions of this

Ordinance. It is not intended by this Ordinance to interfere or abrogate or annul any easements, covenants, building restrictions or other agreements between parties.

Section 501 ONE PRINCIPAL USE

Every use, building and/or structure hereafter erected or structurally altered shall be situated so that following be permitted to be located on one (1) lot except as specifically noted otherwise in this Ordinance.

1. Residential Districts – No more than one (1) principal building, structure or use
2. Commercial Districts –
3. Industrial Districts –
4. Conservation Districts –

Section 502 ONE YARD PER PRINCIPAL RESIDENTIAL USE

No part of a yard or other open space required about any principal residential building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another principal residential building or structure except in the case of clustered housing.

Section 503 ADDITIONAL NON-RESIDENTIAL USE PER LOT

Where a lot or tract is used for a non-residential purpose, more than one (1) principal use, building or structure may be located upon the lot or tract, but only when such uses, buildings or structures conform to all open space and yard requirements around the lot for the District in which the lot or tract is located.

Section 504 ADDITIONAL RESIDENTIAL USE PER LOT

- A. Individual lots or subdivided parcels ten (10) acres or less in size shall have no residential building, structure or use in addition to the principal residential building, structure or use on the same lot except in the case of clustered housing.

Section 505 CLUSTERED HOUSING

In cases where clustered housing is permitted as a conditional use, two (2) or more buildings constructed on a plot of ground, not subdivided into customary lots and streets and which may or may not be subdivided and where the existing or contemplated street and lot layout make it impractical to apply the requirements of this Ordinance to the individual building units; the applications of the terms of this Ordinance may be varied by Borough Council upon recommendation from the Planning Commission subject to the following:

- A. A development plan shall be prepared and submitted to Borough Council showing the overall development scheme including:
1. Existing topography by (5) foot contours and existing drainage patterns.
 2. Base flood elevations when applicable.
 3. Areas of existing soils movement when applicable.
 4. Proposed development layout and architectural sketches.
 5. Adjacent roads, streets, highways, access points, sight distances, traffic controls and traffic flow patterns.
 6. Plans for methods of soil and erosion control, sewage collection and treatment, source of water supply and distribution, storm drainage, grading, underground utilities and street lighting.
 7. All adjacent land uses and property owners.
 8. Organizational Management Plan for maintenance of common open space.
 9. Additional data as requested by the Borough and its review agencies.
 10. The development plan shall be approved by Borough Council.
- B. A public hearing may be held.
- C. Municipal sewage collection and treatment facilities shall be available or a Borough approved equal.
- D. The proposed development shall be in harmony with the character of the immediate area.
- E. The public road access to the clustered housing development shall not utilize local roadways within existing established residential subdivisions.
- F. Only those uses permitted within the Zoning District where such development is required shall be permitted.
- G. Height and lot coverage requirements within the Zoning District where such development is requested shall not be varied.
- H. The gross residential density (total number of residential units within the limits of the parcel) shall not exceed the per dwelling unit lot requirements in the Zoning District where such development is requested.

- I. The common open space resulting from a cluster design shall be designed so as to be usable for general recreation purposed. A minimum of fifty (50) percent of the land designated as open space shall be in less than eight (8) percent slope.
- J. The Organizational Management Plan for common open space shall be approved by Borough Council.

Section 506

EXECEPTIONS TO YARD REQUIREMENTS

- A. All yards required to be provided under this Zoning Ordinance shall be open to the sky and unobstructed by any building or structure except for accessory buildings in the rear yard and fences.
- B. The following may encroach into the required yards as established in this Zoning Ordinance:
 - 1. Steps and stoops not exceeding twenty-four (24) square feet.
 - 2. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projection of chimneys and flues into the rear yard not exceeding three and one-half (3 ½) feet in width and placed so as not to obstruct light or ventilation.
 - 3. Sills, eaves, belt courses, cornices and ornamental features not exceeding two (2) feet in width.
- C. The front yard requirements heretofore established may be adjusted in the following cases:
 - 1. Where topography of the land requires installation of individual sanitary disposal facilities to be located in the front yard area, the front building setback line shall be increased and subject to the approval of the Borough Council.
- D. Where any main wall of a structure located on an irregularly shaped lot does not parallel the lot line which the wall faces, the yard or minimum distance to the lot line at every point shall be at least equal to the minimum dimension required for the yard or distance to the lot line.
- E. For purposes of measuring lot area on exceptionally deep lots, only the part of the depth which is less than four (4) times the average width of the lot may be utilized in calculations.

Section 507

EXCEPTIONS TO HEIGHT REGULATIONS

- A. Public, semi-public or public services, buildings, hospitals, public institutions or schools when permitted in a Zoning District, may be erected to a height not exceeding the maximum limits set forth in each zoning district regulations. Churches or temples may be erected to a height not exceeding sixty-five feet if the building is set back for each yard line at least one (1) foot for each additional two (2) feet in building height above height limit, otherwise provided in the District in which the building is located.
- B. Special industrial structures such as cooling towers, elevators, bulkheads, fire towers, tanks, water towers which require a greater height than provided in the Zoning District may be erected to a greater height than permitted provided:
 - 1. The structure shall not occupy more than twenty-five (25) percent of the lot area, and
 - 2. The yard requirements of the Zoning District in which the structure is erected shall be increased by one (1) foot for each foot of height over the maximum height permitted.
- C. The height limitations of this Zoning Ordinance shall not apply to flagpoles, chimneys or antennas.

Section 508

SMALL LOT OF RECORD

Any lot of record, at the time of the adoption of this Ordinance, as defined in Section 301, in the R-1, R-2 and R-3 Zoning Districts, may be used for the erection of a single-family attached dwelling unit, even though its area and width are less than the minimum requirements of this Ordinance provided that public sewage collection and treatment service is available or provided that percolation tests certified by the Borough's sewerage enforcement offices indicate that on-site sewage treatment is within the safe limits recommended by the Pennsylvania Department of Environmental Resources. In no case shall any structure be permitted within ten (10) feet of a lot line.

Section 509

STEEP SLOPED LOTS

Lots which contain a slope of 4:1 (four feet horizontal to one foot vertical) or greater for a distance of fifty (50) percent of their total depth shall have a minimum of twenty-five (25) percent total increase in lot depth than is normally required by this Ordinance.

Section 510

CORNER LOTS/FRONT YARDS

Any lot which abuts on more than one (1) street shall provide the required front yards upon every street.

Section 511

PUBLIC UTILITY CORPORATION

Lot regulations within this Ordinance shall not apply to any existing or proposed building or structure or extension thereof, used or to be used by a public utility corporation, if upon petition to the Borough Council, after a public hearing, it is decided by the Borough Council that the present or proposed situation of the building in question is reasonably necessary for the convenience of welfare of the public.

Section 512

SIGN AND PARKING RESTRICTIONS

All uses must comply with the sign and parking provisions, requirements and regulations within this Ordinance unless specifically noted otherwise.

Section 513

CLEAR SIGHT TRIANGLE REQUIREMENTS

In order to prevent the creation of a traffic hazard by limiting visibility of a street intersection, no structure, building, earthen bank or vegetation exceeding three and one-half (3 ½) feet in height above the finished paved area at the center of the roadway shall be allowed within the 75' minimum clean sight triangle.

Section 514

PRIVATE SWIMMING POOLS

Private swimming pools are permitted as accessory uses to principal residential uses and principal commercial uses provided that they comply with the following conditions and requirements:

- A. The pool is intended, and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- B. The pool may be located only in the rear yard or side yard of the property on which it is an accessory use.
- C. The pool shall not be located, including any walls, or paved areas or accessory structures adjacent thereto, closer than then (10) feet to any property line of the property on which it is located.
- D. The swimming pool are or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access from the street or from adjacent properties. Said barrier shall not be less than six (6) feet in height and maintained in good conditions. All openings the barrier shall be equipped with gates or doors which shall be locked when not in use.

Section 515 PARKING OF RECREATION VEHICLES AND RECREATION EQUIPMENT

Recreational vehicles and equipment are not permitted to park on public streets or rights-of-way for longer than one (1) twenty-four (24) hour period per week.

Section 516 MINERAL EXTRACTIONS

Mineral extractions shall be regulated by the applicable laws of the Pennsylvania Department of Environmental Protection.

Section 517 GENERAL STORAGE

No lot or parcel shall be used as a storage area for junk automobiles, appliances, or the storage or collection of any other miscellaneous solid wastes. Also, no lot or parcel shall be used as a dump for vegetative or animal matter or waste, rubbish or miscellaneous refuse stored in the open within any Zoning District except under the regulation of sanitary landfills or salvage yards as defined elsewhere.

Section 518 SANITARY LANDFILLS

Sanitary landfills, in Zoning Districts where permitted as a conditional use, shall be regulated by the applicable laws of the Pennsylvania Department of Environmental Protection.

Section 519 SALVAGE YARD

All salvage yards or areas used to store non-organic wastes existing at the effective date of this Zoning Ordinance, within one (1) year thereafter, and all new salvage yards or areas to store non-organic solid wastes, in Zoning Districts where permitted, shall comply with the following provisions:

- A. No junk material, non-organic solid wastes, appurtenant structure or other enclosure shall be stored or placed within fifty (50) feet of any adjoining property or public right-of-way and such set back area shall be kept free of weeds and scrub-growth unless the adjoining property is wooded.
- B. Any such yard or storage area shall be completely enclosed with a visual screen of evergreen or evergreen-type hedge or tree-row of a variety and size at the time of planting that such will attain a height of eight (8) feet within three (3) years thereafter and maintained in a sound and attractive manner.
- C. All such material within the yard of storage area shall be arranged so as to permit access by firefighting equipment, to prevent the accumulation of water, and stored no more than six (6) feet in height unless enclosed within a structure or building.

- D. The disposal of unwanted materials shall be controlled by the Borough's Ordinances in regards to burning, dumping, etc., as well as the controls of such disposal by the Pennsylvania Department of Environmental Resources.
- E. The yards and storage area shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds, vibrations or odors, not to cause the breeding or harboring of pests, rodents or other vectors.

Section 520 ADULT RELATED BUSINESSES

- A. Findings. The Borough Council of Big Beaver Borough finds the following with respect to adult-related business.
 - A. Adult-related business in any given area will cause blight and deterioration in that area.
 - B. Properties that are adjacent to adult-related business will decrease in value.
 - C. Businesses which are not adult-related in nature will not locate in an area with adult-related businesses.
 - D. Neighborhoods adjacent to adult-related businesses are adversely affected by the conduct of patrons of the adult-related businesses, who interfere with the quiet, peaceful, and lawful enjoyment and use of the neighboring properties.
 - E. Criminal activity has increased in connection with certain adult-related businesses.
- B. Purpose. The purpose of this Ordinance is to protect the viability of the retail trade of the Borough, prevent neighborhood blight, maintain stable property values, maintain the quality of residential neighborhoods, and reduce the potential for criminal activity.
- C. Intent. The intent of this Ordinance is not aimed at the content of the material sold, conduct within, or content of films or books of adult-related businesses, but rather at the secondary affects of such businesses on the surrounding community as found above. Accordingly, the Ordinance permits adult-related businesses in certain zoning districts, but regulates the time, place and manner of adult-related businesses.
- D. Adult-related businesses which are defined in this Ordinance shall only be permitted on properties along Route 18 within the C-1, Highway Commercial Zoning District when approved as a Conditional Use by the Borough Council and

if all of the requirements of this section are adhered to. Adult-related businesses shall not be permitted in any other zoning district.

- E. The use as an adult-related business shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- F. Adult-related businesses in the C-1, Highway Commercial Zoning District shall meet or exceed the following setback requirements. Therefore, the building or building utilized for the adult-related business shall be setback as follows:
 - 1. The structure, use, and property that the Adult-related business occupies shall be at least 1,000 feet in any direction from any property located within the R-1, R-2, or R-3 Zoning District (including such zoning districts in adjacent municipalities);
 - 2. The structure, use, and property that the Adult-related business occupies shall be at least 1,000 feet in any direction from any property that contains a residential use, also at least 1,000 feet from any public park property (including such uses in adjacent municipalities);
 - 3. The structure, use, and property that the Adult-related business occupies shall be at least 1,000 feet in any direction from any public or private school property or use, property of a place of worship or use, preschool property or use, child day care center property or use, adult care center property or use, special needs care facility property or use, medical facility, doctor office, dentist office, library, public or private playground, public or private recreational facility, training facilities for the arts, or training facility for the martial arts, bowling alley, roller rink, ice skating rink or movie theater (including such uses in adjacent municipalities);
 - 4. The structure, use, and property that the Adult-related business occupies shall be at least 1,000 feet in any direction from any hotel or motel (including such uses in adjacent municipalities); and
 - 5. The structure, use, and property that the Adult-related business occupies shall be at least 2,500 feet in any direction from any other building or use which is utilized for any other adult related business which is defined by this Ordinance (including such uses in adjacent municipalities).
- G. All activities pertaining to an adult related business shall be conducted entirely within the confines of an enclosed building and shall not be visible from the exterior of the building. No theater which shows adult-related films shall project the film outside the confines of a building. No music or sound emitting from the business shall be audible to normal human hearing at any time at any exterior property line of the business.

1. No adult-related business shall utilize a local road, as defined in the Big Beaver Borough Comprehensive Plan, for access to the site or egress from the site.
2. Any adult related business which has liquor for sale shall abide by all rules and regulations of the Pennsylvania Liquor Control Board. If any of the applicable regulations of the Liquor Control Board are more stringent than the regulations specified in this section, those regulations shall be adhered to by the applicant.
3. Unless governed by more stringent regulations by the Pennsylvania Liquor Control Board, the following hours of operation shall be adhered to by all adult-related businesses.
 - a. No adult-related business shall be open from 12:00 a.m. to 11:00 a.m. daily.
 - b. No adult-related business shall be open on Sunday or Holidays.
4. The maximum gross floor area of any building which is utilized for an adult-related business shall be no greater than 5,000 square feet. The use shall be a standalone structure separate from other businesses or uses with a segregated parking area and driveway access to a public street.
5. Any building or structure used or occupied as an adult-oriented establishment shall be windowless or have opaque covering over all windows or doors of any area in which materials, merchandise or film is exhibited or displayed and no materials or merchandise of any kind shall be visible from outside of the building or structure.
6. An adult-oriented business shall be on a lot that shall be a minimum of 1 acre.
7. An adult oriented business shall have no more than one wall sign. No other signs shall be permitted. No exterior sign which advertises any adult-related business shall include any lewd or obscene work or any figure, picture, or painting which utilizes sexually explicit graphic or words. The sign shall only include the name of the business, which itself shall not include any lewd, obscene, suggestive words. Other regulations, pertaining to commercial signs in this Ordinance shall also be adhered to.
8. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable sections of this Ordinance.

9. To ensure the regulations of this section are adhered to by the applicant, the following information shall be provided with the application for a conditional use.
 - a. A site of the property and building proposed for the adult-related business and a survey illustrating the distance to the location, size, and type of all buildings and uses within 2,500 linear feet of the building proposed for the adult-related business. Also, the zoning district classification within 2,500 feet of the property and building proposed for the adult-related business shall be illustrated on the site survey. The survey shall be prepared and sealed by a surveyor licensed by the Commonwealth of Pennsylvania and shall be at a scale no less than 1 inch to 100 feet. The survey shall indicate the scale, date drawn, north point, tax parcel number of all parcels illustrated, the names of any roads or highways illustrated, the names and addresses of the owners of all properties illustrated, and shall be on paper measuring 24 inches by 36 inches. Fifteen (15) copies of the survey shall be submitted with the application.
 - b. The above referenced site survey shall indicate the proposed parking layout, landscaping, lighting, sign location, building location, storm sewers, sanitary sewers, waterlines, gas lines, electric, telephone and cable lines, and any other exterior improvements.
 - c. If liquor for sale is proposed, a copy of the license issued by the Pennsylvania Liquor Control Board shall be submitted.
10. In addition to a Conditional Use Permit, Land Development Application shall be required for the development of the site. The development must conform to the requirements of the Big Beaver Borough Subdivision and Land Development Ordinance.
11. The Borough council may impose additional conditions on an applicant proposing an adult-related business in order to promote the general health, safety and welfare of the community.
12. An applicant proposing an adult-related business shall satisfy Article 18 of the Zoning Ordinance which relates to general requirements for approval of Conditional Uses.
13. Nothing in this Ordinance shall be construed to invalidate any portion of Chapter 77 Nuisances of the Big Beaver Borough Code of Ordinances. This Ordinance shall be read and interpreted in part with material from Chapter 77 Nuisances of the Big Beaver Borough Code of Ordinances.

14. An applicant proposing an adult-related business shall conform to the requirements of Chapter 81 Obscenity and Pornography of the Big Beaver Borough Code of Ordinance.

Section 521. COMMUNICATION TOWERS AND ANTENNAS

A communications antenna which is attached to an existing communications tower, smoke stack, water tower, or other tall structure, shall be permitted as a Conditional Use in all zoning districts subject to the following regulations. Any communication antenna which is either not mounted on an existing structure or is more than ten (10) feet higher than the structure on which it is mounted shall only be permitted as a Conditional Use in the zoning districts specified in subsection B.

- A. If a communication antenna is proposed to be attached to an existing structure, there shall be no minimum building setback requirements for the antenna.
- B. If a communication antenna is proposed to be attached to an existing structure, the antenna shall be no more than ten (10) feet higher than the structure it will be mounted on. Furthermore, no communication antenna shall infringe on the Beaver County Airport Overlay Zoning District. Any proposed communication antenna proposed within the Beaver County Airport Overlay Zoning District shall specify on the application the exact existing elevation of the site where the proposed antenna is to be located and which overlay zone of the Airport Overlay Zoning District the site is located in.
 1. Any communication antenna proposed within the Beaver County Airport Overlay Zoning District shall provide written approval of the antenna location from the Federal Aviation Administration and the Beaver County Airport.
 2. If either/or the Federal Aviation Administration or the Beaver County Airport do not have the authority to approve the site location, antenna height, and lighting, the applicant shall provide the Borough with written confirmation from the Federal Aviation Administration or the Beaver County Airport that they do not regulate the site location, antenna height, and lighting.
- C. If any accessory equipment building or structure is proposed with the communication antenna, the following regulations shall be adhered to.
 1. The building or structure shall be setback at least forty (40) feet from the street and at least twenty (20) feet from all other property lines.
 2. The maximum building height shall be ten (10) feet.

3. The accessory equipment building or structure shall be constructed on the exterior with wood, brick, or stucco. In no case will metal exteriors be permitted for such structures.
 4. The accessory equipment building or structure shall not include any offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions.
 5. The maximum gross floor area of the building or structure shall be one-hundred and fifty (150) square feet.
- D. Lighting for the communication antenna shall be in accordance with the following regulations.
1. Lighting shall be required for the tower as a safety measure for low-flying aircraft. The proposed lighting plan for the tower shall be approved by the Federal Aviation Administration and the Beaver County Airport. The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding residential property.
 2. Any proposed security lighting for the accessory equipment building or structure shall be minimized as much as possible. Also, no lighting proposed shall project onto adjoining properties.
- E. If any new access to the site is proposed, the following regulations shall be adhered to.
1. Where the site abuts or has access to a collector, primary arterial, and/or local street, access for maintenance vehicles shall be exclusively by means of the collector or primary arterial street. If possible, direct access from a local street shall be avoided.
 2. At least one (1) parking space shall be provided at the site.
 3. The access drive to the site shall be at least twelve (12) feet in width and improved with material acceptable to the Borough Engineer. No access drive shall be of a dirt or unimproved nature.
- F. If deemed necessary by the Borough Council, fencing and/or signage may be required in accordance with the following regulations.
1. If fencing is required, it shall be a minimum of six (6) feet in height and shall have a locked gate.

2. If high voltage is provided at the site, signs shall be posted at intervals of not more than twenty (20) feet along the exterior perimeter of the site. The signs shall say “Danger-High Voltage” and the words shall be legible from a distance of twenty (20) feet.
- G. Any abandoned or unused communications antenna shall be removed by the owner within twelve (12) months of the date the antenna was abandoned or last used. If a communications antenna is abandoned, the owner shall be required to immediately notify the Borough in writing of the abandonment.
- H. If only a communication antenna is proposed and no accessory buildings will be located on the site, no landscaping plan shall be required. However, if any accessory buildings are proposed in conjunction with the communication antenna, landscaping shall be required as follows.
1. The entire perimeter of the site shall be landscaped with trees, shrubs, plants, and/or flowers. At least one (1) tree shall be provided for every twenty (20) feet of exterior linear property distance. The trees may be evenly spaced or may be grouped together to provide a creative site design. If trees are grouped, other areas of the exterior property lines which are not provided with tree landscaping shall be provided with other landscaping, such as shrubs, in order to provide for the full landscaping of the exterior property lines.
 2. The perimeter of any accessory building or structure shall be landscaped with trees, shrubs, plants, and/or flowers. The landscaping shall be adequate to cover outward – facing walls of the accessory building or structure.
 3. For the above specified landscaping, a mixture of hardy flowering, shade and/or decorative evergreen and deciduous trees may be planted. If feasible, species of plants which are native to the Western Pennsylvania region shall be utilized. Decorative fencing may also be utilized to screen the site.
- I. If only a communication antenna is proposed and no accessory buildings, parking areas, etc. will be located on the site, no site plan shall be required. However, if any accessory building, parking area, or similar development of the site is proposed, a site plan shall be submitted as specified below.
- J. In addition to the conditional use approval, all applicants who propose a communications antenna shall submit for approval to the Borough a detailed site plan indicating antenna location, height and design, proposed access, drainage improvements with a storm water management plan, and a landscaping plan. Refer to the Big Beaver Borough Subdivision and Land Development Ordinance for application and approval procedures for site plans.

- K. The Borough Council may impose additional conditions on an applicant proposing to install a communications antenna in order to promote the general health, safety, and welfare of the community.
- L. An applicant proposing a communications antenna shall satisfy Article XVI of the Zoning Ordinance which relates to general requirements for approval of Conditional Uses.

Communication towers and antennas shall only be permitted as a Conditional Use in the H-C, Highway Commercial, and I, Industrial Development Zoning Districts. Communication towers shall be prohibited in all other zoning districts. The applicant who proposes to construct a new communication tower shall provide the Borough with written technical documentation from a design engineer that the proposed location of the tower is necessary to complement the existing communication network. Any other location contemplated by the applicant shall also be disclosed to the Borough and the reasons for not selecting such locations shall be explained to the Borough. Before an applicant proposes to construct a new communication tower, the applicant shall attempt to locate the proposed antenna on an existing communication tower or other tall structure. The procedure for this co-location requirement shall be followed by all applicants proposing a new communication tower and is described in subsection 1 below.

- A. The applicant shall contact all owners of surrounding communication towers and tall structures within one-half (1/2) mile within the proposed location of the communication tower in order to determine if the proposed antenna can be located on an existing tall structure. The applicant shall provide the Borough with a scale map indicating the location of the proposed tower, illustrating a one-half (1/2) mile radius from the tower, and illustrating any structure in excess of forty (40) feet within this one-half (1/2) mile radius.
 - 1. If there is a tall structure within the aforesaid radius, the applicant shall contact the owner and attempt to locate the antenna on the tall structure. The following factors shall be considered in determining if the antenna can be located on an existing tall structure: (1) availability on the tall structure to locate the antenna; (2) the tall structure's structural integrity to support the antenna; (3) radio frequency interference; (4) geographic service area requirements; (5) mechanical or electrical incompatibilities; and (6) the comparative costs of co-location and new construction.
 - 2. The applicant shall provide the Borough with the initial written correspondence from the applicant to the owner of the tall structure which inquires into the possibility of sharing space. Additional correspondence from the applicant or an owner of a tall structure shall be forwarded by the applicant to the Borough.

3. The applicant who can utilize any existing tall structure shall make every effort in good faith to utilize the existing tall structure rather than construct a new tower.
 4. If an existing tall structure is within the aforesaid radius of the proposed tower and the applicant does not contact owners of such tall structures or does not make good faith efforts as described above, the Borough may deny the request for conditional use approval based on such inaction.
 5. If the applicant succeeds in co-locating an antenna on an existing tall structure, the approval procedures specified above in Section A. shall be adhered to.
- B. If the applicant proposing a new communication antenna is not bound by the aforementioned co-location requirements, the following design criteria shall be adhered to.
1. The following building setbacks shall be adhered to by all communication towers.
 - (a) Towers more than 50 feet in height to 200 feet in height shall be located on the lot so that the distance from the base of the tower to any adjoining property line is a minimum of 100 percent of the proposed tower height. No variance shall be granted from this minimum setback requirement.
 - (b) Towers 50 feet or less in height shall make every effort to satisfy the minimum 100 percent requirement specified in Section (B.2.a.1). However, towers 50 feet or less in height that cannot satisfy the minimum 100 percent requirement may be approved by the Borough Council provided that the applicant present a certification from a registered engineer that the tower will withstand winds of 100 miles per hour. Towers 50 feet or less in height that cannot satisfy the minimum 100 percent requirement shall be setback, at a minimum, 30 feet from any adjoining property line.
 - (c) Towers shall be setback a distance equal to 100 percent of their height from any existing building used for human habitation or by humans on a regular basis.
 - (d) In addition to the regulations specified above, any proposed communications tower shall be setback a minimum of 500 feet from any existing residential dwelling.
 2. The maximum height of communication towers shall be as follows.

- (a) No communication tower shall exceed 200 feet in height.
 - (b) In addition to the above-specified requirement in B.2.b.1), no communication tower shall infringe on the Beaver County Airport Overlay Zoning District. Any proposed cellular communication tower proposed within the Beaver County Airport Overlay Zoning District shall specify on the application the exact existing elevation of the site where the proposed tower is to be located and which overlay zone of the Airport Overlay Zoning District the site is located in.
 - 1) Any tower proposed within the Beaver County Airport Overlay Zoning District shall provide written approval of the site location from the Federal Aviation Administration and the Beaver County Airport.
 - 2) If either the Federal Aviation Administration and/or the Beaver County Airport do not desire to approve the site location, tower height, and lighting, the applicant shall provide the Borough with written confirmation from the Federal Aviation Administration and/or the Beaver County Airport that they do not regulate the site location, height, and lighting of the communications tower.
3. The minimum lot size of a lot which will contain a communication tower shall be 7,500 square feet. The minimum lot size shall be increased as required to meet the minimum setback requirements specified in Section B.2.a.
4. If any accessory equipment building or structure is proposed with the communications tower, the following requirements shall be adhered to.
- (a) The building or structure shall be setback at least forty (40) feet from the street and at least twenty (20) feet from all other property lines.
 - (b) The maximum building height shall be ten (10) feet.
 - (c) The accessory equipment building or structure shall be constructed on the exterior with wood, brick, or stucco. In no case will metal exteriors be permitted for such structures.
 - (d) The accessory equipment building or structure shall not include any offices, long-term vehicle storage, other outdoor storage, or

broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions.

5. Access to the site and parking at the site of the communications tower shall be provided as follows.
 - (a) Where the site abuts or has access to a collector, primary arterial, road/or local street, access for maintenance vehicles shall be exclusively by means of the collector or primary arterial street. If possible, direct access from a local street shall be avoided.
 - (b) At least one (1) parking space shall be provided at the site.
 - (c) The access drive to the site shall be at least twelve (12) feet in width and improved with material suitable to the Borough Engineer. No access drive shall be of a dirt or unimproved nature.
6. Lighting for the communications tower shall be as follows.
 - (a) Lighting shall be required for the tower as a safety measure for low-flying aircraft. The proposed lighting plan for the tower shall be approved by the Federal Aviation Administration and the Beaver County Airport. The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding residential property.
 - (b) Any proposed security lighting for the accessory equipment building or structure shall be minimized as much as possible. Also, no lighting proposed shall project onto adjoining properties.
7. Depending on the proposed location of the communication tower, the Borough may require fencing and/or signage of the site.
 - (a) If fencing is required, it shall be a minimum of six (6) feet in height and shall have a locked gate.
 - (b) If high voltage is provided at the site, signs shall be posted at intervals of not more than twenty (20) feet along the exterior perimeter of the site. The signs shall say "Danger-High Voltage" and the words shall be legible from a distance of twenty (20) feet.
8. Any abandoned or unused communications tower shall be removed by the owner within twelve (12) months of the date the tower was abandoned or last used. If a communications tower is abandoned, the owner shall be required to immediately notify the Borough in writing of the abandonment.

9. The site containing a communications tower shall be landscaped as follows.
 - (a) The entire perimeter of the site shall be landscaped with trees, shrubs, plants, and/or flowers. At least one (1) tree shall be provided for every twenty (20) feet of exterior linear property distance. The trees may be evenly spaced or may be grouped together to provide a creative site design. If trees are grouped, other areas of the exterior property lines which are not provided with tree landscaping shall be provided with other landscaping, such as shrubs, in order to provide for the full landscaping of the exterior property lines.
 - (b) The perimeter of the communications tower and any accessory building or structure shall be landscaped with trees, shrubs, plants, and/or flowers. The landscaping shall be adequate to cover all supports of the tower and all outward-facing walls of the accessory building or structure.
 - (c) For the above specified landscaping, a mixture of hardy flowering, shade and/or decorative evergreen and deciduous trees may be planted. If feasible, species of plants which are native to the Western Pennsylvania region shall be utilized. Decorative fencing may also be utilized to screen the site.
10. In addition to the conditional use approval, all applicants who propose a communications tower shall submit for approval to the Borough a detailed site plan indicating tower location, height and design, proposed access, drainage improvements with a storm water management plan, and a landscaping plan. Refer to the Big Beaver Borough Subdivision and Land Development Ordinance for application and approval procedures for site plans.
11. The Borough Council may impose additional conditions on an applicant proposing to install a communications tower in order to promote the general health, safety, and welfare of the community.
12. An applicant proposing a communications tower shall satisfy Article XVI of the Zoning Ordinance which relates to general requirements for approval of Conditional Uses.

ARTICLE VI

S-C, SPECIAL CONSERVATION DISTRICT

Section 600 PURPOSE

The purpose of the S-C, Special Conservation District is to identify those land areas where conservation is necessary through special planning; development or protection. This will insure that the District's natural amenities and environmental uniqueness will be protected. Erosion, pollution and siltation will be prevented and safeguards established for the health, safety and welfare of persons and property from flooding, mudslides, landslides or other natural dangers to life and property that would prove costly to Big Beaver Borough.

Section 601 REVIEW PROCEDURES

- A. In order to assure the satisfactory conservation of land areas within the Special Conservation District, it shall be required that zoning permit applications and the associated development plans be submitted to Borough Council under the procedures established in this Ordinance for a Conditional Use.
- B. A development plan shall be prepared and submitted to Borough Council showing the overall development scheme including the following:
 - 1. Existing topography by five (5) foot contours and existing drainage pattern.
 - 2. Existing soils.
 - 3. Existing vegetation.
 - 4. Existing use and existing zoning.
 - 5. Base flood elevations.
 - 6. Areas of existing soils movement.
 - 7. Proposed development layout and architectural sketches.
 - 8. Adjacent roads, streets, and adjacent property owners.
 - 9. Plans for methods of soil and erosion control, sewage collection and treatment, source of water supply, storm drainage and grading.
 - 10. Additional data as requested by the Borough's review agencies.

11. Provide Pennsylvania Natural Diversity Inventory (PNDI) search.

C. Design Standards / Conservation Requirements

1. Wetlands, Ponds, Streams, Watercourses:
 - a) No disturbance within 50-feet of wetlands, ponds, streams or watercourses.
2. Steep Slopes:
 - a) No disturbance of slopes greater than 40%.
 - b) Slopes 25% up to 40% slopes: 60% maximum disturbance.
3. Landslide Prone Soils:
 - a) No disturbance of soils identified in the Beaver County Soils Survey as being landslide prone.
4. Historical/Archeological Sites:
 - a) No disturbance of sites registered with the Pennsylvania Historical and Museum Commission.
5. Protected / Endangered Species / Wildlife Habitats:
 - a) No disturbance within 100-feet of a protected or endangered species wildlife habitat as identified by a search of the Pennsylvania Natural Diversity Inventory.

Section 602 USES

602.1 PERMITTED USES

- A. Principal Uses:
 1. Additions to existing single-family detached dwellings (including but not limited to: ramps, decks, porches, patios and balconies) 600 SF or less of building footprint.
- B. Accessory Uses:
 1. Construction of fences not greater than 6-feet in height.
 2. Out-buildings or sheds 600 SF or less.
 3. Private garages or private parking areas 600 SF or less.
 4. Swimming pools 600 SF or less of surface area.

602.2 CONDITIONAL USES

- A. Principal Uses:
 1. Single-family detached residential dwelling.
 2. Additions to existing single-family detached dwellings (including but not limited to: ramps, decks, porches, patios and balconies) greater than 600 SF of building footprint.
 3. Recreational (excluding motorized vehicles), or educational, or religious uses, (which utilize the natural environment with a limited amount of

alteration or disturbance of the natural conditions of the site [not to exceed 8% of the area of the lot]).

4. Agricultural uses.

B. Accessory Uses:

1. Construction of fences 6-foot in height and greater.
2. Out-buildings or sheds greater than 600 SF.
3. Private garages or private parking areas greater than 600 SF.
4. Swimming pools greater than 600 SF of surface area.
5. Other accessory uses customarily incidental to the principal uses.

Section 603

LOT AREA AND LOT WIDTH REGULATIONS

A. Minimum Lot Area Requirements:

1. Single-family detached residential dwelling – three (3) acre per unit.
2. Other principal uses – five (5) acres per unit.

B. Minimum Lot Width Requirements:

1. Single-family detached residential dwelling – one hundred (200) feet.
2. Other principal uses – two hundred (200) feet.

Section 604

YARD REGULATIONS

A. Minimum Front Yard Requirements / Building Line:

1. Single-family detached residential dwelling – forty (40) feet.
2. Other principal uses – fifty (50) feet.

B. Minimum Side Yard Requirements:

1. Single-family detached residential dwelling – forty (40) feet per side.
2. Other principal uses – fifty (50) feet per side.
3. Accessory Uses – ten (10) feet.

C. Minimum Rear Yard Requirements:

1. Principal Uses – fifty (50) feet.
2. Accessory Uses – ten (10) feet.

Section 605

LOT COVERAGE REGULATIONS

All buildings, including accessory buildings, shall not cover more than ten (10) percent of the total lot area.

Section 606

HEIGHT REGULATIONS

The maximum building height for uses, buildings and structures are as follows:

- A. Principal Uses – thirty-five (35) feet.
- B. Accessory Uses – twenty (20) feet.

Section 607

OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided in accordance with Article XIII.

ARTICLE VII

R-1, RURAL RESIDENTIAL DISTRICT

Section 700

PURPOSE

The purpose of the R-1, Rural Residential District is to conserve areas of the Borough for rural living environments and to curtail higher density development until public facilities and public utilities are available to adequately service the area. In addition, the Rural Development areas provide space for types of development which, by their nature, will not create any undue hardship on municipal services and facilities.

Section 701

PERMITTED USES

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Principal Uses:

1. Single-family detached residential dwelling.
2. Mobile home on individual lot provided:
 - a. The lot which the mobile home is installed upon shall conform to the minimum lot area, yard, and set-back requirements of this Zoning District.
 - b. The soils of the lot shall be stable without mud or land slide potential and the mobile home location shall not be located within 100-feet of the floodplain and the surface elevation of the structure be a minimum of 10-feet above the 100-year flood elevation; and
 - c. The mobile home shall be supported on a structurally sound foundation with the footing a minimum of three (3) feet below existing ground line, and in no event shall it be erected on jacks, loose blocks, or other temporary materials; the foundation shall be approved by the Borough prior to construction; and
 - d. An enclosure of compatible design and materials shall be erected around the entire base of the mobile home. Such enclosure shall

be rodent-proof yet provide sufficient ventilation to inhibit decay and deterioration of the structure.

3. Agricultural uses and facilities, including agricultural operations and agritourism.

B. Accessory Uses:

1. No Impact Home Based Business per Ordinance No. 175, as amended.
2. Other accessory uses customarily incidental to the principal use.
3. Signs as provided for in Article XIV of this Ordinance.

Section 702 USES BY SPECIAL EXCEPTION

The Borough Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall hold a public hearing to ensure that the standards and criteria governing the granting of a Use by Special Exception as provided for in this Ordinance have been met within the purpose and intent of this Ordinance, and that no hazardous condition will result from the granting of such Use by Special Exception. The Uses by Special Exception in the R-1 Zoning District are as follows:

- A. Mobile Home Parks in accordance with the Borough of Big Beaver Mobile Home Park Ordinance. Mobile Home Parks must be served by public sanitary sewers and public potable water.
- B. Recreational, religious, and/or educational uses and developments.
- C. Public uses and buildings.

Section 703 CONDITIONAL USES

A lot or parcel may be used and buildings or structures may be erected and used for any of the following purposes in the R-1 Zoning District subject to the granting of a Conditional Use under the regulations and procedures of this Ordinance by Borough Council:

- A. Cluster Development either of a permanent or seasonal/recreational nature; provided the density conforms to the underlying Zoning District's requirements. Cluster Development must be served by public sanitary sewers and public potable water.

Section 704 LOT AREA AND LOT WIDTH REGULATIONS

- A. Minimum Lot Area Requirements:
 1. With on-lot sewage treatment:

- a. Single-family detached dwelling – one (1) acre per dwelling unit.
 - b. Mobile home – one (1) acre per dwelling unit.
 - c. Other uses by special exception or conditional uses – ten (10) acres per use or principal structure.
2. With off-lot municipal sewage treatment:
- a. Single-family detached dwelling – twenty thousand (20,000) square feet per dwelling unit.
 - b. Mobile home – twenty thousand (20,000) square feet per dwelling unit.
 - c. Other uses by special exception or conditional uses – five (5) acres per use or principal structure.
3. Corner lot areas for all permitted special exception or conditional uses shall be increased by ten (10) percent.

B. Minimum Lot Width Requirements:

1. With on-lot sewage treatment or off-lot municipal sewage treatment:
- a. Single-family detached dwelling – one hundred (100) feet per unit.
 - b. Mobile home – one hundred (100) feet per unit.
 - c. Other uses by special exception or conditional uses – two hundred (200) feet per lot.
 - d. Cluster Development – as approved by Borough Council after review of the overall Development Plan.
2. Corner lot widths for all permitted uses, uses by special exception, or conditional uses shall be increased by twenty (20) percent.

Section 705 YARD REGULATIONS

The following yard regulations shall apply to uses in this Zoning District:

A. Minimum Front Yard Requirements / Building Line:

1. All residential uses – forty (40) feet.

2. All non-residential uses – fifty (50) feet.

B. Minimum Side Yard Requirements:

1. All residential uses – ten (10) feet per side unless otherwise provided under the Conditional Use provisions.

2. All non-residential uses – twenty-five (25) feet per side.

3. Accessory uses – ten (10) feet.

4. Cluster Development – as approved by Borough Council after review of the overall Development Plan.

C. Minimum Rear Yard Requirements:

1. All principal uses – thirty (30) feet.

2. All accessory uses – ten (10) feet.

3. Cluster Development – as approved by Borough Council after review of the overall Development Plan.

Section 706 LOT COVERAGE REGULATIONS

The sum of the footprints of all buildings, including accessory buildings, shall not cover more than thirty (30) percent of the total lot area.

Section 707 HEIGHT REGULATIONS

The maximum building height for uses, buildings, and structures are as follows:

A. Principal uses – thirty-five (35) feet.

B. Accessory uses – twenty (20) feet.

Section 708 OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided in accordance with Article XIII.

ARTICLE VIII

R-2, SUBURBAN RESIDENTIAL DISTRICT

Section 800 PURPOSE

The purpose of the R-2, Suburban Residential District is to establish low density residential areas and neighborhoods where public sewage exists and/or may be available in the future. These areas are planned to be compatible with existing development in the area.

Section 801 PERMITTED USES

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Principal Uses:

1. Single-family detached residential dwelling.

B. Accessory Uses:

1. Private garage or private parking area.
2. Other accessory uses customarily incidental to the principal use.
3. Signs as provided for in Article XIV of this Ordinance.

Section 802 USES BY SPECIAL EXCEPTION

The Borough Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall hold a public hearing to ensure that the standards and criteria governing the granting of a Use by Special Exception as provided for in this Ordinance have been met within the purpose and intent of this Ordinance, and that no hazardous condition will result from the granting of such Use by Special Exception. The Uses by Special Exception in the R-2 Zoning District are as follows:

A. Recreational, religious, and/or educational uses and developments.

B. Public uses and buildings.

C. No Impact Home Based Business per Ordinance No. 175, as amended.

Section 803 CONDITIONAL USES

A lot or parcel may be used and buildings or structures may be erected and used for any of the following purposes in the R-2 Zoning District subject to the granting of a

Conditional Use under the regulations and procedures of this Ordinance by Borough Council:

- A. Cluster Development of a permanent year-round residential use only.

Section 804 LOT AREA AND LOT WIDTH REGULATIONS

- A. Minimum Lot Area Requirements:

- 1. With on-lot sewage treatment:
 - a. Single-family detached dwelling – half acre (21,560 square feet) per dwelling unit.
 - b. Other Uses by Special Exception or Conditional Uses – one (1) acre per use or principal structure.
- 2. With off-lot municipal sewage treatment:
 - a. Single-family detached dwelling – quarter (1/4) acre (10,890 square feet) per dwelling unit.
 - b. Other uses by special exception or conditional uses – half acre (21,560 square feet) per use or principal structure.
- 3. Corner Lots: Areas for all Permitted, Uses by Special Exception or Conditional Uses shall be increased by ten (10) percent.

- B. Minimum Lot Width Requirements:

- 1. With on-lot sewage treatment or off-lot municipal sewage treatment:
 - a. Single-family detached dwelling – ninety (90) feet per unit.
 - b. Other Uses by Special Exception or Conditional Uses – one hundred (100) feet per use or principal structure.
 - c. Cluster Development – as approved by Borough Council after review of the overall Development Plan.
- 2. Corner lots: Widths for all Permitted, Uses by Special Exception or Conditional Uses shall be increased by twenty (20) percent.

Section 805 YARD REGULATIONS

The following yard regulations shall apply to uses in this Zoning District:

A. Minimum Front Yard Requirements / Building Line:

1. All residential uses – forty (40) feet.
2. All non-residential uses – fifty (50) feet.

A. Minimum Side Yard Requirements:

1. All residential uses – ten (10) feet per side unless otherwise provided under the Conditional Use provisions.
2. All non-residential uses – twenty-five (25) feet per side.
3. Accessory uses – ten (10) feet.
4. Cluster Development – as approved by Borough Council after review of the overall Development Plan.

B. Minimum Rear Yard Requirements:

1. All principal uses – thirty (30) feet.
2. All accessory uses – ten (10) feet.
3. Cluster Development – as approved by Borough Council after review of the overall Development Plan.

Section 806 LOT COVERAGE REGULATIONS

All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the total lot area.

Section 807 HEIGHT REGULATIONS

The maximum building height for uses, buildings and structures are as follows:

- A. Principal uses – thirty-five (35) feet.
- B. Accessory uses – twenty (20) feet.

Section 808 OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided in accordance with Article XIII.

ARTICLE IX

R-3, GENERAL URBAN DEVELOPMENT DISTRICT

Section 900 PURPOSE

The purpose of the R-3, General Urban Development District is to provide for a higher density urban living environment with a variety of housing types for various income levels and the provision for a mild mixture of commercial and office uses within residential areas. This District will preserve existing urban neighborhoods and anticipate a future demand for higher-density apartment and multi-family living environments.

Section 901 PERMITTED USES

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Principal Uses:

1. Single-family detached dwellings.
2. Multi-Family dwelling units.
3. Recreational, religious, and / or educational uses and developments.
4. Public uses and buildings.
5. General business offices.
6. Professional offices.
7. Banks and financial institutions.
8. Restaurants and neighborhood delicatessens.

B. Accessory Uses:

1. All uses customarily incidental to a permitted principal use.
2. Signs as provided for in Article XIV of this Ordinance.
3. Parking and loading as provided for in Article XIII of this Ordinance.

Section 902

SPECIAL EXCEPTIONS

The Borough Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall hold a public hearing to ensure that the standards and criteria governing the granting of a Use by Special Exception as provided for in this Ordinance have been met within the purpose and intent of this Ordinance, and that no hazardous condition will result from the granting of such variance. The Uses by Special Exception in the R-3 Zoning District are as follows:

- A. General commercial and retail establishments.
- B. Motels and hotels.
- C. Vehicle gas stations, Vehicle Repair Stations, and Convenience Stores
- D. Service-oriented businesses.

Section 903

CONDITIONAL USES

A lot or parcel may be used and buildings or structures may be erected and used for any of the following purposes in the R-3 Zoning District subject to the granting of a Conditional Use under the regulations and procedures of this Ordinance by Borough Council:

- A. Vertically or horizontally integrated commercial-residential use developments.
- B. Clustered housing developments using a variety of dwelling types.

Section 904

LOT AREA AND LOT WIDTH REGULATIONS

- A. Minimum Lot Area Requirements:
 - 1. With on-lot sewage treatment:
 - a. Single-family detached dwellings – twenty thousand (20,000) square feet per dwelling unit.
 - b. Multi-family dwellings – fifteen thousand (15,000) square feet per dwelling unit.
 - c. Other permitted uses, Uses by Special Exception, or Conditional non-residential uses – five (5) acres per use or principal structure provided that such uses or structures obtain a sewer permit from the Borough’s Sewage Enforcement Officer who may increase or decrease the minimum lot area as necessary to meet the guidelines of the Pennsylvania Department of Environmental Protection. In

no case shall the minimum lot size be reduced below nine thousand (9,000) square feet per principal use or structure.

2. With off-lot municipal sewage treatment:
 - a. Single-family detached dwelling – nine thousand (9,000) square feet per dwelling unit.
 - b. Multi-family dwelling – five thousand (5,000) square feet per dwelling unit.
 - c. Other permitted uses, Uses by Special Exception, or Conditional non-residential uses – nine thousand (9,000) square feet per principal use or structure.
3. Corner lot areas for all permitted uses, Uses by Special Exception, or Conditional Uses shall be increased by ten (10) percent.

B. Minimum Lot Width Requirements:

1. For all permitted uses, Uses by Special Exception, or Conditional Uses – seventy-five (75) feet, excepted when varied upon the grant of a Conditional Use permit by Borough Council after review of the overall Development Plan.
2. Corner lot widths for all permitted uses, Uses by Special Exception, or Conditional Uses shall be increased by twenty (20) percent.

Section 905 YARD REGULATIONS

The following yard regulations shall apply to uses in this Zoning District:

A. Minimum Front Yard Requirements / Building Line:

1. Single-family detached dwelling – forty (40) feet.
2. All multi-family dwellings, one (1) to four (4) units – forty (40) feet.
3. All multi-family dwellings over four (4) units and all non-residential or mixed uses – fifty (50) feet.

B. Minimum Side Yard Requirements:

1. Single-family detached dwelling and multi-family dwellings – ten (10) feet per side.

2. All multi-family dwellings over four (4) units and all non-residential or mixed uses – one half (1/2) the height of the structure, ten (10) feet per side, whichever is greater.
 3. Accessory uses – ten (10) feet.
 4. These side yard provisions may be varied upon the granting of a Conditional Use permit by Borough Council after review of the overall Development Plan.
- C. Minimum Rear Yard Requirements:
1. All principal uses – twenty-five (25) feet.
 2. All accessory uses – five (5) feet.
 3. These rear yard requirements may be varied upon the granting of a Conditional Use permit by Borough Council after review of the overall Development Plan.

Section 906 LOT COVERAGE REGULATIONS

All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the total lot area.

Section 907 HEIGHT REGULATIONS

The maximum building height for uses, buildings, and structures are as follows:

- A. Principal uses – thirty-five (35) feet.
- B. Accessory uses – twenty (20) feet.

ARTICLE X

C-1, COMMERCIAL DEVELOPMENT DISTRICT

Section 1000 PURPOSE

The purpose of the C-1, Commercial Development District is to permit commercial activity in economically advantageous areas while preserving the traffic carrying capacity of roads and highways.

Section 1001 PERMITTED USES

A. Principal Uses:

1. Retail business where all sales and transactions are generally confined within the building.
2. Business, service and professional office buildings.
3. Recreational, religious and/or educational buildings.
4. Public uses and buildings.

B. Accessory Uses:

1. Accessory uses customarily incidental to the above uses.
2. Signs as provided for in Article XIV.
3. Parking and loading as provided for in Article XIII.

Section 1002 CONDITIONAL USES

A. Principal Uses:

1. Wholesale uses, activities, buildings and structures.
2. Integrated business centers and shopping malls.
3. Car Washes, Gasoline Stations, Automotive Repair Station, Convenience.
4. Motels and hotels.
5. Restaurants, sit-down with and without liquor sales. Liquor sales may not exceed 50% of the restaurant's gross receipts.
6. Fast food restaurants.
7. All other commercial uses.

B. Accessory uses:

1. Accessory uses customarily incidental to the above uses.
2. Signs as provided in Article XIV.

3. Parking and loading as provided for in Article XIII.

Section 1003 REVIEW PROCEDURES

- A. In order to assure the satisfactory development of the C-1 District, it shall be required that Development Plans be submitted to the Borough Council under the procedures established in this Ordinance for both Permitted Uses and Conditional Uses.
- B. A Development Plan shall be prepared and submitted to the Borough Council showing the overall development scheme including the following:
 1. Survey including: property lines, bearings and distances, and building setbacks. Sealed by a Professional Land Surveyor.
 2. Location Map.
 3. Existing topography by two (2) foot contours and existing drainage patterns.
 4. Grading Plan indicating the proposed grading of the site.
 5. Base flood elevations when applicable, from the Flood Insurance Rate Map (FIRM) prepared by FEMA.
 6. Wetland Investigation Report.
 7. Wetland Delineation Report when applicable.
 8. Areas of existing soils movement when applicable.
 9. Geotechnical Report addressing the stability of the site grading and providing recommendations for construction of the proposed improvements on the site.
 10. Proposed development layout and architectural sketches. Show all existing and proposed buildings, and parking areas.
 11. Exterior sign and exterior lighting plans. Illumination levels at the property line must not exceed 0.2-footcandles. All lighting must be down lighting with house side cutoffs.
 12. Utility Plan showing: gas lines, electric service, cable service, water service, sanitary sewer service, and storm sewers. Profiles of the water lines, sanitary sewers, and storm sewers.

13. Adjacent limited access highways and interchanges thereof, all other roads, streets, highways, access points, sight distances, traffic controls and traffic flow patterns.
14. Plans for methods of soil and erosion control, documentation of submission to Beaver County Conservation District and issuance of the NPDES Permit if applicable.
15. Sewage collection and treatment.
16. Source of water supply.
17. Stormwater Management for the development must be addressed, including: runoff rate, water quality, and water quantity.
18. Adjacent uses and adjacent property owners.
19. Written plan narrative describing the use and the overall development. The narrative should address why the development is considered a regional draw and is suitable to the unique interstate highway interchange location.
20. Landscaping Plan indicating landscaping and buffer yard plantings.
21. Additional data as requested by the Borough.
22. All developments within the C-1 zoning district must submit plans for approval as a Land Development Plan Application, per the Borough Subdivision and Development of Land Ordinance.
23. All developments within the C-1 zoning district must comply with the Borough Design Standards and Requirements, and the Site Improvements and Construction Requirements of the Subdivision and Development of Land Ordinance.
24. All developments within the C-1 zoning district must comply with PennDOT Form 408, latest edition; and material suppliers must be listed in PennDOT Bulletin 15 for all public improvements.
25. All developments within the C-1 zoning district must be reviewed by the Big Beaver Fire Chief and must comply with the recommendations of the Big Beaver Fire Chief. A minimum 8-inch diameter water line must be provided.

26. All developments within the C-1 zoning district must provide a Knox Box(es) at the location(s) specified by the Big Beaver Fire Chief.
27. All developments within the C-1 zoning district must provide fire hydrant(s) at the location(s) specified by the Big Beaver Fire Chief.

Section 1004 LOT AREA AND LOT WIDTH REGULATIONS

Minimum Lot Area: 0.25-acre.

Minimum Lot Width: 100-feet.

Section 1005 YARD REGULATIONS

The following yard regulations shall apply to uses in this Zoning District:

A. Minimum Front Yard Requirements:

A minimum of fifty (50) feet from the street or highway right-of-way. In addition, no facilities including parking areas shall be located within the highway right-of-way, or fifteen (15) feet from the street or highway right-of-way. Said area shall be maintained as a landscape planting strip, including two rows of trees planted 20-feet on center.

B. Minimum Side Yard Requirements:

1. Adjoining a S-C, R-1, R-2 or R-3 Zoning District:

- a. No building or structure shall be located within seventy-five (75) feet of these Zoning Districts, and further, a twenty (20) foot screen planting shall be maintained adjacent to that Zoning District along the length of the boundary, including two rows of trees planted 20-feet on center.

2. Adjoining other uses within this C-1 District or uses in the C-2, C-3 or I Zoning Districts:

- a. A side yard depth of fifteen (15) feet per side.

C. Minimum Rear Yard Requirements:

1. Adjoining a S-C, R-1, R-2 or R-3 Zoning District:

- a. No building or structure shall be located within seventy-five (75) feet of these Zoning Districts, and further, a twenty (20) foot screen planting shall be maintained adjacent to that Zoning District along the length of the boundary, including two rows of trees planted 20-feet on center.
- 2. Adjoining other uses within this District or uses in the C-2 or I Zoning Districts:
 - a. Minimum thirty (30) feet.
 - b. Accessory uses – ten (10) feet.

Section 1006 HEIGHT REGULATIONS

The maximum building height for uses, buildings and structures are as follows:

- A. Principal Uses – thirty-five (35) feet.
- B. Accessory Uses – twenty (20) feet.

Section 1007 LOT COVERAGE REGULATIONS

All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot area.

ARTICLE XI

C-2, NEIGHBORHOOD COMMERCIAL DEVELOPMENT DISTRICT

Section 1100 PURPOSE

The purpose of the C-2, Neighborhood Commercial Development District is to encourage unified arrangements of commercial areas designed to serve residential neighborhoods.

Section 1101 PERMITTED USES

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes.

- A. Principal Uses:

1. Retail business where all sales and transactions are generally confined within the building.
2. Business, service and professional office buildings.
3. Recreational, religious and/or educational buildings.
4. Public uses and buildings.

B. Accessory Uses:

1. Accessory uses customarily incidental to the above uses.
2. Signs as provided for in Article XIV.
3. Parking and loading as provided for in Article XIII.

Section 1102 **CONDITIONAL USES**

A lot or parcel may be used and buildings or structures may be erected and used for any of the following purposes in the C-2 Zoning District subject to the granting of a conditional use under the regulations and procedures of this Ordinance by Borough Council.

1. Vehicle service stations and car washes.
2. Drive-in retail uses.
3. Integrated neighborhood business centers.
4. Outdoor amusement, recreational or leisure time use conducted for profit or if not for profit for soliciting public attendance, use or participation.

Section 1103 **LOT AREA AND LOT WIDTH REGULATIONS**

A lot shall be of such size and dimension as shall be necessary to properly accommodate the intended use or structure in accordance with all applicable regulations of this Ordinance and other State laws and local ordinances.

Section 1104 **YARD REGULATIONS**

The following yard regulations shall apply to uses in this Zoning District:

A. Minimum Front Yard Requirements:

A minimum of fifty (50) feet from the street or highway right-of-way. In addition, no facilities including parking areas shall be located within the highway right-of-way or fifteen (15) feet from the berm of an existing road whichever is greater. Said area shall be maintained as a landscape planting strip.

B. Minimum Side Yard Requirements:

1. Adjoining a S-C, R-1, R-2 or R-3 Zoning District:

a. No building or structure shall be located within seventy-five (75) feet of these Zoning Districts, and further, a twenty (20) foot screen planting shall be maintained adjacent to that Zoning District along the length of the boundary.

2. Adjoining other uses within this District or uses in the C-2 and I Zoning Districts:

a. A side yard depth of fifteen (15) feet per side.

b. Where a mutual agreement is provided in writing by the adjoining property owners, no side yard shall be required where two (2) or more commercial uses adjoin side by side.

c. In no case shall common walls be permitted between properties of separate ownership.

d. In case of such series of adjoining structures on lots of single and separate ownership, abutting and paralleling a public right-of-way, an unobstructed passage of at least thirty (30) feet in width shall be provided at grade level at intervals of not more than four hundred (400) feet apart.

C. Minimum Rear Yard Requirements:

1. Adjoining a S-C, R-1, R-2 or R-3 Zoning District:

a. No building or structure shall be located within sixty (60) feet of these Zoning Districts, and further, a twenty (20) foot screen planting shall be maintained adjacent to that Zoning District along the length of the boundary.

2. Adjoining other uses within this District or uses in the C-2 or I Zoning Districts:

- a. Minimum thirty (30) feet.
- b. Accessory uses – ten (10) feet.

Section 1105 HEIGHT REGULATIONS

The maximum building height for uses, buildings and structures are as follows:

- A. Principal Uses – thirty-five (35) feet.
- B. Accessory Uses – twenty (20) feet.

Section 1106 LOT COVERAGE REGULATIONS

All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot area.

ARTICLE XII

C-3, LIMITED ACCESS HIGHWAY AREA COMMERCIAL DEVELOPMENT DISTRICT

Section 1200-A PURPOSE

The purpose of the C-3, Limited Access Highway Area Commercial Development District is to permit and encourage commercial development and activities with regional draw in order to promote the use of the unique interstate highway interchange location.

Section 1201-A REVIEW PROCEDURES

- A. In order to assure the satisfactory development of the C-3 District, it shall be required that development plans be submitted to the Borough Council under the procedures established in this Ordinance for a Conditional Use.
- B. A development plan shall be prepared and submitted to the Borough Council showing the overall development scheme including the following:
 - 1. Survey including: property lines, bearings and distances, and building setbacks. Sealed by a Professional Land Surveyor.
 - 2. Location Map.
 - 3. Existing topography by five (5) foot contours and existing drainage patterns.

4. Grading Plan indicating the proposed grading of the site.
5. Base flood elevations when applicable, from the Flood Insurance Rate Map (FIRM) prepared by FEMA.
6. Wetland Investigation Report.
7. Wetland Delineation Report when applicable.
8. Areas of existing soils movement when applicable.
9. Geotechnical Report addressing the stability of the site grading and providing recommendations for construction of the proposed improvements on the site.
10. Proposed development, and layout and architectural sketches. Show all existing and proposed buildings, and parking areas.
11. Exterior sign and exterior lighting plans. Illumination levels at the property line must not exceed 0.2-footcandles. All lighting must be down lighting with house side cutoffs.
12. Utility Plan showing: gas lines, electric service, cable service, water service, sanitary sewer service, and storm sewers. Profiles of the water lines, sanitary sewers, and storm sewers.
13. Adjacent limited access highways and interchanges thereof, all other roads, streets, highways, access points, sight distances, traffic controls and traffic flow patterns.
14. Plans for methods of soil and erosion control, documentation of submission to Beaver County Conservation District and issuance of the NPDES Permit if applicable.
15. Sewage collection and treatment.
16. Source of water supply.
17. Stormwater Management for the development must be addressed, including: runoff rate, water quality, and water quantity.
18. Adjacent uses and adjacent property owners.
19. Written plan narrative describing the use and the overall development. The narrative should address why the development

is considered a regional draw and is suitable to the unique interstate highway interchange location.

20. Landscaping Plan indicating landscaping and bufferyard plantings.
21. Additional data as requested by the Borough.
22. All developments within the C-3 zoning district must submit plans for approval as a Land Development Plan Application, per the Borough Subdivision and Development of Land Ordinance.
23. All developments within the C-3 zoning district must comply with the Borough Design Standards and Requirements, and the Site Improvements and Construction Requirements of the Subdivision and Development of Land Ordinance.
24. All developments within the C-3 zoning district must comply with PennDOT Form 408, latest edition; and material suppliers must be listed in PennDOT Bulletin 15 for all public improvements.
25. All developments within the C-3 zoning district must be reviewed by the Big Beaver Fire Chief and must comply with the recommendations of the Big Beaver Fire Chief. A minimum 8-inch diameter water line must be provided.
26. All developments within the C-3 zoning district must provide a Knox Box(es) at the location(s) specified by the Big Beaver Fire Chief.
27. All developments within the C-3 zoning district must provide fire hydrant(s) at the location(s) specified by the Big Beaver Fire Chief.

Section 1202-A.1 PERMITTED USES

A. Principal Uses:

1. None

B. Accessory Uses:

1. None.

Section 1202-A.2 CONDITIONAL USES

A. Principal Uses:

1. Retail, wholesale, or factory outlet, and retail uses.
2. Integrated Business Centers.
3. Professional offices, medical treatment services, insurance services, financial services, health or fitness center, and/or light manufacturing entities.
4. Warehousing uses and product distribution activities.
5. Service Plaza: A Service Plaza shall include as a minimum the following types of uses: one (1) over-night accommodation facility (ie: hotel, motel, bed and breakfast); three (3) food service establishments (restaurant, delicatessen, or fast-food restaurants); and one (1) service station (gasoline/vehicle service station); which must be located in an integrated plaza and not as stand-alone buildings or uses. The Service Plaza must include as a minimum 1 of each of the three (3) use types and be open 24 hours, include a food court with a minimum of three (3) food service establishments with shared dining tables, restrooms, and outdoor tables. A Service Plaza shall have a common driveway access(es) to the public roadway and provide shared parking for all the uses within the Service Plaza. Each individual use shall not have its own individual driveway access from the public roadway and shall only access to the shared parking area and use the common driveway(s). No drive-thru windows permitted.
6. Recreational, gambling and other non-gambling leisure uses.
7. Public uses and buildings as defined in Article III, Section 301, Paragraph 116 of Ordinance No. 85, as enacted September 10, 1979.

B. Accessory uses:

1. Accessory uses customarily incidental and necessary to the above uses, including but not limited to privately owned roads within and serving the permitted use development or tract of land.
2. Signs as provided in Article XIV.
3. Parking and loading as provided for in Article XIII.
4. Drive-thru windows.

Section 1203-A LOT AREA AND LOT WIDTH REGULATIONS

The following yard regulations shall apply to uses in this Zoning District:

A. Minimum Front Yard Requirements:

All buildings or structures shall be located a minimum of fifty (50) feet from any public street or highway right-of-way. In addition, no facilities including parking areas shall be located within any public street or highway right-of-way, or within fifty (50) feet of or from the edge of the right-of-way of an existing public street or highway, whichever is greater. Said fifty (50) feet minimum width area shall be maintained as a landscape planting strip, including two rows of trees planted 20-feet on center.

B. Minimum Side Yard and Rear Yard Requirements:

1. Adjoining a S-C, R-1, R-2 or R-3 Zoning District:

a. No building or structure shall be located within one-hundred (100) feet of these Zoning Districts in the side and rear yard, and further, a one-hundred (100) foot wide screen planting shall be maintained adjacent to that Zoning District along the length of the boundary, including two rows of trees planted 20-feet on center.

2. Adjoining other uses within this C-3 District or uses in the C-1, C-2 or I Zoning Districts:

a. A side yard depth of fifteen (15) feet per side.

b. A rear yard depth of fifteen (15) feet per side.

Section 1204-A HEIGHT REGULATIONS

The maximum building height for uses, buildings and structures are as follows:

A. Principal Uses – thirty-five (35) feet.

B. Accessory Uses – thirty-five (35) feet.

Section 1205-A LOT COVERAGE REGULATIONS

All buildings, including accessory buildings, parking areas, sidewalks, impervious surfaces (including pervious pavements, pavers, and blocks), shall not cover more than sixty (60) percent of the lot or parcel area.

Section 1206-A BUILDING COVERAGE REGULATIONS

All buildings, including accessory buildings, shall not cover more than forty (40) percent of the lot or parcel area.

ARTICLE XIII

I, INDUSTRIAL DEVELOPMENT DISTRICT

Section 1300 PURPOSE

The purpose of the I, Industrial Development, District is to provide for expansion of the Borough's industrial base, protect existing industry from encroachment of non-compatible uses, and to develop industrial parks in appropriate locations that provides for adequate vehicular access, potable water supply, and sanitary sewers to serve the development.

Section 1301 PERMITTED USES

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes subject to approval of a Land Development Application:

A. Principal Uses:

1. Light Manufacturing and Light Industrial activities.
2. Auto body repair shops.
3. Research and development activities.
4. Public uses, public utilities, and public buildings, excluding schools and hospitals.
5. Distribution Facilities.
6. Warehouse Facilities.
7. Wholesale Facilities.
8. Business services and professional office buildings.

B. Accessory Uses:

1. Retail uses customarily incidental to the principal use.
2. Accessory uses customarily incidental to the above uses.
3. Signs as provided for in Article XIV.

4. Parking and loading as provided for in Article XIII.

Section 1302 CONDITIONAL USES

A lot or parcel may be used and buildings or structures may be erected and used for any of the following purposes in the I, Industrial Development, District subject to the granting of a Conditional Use under the regulations and procedures of this Ordinance by Borough Council.

A. Review Procedures:

1. In order to assure the satisfactory development of the I District, it shall be required that development plans be submitted to Borough Council under the procedures established in this Ordinance for a Conditional Use.
2. A Development Plan shall be prepared and submitted to Borough Council showing the overall development scheme including the following:
 - a. Survey including: property lines, bearings and distances, and building setbacks. The survey must be sealed by a Professional Land Surveyor.
 - b. Location Map.
 - c. Existing topography by two (2) foot contours and existing drainage patterns.
 - d. Grading Plan indicating the proposed grading of the site.
 - e. Base flood elevations, when applicable, from the Flood Insurance Rate map (FIRM) prepared by FEMA.
 - f. Wetland Investigation Report.
 - g. Wetland Delineation Report, when applicable.
 - h. Area of existing soils movement, when applicable.
 - i. Geotechnical Report addressing the stability of the site grading and providing recommendations for construction of the proposed improvements on the site.
 - j. Proposed development layout and architectural sketches, showing all existing and proposed buildings and parking areas.

- k. Exterior sign and exterior lighting plans. Illumination levels at the property line must not exceed 0.2-footcandles. All lighting must be down lighting with house side cutoffs.
- l. Utility Plan showing: gas lines, electric service, cable service, water service, sanitary sewer service, and storm sewers. Profiles of the water lines, sanitary sewers, and storm sewers.
- m. Adjacent limited access highways and interchanges thereof, all other roads, streets, highways, access points, sight distances, traffic controls, and traffic flow patterns.
- n. Plans for methods of soil and erosion control, documentation of submission to Beaver County Conservation District, and issuance of the NPDES Permit, if applicable.
- o. Sewage collection and treatment.
- p. Source of water supply.
- q. Stormwater Management for the development must be addressed, including: runoff rate, water quality, and water quantity.
- r. Adjacent uses and adjacent property owners.
- s. Written plan narrative describing the use and the overall development. The narrative should address why the development is considered a regional draw and is suitable to the unique interstate highway interchange location.
- t. Landscaping Plan indicating landscaping and buffer yard plantings.
- u. Additional data as requested by the Borough.
- v. All developments within the I Zoning District must submit plans for approval as a Land Development Plan Application, per the Borough Subdivision and Development of Land Ordinance.
- w. All developments within the I Zoning District must comply with the Borough Design Standards and Requirements, and the Site Improvements and Construction Requirements of the Subdivision and Development of Land Ordinance.
- x. All developments within the I Zoning District must comply with PennDOT Form 408, latest edition; and material suppliers must be listed in PennDOT Bulletin 15 for all public improvements.

- y. All developments within the I Zoning District must be reviewed by the Big Beaver Borough Fire Chief and must comply with the recommendations of the Big Beaver Borough Fire Chief. A minimum 8-inch diameter water line must be provided.
- z. All developments within the I Zoning District must provide a Knox Box(es) at the location(s) specified by the Big Beaver Borough Fire Chief.
- aa. All developments within the I Zoning District must provide fire hydrant(s) at the location(s) specified by the Big Beaver Borough Fire Chief.
- bb. Description of the materials used, industrial and/or manufacturing process, activities, and products to be developed.
- cc. Present evidence that such industrial activities can meet the performance standards of Article XVI of this Ordinance.

B. Principal Uses:

- 1. Heavy Manufacturing and Heavy Industrial activities.
- 2. Uses that involve radioactive materials, hazardous materials, flammable materials, explosive materials, corrosive materials, and air pollution.
- 3. Junk yards, salvage yards, recycling centers, and sanitary landfills.

C. Accessory Uses:

- 1. Accessory uses customarily incidental to the above uses.
- 2. Retail uses customarily incidental to the principal industrial use.
- 3. Signs as provided for in Article XIV.
- 4. Parking and loading as provided for in Article XIII.

Section 1303

STORAGE AND WASTE DISPOSAL

- A. All storage facilities for fuel, raw materials and products, stored outdoors, shall be enclosed by an approved safety fence and visual screen planting and shall conform to all yard requirements imposed upon the primary structure in this District.
- B. No materials or ashes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces; nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.
- C. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored indoors only and enclosed in containers which are adequate to eliminate such hazards.

Section 1304

AREA AND LOT WIDTH REGULATIONS

- A. Minimum Lot Area: 3-acres.
- B. Minimum Lot Width: 100-feet.

Section 1305

COVERAGE REGULATIONS

- A. Building Coverage: All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot area.
- B. Lot Coverage: All impervious surfaces shall not cover more than seventy (70) percent of the lot area.

Section 1306

YARD REGULATIONS

The following yard regulations shall apply to uses in this Zoning District:

- A. Minimum Front Yard Requirements:
 - 1. A minimum fifty (50) feet from the street or highway right-of-way. In addition, no facilities including parking areas shall be located within fifteen (15) feet of the highway right-of-way. Said area shall be maintained as a planting strip.
- B. Minimum Side Yard Requirements:
 - 1. Adjoining a S-C, R-1, R-2, R-3, C-1, or C-2 Zoning District:

a. No building, structure, storage area, or waste disposal site shall be located within one-hundred (100) feet of those Zoning Districts and, further, a forty (40) foot screen planting shall be maintained adjacent to that Zoning District along the length of said boundary, including two rows of trees planted 20-feet on center.

2. Adjoining other uses within the I Zoning District:

a. A side yard depth of fifteen (15) feet per side.

b. Where a mutual agreement is provided in writing by the adjoining property owners, no side yard shall be required where two (2) or more industrial uses adjoin side to side. However, the minimum building separation must be maintained per the recommendation of the Big Beaver Borough Fire Chief.

c. In no case shall common walls be permitted between properties of separate ownership.

d. In cases of such a series of adjoining structures on lots of single and separate ownership, abutting and paralleling a public right-of-way, an unobstructed passage of at least thirty (30) feet in width shall be provided at grade level at intervals not more than four hundred (400) feet apart.

C. Minimum Rear Yard Requirements:

1. Adjoining a S-C, R-1, R-2, R-3, C-1, or C-2 Zoning District:

a. No building, structure, storage area, or waste disposal site shall be located within one-hundred (100) feet of these Zoning Districts and, further, a forty (40) foot screen planting shall be maintained adjacent to that Zoning District along the length of said boundary, including two rows of trees planted 20-feet on center.

2. Adjoining other uses within the I Zoning District:

a. A rear yard depth of fifteen (15) feet.

Section 1307 HEIGHT REGULATIONS

The maximum building height for uses, buildings, and structures are as follows:

A. Principal Uses – thirty-five (35) feet.

B. Accessory Uses – twenty (20) feet.

ARTICLE XIV

AIRPORT OVERLAY DISTRICT

Section 1400 PURPOSE

The purpose of the AZD – 5, Beaver County Airport Horizontal Zoning District, and the AZD – 6, Beaver County Airport Conical Zoning District, is to regulate and restrict the height of structures and objects of natural growth within the involved areas of the Borough of Big Beaver in order to prevent the creation or establishment of airport hazards relative to aviation traffic to and from the Beaver County Airport in accordance to and as required by the Aviation Code, being Act No. 164 of 1984, as same now exists or may hereafter be amended. Such regulation and restriction are necessary to prevent obstruction to aviation traffic which as a potential for endangering the lives and property of users of the Beaver County Airport, the property and lives of the occupants of land in the vicinity of said Beaver County Airport, including but not limited to the portions of Big Beaver Borough as included in the AZD – 5 and AZD – 6 Beaver County Airport Zoning Districts, and to otherwise interfere with the proper and safe use of said Beaver County Airport. For the purpose of the health, welfare and safety of person and property, the intent and directive of this Article XIII is restrictive, and not permissive.

Section 1401 RESTRICTIVE BEAVER COUNTY AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise may be provided in this Article XIII, no structure shall be erected, altered, or maintained, and no tree or other object of natural growth shall be planted or allowed to grow in the AZD – 5, Beaver County Airport Horizontal Zoning District, or the AZD – 6, Beaver County Airport Conical Zoning District, to a height in excess of the applicable height limit herein established for each such Beaver County Airport Zoning District. Such applicable height limitations are hereby established for each of said Beaver County Airport Zoning Districts as follows:

- A. AZD – 5, Beaver County Airport Horizontal Zone: The height of any structure or any tree or other object of natural growth is limited and established at one hundred fifty (150) feet above the Beaver County Airport elevation or at a height of one thousand four hundred two (1,402) feet above mean sea level.

- B. AZD – 6, Beaver County Airport Conical Zone: The height of any structure or any tree or other object of natural growth is limited and established to a measurement of height at not less than one hundred fifty (150) feet nor more than three hundred fifty (350) feet above the Beaver County Airport elevation or at a height of one thousand four hundred two (1,402) feet above mean sea level to a height of one thousand six hundred two (1,602) feet above mean sea level, which measurement of height limitation within said conical zone slopes twenty (20) feet

outward for each foot upward beginning at the periphery of the AZD – 5, Beaver County Airport Horizontal Zone and at one hundred fifty (150) feet above the Beaver County Airport elevation and extending to a height of three hundred fifty (350) feet above said Beaver County Airport elevation.

Section 1402

REGULATION OF AIRPORT ZONING DISTRICTS

Any new development, Substantial Improvement, construction, planting of items of natural growth, and/or any other uses or activities undertaken or allowed within any Airport Zoning District, shall be undertaken in strict compliance with the provisions of this Article XIII of this Ordinance and all other applicable laws, codes, ordinances or regulations. In the event there is a conflict between the provisions of this Article XIII and other provisions of this Zoning Ordinance, the more restrictive provisions shall apply.

No Development or Substantial Improvement, construction, and/or any other uses or activities that involve a height therefor in excess of thirty-five (35) feet in a non-Industrial Zone District, and in excess of fifty-five (55) feet in an Industrial District, or the planting of items of natural growth or trees which have the natural potential of growth in excess of seventy-five (75) feet, shall be commenced or undertaken within an Airport Zoning District until an Airport Zoning District Permit is issued therefor by the Zoning Officer. Such Airport Zoning District Permit shall be an additionally required permit to any other permits which may be required by Section 2001 of Article XX or Section 1602 of Article XVI of this Zoning Ordinance, or any other ordinance of the Borough of Big Beaver.

Section 1403

APPLICATION FOR AN AIRPORT ZONING DISTRICT PERMIT

An application for an Airport Zoning District Permit shall be substituted to the Zoning Officer of Big Beaver Borough, in duplicate, together with a fee in accordance to a Fee Schedule adopted and set by Resolution of the Borough Council from time to time. Such application for an Airport Zoning District Permit shall include and provide all necessary information in sufficient detail and clarity to determine that the proposed Development, Substantial Improvement, construction, planting of items of natural growth or tree, and/or other use or activity are consistent with the requirements of this Ordinance, and all other applicable laws, regulations and/or ordinances of the Commonwealth of Pennsylvania and/or the Borough of Big Beaver. Such application for an Airport Zoning District Permit, in addition to the foregoing requirements of including pertinent data and information, shall include and contain the following information:

- A. Name and address of the applicant.
- B. Name and address of owner of the land.

- C. Brief description of the proposed Development, Substantial Improvement, construction, planting of item of natural growth, including tree, and/or use or activity proposed and estimated cost thereof.
- D. A location plan map that clearly identifies the entire project site in relation to the municipal boundaries of Big Beaver Borough and the applicable Airport Zoning District or Districts within which such project site exists.
- E. A detailed set of plans of the entire project site, clearly and legibly drawn at a scale of one (1) inch being equal to the one hundred (100) feet or less as may be necessary to display the details hereinafter required, which set of plans shall show and include the following:
 - 1. North arrow, scale and date of preparation;
 - 2. Clearly identify the Airport Zoning District or Districts portion of the project site;
 - 3. Topographic contour lines of the entire site at intervals of not less than twenty (20) feet in elevation;
 - 4. The location of all existing structures, streets, drives, objects of natural growth, and/or other improvements on the project site, together with such necessary data marked thereon, or indicated by proper reference to table or other compilation of data, of the highest point thereof in relation to the elevation of the Beaver County Airport and to and above mean sea level.
 - 5. The proposed location of any new structures, streets, drives or other access ways, Developments, Substantial Improvements, items of natural growth or trees to be planted, and/or other use or activity proposed on the project site, together with such necessary data marked thereon or indicated by proper reference to table or other compilation of data, of the highest point thereof in relation to the elevation of the Beaver County Airport and to and above mean sea level.
- F. An application for an Airport Zoning District Permit shall be reviewed and approved or denied by the Zoning Hearing Officer within ninety (90) days after the occurrence of the first general public meeting of the Borough Council held after the receipt of the application and required fee by the Borough of Big Beaver. Unless such ninety (90) day period be extended by written consent of the applicant, failure of the Zoning Hearing Officer to act upon the application within said time limit, shall be construed as an approval of the application by the Zoning Officer.
 - 1. Upon the Zoning Officer determining that approval of the application for an Airport Zoning Permit shall be granted, or in the event approval is

deemed to have occurred by passage of the aforesaid ninety (90) day period, written notice of the approval of the application for an Airport Zoning Permit shall be given unto the Pennsylvania Department of Transportation by certified mail.

2. No Airport Zoning Permit shall be issued or be effective until the passage of ten (10) business days after the Pennsylvania Department of Transportation receives a copy of said approval. This requirement and delayed effective date are contained herein pursuant to Section 5919, Notice to Department, of the Aviation Code, being Act No. 164 of 1984, as same now exists or as may hereafter be amended.
- G. Any applicant aggrieved by the decision of the Zoning Officer, or denial of an application for an Airport Zoning District Permit by the Zoning Officer, may appeal such decision of the Zoning Officer within thirty (30) days to the Zoning hearing Board, per Article XXII of this Ordinance. The Zoning Hearing Board of the Borough of Big Beaver as created under Ordinance No. 85, as amended, is hereby also designed as the “Board of Adjustment” within the meaning and requirements of the Aviation Code, being Act No. 164 of 1984, and/or any subsequent amendments thereto.

Section 1404 REQUEST FOR VARIANCE

If compliance with the requirements of this Article XIII of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, and such person desires to erect or increase the height of any structure, or permit the growth of any object of natural growth, or otherwise use property within the Airport Zoning Districts of the Borough of Big Beaver contrary to the restrictions of height detailed in this Article XIII, such person may apply to the Zoning Hearing Board of Big Beaver Borough for a variance in accordance with the procedure detailed in Article XXII of Ordinance No. 85 as amended. Said Zoning Hearing Board is hereby also designated as the “Board of Adjustment” within the meaning and requirements of the Aviation Code, being Act No. 164 of 1984, and/or any subsequent amendments thereto.

- A. A variance hereunder may be allowed only 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, would not create a hazard to air navigation, would not create a hazard to property or life, but would do substantial justice, and would be in accordance with the spirit of this Ordinance and the Aviation Code.
- B. No application for a variance under this Section 1304 shall be considered by the said Zoning Hearing Board until a copy of the application for Zoning Airport District Permit and variance shall have been submitted to the Beaver County Airport Manager for the latter’s consideration and advice, by written response, as to the aeronautical effects that are involved as to the variance requested.

1. No action shall be taken by the Zoning Hearing Board upon such request for a variance until the said Airport Manager has had the opportunity of fifteen (15) days to review and render written comment as herein before provided. If the said Airport Manager does not respond with written comment as to said application for variance hereunder within fifteen (15) days after receipt, the Zoning Hearing Board may proceed and act on its own to grant or deny said application.
 2. Upon receipt of any written response or comment by the said Airport Manager, the Zoning Hearing Board shall mail, by regular mail, a copy of same to the applicant for a variance under this Article XIII.
 3. Due to the aforesaid requirement of submitting data to the Beaver County Airport Manager for review and comment, the time limit within which the Zoning Hearing Board must establish a time and place to hear said request for a variance per Section 2204 A., 3., is hereby extended from thirty (30) days to forty-five (45) days.
- C. In the granting of any variance hereunder, the Zoning Hearing Board may impose and attach such reasonable conditions and safeguards, in addition to any specifically set forth herein, as it deems advisable and necessary to implement the purposes of this Article XIII, including but not limited to the requirements of installation of markers and lights as may be required by the guidelines of the Federal Aviation Administration, and the operation and maintenance thereof, all at the expense of the applicant, the Beaver county Airport, and/or any other person or entity as the Zoning Hearing Board shall deem proper to pay the cost of such installation, maintenance, and operation, pursuant to proper document signed whereby the designated responsible party or entity for such cost of installation, maintenance and operation accepts and becomes legally bound to such obligation.
- D. No decision to grant a variance hereunder shall be effective until ten (10) business days after the Pennsylvania Department of Transportation receives a copy, by certified mail, of the decision of the Zoning Hearing Board to grant such variance. This requirement and delayed effective date are herein contained pursuant to Section 5919, Notice to Department, of the Aviation Code, being Act No. 164 of 1984, as same now exists or as may hereafter be amended.
- E. After passage of the ten (10) day period as required by the foregoing Subparagraph D. the Zoning Officer shall issue an Airport Zoning Permit to the applicant in accordance to the requirements of the decision of the Zoning Hearing Board.

- A. All application of airport zoning regulations under this Article XIII shall be accomplished in and by reasonable standards and enforcement so as to accomplish the intent and purpose of the Aviation Code, being Act No. 164 of 1984, or as same shall be hereafter amended.

- B. Notwithstanding any other provision of this Article XIII , no use may be made of any land or water within any Airport Zoning District in such a manner as to create electrical interference with navigational signals or radio communication between the Beaver County Airport and aircraft, make it difficult for pilots to distinguish between Beaver County Airport lights or other airport lights, result in glare in the eyes of pilots of aircraft, impair the visibility in the vicinity of the Beaver County Airport or other airport, create bird strikes hazards, or otherwise in any way endanger or interfere with the landing takeoff, or maneuvering of aircraft intending to use the Beaver County Airport.

- C. The regulations of this Article XXVIII shall not be applied retroactively and shall not be construed to require the removal, lowering, or other change or alteration of any existing structure or object of natural growth not in conformance to the regulations and requirements hereof at the time of the effective date hereof, which existing structure or object of natural growth existing at the time of the effective date hereof shall be recognized as a nonconforming use under this Article XIII. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction of alteration, or intended use of any structure, the construction or alteration of which was begun proper to the effective date of this Article XIII, and which construction or alteration is diligently pursued and completed. Provided, however:
 - 1. Notwithstanding the preceding provision of this Subparagraph C, the owner of any existing nonconforming structure or object of natural growth as recognized by the Article XXVIII, is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Beaver County Airport Manager so as to indicate to the operators of aircraft in the vicinity of the presence of such aviation obstruction generally, and/or in relation to the Beaver County Airport.
 - a. Such markers and lights shall be installed, operated, and maintained at the expense and responsibility of the Beaver County Airport and/or the County of Beaver.

 - b. The Borough of Big Beaver explicitly states and herein provides that it assumes no responsibility for damages resulting to the landowner by the decision or act of the Beaver County Airport

and/or the County of Beaver to install, operate and maintain such markers or lights, and/or any liability arising from the failure to act or any act of the Beaver County Airport and/or the County of Beaver as to the installation, operation and/or maintenance of any marker and/or lights, either as to the landowner and/or any other person or entity harmed thereby, overtly or by act of omission.

- c. Nothing herein contained shall deprive a landowner or user of any lands, structure or other facility or improvement within an AZD – 5 or AZD – 6 Airport Zoning District, from seeking damages from the Beaver County Airport and/or the County of Beaver pursuant to the Eminent Domain Code or other applicable law or regulation, in the event the Beaver County Airport Manager, the Beaver County Airport and/or lights pursuant to this Subparagraph C of this Section 1305.
2. Notwithstanding the preceding provisions of this Subparagraph C, before any existing use which is a nonconforming use under this Article XXVIII may be substantially changed, enlarged or increased in height, an application for an Airport Zoning District Permit must be made and obtained prior to commencement of such change of the structure or item of natural growth. As to any such desired substantial change, enlargement or increase in height of such existing structure, all provisions, regulations and requirements of this Article XXVIII shall be applicable. No Airport Zoning District Permit will be required as to making repairs of general maintenance or replacement of existing parts of a nonconforming use under this Article XXVIII, provided such repair or replacement of an existing part thereof does not exceed fifty (50%) percent of such nonconforming use.
3. Whenever a nonconforming use existing under this Article XXVIII shall be abandoned and/or physically deteriorated, decayed, or torn down to an extent of fifty (50%) percent, any renewal of use thereof and/or repair thereof shall be done only upon and after obtaining an Airport Zoning District Permit pursuant to and under this Article XXVIII.

Section 1406

ADMINISTRATION, ENFORCEMENT AND NOTICE

- A. It shall be the duty of the Zoning Officer of Big Beaver Borough to administer and enforce the regulations prescribed in this Article XXVIII. Applications for permits shall be submitted to the Zoning Officer upon such forms as prescribed by the Borough of Big Beaver. Nothing herein contained shall disqualify any member of the Police Department of Big Beaver Borough, in addition to the Zoning Officer, to issue citations for prosecution of any violator of the restrictions and requirements hereof.

- B. Applications for variance from the regulations and restrictions of this Article XXVIII shall be submitted to the Zoning Hearing Board of Big Beaver Borough, which Zoning Hearing Board pursuant to the Aviation Code, being Act No. 164 of 1984, is the “Board of Adjustment”. Said Zoning Hearing Board shall consider, grant and deny such applications for variance pursuant to the procedure of Article XXII of the Zoning Ordinance of Big Beaver Borough, subject to the extended time limitation set forth in Section 2804 B, 3 of this Article XXVIII.
- C. Any person aggrieved by the decision or ruling of the Zoning Hearing Officer in the administration of this Article XXVIII, other than issuance of a citation for a summary offense violation, may appeal such decision of the Zoning Officer to the Zoning Hearing Board as the aforesaid “Board of Adjustment”.
- D. Any person aggrieved by a decision or ruling of the Zoning Hearing Board as to a variance pursuant to this Article XXVIII may file an appeal thereto as prescribed by Section 2106 of Article XXII.
- E. Notwithstanding any other provision of law, the Zoning Hearing Officer and/or the Zoning Hearing Board of Big Beaver Borough, upon decision to grant an Airport Zoning District Permit or variance under this Article XXVIII, shall give the Pennsylvania Department of Transportation written notice of such decision a minimum of ten (10) business days prior to such decision being granted and becoming effective. Reference is herein made to Section 2703, F, 2 and Section 2704, D of this Article XXVIII.

ARTICLE XV

OFF-STREET PARKING, LOADING AND UNLOADING REGULATIONS

Section 1500 GENERAL REGULATIONS

- A. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off or beyond the public right-of-way and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.

Each parking space shall consist of not less than an average of one hundred and eighty (180) square feet of usable area for each motor vehicle. The net parking space per vehicle shall not be less than nine (9) feet wide and twenty (20) feet long. With the exception of residential properties, all parking spaces must also

provide a drive isle in accordance with the following: Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. Such outdoor parking spaces shall be deemed to be part of the lot area and be fully located outside the public right of way.

| Parking Angle | Traffic Flow | Stall Length | Stall Width | Aisle Width |
|---------------|--------------|--------------|-------------|-------------|
| 90 | Two Way | 20' | 9' | 24' |
| 60 | One Way | 21'-10" | 9' | 18' |
| 45 | One Way | 20'-6" | 9' | 15' |

- B. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court.
- C. Parking spaces may be located on a lot other than that containing the principal use with the approval of Borough Council.
- D. Surfacing: Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous surface,
- E. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises and public right-of-way. Lighting intensity at the property line shall not exceed 0.5 foot candle. The spacing of lighting shall be determined based upon the Borough approved plan of photometrics. The lighting system shall furnish an average minimum of 2 footcandles during typical hours of operation. If required for certain uses, lighting intensity may be reduced between defined hours as approved by Borough Council.
- F. There shall be adequate provision for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or general public. The maximum width of the ingress and egress drive shall not exceed 30' and provide adequate radius to support the vehicular use.
- G. Location of Parking Areas.
 - 1. Required parking spaces must be located in close proximity to the principal use.

2. Shared parking may be permitted when approved by Borough Council and must be accompanied by an executed agreement between the affected property owners, recorded at the recorder of deeds.
3. No parking area containing more than five parking spaces shall be located closer than 10 feet to any adjoining lot line, and parking authorized in front yards shall be located at least 10 feet from the street right-of-way line.

Section 1501 PARKING FACILITIES REQUIRED

General Requirements.

Any new use, expansion of an existing use, or change of use in any zoning district shall comply with the following minimum requirements for the provision of off-street parking and loading spaces.

1. When the calculation of required parking and/or loading spaces results in a requirement of a fractional parking space, any fraction shall be counted as one parking space.
2. Where more than one use exists on a lot, parking and loading requirements for each use shall be provided.
3. A landowner and/or developer shall follow the specific requirements of the American Disability Act of 2004, ADA Standards for Accessible Design, latest edition for off-street parking requirements.
4. The following table of parking requirements specifies the number of spaces required for various land use categories:

| Principal Use | Minimum Parking Requirements | Minimum Loading Requirements | |
|-------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|------------------------|
| | | Building Gross Floor Area | Number of Berths |
| Residential Use | | | |
| 1. Apartment, Garden | 2 spaces/dwelling unit and 0.5 visitor spaces/dwelling unit within 300 ft of each dwelling unit | | |
| 2. Apartment, High-Rise | 2 spaces/dwelling unit and 0.5 visitor spaces/dwelling unit within 300 ft of each dwelling unit | < 30 Units 30 – 60 Units 60 – 120 Units Each add'l 60 Units | 1 2 4 1 add'l |

| | | | |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-------------------------|
| 3. Mobile Home Park | 2 spaces/mobile home (1 on lot and 1 within 300 ft of mobile home) | | |
| | | Minimum Loading Requirements | |
| Principal Use | Minimum Parking Requirements | Building Gross Floor Area | Number of Berths |
| Residential Use | | | |
| | | | |
| 4. Quad-Plex | 2 spaces/dwelling unit and 0.5 visitor spaces/dwelling unit within 300 ft of each dwelling unit | | |
| 5. Single-Family Dwelling | 2 spaces/dwelling unit | | |
| 6. Townhouse | 2 spaces/dwelling unit and 0.5 visitor spaces/dwelling unit within 300 ft of each dwelling unit | | |
| 7. Two-Family Dwelling | 2 spaces/dwelling unit | | |
| Nonresidential Use | | | |
| 8. Adult Business | 1 space/100 sf of gross floor area | | |
| 9. Bank/Financial Institution | 1 space/200 sf of gross floor area and 1 space/employee on peak shift and 5 off- street waiting spaces/drive-in window | | |
| 10. Bar/Nightclub | 1 space/50 sf of gross floor area and 1 space/employee on peak shift | < 20,000 Each add'l 20,000 sf or fraction thereof | 1 1 add'l |

| | | | |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------|
| 11. Bed and Breakfast Facility | 1 space/guest room and 2 space/permanent resident | | |
| | | Minimum Loading Requirements | |
| Principal Use | Minimum Parking Requirements | Building Gross Floor Area | Number of Berths |
| Nonresidential Use | | | |
| 12. Billboard | | | |
| 13. Business Services | 1 space/250 sf of gross floor area | < 20,000 sf 20,001 - 60,000 sf Each add'l 60,000 sf or fraction thereof | 1 2 1 add'l |
| 14. Campground | 1 space/1 campsites | | |
| 15. Car Wash | 5 stacking spaces/wash bay | 1 berth/4 wash bays | |
| 16. Cemetery | 1 space/500 sf of gross floor area of office/admin./chapel/mausoleum/viewing room space and 1 space/employee on peak shift | 1 berth/mausoleum or 1 berth/4 viewing rooms | |
| 17. Collection and Recycling Facility | 1 space/1,000 sf and 1 space employee on peak shift | < 20,000 sf Each add'l 20,000 sf or fraction thereof | 1 1 add'l |
| 18. Communication Tower | 1 space/facility | | |
| 19. Convenience Store | 1 space/75 sf | < 10,000 sf 10,000 - 19,999 sf Each add'l 20,000 sf | 1 2 1 add'l |
| 20. Country Club or Golf Course | 8 spaces/hole and 1 space/employee on peak shift | | |
| 21. Day Care Center or Nursery School | 1 space/staff on peak shift and 1 space/4 students | | |

| Principal Use | Minimum Parking Requirements | Minimum Loading Requirements | |
|--------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------|--------------------|
| | | Building Gross Floor Area | Number of Berths |
| 22. Day Care Home | 2 spaces and 1 space/employee on peak shift | | |
| 23. Dormitory | 1 space/2 beds and 1 space/employee on peak shift | < 10,000 sf Each add'l 10,000 sf or fraction thereof | 1 1 add'l |
| 24. Employee Cafeteria/Dining Room | | 1 berth/100 seats | |
| 25. Essential Services | 1 space/employee on peak shift | | |
| 26. Flea Market | 1 space/50 sf of sales area | | |
| 27. Freight and Truck Terminal | 1 space/ employees on peak shift | | |
| 28. Funeral Home | 1 space/10 SF within the parlor area | <4 Viewing Rooms Each add'l viewing room | 1 berth 1 add'l |
| 29. Group Care Facility or Personal Care Boarding Home | 1 space/employee on peak shift and 1 space/3 beds | < 10,000 sf Each add'l 10,000 sf or fraction thereof | 1 1 add'l |
| 30. Group Home | 1 space/4 residents and 1 space/employee on peak shift | | |
| 31. Home-Based Business (No Impact) | 3 spaces/dwelling unit | | |
| 32. Home Occupation | 3 spaces/dwelling unit | | |
| 33. Horse Boarding and Riding Academy | 1 space/4 stables and 1 space/employee on peak shift | <1,000 sf Each add'l 2,000 sf or fraction thereof | 1 1 add'l |

| Principal Use | Minimum Parking Requirements | Minimum Loading Requirements | |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------|
| | | Building Gross Floor Area | Number of Berths |
| 34. Hospital | 1 space/2 beds and 1 space/employee on peak shift | < 40,000 sf 100,000 sf Each add'l 60,000 sf | 1 2 1 add'l |
| 35. Indoor Recreation | Bowling Alley: 5 spaces/alley Tennis, Racquetball or Handball Court: 1 space/employee and 4 spaces/court Swimming Pool (Public or Commercial): 1 space/50 sf of water area | < 59,999 sf 60,000 - 99,999 sf Each add'l 60,000 sf | 1 2 1 add'l |
| 36. Junkyard | 1 space/employee on peak shift and 2 patron spaces | | |
| 37. Kennel | 1 space / employee and 1 space/10 boarding units | | |
| 38. Landfill (Office) | 1 space/1,000 sf and 1 space employee on peak shift | < 5,000 sf 5,001 - 20,000 sf Each add'l 20,000 sf or fraction thereof | 1 2 1 add'l |
| 39. Landscaping Service Center, Retail | 1 space/300 sf of net floor area (indoor) and 1 space/500 sf of gross floor area (outdoor) and 1 space/employee on peak shift | < 10,000 sf 10,000 -20,000 sf | 1 2 |
| 40. Landscaping Service Center, Wholesale | 1 space/2 acres of production sales area Plus 1 Space per Employee | 1 Space per 5 acres or fraction there of | |
| 41. Light Manufacturing | 1 space/employee on peak shift | < 19,999 sf 20,000 - 39,999 sf 40,000 - 65,000 sf Each add'l 25,000 sf | 1 2 3 1 add'l |

| Principal Use | Minimum Parking Requirements | Minimum Loading Requirements | |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------|
| | | Building Gross Floor Area | Number of Berths |
| 42. Manufacturing, Other than Light Manufacturing | 1 space/employees on peak shift | < 19,999 sf 20,000 - 39,999 sf 40,000 - 65,000 sf Each add'l 25,000 sf | 1 2 3 1 add'l |
| 43. Medical Clinic | 4 spaces/exam or procedure room | | |
| 44. Mineral Extraction | 1 space/employee on peak shift | | |
| 45. Mini-warehouse and Self- Storage Building | 1 space/1 employee on peak shift and 1 space/10 storage spaces | 1 berth/5 interior doors | |
| 46. Motel/Hotel | 1 space/employee on peak shift and 1 space/sleeping unit; Plus parking for restaurant, bar, conference room if accessory use open to general public (refer to use requirements) | < 59,999 sf 60,000 - 99,000 sf 100,000 - 160,000 sf Each add'l 60,000 sf | 1 2 3 1 add'l |
| 47. Nursing Home | 1 space/3 beds and 1 space/employee on peak shift | < 59,999 sf 60,000 - 99,000 sf 100,000 - 160,000 sf Each add'l 60,000 sf | 1 2 3 1 add'l |
| 48. Office, Business and Professional | 1 space/200 sf of gross floor area | < 50,000 sf 50,000 - 100,000 sf 100,000 - 150,000 sf Each add'l 50,000 sf | 1 2 3 1 add'l |
| 49. Outdoor Recreation (Permanent) | As determined by Planning Commission | As determined by Planning Commission | |
| 50. Personal Services | 1 space/200 sf of net floor area and 1 space/2 employees on peak shift | < 30,000 sf 30,000 - 59,999 sf Each add'l 30,000 sf | 0 1 1 add'l |
| 51. Place of Assembly | 1 space/3 seats | 1 berth/500 seats | |

| Principal Use | Minimum Parking Requirements | Minimum Loading Requirements | |
|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------|
| | | Building Gross Floor Area | Number of Berths |
| 52. Public Building | 1 space /300 sf of gross floor area | < 40,000sf 40,000 - 59,999 sf 60,000 - 120,000 sf Each add'l 60,000 sf | 0 1 2 1 add'l |
| 53. Public Utility Building and Public Utility Transmission Facility | 1 space/employee on peak shift and 1 space/service vehicle stored on lot | | |
| 54. Research and Development | 1 space/500 sf of gross floor area | < 19,999 sf 20,000 - 39,999 sf 40,000 - 65,000 sf Each add'l 25,000 sf | 1 2 3 1 add'l |
| 55. Restaurant, High Turnover without Drive Thru | 1 space/50 sf of gross floor area and 1 space/employee on peak shift | As determined by Planning Commission | |
| 56. Restaurant, High Turnover with Drive-Through | 1 space/50 sf of gross floor area and 1 space/employee on peak shift; 5 queuing spaces per drive thru window. | As determined by Planning Commission | |
| 57. Restaurant | 1 space/2 patrons during peak seating and 1 space/employee on peak shift | 1 Loading Berth | |
| 58. Retail Store | 1 space/200 sf of gross floor area | < 10,000 sf 10,000 -40,000 sf Each add'l 40,000 sf | 1 2 1 add'l |

| Principal Use | Minimum Parking Requirements | Minimum Loading Requirements | |
|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------|
| | | Building Gross Floor Area | Number of Berths |
| 59. Retail Store (> 100,000 sf) | 4 space/1000 sf of gross floor area | 20,000 - 100,000 sf Each add'l 100,000 sf | 4 1 add'l |
| 60. School | Elementary and Junior High: 1 space/staff employee on peak shift Secondary and Post-Secondary: 1 space/staff and 1 space/4 students | < 59,999 sf 60,000 - 99,000 sf 100,000 - 160,000 sf Every add'l 60,000 sf | 1 2 3 1 add'l |
| 61. Service Station | 4 spaces/bay and 1 space/employees on peak shift and 1 space/business vehicle | | |
| 62. Transfer Facility, Incinerator or Resource Recovery Facility | 1 space/1,000 sf and 1 space employee on peak shift | < 59,999 sf 60,000 - 99,000 sf Every add'l 10,000 sf | 5 10 1 add'l |
| 63. Vehicle Sales and Service | 1 space/200 sf of showroom space, 1 space/employee and 2 spaces/service bay | 1 berth/20,000 sf | |
| 64. Veterinary Clinic | 1 space/employee and 2 spaces/exam | | |
| 65. Warehouse/ Wholesale Business | 1 space/ employees on peak shift | < 19,999 sf 20,000 - 39,999 sf 40,000 - 65,000 sf Each add'l 25,000 sf | 1 2 4 1 add'l |
| 66. Uses Not | As determined by | As determined by Planning Commission | |

Section 1502

ACCESS TO OFF-STREET PARKING AND LOADING AREAS

Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions.

- A. No full access driveway, which would allow both right and left turns in and out of the driveway, shall not be permitted within eighty (80) feet of the nearest public right-of-way line of any intersecting public street or highway.
- B. Where the sight distance in either direction along the public thoroughfare would be less than five hundred (500) feet when the posted speed limit exceed thirty-five (35) miles per hour, an access driveway shall not be permitted upon the public right of way; however, when the posted speed limit is thirty-five (35) miles per hour or less, the sight distance requirement may be reduced to three hundred fifty (350) feet.

Section 1503

LOADING AND UNLOADING SPACE

- A. In addition to the off-street parking space required above, any building erected, converted or enlarged in any district for nonresidential use shall provide adequate off-street areas for loading and unloading of vehicles.
 - a. Each loading berth shall be at least 65 feet in length and 12 feet in width with an overhead clearance of 14 feet. The area used for loading berths shall not be used to satisfy parking area requirements.
 - b. Access: Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Borough Engineer. Loading berths shall have direct access to a driveway and shall be maintained free of obstruction.
 - c. Location: All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard.
 - d. Screening: Loading berths shall be screened by an 8-foot hedge, wall or fence with a minimum opacity of 80 percent on all sides that face a residential use or a use within a residential zoning district.
 - e. Surfacing: All loading berths shall have a paved concrete or bituminous surface, graded with positive drainage to dispose of surface water.

- f. Lighting: Any lighting used to illuminate loading berths shall be designed to reflect away from any adjoining residential use or residential zoning district and away from any street or highway.

Section 1504 **PARKING AND LOADING AREA SETBACKS**

All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property line by a planting strip at least ten (10) feet in depth and must include a standing hedge row, unless adjoining owners mutually agree to common facilities.

ARTICLE XVI

SIGN REGULATIONS

Section 1600 **PURPOSE**

The sign regulations, controls, and provisions set forth in this Article are made in accordance with an overall plan and program related to residential and non-residential uses. The regulations, controls, and provisions are intended to guide public safety, area development, preservation of lot values, and the general welfare of the Borough of Big Beaver. The regulations, controls, and provisions are also intended to aid in traffic control and traffic safety, lessen congestion of land and air space, guard against concentrations of signs which distract and endanger traffic safety and traffic flow, establish reasonable standards for non-residential and other advertising through the use of signs in order to maintain and encourage business activity and economic development, avoid uncontrolled proliferation of signs, recognize the rights of the public in roads, streets, highways, and the areas adjacent to those roads, streets, and highways, preserve the wholesome and attractive character of the Borough, and to recognize that the general welfare includes a community plan that shall be beautiful as well as healthy, spacious as well as clean, and well-balanced in its growth and development.

Section 1601 **ERECTION AND MAINTENANCE OF SIGNS**

Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

Section 1602 **MAJOR TYPES AND CLASSIFICATIONS OF SIGNS**

Signs in all zoning districts shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes described in this Article.

- A. *Types:* Permanent signs are categorized by use, function, or purpose into the following types:
1. Development/ residential plan identification.
 2. Business/occupation identification.
 3. Building identification.
 4. Directional. (on-premises)
 5. Display sign.
- B. *Classes.* Permanent signs that are permitted within the Borough of Big Beaver are classified by physical attributes into the following categories:
1. Freestanding.
 - a. Ground sign.
 - b. Pole sign.
 2. Wall sign.
 3. Arcade sign.
 4. Bulletin.
 5. Changeable copy.
 - a. A sign with changeable copy shall be permanently affixed to the ground or principal structure of a lot. Signs, if lighted, shall be lit from the top or from a ground source. Backlighting shall not be an acceptable form of lighting.
 - b. No electronic scrolling images or metallic movement shall be incorporated into a changeable copy sign.
 6. Window.

Section 1603 MINOR TYPES OF PERMANENT SIGNS

The following types of signs are considered minor and are permitted for all land uses and within all zoning districts of the Borough:

- A. *Notification:*
1. Signs bearing legal and/or lot notices or warnings such as: no trespassing, private property, no turnaround, safety zone, no hunting, or similar messages and signs posted by a governmental agency for traffic control and/or the safety of the general public.
 2. In all zoning districts, the number, location, and size of legal notification signs erected by public agencies shall be in accordance with the laws of

the Commonwealth. In all zoning districts, legal notification signs posted on a private lot by a landowner and/or developer such as "no trespassing," "no hunting," and the like shall be limited to a surface area of not exceeding two (2) square feet. The placement and maximum notification signs permitted along road frontages shall be one sign for every 100 feet of road frontage.

- B. *Memorial/Historical Plaques:* Commemorative plaques placed by a recognized agency of the Borough, County, State, and/or Federal government to celebrate and honor a historic event or item.
- C. *Governmental Signs:* Signs erected by a governmental agency, including street identification signs and official traffic signs.

Section 1604 TEMPORARY SIGNS

The following classes of temporary signs are permitted for all land uses and within all zoning districts of the Borough of Big Beaver.

A. *Classes of Temporary Signs:*

- 1. Real estate.
- 2. Development.
- 3. Construction.
- 4. Political Sign.
- 5. "A-frame" or Sandwich Board Sign.
- 6. Temporary Event or Temporary Display Sign.

B. *Conditions for Use of Temporary Signs:*

- 1. *Real Estate Sign:* One non-illuminated temporary real estate sign shall be permitted on each lot provided the surface area of the sign shall not exceed 6 square feet. The real estate sign shall not exceed 12 square feet in surface area when located on a lot with any residential use and shall not exceed 32 square feet on any other lot. Such sign shall be removed within 30 days of the sale or rental of the lot on which it is located.
- 2. *Development Sign:* One non-illuminated temporary development sign shall be permitted on each lot provided the surface area of the sign shall not exceed 32 square feet in surface area. The development sign shall not exceed 6 feet in height when located on a lot with any residential use and shall not exceed 10 feet in height on any other lot. Such sign shall be removed within 30 days of the sale or rental of the last lot or completion of the proposed construction in the development.

3. *Construction Sign:* Two non-illuminated temporary construction signs announcing the names of contractors, mechanics, or artisans engaged in performing work on the premises shall be permitted on a lot, provided that:
 - a. Each sign shall not exceed 32 square feet in area.
 - b. The signs shall be removed within 30 days of the completion of the work.
 - c. The establishment wishing to display such signs shall contact the Borough Zoning Officer prior to displaying, to give notice of the intent and the period during which the sign will be displayed.

4. *Political Signs:* Non-illuminated temporary political signs erected during a political campaign shall be permitted in public rights-of-way, provided that they are not of a type restricted by this Section. A political sign shall not be erected more than 45 days prior to the election in which the candidate is pursuing office and shall be removed within 5 days after the election for which it was erected.

5. *"A-frame" or Sandwich Board Sign.*
 - a. One: "A-frame" or sandwich board sign allowed per business establishment.
 - b. Area: Each sign shall have a maximum area of seven (7) sq. ft. per sign face.
 - c. Height: Signs shall have a maximum height of three and one-half (3.5) feet.
 - d. Signs shall be placed indoors during inclement weather, overnight, or whenever the business is closed, so as to reduce hazards to pedestrians and others.
 - e. Illumination is prohibited.
 - f. Sign Placement.
 - i. If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.

- ii. The sign must be located on the premises, and within 12 feet of the primary public entrance, of the establishment it advertises. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.
- iii. These portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.

6. *Temporary Event Sign:*

- a. One non-illuminated temporary event sign, as defined by this Section, shall be permitted to be erected on the face of the lot's principal structure; provided, that the area of the signs shall not exceed 40 square feet; and, provided, the sign is displayed for a period no longer than 30 days and is removed within 5 days following the event that it is erected to promote.
- b. Portable signs shall not be permitted as temporary event signs.
- c. Temporary event signs shall be non-illuminated.
- d. If the landowner and/or developer fail(s) to remove the temporary sign by the beginning of the thirty-sixth day from which the permit had been issued, the landowner and or developer may be subject to fines and other penalties set forth in Section XXIV.
- e. Landowners and/or developers found violating the provisions set forth within this Article XIV will forfeit their right to be issued a temporary sign permit for a period of one (1) year commencing from the date said violation is found to have occurred.

Section 1605

BILLBOARDS

Billboards shall be a permitted conditional use subject to the following express standards and criteria:

A. *Location:*

- 1. Billboards shall not be erected within 500 feet of the boundary line of any Residential District or within 500 feet of any public or private school, place of worship, or cemetery, said 500 feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.

2. On limited access highways, billboards shall not be erected within 500 feet of an interchange.
 3. Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structures of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the center-most point of the billboard that is parallel to the centerline of the roadway to which the billboard is oriented.
 4. The minimum front, side, and rear yard requirements applying to a principal structure as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.
 5. No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or nonresidential structure, or limit or reduce the light and ventilation requirements under the Borough Building Code.
 6. No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
 7. No sign shall be erected over any sidewalk or public right-of-way.
 8. Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall, or other part of a building or any other structure.
- B. *Size and Height:* A billboard shall have a maximum allowable gross surface area of 300 square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:
1. A billboard shall have no more than two sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of 90 degrees or less.
 2. The dimensions of the gross surface area of the billboard's sign face shall not exceed 20 feet in total height or 25 feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.
 3. A billboard structure shall have a maximum height of 40 feet above the curb of the roadway from which it is intended to be viewed.
- C. *Construction Method:* Billboards shall be constructed in accordance with applicable provisions of the Borough Building Code and shall meet all of the following additional requirements:

1. The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or ornamental grasses of a minimum height of 3 feet. The shrubbery and/or ornamental grasses shall be placed in such a manner as to screen the foundation of the structure.
 2. Required landscaping, as required by this Zoning Ordinance shall be maintained by the billboard structure owner in an attractive and healthy manner in accordance with the Borough's accepted best management/conservation practices.
 - a. No bare cuts shall be permitted on a hillside.
 - b. All cuts or fills shall be permanently seeded or planted.
- D. *Lighting:* A billboard with display lighting shall be constructed so that it does not glare upon an adjoining lot and shall not exceed a maximum of 1 footcandle upon the adjoining lot.
1. Display lighting shall not operate between 12 Midnight and 5 a.m., prevailing local time.
 2. No display lighting shall cause distractions, confusion, nuisance, or hazard to traffic, aircraft, or other lots.
 3. The use of colored lighting shall not be permitted.
- E. *Appearance:* No billboard structure, sign face, or display lighting shall cause distractions, confusion, nuisance, or hazards to traffic, aircraft or other lots.
1. No sign face image shall contain parts that move, scroll, flash, glitter, or emit noise.
 2. A sign face that rotates to display two or three separate sign face images shall be permitted providing that each image is displayed for at least 5 consecutive minutes every time it is shown.
 3. A maximum of 75 square feet of a sign face may be used to display a changeable copy sign. Lettering and other images on the changeable copy sign shall be displayed for at least 30 consecutive seconds every time it is shown.
- F. *Maintenance:*
1. A billboard structure shall be entirely painted every 3 years, unless constructed of an approved corrosive-resistant material.

2. Every 10 years, the owner of the billboard structure shall have a structural inspection made of the billboard by a registered engineer and shall provide to the Borough a certificate from the engineer certifying that the billboard is structurally sound.
 3. The Borough reserves the right to perform annual inspections of the billboard to determine compliance with this Section.
 4. Billboards found to be in violation of this Section shall be brought into compliance or removed within 30 days upon proper notification by the Borough.
 5. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All loose paper and other waste materials shall be removed and disposed of properly within 14 days from when fraying begins.
- G. *Liability Insurance:* In submitting a sign permit application to erect a billboard, the applicant shall provide a certificate of insurance for public liability and lot damage which holds the Borough harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of the Borough Council. The insurance certificate shall contain a clause stating that the insurance shall not be cancelled or reduced without first giving 10 days' notice to the Borough.
- H. *Permits:*
1. Prior to submission of an application for a sign permit, the applicant for a billboard shall obtain and submit with the application, approvals from the County of Beaver, and/or the United States Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation, when applicable.
 2. Approval of the conditional use shall be valid for 6 months from the date of action by the Big Beaver Borough Council granting the conditional use. If the applicant fails to obtain a sign permit for the approved billboard within the 6-month period, approval of the conditional use shall expire automatically, without written notice to the applicant.
- I. *Application Fees:* Said billboard application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of the Borough Council.

J. *Nonconforming Billboards:*

1. Any billboard that does not conform to all the requirements of this Section shall not be enlarged or moved.
2. Any billboard that is damaged or destroyed by more than 51 percent of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Section.

Section 1606 PROHIBITED SIGNS

The following signs shall not be permitted within the Borough of Big Beaver:

- A. Moving or flashing signs otherwise not authorized by this Article. Flashing is defined as any sign that turns on and off or changes color more than 12 times per hour, except for time and temperature signs.
- B. Signs on trees located on public property, utility poles, or official traffic control devices or signs.
- C. Signs that imitate traffic control devices.
- D. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public lot, or private lot, other than temporarily for overnight storage on the sight of a business or for maintenance, repair, loading, unloading, or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby lot.
- E. Signs that by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
- F. Any sign that obstructs free ingress to and egress from a fire escape, door, window, or other required exit way.
- G. Signs that make use of the words as "Stop," "Look," "One Way," "Danger," "Yield," or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic.
- H. *Misleading Information:* No sign shall be created which states or implies that a lot may be used for any purpose not permitted under the provisions of the Big Beaver Zoning Ordinance.

- A. *Lots with Multiple Street Frontage:* In all zoning districts, lots fronting on more than one street shall be permitted to have one sign of authorized sign types as defined in Table 14-1 in this Article.
- B. *Visibility:* No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs, shall hang over or be erected within the right-of-way of any street.
- C. *Illumination:* Illumination, when authorized by this Article, shall be directed upon the sign face and not towards adjoining lots or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding lots.
- D. *Maintenance and Inspection:* All signs must be constructed of a durable material, maintained in good condition, and otherwise comply with the Borough's Property Maintenance Code.
- E. *Removal of Signs:*
1. Whenever any business, activity, or product on a lot is discontinued, vacated or no longer sold, all signs relating to the discontinued or vacated business shall be removed within 30 days of the vacation or discontinuance of the business or activity.
 2. If the landowner and/or developer fail(s) to remove the temporary sign by beginning of the forty-sixth day from which the permit had been issued, the Borough shall be permitted to remove the sign at the owner's expense.
- F. *Permits:* No permit shall be required for the following types of signs as described above: Notification, Real Estate, Political, and Construction Signs erected by a governmental agency. Permits shall be required for all other signs authorized within this Section. The Borough Zoning Officer shall issue the required permits upon submission of an application that complies with all applicable provisions of this Section and payment of the required fee established from time to time by Resolution of the Borough Council
- G. *Expiration of Permits:* Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within 6 months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

H. *Sign Location:* Except for billboards and political signs, as defined herein, where authorized by this Section, all signs shall be located on the premises for which they are intended to serve.

Section 1608 SIZE REGULATIONS OF MAJOR SIGNS

A. *Use Categories:* Land uses defined throughout this Zoning Ordinance shall be classified within one of the following use categories. Use categories include:

1. Commercial/Office/Industrial. See Table XIV-1.
2. Residential. See Table XIV-2.

**TABLE XIV-1
COMMERCIAL, OFFICE, AND/OR INDUSTRIAL SIGNAGE REGULATIONS**

| Sign Type | Maximum Number of Signs | Maximum Size | Maximum Height | Restrictions |
|-------------------------------------------|--------------------------------|-----------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development Plan Identification | | | | |
| Ground | 1 per development | 60 sf | 6 ft | Wall sign may be affixed to decorative wall. Internally illuminated signs prohibited. |
| Pole | Not Permitted | | | |
| Business/Occupation Identification | | | | |
| Ground | 1 Ground or Pole (per lot) | 1 sf/linear foot of front wall building width (200 sf maximum) | 6 ft | 10 feet from property line or ROW. Requires for vehicular visibility: 500 ft/30 ft – arterial or collector 250 ft/25 ft – local 200 ft/25 ft – service If Ground Sign, then no Pole Sign. |
| Pole | | 60 sf (1 business) 80 sf (>1 business) | 25 ft Max. at top, 12 ft Min. at Bottom | 10 feet from property line or ROW. No portion of sign over the ROW. If Pole Sign, then no Ground Sign. |
| Wall | | 2 sf/linear ft of front wall building width (300 square foot maximum) | Below Roofline | 6 inch maximum projection from wall |
| Projecting or Arcade | 1 (per business) | 8 sf | N/A | For shopping centers, office complexes with roofed pedestrian accessway, marquee, or exterior arcade. No portion of sign over the ROW. |

| Building Identification | | | | |
|---------------------------|----------------------------------------------------------------------------|------------|----------------|---------------------------------------------------------------|
| Ground or Wall | 1 (per business) | 20 sf | Below Roofline | Multi-Tenant Building Only |
| Directional (On Premises) | | | | |
| Maximum size – 10 sf | | | | |
| Display | | | | |
| Changeable Copy/Ground | 1 per lot | 32 sf | 6 ft | Permanently affixed to authorized Ground/Pole Sign on the lot |
| Bulletin | Not Permitted | | | |
| Window | 3 if < 50 ft frontage 5 if 50-100 ft frontage 7 if > 100 ft frontage | 15 sf each | N/A | For Commercial Buildings Only |

**TABLE XIV-2
RESIDENTIAL SIGNAGE REGULATIONS FOR R-1, R-2 DISTRICTS**

| Sign Type | Maximum Number of Signs | Maximum Size | Restrictions |
|------------------------------------|-------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------|
| Development Plan Identification | | | |
| Ground | 1 per entrance | 24 sf | Ground or Wall sign (not both). Wall sign may be affixed to decorative wall. Internally illuminated signs prohibited. |
| Wall | | 24 sf | |
| Pole | Not Permitted | | |
| Business/Occupation Identification | | | |
| Ground | 1 per lot | 12 sf | Maximum height of 4 ft for businesses other than home occupations and no-impact home-based businesses. |
| Pole | Not Permitted | | |
| Wall | 1 per dwelling unit | 1 sf | For Home Occupation |
| Projecting or Arcade | Not Permitted | | |
| Business Identification | | | |
| Ground or Wall | Not Permitted. | | |
| Directional (On Premises) | | | |
| Maximum size – 10 sf | | | |

| Sign Type | Maximum Number of Signs | Maximum Size | Restrictions |
|----------------------------|-------------------------|--------------|--------------|
| Display | | | |
| Changeable Copy/ Ground | Not Permitted | | |
| Bulletin | Not Permitted | | |
| Window | Not Permitted | | |

Section 1609 SIGN PACKAGES, PERMITS, FEES, AND PROCEDURES.

- A. All proposed development shall be required to submit a sign package to the Borough for its approval prior to any sign permits being issued to businesses. Sign package shall mean a detailed description including, but not limited to, type, size, and location of all signs for each unit within the complex/center, as well as the ground sign. This provision shall apply to new construction after the effective date of this Ordinance and to the proposal of new or changes in signs of an existing use. The Borough Zoning Officer shall review all sign packages for completeness. Any application determined to be incomplete shall be returned to the applicant with a description of missing and/or incomplete items.
- B. A sign permit shall be required in order to erect, install, relocate, modify or change any sign within the Borough unless otherwise indicated in this Section. "Modify," as it is used herein, shall mean a cabinet or face replacement because of a change in the nature of the business or a change in the name and ownership of a business; or replacement of supporting structures.
- C. The application for a permit shall be signed by the landowner and/or developer of the lot. The tenant of the lot, if not the landowner and/or developer, shall be permitted to sign the permit application if he can present notarized evidence that the tenant has permission to act on the landowner and/or developer behalf.
- D. Failure to conform to the conditions of a sign permit, including any conditions and/or stipulations attached thereto shall render such permit void.
- E. Fees for sign permits shall be required and payable in such sums as the Big Beaver Borough Council may from time to time establish by resolution.
- F. No sign permit shall be valid or effective after 6 months from the date of issuance thereof and shall thereafter be void unless the sign is in place as of the expiration date.
- G. To obtain a sign permit, a sign permit application must be completed and include the following information:

1. A drawing, prepared to scale, of the proposed sign showing all sign dimensions, including the height of the sign and grade level base of the sign as well as sign materials and colors.
 2. Lot plan showing proposed location(s) of sign.
 3. Any building elevations showing proposed location(s) of sign.
 4. The sources of sign illumination and applicable details of the fixture and screening.
- H. *Sign installation:* All signs shall be installed in accordance with good engineering practice which shall be the responsibility of the sign owner.
- I. *Sign Maintenance:*
1. Every permitted sign must be constructed of durable material and kept in good condition and repair and otherwise comply with the Borough Property Maintenance Code. If the durability and/or condition of said sign is not improved within the time period defined by the Zoning Officer, the sign shall be removed by the Borough at the expense of the owner or person in possession of the lot on which the sign is located. The Zoning Officer will notify the responsible party with a certified letter prior to any removal action being taken by the Borough.
 2. Any damaged sign shall be repaired within 60 days.
 3. Any sign which has been damaged to such extent that it may pose an imminent hazard to passers by, as determined by the Zoning Officer, shall be repaired or removed immediately.
 4. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain non-illuminated until repaired.
 5. Failure to comply with these sign maintenance requirements shall constitute a violation of this Section.
- J. *Size:*
1. The square footage of the sign shall refer to the area of the sign facing; including, any border or framing or decorative attachments but not including some architectural or landscaping element which otherwise meets zoning regulations and is clearly incidental to the sign itself. Size of individually mounted letters or logos shall be measured as the area enclosed by the smallest single rectangle or square which will enclose all sign copy and logos. Ground signs mounted as individual letters and/or graphics against a wall or fence incorporated in the landscaping of a

building shall be measured from the outermost length and height dimensions of the sign.

2. The height of any decorative base or architectural or landscape feature erected to support or ornament the sign shall be measured at average grade as part of the sign height. Maximum sign height shall be measured from the existing or proposed average ground level to the top of the sign structure provided the ground level is not deliberately elevated to increase the height of the sign.
3. Ground signs Ground signs installed perpendicular to a street may be double faced with the allowable square footage on each face. Double-faced signs that are erected at an angle to each other will be subject to the interpretation of the Zoning Officer as to whether they are intended as two signs or for all intents and purposes only constitute one sign for N/S, E/W orientation on the serving street.
4. Wall signs shall not exceed the width of the front of the building on which it is located and shall not protrude more than 12 inches from the facade on which the sign is mounted.
5. In no case shall a wall, projecting, or awning sign exceed the height allowed for in the Zoning District.
6. Gasoline service stations shall be allotted 10 additional square feet to display price per gallon figures divided as they select between logo and prices on the one ground sign permitted on the lot.
7. Existing multi-tenant developments shall be permitted one permanent message board or an electronic variable message sign of 36 square feet in lieu of any temporary signs permitted by said land use. The additional sign area shall be either incorporated below the existing pole sign or installed as a ground-based sign subject to the regulations of minor permanent signs. A lot that has been granted a variance on sign size will not be eligible for this additional sign. New multi-tenant developments shall be required to incorporate this type of sign into their maximum ground sign allotment or concede all future use of temporary signs.
8. Automobile dealers are permitted one "used car" ground sign not to exceed 12 feet in height and 10 square feet in area; or, the 10 additional square feet can be incorporated into the existing sign to advertise used cars divided as the sign owner selects.
9. Sign copy mounted or painted on an illuminated surface (including awnings) or illuminated architectural element of a building shall be measured as the entire illuminated surface or architectural element which

contains sign copy. A non-illuminated sign placed on an awning shall be measured as if placed on any other architectural element.

K. *Lighting and Movement:*

1. Signs which incorporate in any manner any flashing or moving illumination, or illumination which varies in intensity and signs which have visible movement achieved by electric pulsations or by actions of normal wind currents shall comply within the regulations of this Section unless otherwise noted. This regulation shall also apply to waving banners, fluttering appurtenances, and balloons or other special devices. Banners used as temporary signs are permitted as long as they are secured and not waving or fluttering and comply with the maximum size permitted. National, State, or municipal flags shall not be considered a banner.
 - a. Externally illuminated, building mounted signs may be illuminated by either ground-mounted lights or building-mounted light bars. In either situation the light source shall be totally screened from view.
 - b. Externally illuminated freestanding signs shall be illuminated by ground-mounted lights, with the light source being totally screened from view.
 - c. Electronic variable message signs, meaning an electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming are permitted provided:
 - i. Informational content shall be alphabetic or numeric only.
 - ii. Messages shall not change at a frequency of more than 12 times per hour, except for time and temperature signs.

L. *Signage Placement:*

1. No sign shall be placed, erected, or located so that:
 - a. It is pasted, stapled, or otherwise attached to public utility poles or trees within the street right-of-way line, unless erected by a governmental body or unless required to be so located by order of a governmental body.
 - b. It is on a public lot or public rights-of-way, unless erected by a governmental body or unless required to be so located by order of a governmental body.

- c. It is painted on, attached to, or supported by a tree, stone, cliff, or other natural object.
 - d. It is displayed on a vehicle parked and visible from a public right-of-way unless the vehicle is used for the normal day-to-day operation of a business on the premises. The intent of this provision is to prohibit the use of a sign on a vehicle to circumvent sign limits on a lot.
2. Signage for ground signs shall be set back 16 feet from the paved cartway of any street in the C-1 and C-2 Districts and in all other zoning districts shall be set back a minimum of 10 feet from the paved cartway of any street.
 3. Sign font and logos shall not be legible from the rear of the sign.
 4. Signage shall not be lettered or painted directly upon the wall or any other part of the building except for windows.
 5. Building signs in nonresidential districts shall be placed on the front face of the building only, except in instances where the entrance door to the business is on the side or the rear of the building. However, no signs in nonresidential districts may face an immediately adjacent residential zoning district.
 6. Illuminated window signs shall include lit signs placed inside a window facing the exterior of the building. A permit shall be required only for illuminated window signs.
 - a. Illuminated window signs shall not be placed above the ground floor of the building and/or more than 10 feet above grade level of the building.
 - b. Illuminated window signs shall not exceed a size of 16 square feet. Anything exceeding this size shall be deemed the building sign to which the business is entitled. Any combination of illuminated window signs grouped in an area not to exceed 16 square feet will be permitted.

M. *Sign Landscaping:*

1. *Ground Sign:* For each visible sign face the landowner and/or developer shall provide landscaping equivalent to 1 and 1.5 square feet for each square foot of sign area. Landscaping shall consist of a combination of deciduous and evergreen ornamental grasses, groundcover and/or small shrubs. Turf grass shall not be considered as landscaping for ground signs.

2. *Pole Sign:* Landscaping shall be planted at the base of each pole sign. The landscape shall be equivalent to 200 percent of the sign face. Plant material shall include a variety of shrub and ground cover. Turf grass shall not be an acceptable form of landscaping.

N. *Liability:* The provisions of this Section shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm, or corporation, erecting or owning any sign, or resulting from the negligence or willful acts of such person, firm, or corporation, its agents, employees, or workmen, in the construction, maintenance, repair, or removal of any sign erected in accordance with a permit issued hereunder. Nor shall issuance of such permit be construed as imposing on the Borough or its offices or employees, any responsibility or liability by reasons of approval of any sign's structural integrity, construction methods, materials, electrical or mechanical devices, or other components which shall be the sole responsibility of the person, firm, or corporation erecting, owning, repairing, or removing such sign.

ARTICLE XVII

REGULATION OF FLOOD - PRONE AND MUDSLIDE - PRONE AREAS

Section 1700 PURPOSE

- A. Certain areas of Big Beaver Borough are subject to periodic flooding and/or mudslides from streams and other waters causing damage to properties and improvements within the reach of such waters.
- B. Big Beaver desires the insurance coverage for its citizens, residents and properties within the Borough offered by the national Flood Insurance Act of 1968, as amended, to protect against loss resulting from flooding and/or mudslides.
- C. Borough Council of Big Beaver Borough has determined to participate in the National Flood Insurance Program.

Section 1701 BOROUGH FLOODPLAIN REQUIREMENTS

- A. In conjunction with the requirements of this ordinance, all activities within the Borough shall meet all conditions and requirements set forth in the Big Beaver Floodplain Ordinance, No. 210, as adopted June 16, 2015, and revised.

- A. Any Development or Substantial Improvement shall be reviewed by the Zoning Officer to determine whether the Development or Substantial Improvement will be reasonably safe from mudslides.

- B. If in the judgment of the Zoning Officer, as supported by the evaluation of the Borough Engineer, the proposed site and its improvement or Development are in a location that is not reasonably safe from the hazards of mudslides, a further review must be made by a qualified geologist or soils engineer acceptable to the Zoning Officer and paid for by the applicant.
 - 4. Such geologist or soils engineer shall furnish, without charge to the Borough, two (2) copies of a written report of his review to the Zoning Officer.

 - 5. Borough Council reserves the right to retain at its own cost a qualified geologist or soils engineer to perform such further review and/or furnish advice and recommendation on the subject matter.

 - 6. The proposed Development or Substantial Improvement in this mudslide-prone area must be:
 - a. Adequately protected against mudslide damage, and;
 - b. Shall not aggravate the existing hazard.

 - 7. All mobile homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and the National Fire Protection Association Standards and all other Appropriate Standards such as the following:
 - a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

 - b. Frame ties shall be provided at each corner of the mobile homes, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

 - c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

Section 1703 VARIANCES

Variations granted from these regulations by the Zoning Hearing Board shall be as a minimum remedy to afford relief under the provisions of Article XVI and Article XX.

Section 1704 ADVICE FROM THE BOROUGH ENGINEER

In performance of his duties hereunder, the Zoning Officer is hereby authorized to consult with and rely upon the advice and recommendation of the Borough Engineer.

Section 1705 LEGISLATIVE INTENT

The degree of flood and/or mudslide protection required by the provisions of this Ordinance shall be that minimum considered reasonable for regulating purposes. Because the conditions, which may result in flood or mudslide damage, are in many instances unpredictable or may be increased by man-made or natural causes, it is not intended, nor should it be assumed, that areas outside of identified flood-prone and/or mudslide-prone areas, or that land uses permitted within such areas, will be free from flooding and/or mudslide and damage resulting therefrom. Accordingly, the provisions of this Ordinance shall not create liability on the part of the Borough of Big Beaver, its governing body, its officers, its agents, or its employees for damage resulting from flooding and/or mudslide, whether or not the damage may result from reliance upon any provision of this Ordinance or any administrative determination thereunder.

ARTICLE XVIII

**STANDARDS AND CRITERIA GOVERNING ALLOWANCE OF
CONDITIONAL USES, USES BY SPECIAL EXCEPTIONS, AND VARIANCES**

Section 1800 GENERAL STANDARDS AND CRITERIA FOR
CONDITIONAL USES

The following are hereby established as the standards and criteria governing the allowance of conditional uses therein before authorized by this Ordinance. Before approving a conditional use application, the Borough Council shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located, and that it will not substantially impair the use or development of adjacent properties. The Borough Council shall use the following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements in this Chapter for a specific type of use or development.

- A. No use or structure shall be allowed which shall violate the spirit and intent of the Community Development Goals and Objectives of this Ordinance.
- B. The use or structure shall not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons and shall comply with the performance standards hereinafter set forth.
- C. The use or structure shall be sited, oriented, and landscaped to produce an aesthetically compatible or architecturally harmonious relationship of buildings or grounds to adjacent buildings and properties.
- D. The use or structure shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
- E. The use or structure shall have no adverse substantial impact on neighboring uses nor cause a reduction of the property values thereof.
- F. The use or structure shall be substantially conforming to the surrounding uses of property.
- G. The use or structure shall avoid and/or satisfy every reasonable consideration made for the safety and convenience of the traveling public, including without limitation; safe ingress and egress and the avoidance of hazard and congestion to travel and transportation. To effectuate this standard, the Borough Council, in granting allowance of any use or structure hereunder, may impose upon the applicant and/or developer the cost and expense of off-site improvements including without limitation; traffic signals, street lighting, road-widening, other street and highway improvements, and storm water drainage.
- H. The use or structure shall avoid and/or satisfy every reasonable consideration made for the health and safety of the general public, including without limitation, safe water supply, sanitary sewage collection and treatment facilities, and storm drainage facilities.
- I. The use or structure shall avoid and/or satisfy such resulting impact upon neighboring uses as may affect the health and safety of persons and the value and use of property therein. To effectuate this standard, the Borough Council, in granting allowance of any use or structure hereunder, may impose upon the applicant and/or developer the cost and expense of providing off-site improvements, including without limitations, encased storm water facilities and appurtenances, street lighting, sanitary sewer collection and treatment facilities, community firefighting apparatus and equipment which may be required for any unusual use or activity, recreational sites and/or facilities and other public facilities, and/or services deemed necessary.

Section 1801

STANDARDS AND CRITERIA FOR USES BY SPECIAL EXCEPTION

The Borough Zoning Hearing Board shall hear and decide requests for uses by special exception. All applications for uses by special exception shall demonstrate compliance with all of the following general standards and criteria.

- A. No use or structure shall be allowed which shall violate the spirit and intent of the Community Development Goals and Objectives of this Ordinance.
- B. The use shall not endanger the public health, safety, or welfare nor deteriorate the surrounding environment on the site where it is proposed.
- C. The use shall comply with the performance standards specified in Section 1603 of this Section.
- D. Ingress, egress, and traffic circulation on the site shall be designed to ensure safety and minimize congestion and the impact on local streets.
- E. Site lighting, if proposed, shall be shielded and reflected away from adjacent residential properties and public streets, if applicable.
- F. The use or structure shall be substantially conforming to the surrounding uses of property and shall have no adverse substantial impact on neighboring uses of property.
- G. The use or structure shall be sited, oriented, and landscaped to produce an aesthetically compatible or architecturally harmonious relationship of buildings or grounds to adjacent buildings or properties.
- H. The use or structure shall avoid and/or satisfy such resulting impact upon neighboring uses as may affect the health and safety of persons and the value and use of property therein. To effectuate this standard, the Borough Zoning Hearing Board, in granting allowance of any use or structure hereunder, may impose upon the applicant and/or developer the cost and expense of providing off-site improvements, including without limitations, encased storm water facilities and appurtenances, street lighting, sanitary sewer collection and treatment facilities, community firefighting apparatus and equipment which may be required for any unusual use or activity, recreational sites and/or facilities and other public facilities, and/or services deemed necessary.

Section 1802

STANDARDS AND CRITERIA FOR VARIANCES FROM THIS ORDINANCE

The Borough Zoning Hearing Board shall have the power to authorize variances from this Ordinance and to attach such conditions to the variance as it deems necessary to

assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made where relevant in a given case.

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot area or shape, or exceptional topographical or other physical conditions peculiar to the particular lot and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this section in the neighborhood or district in which the lot is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the lot can be developed in strict conformity with the provisions of this Section and that the authorization of a variance is thereof necessary to enable the reasonable use of the lot.
- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lot(s), nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Borough Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and to protect the public health, safety, and welfare of the community.

Section 1803 PERFORMANCE STANDARDS

All uses and structures shall comply with the following performance standards. In order to determine whether a proposed use or building will conform to the safe levels of the following performance standards, Borough Council, the Planning Commission and/or the Zoning Hearing Board, as the case may be, may obtain qualified consultants to review the proposed use or structure and to report their recommendations concerning the same. The cost of such consulting services shall be borne by the applicant.

- A. FIRE PROTECTION: Any activity involving the handling or storage of flammable, explosive, or other hazardous materials shall be subject to the standards of the Borough's Fire Code, the national Board of Fire Underwriters standards and acceptable national fire protection standards. Necessary fire prevention and firefighting equipment shall be readily available to the activities noted above.

- B. ELECTRICAL DISTURBANCES: No activity shall cause electrical disturbances adversely affecting radio or television reception in the Borough.
- C. NOISE: No activity shall cause such noise as to interfere with the use and enjoyment of neighboring property. Noise pollution shall be subject to the standards which may from time to time be established or recommended by the Pennsylvania Department of Environmental Protection (PADEP).
- D. SMOKE AND AIR POLLUTION: The maximum amount and type of smoke emissions permissible shall be subject to the standards which may from time to time be established or recommended by the PADEP. No incineration of any waste material will be permitted.
- E. ODORS: In any Zoning District except the "I" District, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. Uses located in the "I" District shall be permitted to emit odorous gas or matter subject to the standards which may from time to time be established or recommended by the PADEP. No such odorous gas and emissions shall endanger lives or property in any Zoning District.
- F. VIBRATIONS: Vibrations detectable without instruments on neighboring property in any Zoning District shall be prohibited. In addition any vibrations shall be subject to the standards which may from time to time be established or recommended by the PADEP.
- G. GLARE: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
- H. EROSION: No erosion by wind or water shall be permitted which will carry objectionable substances onto adjoining properties.
- I. WATER POLLUTION: Water pollution shall be subject to the standards set forth in the Borough Stormwater Management Ordinance and which may from time to time be established or recommended by the PADEP.

ARTICLE XIX

NONCONFORMING USES, STRUCTURES, AND LOTS

Section 1900 DEFINITION

A nonconforming use means any lot which does not comply with the applicable area and bulk regulations of this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment(s).

Section 1901

PERMITTED CONTINUATION

A nonconforming use may continue and maybe bought or sold, altered, restored, or extended subject to the provisions of this Article even though such use does not conform to the regulations established for the Zoning District in which it is located as long as it remains otherwise lawful. It is important to note that one (1) nonconforming use cannot be changed to another type of nonconforming use.

Section 1902

ALTERATIONS

- A. A nonconforming building or structure may be altered, improved, or reconstructed provided:
 - 1. Such alterations do not result in the expansion of the exterior dimension of the nonconforming building or structure, and;
 - 2. Such work does not exceed fifty percent (50%) of the current replacement value of the building or structure as determined by the Beaver County Assessor.
- B. A nonconforming building or structure may be altered, improved, or reconstructed in excess of fifty percent (50%) of the current replacement value of the building or structure, but not exceeding one hundred percent (100%) of the current replacement value as determined by the Beaver County Assessor, if approved as a Special Exception by the Zoning Hearing Board.
- C. A nonconforming building or structure may be altered to the extent necessary if such alteration is intended and will result in the building or structures conversion to a conforming use.

Section 1903

EXTENSION OR EXPANSION

A nonconforming use may be extended upon approval as a Special Exception by the Zoning Hearing Board subject to and provided the following conditions are met:

- A. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
- B. The extension does not encroach upon the lot area requirements and the maximum building height requirements of the District in which the nonconforming use is presently located.
- C. The extension is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Zoning Ordinance.

- D. Such extension does not result in an increase in total floor area or lot use area of more than fifty percent (50%) of the original floor area or lot area.
- E. Adequate parking can be provided in conformance with this Ordinance to serve both the original plus the expanded use.
- F. Such expansion does not present a threat to the health, safety, or welfare of the community or its residents.

Section 1904 CHANGE OF USE

No nonconforming building, structure, or use shall change to another type of nonconforming use.

Section 1905 ABANDONMENT

- A. The nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when one (1) of the following conditions exists:
 - 1. When the intent of the owner to discontinue the use is apparent.
 - 2. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within six (6) months, unless other facts show intention to resume the nonconforming use.
 - 3. When a nonconforming use has been discontinued for a period of one (1) year.
 - 4. When it has been replaced by a conforming use.
 - 5. When it has been changed to a use permitted as a Special Exception by the Zoning Hearing Board.
- B. Any nonconforming use of a sign or billboard which is discontinued or not used for three (3) months shall not be resumed; and if any sign or billboard is removed, it shall not be reconstructed.

Section 1906 REPAIR OR MAINTENANCE OF UNSAFE STRUCTURES

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public.

Section 1907

UNLAWFUL USE OF AUTHORIZATION

Nothing in this Zoning Ordinance shall be interpreted as authorization for or approval of the continuance of the illegal use of a structure or premises in violation of zoning controls in existence at the time of enactment of this Zoning Ordinance.

Section 1908

DISTRICT CHANGES

Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District of a different classification, the foregoing provisions shall apply to any nonconforming uses created therein.

Section 1909

CONSTRUCTION APPROVED PRIOR TO LEGAL
ENACTMENT OF ORDINANCE

Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a permit has been issued prior to the enactment of this Ordinance and the construction of which shall have diligently proceeded within two (2) months of the date of such permit, and the ground story framework of which shall have been completed within four (4) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one (1) year from the date of the permit.

Section 1910

REGISTRATION

The Zoning Officer shall prepare a list registering all nonconforming uses existing at the time of the legal enactment of this Ordinance. Said list shall include a general description of the nature and extent of the nonconformity and may include photographs as documentation. Further, said list shall be maintained for public use and information.

ARTICLE XX

CONDITIONAL USES

Section 2000

POWERS AND DUTIES

The Big Beaver Borough Council shall hear and decide all requests for Conditional Uses in those cases where this Ordinance indicates a Conditional Use may be granted subject to compliance with the standards and criteria prescribed and a finding by the Borough that said use is consistent with the purpose of this Ordinance and the Borough's Comprehensive Plan. In granting a Conditional Use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Ordinance.

- A. The Borough Council shall hear and decide requests for conditional uses within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this or any other ordinance contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
- B. Where the Borough Council fails to render the decision within the period required by this subsection or fails to commence, conduct, or complete the required hearing as provided in Section 908(1.2) of the Pennsylvania Municipalities Code, 53 P.S. Section 10908(1.2), within 60 days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case-in-chief, unless extended for good cause upon application to the Beaver County Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the governing body to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this section. If the Borough Council shall fail to provide such notice, the applicant may do so.
- C. The landowner shall file a request for the granting of a Conditional Use along with all maps, plans, and text which may be necessary to explain the development proposed and its compliance with the standards and criteria of this Ordinance with the Borough Secretary. Said request shall be accompanied by a fee specified by Borough Council and shall be filed in triplicate.
- D. The landowner shall provide a map showing and identifying all lots within 200 feet of the lot for which the conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Beaver County Tax Assessors Office.
- E. Borough Council shall transmit one copy of the request as well as all documentation to the Planning Commission for recommendations at least thirty (30) days prior to the scheduled public hearing.
- F. Borough Council shall schedule a public hearing with public notice within thirty (30) days of said request.

ARTICLE XXI

ADMINISTRATION AND ENFORCEMENT

Section 2100 ZONING OFFICER

A. This Ordinance shall be administered by the Zoning Officer. Borough Council shall appoint a Zoning Officer who shall not hold any elective office of the Borough. The Borough Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate, to the satisfaction of the Borough, a working knowledge of municipal zoning.

B. Powers and Duties:

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall have the power to restrict any construction or any use or change of use which does not conform to the requirements of this Ordinance. Within this power, the Zoning Officer shall have duties as follows:

1. The Zoning Officer shall administer and enforce the provisions of this Ordinance.
2. The Zoning Officer shall receive applications for and issue zoning permits, sign permits, certificates of use and occupancy, and stop work orders in accordance with the provisions of this Ordinance.
3. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures and submit his findings to the Borough's Planning Commission.
4. The Zoning Officer shall make all the required inspections or he may, subject to the approval of Borough Council, engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise.
5. At least annually, the Zoning Officer shall submit to Borough Council a written statement of all issued zoning permits, sign permits, certificates of use and occupancy, notices, and orders.
6. An official record shall be kept of all business and activities of the office of the Zoning Officer specified by provisions of this Ordinance and all such records shall be open to public inspection at all appropriate times.

7. The Zoning Officer shall meet with the Planning Commission once every three months at the Planning Commission's regularly scheduled meeting to keep the Commission abreast of matters concerning land development in the Borough.

Section 2101 PERMITS

A. Zoning Permit:

A zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof, prior to the use or change in use of a building, land, or water body, and prior to the changes or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No zoning permit shall be required in cases of normal maintenance activities, and alterations which do not structurally change a building or structure.

1. Application for permits – All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings, the elevation of the lowest floor and basement, and copies of all required State and/or Federal Permits as approved by the appropriate agency.
 - a. No building or structure shall be erected, remodeled, added to, or structurally altered until a permit therefore has been issued by the Zoning Officer. All applications for zoning permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the Zoning Hearing Board, no such zoning permit shall be issued for any building where said construction, addition, or alteration for use thereof would be in violation of any of the provisions of this Ordinance.
 - b. Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage, or change the use of the parcel or building is exempt from this specific requirement provided the estimated cost of such activities does not exceed fifty (50) percent of the fair market value, and provided such remodeling or improvement does not occur within a floodplain / flood-prone area or mudslide-prone area.
 - c. All requests for permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use as intended of the building and shall be accompanied by two (2) copies of a layout or plat plan drawn to scale showing the actual

dimensions of the lot to be built upon, the exact size and location of the lot of the building and accessory buildings to be erected, elevation of the lowest floor and basement, and such other information as may be necessary to determine and provide for the enforcement of this Ordinance. When complete and accurate information is not readily available from existing records, the Zoning Officer may require an applicant to furnish a survey of the lot by a registered engineer or registered surveyor.

2. Permit issued – One (1) copy of such layout or plat plan shall be returned when approved by the Zoning Officer, together with the permit to the applicant, upon payment of a fee as predetermined in the fee schedule adopted by Borough Council.
 - a. No Zoning Permit shall be issued until the Zoning Officer has inspected the application for such permit and certified that the proposed building or alterations comply with the provisions of this Ordinance.
 - b. No Zoning Permit shall be issued until the Zoning Officer has inspected the application for such permit to determine that all necessary County, State, and Federal permits have been obtained.
 - c. It shall be the duty of the Zoning Officer to reject the application, request more information, or approve the application within 30 days from its receipt.
 - d. In the event the application is rejected, the Zoning Officer shall state in writing the reason for such rejection, citing specific section(s) of this or other pertinent Ordinances.

B. Inspection:

It shall be the duty of the Zoning Officer, or his fully appointed representative, to make the following minimum number of inspections on the property for which a permit has been issued at the times listed within the construction sequence.

1. At the beginning of construction:

A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building.

- a. If the actual construction does not conform to the application, a written notice of a violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of

the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

2. At the completion of construction:

A record shall be made indicating the time and date of the inspection, the findings of the Zoning Officer in regard to conformance to this Ordinance, and the opinion of the Zoning Officer in regard to the issuance of an occupancy permit.

C. Occupancy Permit:

1. A certificate of occupancy, either for the whole or a part of a new building or for the structural alteration of an existing building, shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building or part of a building shall have been completed and after due inspection shows the same to be in conformance with the provisions of this Ordinance.
2. A certificate of occupancy for the use or occupancy of vacant land or for a change of use in an existing building shall be applied for and issued before any such land or building shall be occupied, used, or changed in use and such certificate of occupancy shall be issued within ten (10) days after application has been made, provided such proposed use is in conformance with the provisions of this Ordinance.
3. No fee shall be charged for an application for a certificate of occupancy as required herein; but for the issuance of each copy of said certificate of occupancy there will be a charge as per the fee schedule adopted by Borough Council.
4. Refusal by the Zoning Officer to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.
5. Occupancy permits are required for the following:
 - a. Occupancy of a new building.
 - b. Occupancy and use of a building hereafter moved or altered so as to require a zoning permit.
 - c. Change in the use of an existing building other than to a use of the same type.
 - d. Occupancy and use of unimproved or vacant land.

- e. Change in the use of land except to another use of the same type.
 - f. Any change in use of nonconforming use to a conforming use.
 - g. Occupancy of any vacant, public, commercial, or industrial building.
6. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of law and of this Zoning Ordinance and all other ordinances of the Borough. They are deemed to authorize and are required for both initial and continued occupancy and use of the building and land as such building or land use is in full conformity with the provisions of this Ordinance.

D. Sign Permit:

- 1. No permanent or temporary sign as described in this Ordinance shall be erected until a permit therefore has been issued by the Zoning Officer.
- 2. Application to the Zoning Officer shall be processed within thirty (30) days upon receipt of the written request to erect a sign and payment of a fee as predetermined from the fee schedule adopted by Borough Council provided the size and nature of the sign is in conformity with the provisions of this Ordinance, and all other effective and applicable ordinances. Denial of an application for a sign permit shall include a written statement to the applicant containing the reasons for denial.
- 3. Negligence to apply for a sign permit is punishable by a fine as prescribed by this Ordinance. Payment of said fine does not grant approval to erect a sign.

ARTICLE XXII

AMENDMENTS

This Zoning Ordinance may be amended from time to time as deemed necessary for the public welfare or convenience, in compliance with Act 247, as amended, known as the "Pennsylvania Municipalities Planning Code". Amendments may be initiated by any member of Borough Council, the Planning Commission, the Zoning Officer, or any person having proprietary interest in the land under question.

Section 2200

ZONING AMENDMENTS

Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment prepared by an entity other than the Planning Commission, the Board of Supervisors shall submit said amendment to the Planning Commission for recommendations, at least thirty (30) days prior to the public hearing. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land not previously affected by it, Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. Thirty (30) days prior to the public hearing held by Borough Council, the Planning Commission shall submit the proposed amendment to the Beaver County Planning Commission for recommendations. Furthermore, Borough Council shall not approve said amendment until the County report is received or until the expiration of thirty (30) days from the date the amendment request was forwarded to the County.

Section 2201

CURATIVE AMENDMENTS

A landowner who desires to challenge on substantive grounds the validity of this Ordinance, the Zoning Map attached and made a part hereof, or any provision hereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to Borough Council with a written request that his challenge and proposed amendment(s) be heard and decided in the manner prescribed by Act 247, the “Pennsylvania Municipalities Planning Code”, as amended, and further defined as follows:

- A. Procedure for filing for a curative amendment:
 - 1. The landowner shall make a written request to Borough Council that it hold a hearing on his challenge. The request shall contain a short statement reasonably informing Borough Council of the matters that are in question and the grounds for the challenge.
 - 2. Such request may be submitted at any time but if an application for a permit or approval is denied under this Ordinance the request shall be made no later than thirty (30) days after notification of such denial. In such case that the landowner elects to make the request to Borough Council and the request is timely, the time within which he may seek review of the denial of the permit or approval on other issues shall not commence until a decision is rendered by Borough Council on his request for a curative amendment.
 - 3. The request shall be accompanied by plans and other materials describing the use or development proposed by the landowner. Such plans and other material may be general in nature, but should provide a sufficient base for evaluating the challenge.

B. Public Hearing:

1. Upon petition, Borough Council shall hold a hearing thereon within sixty (60) days of the filing of the request.
2. At least forty-five (45) days prior to the hearing, Borough Council shall refer the proposed amendment to the Borough Planning Commission and the Beaver County Planning Commission for recommendations.
3. The public notices of the hearing shall, in addition to the requirements for advertisement for any amendment, indicate that the validity of this Ordinance or Zoning Map is in question and shall indicate the place and times when a copy of the landowner's request, including all plans submitted and the proposed amendment(s) may be examined by the public.
4. The public hearing shall be conducted within the following guidelines:
 - a. The President or Vice President of Borough Council presiding over the hearing 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 the parties.
 - b. The parties 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.
 - c. Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - d. Borough Council shall keep a stenographic record of the proceedings and a transcript of the proceedings along with copies of any graphic or written material received as evidence or exhibits. All of these materials shall be made available for review to any party at cost.
 - e. Borough Council shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved with a proposed curative amendment except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its

surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.

5. The hearing may be postponed or continued at the request of the landowner or by mutual consent of the parties.

C. Procedure for rendering a decision:

Upon completion of the hearing, Borough Council shall render a decision and communicate said decision to all parties within thirty (30) days.

1. Approval of the amendment shall be granted by formal affirmative vote at a regular or special meeting of Borough Council.
2. The landowner's request shall be considered denied when:
 - a. Borough Council notified the landowner that it will not adopt the amendment.
 - b. Borough Council adopts another amendment which is unacceptable to the landowner.
 - c. Borough Council fails to act on the landowner's request within thirty (30) days of the close of the last hearing, unless the time is extended by mutual consent of the landowner and Borough Council.

D. Appeal:

Any action taken or decision rendered under this Article may be appealed by any parties aggrieved by said action or decision under the provisions and procedures provided in Act 247, Pennsylvania Municipalities Planning Code, as amended.

ARTICLE XXIII

ZONING HEARING BOARD

Section 2300 CREATION AND APPOINTMENT

General. In accordance with law, the Borough Council shall appoint and organize a Borough Zoning Hearing Board, which said Borough Zoning Hearing Board may adopt rules to govern its procedure. The Borough Zoning Hearing Board shall hold meetings, keep minutes and, pursuant to public notice, shall conduct hearings, compel the

attendance of witnesses, take testimony under oath, and render decisions in writing within 45 days after hearing or continued hearing, in accordance with the requirements as outlined in Act 247, the “Pennsylvania Municipalities Planning Code”, as amended. A fee shall be charged in accordance with a schedule affixed by Resolution for any appeal or proceeding filed with the Borough Zoning Hearing Board.

Membership. The membership of said Board shall consist of three residents of the Borough appointed by the Borough Council. Their terms of office shall be three (3) years after expiration of the initial term; said initial term shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify Borough Council of any vacancies which occur. Appointment to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Borough.

Alternate Members. The Borough Council may appoint at least one, but not more than three, residents of the Borough to serve as alternative members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When a quorum is not reached with the members of the Zoning Hearing Board, an alternate member shall be entitled to participate in all proceedings and discussions of the Borough Zoning Hearing Board to the same and full extent as provided by law for regular Board members, including specifically the right to cast a vote as a voting member during the proceedings.

Section 2201 REMOVAL OF MEMBERS

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

Section 2302 ORGANIZATION OF ZONING HEARING BOARD

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be no less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Borough Council once a year.

- A. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Officer in the administration of this Ordinance, when it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or the Borough's Official Zoning map.
- B. The Zoning Hearing Board shall hear and decide all matters referred to it or upon which it is required to pass as specified under this Ordinance.
- C. The Zoning Hearing Board shall hear and decide requests for variances from the requirements of this Ordinance where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant following the procedures set forth in this Article. The Board may grant a variance provided the following findings are made where relevant in a given case.
 - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Ordinance in the neighborhood or district in which the property is located.
 - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - 3. That such unnecessary hardship has not been created by the appellant.
 - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - 5. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.
 - 6. That the variance, if authorized, is subject to compliance of Article XVI STANDARDS AND CRITERIA GOVERNING ALLOWANCE OF USES BY SPECIAL EXCEPTION, VARIANCES AND CONDITIONAL USES. In granting any variance, the Board may attach such reasonable

conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

- D. The Zoning Hearing Board shall hear and decide on applications for Uses by Special Exceptions in those cases where this Ordinance indicates a Use by Special Exception may be granted subject to compliance with the Standards and Criteria prescribed in Article XVI. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in Article XVI of the Ordinance, as it may deem necessary to implement the purposes of the Ordinance.
- E. The Zoning Hearing Board may conduct a hearing and take evidence on a substantive challenge to this Ordinance filed by a landowner. The Zoning Hearing Board may further make findings of fact relative to the challenge, and make a record or transcript, which may serve as the basis for further action by Borough Council or the landowner. The Zoning Hearing Board shall not make recommendations or render an opinion in such matters, and has no authority to alter, change, or otherwise grant relief in such cases.

Section 2304 PROCEDURES

A. Application for a Variance:

- 1. The landowner shall file a written request for a variance with the Zoning Officer along with all maps, surveys, plans, and text which may be relevant to the request. Said request shall be accompanied by a fee specified by Borough Council.
- 2. The Zoning Officer shall transmit the request and any information received therewith, along with his file on said issue forthwith, to the Zoning Hearing Board.
- 3. Upon receipt of a request for variance, the Board shall establish a time and place to hear said request within thirty (30) days.
- 4. The hearing by the Zoning Hearing Board shall be conducted in accordance with Article IX, Pennsylvania Municipalities Planning Code, as amended.
- 5. The Board shall render a written decision and inform the applicant by registered mail of said decision within forty-five (45) days of the final hearing date.

B. Application for an Appeal of the Zoning Officer's Decision:

1. Appeals rising from the Zoning Officer's decision on a specific provision of this Ordinance shall be handled in the same manner as a variance request.
- C. Application for a Use by Special Exception:
1. The landowner shall file a written request for a Use by Special Exception with the Zoning Officer along with all maps, surveys, plans, and text which may be necessary to explain the development proposed and its conformance with the standards and criteria of this Ordinance with the . Said request shall be accompanied by a fee specified by Borough Council.
 2. The Zoning Officer shall transmit the request and background data forthwith to the Zoning Hearing Board.
 3. The Zoning Hearing Board shall schedule a public hearing with public notice within thirty (30) days of said request.
 4. The hearing by the Zoning Hearing Board shall be conducted in accordance with Article IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 5. The Board shall render a written decision and inform the applicant of said decision within forty-five (45) days of the final hearing date, unless upon mutual consent of the Board and applicant it is agreed to continue the proceedings.

Section 2305 MEDIATION OPTION

- A. Parties to proceedings authorized in this Section may utilize mediation as an aid in completing such proceedings. In proceedings before the Borough Zoning Hearing Board, in no case shall the Borough Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Section once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality (in this case the Borough) offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
1. Funding mediation.

2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 3. Completing mediation, including time limits for such completion.
 4. Suspending time limits otherwise authorized in this Section or in the PA Municipalities Planning Code, Act 247, as amended, provided there is written consent by the mediating parties, and by an applicant or Borough decision-making body, if either is not a party to the mediation.
 5. Identifying all parties and affording them the opportunity to participate.
 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Section.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 2306 TIME LIMITATIONS FOR APPEALS

Any person aggrieved by the rendering of a decision by Borough Council, the Planning Commission, the Zoning Officer, or the Zoning Hearing Board shall have thirty (30) days in which to file an appeal or request for review with the Zoning Hearing Board from the date of said decision.

Section 2307 APPEALS

Appeals from a decision of the Zoning Hearing Board shall be filed and handled in the manner prescribed by Act 247, as amended, the “Pennsylvania Municipalities Planning Code.”

ARTICLE XXIV

VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a

whole or any part thereof, and the parts of or sections remaining shall remain in effect as though the part or section declared unconstitutional has never been a part thereof.

ARTICLE XXV

REMEDIES

In the case that 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 or prior laws of the Borough, the Borough Council may instruct an officer of the Borough, in addition to other remedies, to institute in the name of the Borough any appropriate action or proceedings to prevent, restrain, correct, or abate such violation, related to a specific structure or a specific parcel of land, or to prevent, in or about such premises any act, conduct, or use constituting a violation.

ARTICLE XXVI

PENALTIES

Any person, partnership, or corporation who or which shall violate the provisions of this Ordinance enacted under Act 247, as amended, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of no more than five hundred dollars (\$500.00). In default of payment of said fine, such person, the members of such partnership, or other officers of such corporation shall be liable to imprisonment for no more than sixty (60) days. Each day that a violation is continued shall constitute a single and separate offense. All fines collected for the violation of this Ordinance shall be paid over to the Borough Council and deposited into the General Fund.

ARTICLE XXVII

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ARTICLE XXVIII

ENACTMENT

This ORDINANCE is enacted and ordained by Borough Council of the Borough of Big Beaver this _____ day of _____, 2016.

ATTEST:

PASSED:

BOROUGH OF BIG BEAVER

Secretary

President of Council

Solicitor

Mayor

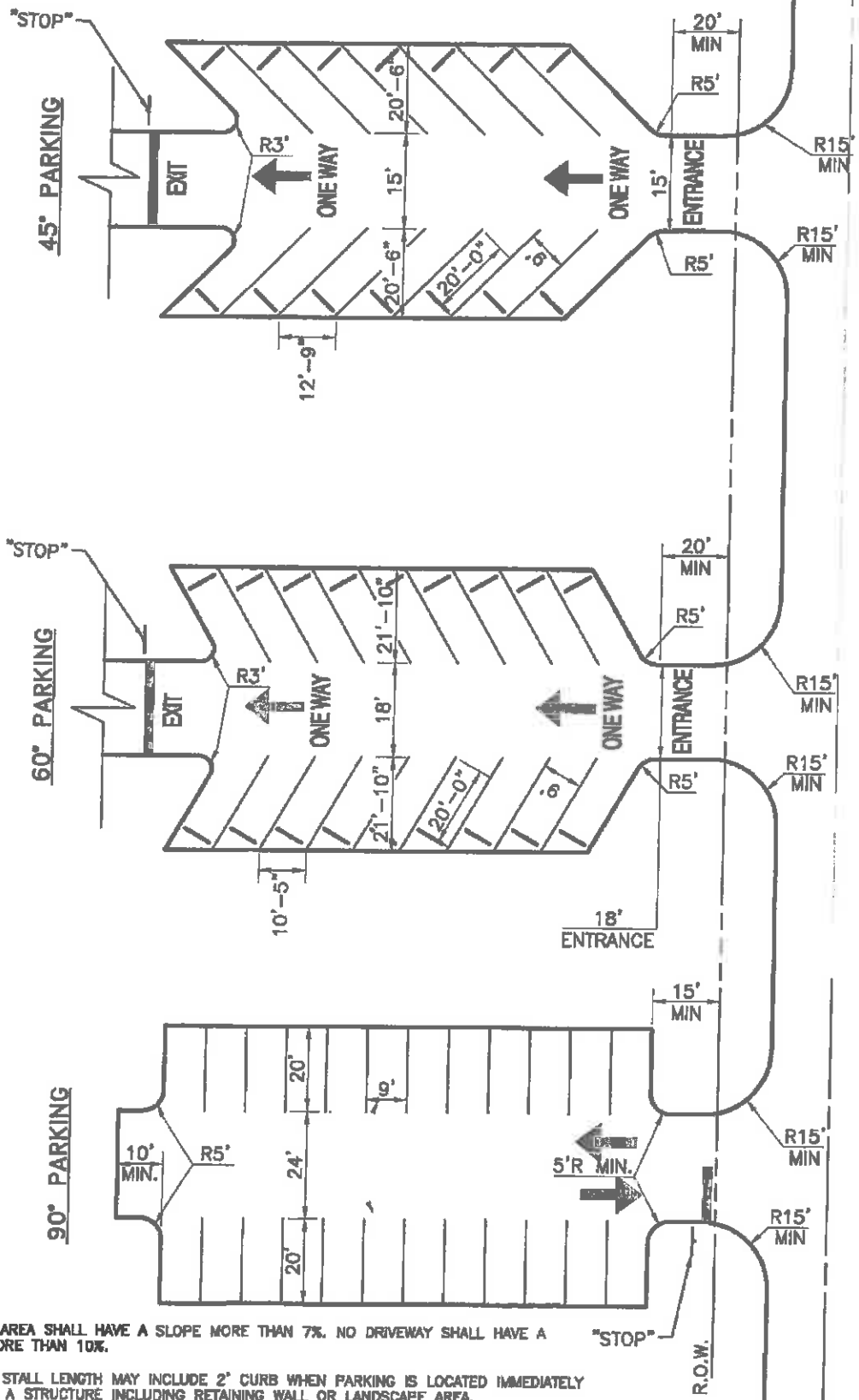
AMENDMENT

Ordinance No. _____ Date: _____ General Description _____

Ordinance No. _____ Date: _____ General Description _____

APPENDIX A

N:\CAD\Details\Clients\Big Beaver\dwg\Parking_Details.dwg Layout=6.6x11 (per) User=Daniel Worth Plotted=9/10/2015 4:28 PM



NOTES:

1. NO PARKING AREA SHALL HAVE A SLOPE MORE THAN 7%. NO DRIVEWAY SHALL HAVE A SLOPE OF MORE THAN 10%.
2. 20' PARKING STALL LENGTH MAY INCLUDE 2' CURB WHEN PARKING IS LOCATED IMMEDIATELY ADJACENT TO A STRUCTURE INCLUDING RETAINING WALL OR LANDSCAPE AREA.

Appendix Parking Configurations

SCALE: N.T.S.

DATE: 9/10/15 FILE: Parking Details.dwg

BIG BEAVER BOROUGH
 Beaver County, Pennsylvania
 114 Forest Drive
 Darlington, PA 15115