

**BOROUGH OF BIG
BEAVER**

ZONING ORDINANCE

**BEAVER COUNTY,
PENNSYLVANIA**

Ordinance No. 245
Enacted October 15, 2024
Amended July 15, 2025
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ARTICLE 1 ZONING PURPOSES and AUTHORITY**Section 100 Short Title**

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

Section 101 Interpretation and Application

- 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. When the language of this Ordinance provides for a restriction on a use or a property, said language and its' meaning shall be interpreted as written without any implied extension of the restriction.
1. When uncertainty exists regarding the interpretation of the language used for said restriction, the interpretation shall favor of the landowner and/ or developer.

Section 102 Purposes

- A. This Ordinance is enacted pursuant to the following purposes, as outlined in:
1. Article 2, Statement of Community Development Goals.
 2. 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.
 3. To promote, protect, and facilitate one (1) or more of the following:
 - a. Public health, safety, general welfare;
 - b. Coordinated and practical community development, orderly growth, development and maintenance of properties;
 - c. Economic development and a diversified tax base;
 - d. Conservation of natural resources;
 - e. Variety of residential development;
 - f. Provision for adequate light and air;
 - g. Adequate vehicle parking and loading space;
 - h. Accessible transportation systems; water and sewage systems;
 - i. Equitable access to public facilities;
 - j. Incorporation of new and unanticipated innovation;
 - k. Ordinance enforcement, and other public requirements.
 4. To prevent one (1) or more of the following:
 - a. Overcrowding of land,
 - b. Blight,
 - c. Danger and congestion in travel and transportation,
 - d. Loss of health, life, or property from fire, flood, panic, or other dangers.

Section 103 Authority

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

Section 104 Use of Property

- A. 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

- A. This Ordinance shall take effect on the day of enactment.

ARTICLE 2 STATEMENT OF COMMUNITY DEVELOPMENT GOALS**Section 200 Community Development Goals of the Big Beaver Borough**

- A. **Promote Public Health, Safety, Community Standards, Equity, and General Welfare of Borough Residents and the General Public.**
1. Provide for the general welfare of the community by enactment and enforcement of reasonable and effective zoning.
 2. Adopt, implement, and enforce an integrated system of review and approval for development that balances the interests of the Borough's diverse constituencies.
 3. Minimize health and safety concerns via review, modification, and/ or restriction of uses and activities.
 4. Maintain community standards that support the development of a mixed rural-suburban, family based, commercially supported community.
 5. Mitigate life-safety hazards by enforcing fire codes, building codes, and other restrictions outlined in this Ordinance or by other relevant means of enforcement.
 6. Mitigate adverse conditions that exist or may arise with development; especially in areas identified with 'Special Conditions' (Articles 15, 16, and 17).
- B. **Promote Planned, Coordinated, and Practical Community Development.**
1. Direct the development of zoning districts in keeping with the provisions of this Ordinance.
 2. Direct development of zoning districts based on existing and anticipated infrastructure, existing use, environmental restrictions, public safety, and related goals and their components outlined in this section.
 3. Encourage development patterns that result in orderly development allowing for agricultural operations and rural residential living; a variety of single-family living environments; integrated residential and commercial areas; commercial development, Planned Residential Developments (PRD), and industrial development, in areas that are supported by appropriate infrastructure.
 4. Preserve woodlands, open space, recreational, agricultural, and environmentally sensitive lands from conflict with residential, commercial, and/ or industrial development.
 5. Recognize the unique characteristics of areas within the Borough and their significance on potential development.

C. Promote Economic Development and A Diversified Tax-Base.

1. Encourage development that supports sustained economic development with a diversified tax-base and the maintenance of property values along with commercially viable enterprises.
2. Direct development uses to areas with appropriate infrastructure support within each zoning district.
3. Coordinate the Borough's capital expenditures for roads, community facilities, and public utilities to support the goals of this Ordinance.
4. Preserve, develop, and maintain outdoor amenities that make the Borough desirable place to live including parks, green space, woodlands, open space, and recreational spaces.
5. Recognize the unique characteristics of areas within the Borough and their significance on potential development.
6. Develop and maintain property standards, herein, and by related ordinances.

D. Promote Conservation of Natural Resources.

1. Conserve the Borough's natural resources, directing development activities and land use in a manner compatible with the physical environment.
2. Preserve, develop, and protect Borough parks.

E. Promote A Variety of Residential Development.

1. Encourage residential development that offers a variety of housing types, designs, and settings that provide choices for the residents and reflects the residential goals of the zoning districts.
2. Encourage development of planned residential and mixed residential/commercial developments employing innovative combinations and efficient designs.

F. Maintain, Enhance, and Expand Transportation Systems.

1. Maintain, enhance, and expand transportation systems; including roadways, bridges, pedestrian walkways, and trails; to provide safe, reliable, and integrated access to residential, commercial, and industrial districts.
2. Direct commercial and industrial uses to areas supported by adequate infrastructure, including transportation and utilities.

G. Provide for the Incorporation of New and Unanticipated Innovation.

1. Anticipate that there will be new innovations and uses; and proactively guide these innovations to the most appropriate zoning districts.
2. Anticipate where possible and integrate where needed, new and evolving residential, commercial, institutional, and industrial uses to include: residential based work environments; integrated residential/commercial uses; infrastructure enhancements; emerging technologies; green energy initiatives; economic initiatives; infrastructure development; as well as others.
3. Direct development of new and innovative uses into districts based on: adequate infrastructure; maintenance of the zoning district characteristics; compatibility of activity with adjoining uses; mitigation of intrusive activity, and/ or; pragmatic application of the uses outlined in this Ordinance.
4. Encourage development that incorporates energy efficient, renewable, and carbon reducing applications.
5. Discourage and/ or restrict incompatible land use combinations.

H. Enforcement

1. Provide adequate means to review and enforce the provisions of this and related ordinances.
2. Prevent and mitigate against degradation of land values, natural resources, zoning district characteristics, and all other prescribed and/ or intended uses in this Ordinance.

ARTICLE 3 DEFINITIONS**Section 300 Interpretations of Words**

- A. For the purpose of this Ordinance, the terms and words herein shall be interpreted as follows unless otherwise expressly stated:
1. Words used in the present tense shall include the future.
 2. Words used in the singular shall include the plural.
 3. Words used in the plural shall include the singular.
 4. The words person, owner, and/ or developer includes a profit or non-profit corporation, company, partnership, individual or an association of individuals.
 5. The words "shall" and "will" are always mandatory.
 6. The word "may" is permissive.
 7. The words "used" or "occupied" as applied to any land or building include the words "intended," "arranged," or "designed" to be used or occupied.
 8. The word "building" includes "structure."
 9. Unless otherwise specified, all distances shall be measured horizontally.

Section 301 Meaning of Words

- A. Unless otherwise expressly stated, the following words or phrases shall, for the purpose of this Ordinance, have the meaning herein indicated:
1. **ABUTTING RESIDENTIAL ACCESSORY USE LOT, PRIVATE:** A lot with an accessory residential use, sharing a lot-line with parcel containing a Low-Density Residence, where both abutting lots have common ownership and such use is accessory to the Low-Density Residence; and is not institutional, commercial, or industrial. Lots on opposite sides of a roadway are abutting if they share a minimum of fifty (50) feet of frontage, (see section 604.A.3).
 2. **ACCESS:** A means of providing vehicular or pedestrian ingress and egress to and from a property or use.
 3. **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.
 4. **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. An accessory structure does not include a fence under six (6) feet.
 5. **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 shall be subject to the district setback, area and bulk requirements.
 6. **ADULT AND SEXUALLY ORIENTED BUSINESSES:** Any commercial establishment, business or club whose business and operations are intended for

adults and/ or provide sexually explicit merchandise and activities, including, but not limited to any:

- a. **ADULT ARCADE:** Any place to which the adult public is permitted wherein image producing machines and devices are provided that are not located within viewing booths, to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting sexual activities or specified anatomical areas.
- b. **ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE:** A retail-type establishment that sells any of the following adult and sexually related materials: Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videos in any format, slides, computer software, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, including instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- c. **ADULT CABARET:** A nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.
- d. **ADULT ENCOUNTER CENTER/ FACILITY:** A business or commercial establishment, which may be known as a club, where two or more consenting persons: congregate, associate, or consort for the purpose of sexual activity; engage in any form physical contact in the form of wrestling or tumbling between individuals when one or more of the individuals is nude or seminude.
- e. **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", for observation by patrons within private viewing booths.
- f. **ADULT MOTEL:** Any motel or hotel that rents rooms for less than a 10-hour period.
- g. **ADULT MOTION-PICTURE THEATER:** A commercial establishment where, for any form of consideration, films, motion pictures, videos in any format, slides, or similar photographic reproductions or visual presentations of any kind are regularly shown which is characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- h. **ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- i. **ESCORT AGENCY:** A person or business who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary businesses for a fee, tip, or other consideration.
- j. **NUDE MODEL STUDIO:** Any place where a person who appears seminude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured,

- photographed, or similarly depicted by other persons who pay money or any form of consideration.
- k. **SENSUAL MASSAGE STUDIO:** Any place where any massage is given by an individual, in return for any type of consideration, who is not professionally licensed in Pennsylvania.
 - l. As well as any activity which, under the Pennsylvania Obscenity Code, must exclude minors or may not knowingly disseminate to minors.
7. **AGRICULTURAL OPERATION:** An enterprise that is actively engaged in the commercial production and preparation for market (of at least \$1,000 annually) of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.
 8. **AGRIVOLTAICS SOLAR GENERATION/ TRANSMISSION FACILITY:** the co-development of the same area of land for both solar photovoltaic power and production agriculture.
 9. **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.
 10. **ALTERATIONS, STRUCTURAL:** Any change in the supporting members of a structure such as bearing walls, columns, beams, or girders.
 11. **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.
 12. **ANIMAL EQUIVALENT UNIT (AEU):** One thousand pounds of live weight of livestock poultry animals, on an annualized basis, regardless of the actual number of individual comprising the unit.
 13. **ANIMAL EQUIVALENT UNIT (AEU) PER ACRE:** An animal equivalent unit per acre of cropland or acre of land suitable for application of animal manure.
 14. **ANIMAL GROOMING FACILITY:** An establishment or mobile unit where domestic animals are bathed, clipped, or combed for a fee. This does not include medical or surgical treatments, or overnight boarding.
 15. **ANIMAL HOSPITAL /VETERINARY CLINICS:** a building used by veterinarians primarily for the purposes of the consultation, diagnosis, and office treatment of household pets, but shall not include long-term board facilities for animals nor kennels.
 16. **ANTENNA:** Any device employing 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. Antennas are typically attached to Communications Towers or other structures but may be free standing as permitted in Article 26. An antenna shall not include a Communications Tower as defined in this Section.
 17. **ANTENNA SUPPORT STRUCTRE:** Any pole, telescoping mast, tripod, guy wires, 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.

18. 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.
19. APARTMENT, HIGH RISE APARTMENT BUILDINGS: A multi-family residential structure owned or managed by a single entity, having a common entrance with three or more fully self-contained dwelling units on greater than two levels.
20. APARTMENT, LOW RISE APARTMENT BUILDINGS: A multi-family residential structure owned or managed by a single entity, having a common entrance with two or more fully self-contained dwelling units on two levels.
21. APARTMENT, SINGLE STORY APARTMENT BUILDINGS: A multi-family residential structure owned or managed by a single entity, having a common entrance with two (2) but not more than four (4) fully self-contained dwelling units on a single level.
22. APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development, including their heirs, successors, and assignee's.
23. APPLICATION FOR DEVELOPMENT: Every application, including subdivision, land development, building, etc., 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.
24. 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.
25. AREA, GROSS FLOOR (Non-Residential Uses): 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.
26. 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, breezeways, carports, sun porches, or other similar structural additions.
27. AREA, LOT: The total area within the lot lines.
28. ASSISTED LIVING FACILITY: A facility licensed by the State providing apartment style living and providing individuals with daily care, dining services, and assisted living services. Assisted living facilities may range in size from six (6) to one hundred (100) residents, exclusive of live-in staff.
29. ASSISTED LIVING/ GROUP CARE RESIDENCE: A facility licensed by the State providing residential housing to individuals requiring daily care, but not as much assistance as a nursing home provides. Assisted Living/ Group Care Residences may have up to five (5) occupants, including live-in staff.
30. AUTO BODY REPAIR SHOP: A building or any structure, or any portions thereof, designed and arranged to be used for the repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including but not limited to collision repair service, painting, and steam cleaning of vehicles, and/ or mechanical work upon the engine, drivetrain and/ or suspension system of a motor vehicle.

31. **AUTOMOTIVE DETAILING:** A building or any structure, or any portions thereof, designed and arranged to be used for the cleaning, reconditioning of motor vehicles or parts thereof; including but not limited to touch-up painting, steam cleaning, washing, and waxing of a motor vehicle.
32. **BANK/ FINANCIAL INSTITUTION:** A business in which money is kept for saving or commercial purposes, is invested, is supplied for loans, or is exchanged.
33. **BAR/ NIGHTCLUB:** An establishment where the principal use is the serving of alcoholic beverages, by the drink, to the general public and where food or packaged beverages may be served or sold as an accessory use.
34. **BASE FLOOD:** A base flood is a flood with a one (1) percent chance of being equaled or exceeded in any given year.
35. **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.
36. **BEAVER COUNTY AIRPORT:** The airport of the County of Beaver as situated in the Borough 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.
37. **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.
38. **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.
39. **BEST MANAGEMENT PRACTICE PLAN:** Also referred to as "BMP or a Stormwater Management Plan. Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of the stormwater management provisions of this Ordinance or other ordinances enacted by the Borough relative to stormwater management. Such designs, measures, or procedures may include but are not limited to infiltration trenches, seepage pits, filter strips, bio-retention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters, green roofs, and detention basins.
40. **BOARD OF ADJUSTMENT:** Pursuant to the Aviation Code, being Act No. 164 of 1984, for the purpose of Article 24, 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 Article 24.
41. **BOROUGH OR BOROUGH COUNCIL:** The Borough Council of the Borough of Big Beaver, Beaver County, Pennsylvania and/ or its authorized officials and representatives.
42. **BUFFERYARD:** A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes, and/ or other natural landscaping material or an existing natural or constructed natural barrier which duplicates the effect of the required bufferyard.
43. **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.

44. **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.
45. **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.
46. **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.
47. **BUILDING PERMIT:** The approved Borough Form signed by the Zoning Officer and the Borough Building Code Inspector indicating that the application for permission to construct, alter, or add is approved and in accordance with the requirements of the terms of this Ordinance.
48. **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.
49. **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.
50. **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.
51. **BULK REGULATIONS:** Standards that control the height, density, intensity, and location of structures.
52. **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.
53. **BUSINESS PARK:** (See, INDUSTRIAL/BUSINESS PARK).
54. **BUSINESS SERVICES/ BUSINESS CENTER (not home based):** A commercial establishment which provides various services, that would otherwise be permitted in the district as a standalone use(s), primarily to business establishments on a fee or contract basis such as, office rental, conference room rental, co-working space, equipment rental and leasing, document reproduction computer and data processing services and related services and typically owned, maintained and managed by a single entity. May also include related support services such as coffee shops, convenience stores, and restaurants.
55. **CAMPGROUND:** An open area, field, or woodland dedicated to rental or granted permission of space for organized overnight sleeping.
56. **CANOPY:** A permanent freestanding roofed structure without walls and not intended for human shelter.
57. **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.
58. **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.
59. **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.
 60. **CELLAR:** See BASEMENT.
 61. **CEMETERY:** Land that is reserved for the burying of the dead and that could contain mausoleums and columbaria, but not crematories.
 62. **CERTIFICATE OF OCCUPANCY:** See Occupancy Permit
 63. **CERTIFICATE OF ZONING:** An official finding of the Zoning Officer which states the current zoning district classification of a lot or parcel of land.
 64. **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.
 65. **CHARITABLE/ NON-PROFIT ORGANIZATION:** A charitable or non-profit corporation, organization, or entity registered to operate as such in Pennsylvania.
 66. **CLEAR-SIGHT TRIANGLE:** Street intersections shall provide adequate sight distance pursuant to PENNDOT Publication 13M (Latest Edition) (Design Manual Part 2 Highway Design).
 67. **CLINIC, MEDICAL/ ALCOHOL/ DRUG/ REHABILITATION:** A facility licensed by the Department of Health for the treatment, maintenance, rehabilitation, or detoxification of persons.
 68. **COLLECTION AND RECYCLING FACILITY:** A center for the acceptance and processing of recyclable materials from the public. Recyclable materials shall be limited to glass containers, plastic containers, aluminum beverage cans, steel/ bimetal containers, newsprint, high grade office paper, and corrugated paper. Processing of recyclable materials shall be limited to crushing, baling, chipping, shredding, or other operations which physically reduce the mass of the materials but which do not alter their composition in any way.
 69. **COLLECTION AREA:** Visually screened areas for the collection of refuse not used for the storage or disposal of refuse materials beyond seven (7) days.
 70. **COLLECTOR STREET:** Those public or private roadways and/ or driveways that are designed to carry a moderate traffic flow.
 71. **COLLEGE:** An institution of higher learning with teaching facilities, and may have research facilities, typically offering programs that lead to associates, bachelor's or advanced degrees.
 72. **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.
 73. **COMMERCIAL:** Engaging in a business, enterprise, activity, or other undertaking for profit.
 74. **COMMISSIONERS/ BOARD OF COMMISSIONERS:** The Elected Commissioners of Beaver County.
 75. **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.
76. COMMONWEALTH: The Commonwealth of Pennsylvania.
77. COMMUNICATIONS FACILITY: Any public or private facilities used or in support of the transmission of wired or wireless services including towers, antennas, small cell devices and related infrastructure and support facilities.
78. COMMUNICATION TOWER: Any communications facility or device with a height greater than thirty (30) feet if free standing; or with a height greater than ten (10) feet above the highest point of the structure to which it is secured or mounted onto.
79. COMPREHENSIVE PERSONAL CARE HOME/ SKILLED NURSING FACILITIES: A facility licensed by the State providing a wide range of health and personal care services to individuals due to their physical or mental condition, require continuous nursing care and services. The services focus on medical care more than most assisted living facilities. These services typically include nursing care, 24-hour supervision, three meals a day, and assistance with everyday activities. Rehabilitation services, such as physical, occupational, and speech therapy, may also be available. Residents may be long term or short term. The facilities may range in size from 25 to 200 residents, exclusive of live-in staff.
80. COMPREHENSIVE PLAN: The Comprehensive Plan for the Borough of Big Beaver, and/ or Multi-Municipal Comprehensive Plan 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.
81. CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO): A CAO with greater than 300 animal equivalent units (AEUs), any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under the US Environmental Protection Agency regulation 40 CFR 122.23 (b) (4).
82. CONCENTRATED ANIMAL OPERATION (CAO): An agricultural operation with eight or more animal equivalent units (AEUs) where the animal density exceeds two AEUs per acre on an annualized basis.
83. 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.
84. CONDOMINIUM: A multi-family residential structure divided into several dwelling units that are each separately owned, surrounded by common areas that are jointly owned. The common areas, amenities, and utilities are managed collectively by the owners through their association, such as a homeowner association.
85. 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.
86. CONTAINER/ BOXED STORAGE FACILITY: Use of containers, designed for temporary on-site storage, as permanent or semi-permanent structures; including sea containers, shipping containers, Conex box, semi-truck trailer body, or Portable Storage such as On Demand or PODS®.
87. CONTRACTOR OFFICES/ EQUIPMENT AND MATERIAL STORAGE: Facilities with offices operated by, and/ or on behalf of, a construction or landscape

- contractor registered to do business in Pennsylvania. It may include indoor or outdoor working or storage space for the storage of materials, equipment, vehicles, and other materials commonly used in the individual contractor's type of business including repair and maintenance of the equipment and vehicles, and related buildings or structures for such use.
88. **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.
89. **CONVERSION UNITS/ APARTMENTS:** Residencies created by converting non-residential uses into residential uses; or conversion of a single-family dwelling into two or more separate dwelling units. As determined by Conditional Use review such conversions shall be known as, and follow the requirements of, the residential use most closely akin to the use as defined in this Ordinance.
90. **CONTINUING CARE/ LONG TERM CARE/ RETIREMENT COMMUNITIES:** A facility licensed by the State providing different levels of service at a single campus location to individuals who cannot or choose not to live on their own. Facilities may include independent housing (houses or apartments), assisted living, and/ or comprehensive/ skilled nursing care. Healthcare services and recreation programs are also provided. Continuing Care/ Long Term Care/ Retirement Communities will vary in size and style depending on the clientele served.
91. **CORNER LOT:** A lot at the point of intersection of and abutting on two (2) or more intersecting streets the angle of intersection being not more than 135 degrees.
92. **COUNTRY CLUB/ GOLF COURSE:** A recreational facility operated by a public or private entity which has its principal use, facilities for playing golf and which may include one or more of the following accessory uses; a clubhouse, restaurant, locker-room, pro-shop, swimming pool, and facilities for racquet sports.
93. **COVERAGE, BUILDING:** That portion or percentage of the plot or lot area covered by the building footprint.
94. **COVERAGE, LOT:** (See, Lot Coverage)
95. **CREMATORIUM:** An establishment containing a furnace designed to cremate or reduce to ashes human remains of the deceased.
96. **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.
97. **DATA CENTER:** One (1) or more buildings owned or operated by one or more entities and located on a "tract" as defined in Section 2106.A.9.a, designed and intended primarily to house computers, networking and communication systems, equipment and components, such as routers, switches, firewalls, servers, storage systems and application-delivery controllers, for storing, processing, managing, transmitting and backing up electronic data necessary for the operation of a business, enterprise, institution, or other similar organizational entity. A data center also includes accessory and/or supporting public and private utilities (e.g., power generation, substations, switch stations, electricity grid storage batteries, etc.), infrastructure systems (e.g., pipes, lines, etc.), mechanical equipment, components and environmental controls (e.g., heating/ventilation/air conditioning, cooling towers, tanks, towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections and enhanced security, including security guard

- buildings. All accessory and/or supporting utilities and associated infrastructure listed above must also be located on the "tract", as defined herein.
98. **DAY CARE CENTER/ NURSERY CARE** (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 individuals with special needs.
99. **DAY CARE HOME** (home based business): A facility, licensed by the Commonwealth, located within a residential low-density, duplex, townhouse, triplex or quadraplex dwelling, for the care on a regular basis during part of a 24-hour day of not more than six (6) children under 16 years of age, excluding care provided to children who are 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.
100. **DECISION**: Final adjudication of any individual, agency, board, or other body granted jurisdiction under any land use ordinance or this Ordinance 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.
101. **DENSITY**: A measure of the number of dwelling units per acre which occupy, or may occupy, an area of land.
102. **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 Ordinance.
103. **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, clearing, grading, paving, landscaping, excavation, or drilling operations.
104. **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.
105. **DISTRICT OR ZONING DISTRICT**: An area delineated by text and map as to location, extent, and land use and development.
106. **DORMITORY**: A residential use for occupancy by groups of people who are not defined as a family and who are registered students at a college, university or other institution of higher learning, on a weekly basis or longer, and is managed by the institution at which the students are registered. This shall only be permitted as a use by a College or other such Institution.
107. **DRIVE-IN/ DRIVE THROUGH/ RETAIL USES**: Any retail commercial use serving customers via a drive-in or drive through option including restaurants, banks pharmacies, and convenience stores.
108. **DRIVEWAYS**: A paved, compacted, or interlocking surface capable of supporting vehicular traffic to enter and exit a property or use that abuts or accesses a street or roadway; typically to access a residence, parking area, garage, or other structure.
109. **DUPLEX RESIDENCE**: A multi-family residential structure having two (2) completely separate living spaces and entrances, each designed for the use by a single-family. The units may be separated by a common wall or be separated onto two stories. Each dwelling unit shall contain a minimum of nine hundred

- (900) square feet of interior habitable area, and shall have one (1) side yard adjacent to each dwelling unit.
110. DWELLING UNIT: A building or portion thereof which is designed and used exclusively for permanent residential purposes of one family and includes complete kitchen and bathroom facilities; exclusive of hotels, motels, lodging, or boarding houses. Such units unless otherwise specified, shall consist of 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.
111. EFFECTIVE DATE: The date on which this Ordinance, or any amendment thereto, is duly adopted by the Borough or as specified in the Ordinance adopting same.
112. 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.
113. EMERGENCY SERVICES, PRIVATE: Any service to citizens for injury or life-threatening events including but limited to ambulance, paramedic, or fire and rescue services provided by privately-owned entities and are considered Commercial Uses.
114. EMERGENCY SERVICES, PUBLIC: Any service to citizens for injury or life-threatening events including but limited to ambulance, paramedic, or fire and rescue services provided by a public agency.
115. ENTERTAINMENT CENTER, INDOOR: Any establishment which provides amusement, recreation, or entertainment for the general public within a completely enclosed structure for a fee or admission charge including, but not limited to, bowling alleys, billiard and pool halls, and amusement arcades. A gaming enterprise and/ or a shooting range are subject to the provisions in this Ordinance; herein, and shall not be considered an Indoor Entertainment Center.
116. ENVIRONMENTALLY SENSITIVE LAND: Unique and/ or environmentally fragile lands that are susceptible to negative geological or ecological impacts created by land development.
117. ESSENTIAL PUBLIC SERVICES and 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.
118. FACTORY OUTLET: A business establishment located, entirely within an enclosed building, which sells discounted price items that are irregular, outdated, returned, or have been produced in excess quantities.
119. FAMILY: All persons living in the same household who are related by birth, blood, marriage, adoption, or unrelated persons maintaining a common household as a permanent resident. The foregoing restrictions do not apply to persons with disabilities as defined in the Fair Housing Act, 42 USC §3601 et seq.
120. FARM: (See, AGRICULTURAL OPERATION). A parcel of land which is used for the raising and sale (of at least \$1,000) of agricultural products, livestock, poultry and dairy products and is properly licensed/ registered with an active farm

- number from the USDA. It includes farm structures for operations storage of equipment. On-site retail sales of products produced on the farm are permitted. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.
121. 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 one (1) percent chance of being equaled or exceeded in any given year.
 122. 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 one (1) foot, or as amended by the National Flood Insurance Program (NFIP).
 123. 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 .
 124. FOREST, MANAGED: Managed forests are those that people intentionally designate and manipulate to produce desired goods such as wood products and/ or services such as recreational opportunities.
 125. 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.
 126. FRONTAGE: That side of a lot abutting on a street, the front lot line.
 127. 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.
 128. GAMING ENTERPRISE: An establishment in which legal betting activities, parimutuel wagering activities, gambling activities and/ or the playing of games of chance, games of skill or a combination of games of chance and skill that are conducted and/ or permitted under the laws of the United States of America and the Commonwealth of Pennsylvania including, but not limited to, any establishment, business and/ or facility regulated and/ or licensed by the Pennsylvania State Harness Racing Commission, and the Pennsylvania Gaming Control Board under the Pennsylvania Race Horse Industry Reform Act, 4 P.S. § 325.11 et seq., as amended, and the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S.A. § 1101 et seq., as amended.
 129. 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.
 130. GARDEN APARTMENT: A multi-family residential structure no more than three (3) stories in height containing three (3) but not more than six (6) dwelling units separated by a common wall(s) or building story(ies) which share a common entrance to the outside, usually through a common corridor; typically including green spaces, patios, or balconies. 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.
131. **GARDEN AND LANDSCAPING CENTER:** A retail commercial sales establishment for the sale of plants, garden supplies, and related items. For purposes of this Ordinance, said establishments shall not include the sale or service of commercial machinery, tractors, or mowing equipment.
 132. **GAS STATION:** Any premises used for the sale and supplying of gasoline, oil, and/ or minor accessories.
 133. **GOVERNING BODY:** The Borough Council of the Borough of Big Beaver, Beaver County, Pennsylvania.
 134. **GRADE, FINISHED:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto .
 135. **HEALTH/ FITNESS/ GYM/ YOGA STUDIOS:** An indoor facility for personal exercise and physical conditioning, which includes uses such as yoga studio, sports courts, exercise equipment and/ or locker rooms that may or may not include a Jacuzzi and/ or sauna and retail shops and accessory uses. This use may also be referred to as a health club.
 136. **HEAVY INDUSTRIAL ACTIVITIES:** The assembly, processing, production, forging, or fabrication of products from raw materials, including any process using hazardous materials, as regulated by the Pennsylvania Department of Environmental Protection (PA DEP) and/ or the United States Environmental Protection Agency (US EPA).
 137. **HEAVY MANUFACTURING ACTIVITIES:** The mechanical or chemical transformation of raw materials or substances into new products or other raw materials or any manufacturing process not included in the definition of Light Manufacturing as defined in this Ordinance.
 138. **HOME OCCUPATION/ HOME OFFICE:** A business or commercial activity administered or conducted within a residence or accessory structure on the same parcel, as an accessory use, and which is clearly secondary to the use as a residential dwelling. The exterior appearance of the structure of premises is constructed and maintained as a residential dwelling with no goods publicly displayed on the premises. Such business may have: customer, client, or patient traffic, whether vehicular or pedestrian; pickup, delivery, or removal functions to or from the premises in excess of those normally associated with residential use; approved signage or other outward displays of the business location.
 139. **HORIZONTAL SURFACE:** A horizontal plane one hundred fifty (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.
 140. **HORSE BOARDING STABLE/ RIDING ACADEMY/ RIDING STABLE:** A facility designed for the housing, riding, feeding, and exercising of horses for compensation or incidental to the operation of any club, association, ranch, or similar establishment. Not all horses need to be owned by the owner or operator of the premises.
 141. **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.

142. 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.
143. IMPERVIOUS COVERAGE: The percentage of land covered by all impervious surfaces including but not limited to buildings, structures, paving, sidewalks, parking structures, swimming pools, and recreational sport courts or surfaces.
144. INITIAL PHASE OF CONSTRUCTION: The period of time from the beginning of active construction until completion of the project. For multi-phased projects construction shall be considered continuous so long as there is an active building permit issued.
145. INDUSTRIAL COMMERCIAL MIXED-USE BUILDING: A building located in an Industrial District which houses a combination of Industrial, Commercial and or Institutional uses as permitted in this Ordinance.
146. INDUSTRIAL MACHINE SALES AND SERVICE: The sale and service of machinery used in a specific trade or manufacture and includes, but is not necessarily limited to, oilfield and construction equipment.
147. INDUSTRIAL/ BUSINESS PARK: An area within an Industrial District that has been designated by Borough Council, after the submission and approval of a comprehensive development plan. The area is intended to be primarily for industrial uses with specific permitted institutional and commercial uses.
148. INDUSTRIALIZED COMMERCIAL/ INDUSTRIAL MODULAR BUILDING: A structure designed for commercial or industrial use and classified within nonresidential use groups in accordance with the standards adopted under 12 Pa. Code § 145.41, which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage, or destruction. The term does not include a structure or building classified as modular housing or manufactured home. The term does not include industrialized housing as defined in 12 Pa. Code § 145.1 (relating to definitions) or manufactured home, as defined in section 5402(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C. § 5401 et seq.).
149. INDUSTRIALIZED (MODULAR) HOUSING: A structure designed primarily for single-family residential occupancy or classified within Residential Group R in accordance with the standards adopted under PA § 145.41 and which is wholly or in substantial part made, constructed, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage, or destruction. The Industrialized home does not include a structure or building classified as an Industrialized Commercial/ Industrial Modular Building or manufactured home.
150. INFRASTRUCTURE INTENSIVE ENTERPRISES: Activities that may, by the nature of the enterprise, impact infrastructure and services within the Borough, including but not limited to electrical grid, natural gas, water, sewer/ sewage, roadways and roadway infrastructure, internet services, etc. This use excludes Data Centers (see Data Centers).
151. INTEGRATED BUSINESS CENTER/ SHOPPING CENTERS: A combination of two (2) or more commercial uses designed, structured, and located in a manner

- to be an integrated shopping plaza with shared parking; typically owned, maintained and managed by a single entity.
152. 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 secondhand article or material shall not be considered junk if unaltered or unchanged and without further reconditioning or disassembly it can be used for its original purpose as readily as when new.
 153. 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.
 154. 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 they are authorized under the lease to exercise the rights of the landowner, or other persons having a legally recognized proprietary interest in land.
 155. LANDSCAPE PLAN: A plan, including bufferyards, 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 diameter at 5 feet.
 156. LANDSCAPE SERVICE CENTER, RETAIL: A business primarily engaged in selling indoor or outdoor grown plants and landscaping materials to the general public.
 157. 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.
 158. 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.
 159. LIGHT MANUFACTURING: The processing, fabrication, and assembly 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 not animal slaughtering, curing, or rendering of fats.
 160. LIGHTING DIFFUSED: That form of lighting wherein the light passes from the source through a translucent cover or shade.
 161. LIGHTING 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.
 162. LIGHTING 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.
 163. LINE, RIGHT-OF-WAY: The dividing line between the street and the lot.

164. **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) feet in depth, and fourteen (14) feet in height.
165. **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.
166. **LOGGING/ TIMBER HARVESTING:** The practice of managing wooded areas by harvesting and replenishing trees following an approved plan utilizing best management practices.
167. **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.
168. **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.
169. **LOT COVERAGE:** That portion or percentage of the plot or lot area covered by buildings, structures and all impervious surfaces. For Low Density Housing, driveways, sidewalks and pathways shall be excluded from the calculation of impervious surfaces.
170. **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.
171. **LOT, DOUBLE FRONTAGE:** Any lot, except a corner lot, bounded on opposite sides by streets.
172. **LOT, FLAG:** A lot that that is typically shaped like a flag and flagpole such that it: is accessed by a corridor of land leading to a roadway, whose frontage does not meet the district frontage requirement (the pole), but: otherwise meets the district area and setback requirements (the flag) as prescribed in this Ordinance; is situated wholly or partly behind a lot that fronts the roadway.
173. **LOT, FRONTAGE:** The length of the front lot line measured at the street right-of-way line.
174. **LOT, INTERIOR:** A lot other than a corner lot.
175. **LOT LINES:** The lines bounding a lot.
176. **LOT LINE, FRONT:** That line which bounds the lot contiguous with the street right-of-way line.
177. **LOT LINE, INTERIOR:** Any property line that divides said lot from another lot. Said lot line may be a side or rear lot line.
178. **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 (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
179. **LOT LINE, SIDE:** Any lot line which is not a front or rear lot line.
180. **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.
181. **LOT OF RECORD:** Any lot which individually or as part of a subdivision has been recorded in the Beaver County Recorder of Deeds Office.
182. **LOT WIDTH:** The horizontal distance across the lot between the side lot lines, measured at the building line.
183. **MANUFACTURED HOME (MOBILE):** A structure intended to be a single-family residence and designed for residential use, transportable in one or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities,

- and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term does not include any self-propelled recreational vehicle.
184. **MANUFACTURED HOME (MOBILE) LOT:** A parcel of land in a manufactured (mobile) home park equipped with all necessary utility connections and other appurtenances necessary for the placement of a single manufactured (mobile) home.
 185. **MANUFACTURED HOME (MOBILE) PARK:** A parcel, or contiguous parcels, of land which has been so designated and improved so that it contains two or more manufactured home lots for the placement thereon of manufactured homes.
 186. **MEDICAL MARIJUANA:** Marijuana for certified medical use as set forth under the Medical Marijuana Act, Pennsylvania Act 16.
 187. **MEDICAL MARIJUANA DISPENSARY:** A facility holding a permit issued by the Pennsylvania Department of Health under PA. Act 16, used for the retail sale of medical marijuana products, including products ancillary to medical marijuana.
 188. **MEDICAL MARIJUANA GROWER/ PRODUCER:** A facility, holding a permit issued by the Pennsylvania Department of Health under PA. Act 16, used for growing cannabis as an agricultural product in open air or green house conditions. Such facilities shall not be considered as Medical Marijuana Production Facility as defined in this Ordinance.
 189. **MEDICAL MARIJUANA PRODUCTION FACILITY:** A facility, holding a permit issued by the Pennsylvania Department of Health under PA. Act 16, used for the conversion of cannabis into medical marijuana products.
 190. **MEDICAL OFFICE:** 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 the interior of the building. A medical office shall not include a pharmacy or surgical suites.
 191. **MICROBREWERY/BREW PUB:** A facility that produces "specialty" beers using limited-production facilities.
 192. **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.
 193. **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 ore, 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.
 194. **MINI-ANTENNA:** A low-power access device typically used by a residence or commercial enterprise to receive radio, tv and other similar transmissions. May also be used for campus or facility wide two-way communications.
 195. **MIXED-USE BUILDING:** A building which houses both nonresidential (institutional and/ or commercial) and residential uses with each use following the

- requirements of the non-residential or residential use most closely akin to the single use as defined in this ordinance.
196. MOBILE HOME: See Manufactured Home.
 197. MOBILE HOME LOT: See Manufactured Home Lot
 198. MOBILE HOME PARK: See Manufactured Home Park
 199. 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.
 200. MUNICIPALITIES PLANNING CODE (MPC): The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 et seq., as amended.
 201. 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.
 202. 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.
 203. MUNICIPAL/ PUBLIC USES and FACILITIES: A building or use intended, designed, and owned by the Borough or municipal authorities or as may be chartered by the Borough to provide fire, police, or other municipal services, not to include public or private schools.
 204. NATURAL GAS COMPRESSOR STATION: A facility designed and constructed to compress natural gas that originates from an oil or gas well or collection of such wells operating as a midstream facility for the delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant, or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks, and other equipment.
 205. NATURAL GAS PROCESSING PLANT: A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed, constructed, or used primarily to remove water, water vapor, oil, or other naturally occurring liquids or substances from natural gas.
 206. NO IMPACT HOME BASED BUSINESS: A business or commercial activity administered or conducted within a residence as an accessory use, and which is clearly secondary to the use as a residential dwelling. Such business involves no: customer, client, or patient traffic, whether vehicular or pedestrian; pickup, delivery, or removal functions to or from the premises in excess of those normally associated with residential use; signage or other outward displays of the business location.
 207. 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.
 208. NONCONFORMING USE: Any use which does not comply with the applicable area and bulk provisions of this Ordinance or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Ordinance or any subsequent amendment.
 209. 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.

- 210. OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.
- 211. OCCUPANCY PERMIT: A statement, based on an inspection, signed by an agent approved by the Borough Council, setting forth that a building or structure complies to the Uniform Construction Code, as well as any other legally mandated building and use requirement, and that a building, structure, or parcel of land may lawfully be employed for specified use.
- 212. OIL AND GAS ACTIVITIES AND OPERATIONS: The extraction, piping processing, compression, and operation of conveyance facilities associated with the extraction and transportation of any oil or gas for sale or other commercial purpose. The term "oil and gas" includes but is not limited to any crude oil, natural gas, methane gas, and coal bed methane gas.
- 213. OIL AND GAS WELLS AND PADS: 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.
- 214. 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 Sewage Enforcement Officer
- 215. OPEN SPACE: Public or private land used for recreation, resource protection, amenity, and/ or buffers, not including any area of a lot, any part of an existing or future street right-of-way, easement of access or areas set aside for public or private utilities, stormwater facilities, and easements.
- 216. OUTDOOR RECREATION, GENERAL: An enterprise which is conducted wholly or partly outside an enclosed structure for the pursuit of sports, recreation, and amusement activities, including, but not limited to, such establishments as swimming pools, ballfields, parks, tennis courts, miniature golf courses, and the like.
- 217. OUTDOOR RECREATION, INTENSIVE: This category encompasses facilities for outdoor leisure activities that might include audience participation. Examples include motorsport tracks, drive-in cinemas, venues for amplified live music, stadiums, arenas, or designated areas primarily for enduring attractions or mechanical rides.
- 218. 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, on a non-residential lot.
- 219. OWNER: The duly authorized agent, attorney, purchaser, devisee, fiduciary, or any person having vested or equitable interest in the lot in question.
- 220. 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.
- 221. PARKING STRUCTURE, COMMERCIAL: A structure built above or below ground, including a parking deck, used exclusively for the temporary storage of motor vehicles, which may be accessory to the principal use.
- 222. 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.
223. **PARK(S):** Land designated by Borough Council as a park, playground, or other active recreational facility, or as an open space area providing passive recreational opportunities for the general public. This may include land managed by the county or state.
224. **PATIO/ CARRIAGE HOME:** A multi-family residential structure typically part of a Planned Residential Community of residences that share at least one common wall between residences and are not higher than one-and-a-half stories. Each dwelling unit shall contain a minimum of nine hundred (900) square feet of interior habitable area, and shall have one (1) side yard adjacent to each dwelling unit. Each dwelling unit shall be situated on a lot of record.
225. **PERSONAL SERVICE:** Any commercial establishment providing services pertaining to the person, their apparel or personal effects, including services such as beauty and barber services, music and dance studios, photographic services, dry cleaning and dyeing services, shoe repair services and apparel repair, alteration, cleaning pickup services.
226. **PET BOARDING:** Taking of custody or possession of more than four (4) domesticated animals for the keeping, accommodation, care, training and/ or feeding including daylong, overnight, and extended stays.
227. **PHARMACY:** A retail store which primarily sells prescription drugs, patient medicines, and surgical and medical supplies.
228. **PLACE OF WORSHIP:** An institution of any denomination where people regularly observe, practice, or participate in religious or spiritual services, meetings, and/ or activities.
229. **PLANNED RESIDENTIAL DEVELOPMENT:** Developed as a single entity with multiple single-family dwelling units that may be detached or multiplex; the units may be configured more closely than permitted by the zoning district to allow the remaining land to be used for recreation, common open space and preservation of sensitive environmental and natural resources.
230. **PLANNED MIXED COMMERCIAL/ RESIDENTIAL DEVELOPMENTS:** Developed as a single entity with multiple single-family dwelling units in combination with non-residential, typically commercial, uses. The residential uses may include duplexes, garden apartments, patio/ carriage homes, townhouses, single story apartment buildings, low rise apartment buildings, high rise apartment buildings, condominiums, and combined residential/ commercial buildings. Commercial uses may include any use listed in the C-2 district. Commercial uses may be stand alone, grouped, or integrated with residential uses. The development shall include provision for recreation, common open space, and/ or preservation of sensitive environmental and natural resources. The uses may be configured more closely than permitted by the zoning district to allow the remaining land to be used for recreation, common open space and preservation of sensitive environmental and natural resources.
231. **PLANNING COMMITTEE:** The members of the Big Beaver Borough Planning Committee which provides recommendations to the Borough Council on land use and community development issues.
232. **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.
233. **PLAT:** A map, plan, or layout of a subdivision indicating the location and boundaries of individual properties.

234. **POWER GENERATION/ TRANSMISSION FACILITY:** A building, structure, or lot used to produce energy by combustion, such as gas, coal, or fuel burning plants. It does not include small-scale renewable energy facilities (e.g. wind turbine, solar photovoltaic arrays, tidal and ocean current power systems) that have a power rating of 15 kW or less.
235. **PREMISES:** Any lot, parcel, or tract of land and any building constructed thereon.
236. **PRINCIPAL BUILDING OR STRUCTURE:** The building(s) or structure(s) on a lot in which the principal use or uses are conducted.
237. **PRINCIPAL USE:** The major dominant use of the lot on which it is located.
238. **PRIVATE CLUB/ FRATERNAL ORGANIZATION:** A facility or use, which is owned by, or leased to, a private organization, social club or non-profit association for meeting, recreational, or social purposes that are not conducted for profit. The use of such premises is generally restricted to the members of these organizations and their guests.
239. **PRIVATE RIGHT-OF-WAY:** Land reserved for use as a road, street, alley, etc. and not intended for use by the general public.
240. **PRIVATE USE ACTIVITY BUILDING, NO IMPACT:** A permanent or semi-permanent building located on the same lot as a Low-Density Residence or an Abutting Residential Accessory Use Lot, Private; and whose use is accessory to the Low-Density Residence. Such buildings may be habitable for hobby and private recreational use and may have a façade that resembles a cottage.
241. **PRIVATE USE STORAGE BUILDING, NO IMPACT:** A permanent storage building located on the same lot as a Low-Density Residence or an Abutting Residential Accessory Use Lot, Private and whose use is accessory to the Low-Density Residence.
242. **PRIVATE USE VEHICLE STORAGE, NO IMPACT:** A vehicle storage building (garage) located on the same lot as a Low-Density Residence or an Abutting Residential Accessory Use Lot, Private and whose use is accessory to the Low-Density Residence.
243. **PROFESSIONAL OFFICE:** Any office or business conducted by an individual or association, including but not limited to, engineers, lawyers, doctors, dentists, architects, chiropractors, and veterinarians who must be licensed under the laws of the commonwealth.
244. **PUBLIC BUILDING:** Buildings, structures, or uses belonging to, or affecting, any duly authorized governmental body.
245. **PUBLIC HEARING:** formal meeting held by the governing body planning committee, or zoning hearing board and open to the general public, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.
246. **PUBLIC LANDS:** Lands owned by the borough, county, state, or federal government, their agencies, and/ or authorities.
247. **PUBLIC NOTICE:** Publication of notice of the place, date, and time of a meeting in a newspaper of general circulation, as defined by 45 Pa. C.S.
248. **PUBLIC RIGHT-OF-WAY:** Land reserved for use as a road, street, alley, crosswalk, pedestrian way, or other public purpose.
249. **PUBLIC USES:** A building or use intended, designed, and owned by the Borough or municipal authorities or as may be chartered by the Borough to provide fire, police, or other municipal services, not to include public or private schools.
250. **RECREATION:**
 - a. **RECREATION, COMMERCIAL MIXED:** An enterprise which is conducted wholly or partly outside an enclosed structure for the pursuit of sports,

- recreation, and amusement activities, that have both indoor and outdoor uses.
- b. 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, ballfields, parks, Miniature golf, tennis courts, drive-in theaters, and similar uses and activities.
 - c. RECREATION, MUNICIPAL (PUBLIC): 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.
 - 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.
251. RECREATIONAL VEHICLE: A vehicle designed to be self-propelled or towable for use as temporary living quarters for recreational, camping, travel or seasonal use; this includes, but is not limited to, travel homes, travel trailers, motor homes, truck campers, tent campers, tiny homes on trailers, trailers, and similar vehicles. Such vehicles shall not be used as a principal or accessory use for any business endeavor or be used as a permanent dwelling.
252. RECREATIONAL VEHICLE TRAILER CAMP/ TRAILER CAMP: A tract of land: (a) where two (2) or more trailers are temporarily parked not to exceed six (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 six (6) months.
253. REGULATORY BASE FLOOD ELEVATION: The one (1) percent storm flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.
254. RENEWABLE ENERGY FACILITY: A facility, use, or activity designed to convert a renewable resource into energy as well as the means of transmission or distribution to commercial markets, including but not limited to, solar, wind, hydro, geothermal, and biomass. (See Power Generation/ Transmission Facility).
255. RESEARCH AND DEVELOPMENT ACTIVITIES: Any establishment, including laboratories, which carries on investigation in the natural, physical, or social sciences, and engineering and development as an extension of such investigation with the objective of creating end products and which may include supporting storage and transportation facilities and pilot manufacturing, as defined by this Ordinance, as an accessory use.
256. RESIDENTIAL, LOW DENSITY: Residential uses including Single-Family dwellings, Manufactured (mobile), and Industrialized (Modular) housing.
257. RESIDENTIAL, MODERATE DENSITY: Residential uses including Single Story Apartment, Duplex, Patio/ Carriage Homes, Townhouses, Triplex, and Quadraplex dwellings.
258. RESIDENTIAL, HIGH DENSITY: Residential uses including Low Rise Apartment Buildings, High Rise Apartment Buildings, Condominiums, Garden Apartments, Multiplex Dwellings, and Conversion Units/ Apartments.

259. **RESOURCE CONVERSION/ REFINING FACILITY:** Any use, structure, or facility that converts extracted materials and resources into a usable form.
260. **RESOURCE EXTRACTION:** Any use, structure, or facility used for the purpose of extracting raw materials from the surface or sub-surface of a lot.
261. **RESTAURANT/ DELICATESSEN:** A restaurant, delicatessen, coffee shop, or similar establishment where customers purchase and consume food or drink on site or carry-out and may or may not utilize drive-through facilities.
262. **RETAIL BUSINESS:** 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.
263. **RETAIL CENTERS:** Multi-use commercial developments with direct access to a collector or arterial roadway.
264. **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. An adult oriented business shall not be considered a retail store.
265. **RIPARIAN:** Belonging or related to the bank of a water body, river, stream, wetland, lake, pond, or impoundment.
266. **SALVAGE YARD (JUNK YARD):** The use of more than one hundred (100) square feet of lot area, including enclosed areas, for the collection, storage, processing and/ or sale of scrap metal, scrapped, abandoned, or junked motor vehicles, materials recovered from junked vehicles, machinery, equipment, wastepaper, cardboard and other discarded materials. (Also referred to as an automobile graveyard or motor vehicle graveyard.)
267. **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.
268. **SAWMILLS/ PLANING MILLS:** Mills intended for the primary processing of timber or saw logs into lumber and shall exclude any secondary processing of the lumber produced.
269. **SCHOOL/ EDUCATIONAL INSTITUTION, PRIVATE OR PUBLIC:** A Pre-K through 12 school or place of instruction operated by a public, private, religious, or for profit organization, having regular sessions with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary and/ or vocational, education to students. Schools can include a building, a group of buildings, or a campus including uses for classrooms, libraries, auditoriums, gymnasiums, playing fields, administrative offices, cafeterias, and maintenance facilities.
270. **SELF-CONTAINED, UNOCCUPIED STRUCTURES:** Any use whose operation is fully contained within a structure or facility and operates with little or no human intervention or oversight.

271. **SELF-STORAGE FACILITY:** A building or group of buildings enclosed within a fenced area with controlled access. May include various sizes of individualized, compartmentalized, and controlled access stalls and/ or lockers leased by the general public for a specified period of time.
272. **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.
273. **SHED, ACCESSORY:** A movable storage building located on the same lot as a Low-Density Residence or an Abutting Non-Residential Use Lot, Private and whose use is accessory to the Low-Density Residence.
274. **SHOOTING RANGE:** An indoor or outdoor facility, including multi-range facilities, designed for the purpose of providing a place on which to discharge firearms, shoot air guns, and/ or archery. May include structures in direct support of the shooting range. Shooting ranges may be integrated as part of a related use or larger complex such as a sportsman's club or indoor recreational facility.
275. **SHOPPING MALL/SHOPPING CENTER:** See Integrated Business Centers/Shopping Centers.
276. **SHORT-TERM RENTAL:** A principal or accessory use, other than a hotel or motel, where lodging is provided for compensation generally for less than 30 days. Rentals are generally facilitated by an online tool that allows for peer-to-peer lodging options where the lodging facilities are generally owned by private individuals. This use include rentals commonly called by industry names, including but not limited to, Airbnb, HomeStay, Flip Key, Vacasa, Vrbo, etc.
277. **SHRUB:** Vegetative material; a small to medium-sized perennial woody plant.
278. **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 level of three point fifty (3.50) feet above the pavement and a height of an object of point fifty (.50) foot above the pavement.
279. **SIGNAGE DEFINITIONS:**
- a. **Advertising Signs:** Signs used to provide information on businesses, products, public services, community messaging, organizational outreach, and other information intended for general audiences.
 - b. **Arcade Sign/ Projecting:** Signs mounted to and projecting from structures that identify the entity/ use to which they are attached.
 - c. **Billboard:** A sign designed to be seen from a distance, located along permitted arterial roadways or facing an Interstate highway used for advertising and general notices to the public.
 - d. **Building Identification Sign:** Identifies a specific building, entity, or use.
 - e. **Bulletin:** A sign, typically constructed to be free standing or mounted to a structure with a glass or plastic window, to allow postings, use information, schedules, and other notices to be displayed and that can be changed periodically; and visible at eye or street level.
 - f. **Changeable Copy Sign:** A sign with static, changeable letters.
 - g. **Construction Sign:** Signs used to indicate the names of contractors, mechanics, or artisans engaged in performing work on the premises.
 - h. **Development Site Sign:** Signs used for residential and non-residential real estate development sites while under construction, build-out, or initial sales and rentals.

- i. Digital Sign: Any sign with a digital display.
 - j. Directional Sign (off premises): Signs that are used to supplement traffic control signs to direct traffic to a specific business, site, or use.
 - k. Directional Sign (on premises): A sign that provides vehicular or pedestrian direction.
 - l. Governmental Signs: Erected by a governmental agency, including street identification signs and official traffic signs.
 - m. Ground Sign: Ground mounted signs including those used to identify housing developments and business parks.
 - n. 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.
 - o. Municipal/ Governmental/ Traffic Sign: Any sign erected by an authorized Federal, State, or Municipal government or government agency, including but not limited to, signs for traffic control, safety, use identification, public notices, historical designation, and general governmental operations.
 - p. Notification Sign: Signs bearing legal and/ or lot notices or warnings.
 - q. Permanent Sign: An on-lot sign identifying an enterprise, use, function, or purpose that is intended to remain in place as long as the use, function, or purpose remains on the lot; any sign displaying information to the general public that is not on the lot where the use, function, or purpose occurs.
 - r. Pole Sign: Signs mounted on a single pole, including changeable copy signs.
 - s. Political Sign: Signs endorsing an individual or a position that will be determined by an election, referendum, or other such ballot measure.
 - t. Post Sign: Signs mounted on two (2) or more posts, including changeable copy signs.
 - u. Primary Sign: A sign that is integral or in direct support of the use, function, or purpose that it represents.
 - v. Real Estate Sign: Signs used as a notice of sale or rental of the property on which it is located.
 - w. Signboard: A sign with a maximum surface area of sixty (60) square feet, located along permitted arterial roadways used for advertising and general notices to the public.
 - x. Subsidiary Sign: Provide information or direction that is not directly related to the use, purpose, or function occurring on the lot or site.
 - y. Temporary Sign: Intended to remain in place for a limited time to advertise, announce, or display specific information.
 - z. Wall sign: Signs mounted to structures that identify the entity/ use to which they are attached, including changeable copy signs.
 - aa. Window Sign: Signs placed inside a window facing the exterior of the building; including signs painted on windows.
280. **SINGLE-FAMILY RESIDENCE:** A dwelling unit accommodating a single-family, 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 modular/ manufactured unit or units permanently combined on-site and permanently affixed to a foundation to form a single-family detached dwelling.
281. **SKILLED GAMES, ACCESSORY USE:** A location or use where nine (9) or fewer legal games of skill are offered for use, entertainment and/ or wagering by the

- general public. Such use shall be co-located with a principal use on a property or parcel shall be treated as an accessory use subject to the requirements set forth in this Ordinance.
282. **SKILLED GAMES CENTER:** An establishment in which ten (10) or more legal games of skill are offered for use, entertainment and/ or wagering by the general public. Such use, if co-located with another use on a property or parcel, shall be treated as a separate use subject to the requirements set forth in this Ordinance.
283. **SMALL CELL DEVICE (SCD's):** A low-power cellular radio access node typically installed within an enterprise environment to extend public mobile network coverage and capacity to indoor facilities.
284. **SOLAR ARRAY:** A system of a group of solar panels connected together.
285. **SOLAR ENERGY SYSTEM, ACCESSORY:** An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, and/ or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels by the on-site facility.
286. **SOLAR PANEL:** That part or portion of a solar energy system containing one (1) or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating, and/ or for electricity.
287. **SOLAR GENERATION/ PRODUCTION FACILITY/ TRANSMISSION/ FACILITY:** An area of land used for the collection, conversion, production, and/ or transmission of solar energy and/ or solar energy products, primarily for off-site use and consumption.
288. **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.
289. **STEEP SLOPE:** Any portion of any lot which has a natural or unfinished slope in greater than twenty-five (25%) percent shall be considered a steep slope and shall be subject to these regulations, except 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 five (5) feet where the slope is greater than ten (10%) percent and at intervals of not more than two (2) feet when the slope is ten (10%) percent or less.
290. **STORAGE BOX/ CONTAINER - PERMANENT:** Use of containers, placed permanently or semi-permanently; including sea containers, shipping containers, Conex box, semi-truck trailer body, or Portable Storage such as On Demand or PODS®.
291. **STORAGE BOX/ CONTAINER - TEMPORARY:** Use of containers, designed for temporary on-site storage, of 6 months or less; including sea containers, shipping containers, Conex box, semi-truck trailer body, or Portable Storage such as On Demand or PODS®.
292. **STORAGE YARD, ACCESSORY:** As an accessory use, a storage yard includes a portion of a lot or parcel which is not occupied by a building and is used to store materials associated with the permitted principal use. Materials and/ or equipment within a storage yard are not offered for commercial sale nor are they accessible to the public.
293. **STORAGE YARD, PRINCIPAL:** As a principal use, a storage yard is an otherwise vacant lot or parcel that is used to store construction equipment, vehicles, and/ or construction or industrial materials. Materials and/ or equipment

- within a storage yard are not offered for commercial sale nor are they accessible to the public.
294. **STORMWATER:** The drainage runoff from the surface of land resulting from precipitation.
295. **STORM WATER MANAGEMENT PLAN:** Also referred to as a "Best Management Practice" Plan.
296. **STORY:** That portion of a building included between the ground surface of any floor and the surface of the floor next above it, or if there is not a floor above it, then the space between any floor and the ceiling next above it.
297. **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.
298. **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.
299. **STREET:** A strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended to be used by vehicular traffic or pedestrians. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the function they perform.
- a. **Arterial Street:** A street designed for and serving higher volumes of traffic to destinations in the Borough and/ or for the passage of traffic through the Borough.
 - b. **Collector Street:** A street designed for and serving moderate volumes of traffic that:
 - i. Collect and deliver traffic to and from local streets;
 - ii. Collect and deliver traffic to and from Arterial Roads;
 - iii. Provide a secondary means to destinations in the Borough;
 - iv. Provide a secondary means for the passage of traffic through the Borough;
 - v. Serve as intermediary streets between arterial streets.
 - c. **Local Street:** A street designed for and serving lower volumes of traffic that provides access to properties or buildings abutting the street, typically via a driveway.
300. **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.
301. **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 "re-subdivision," "consolidation," "plat," or "plan".
302. **SUBSTANTIAL IMPROVEMENT:** 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.
303. SUPPLY YARD: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. "Supply yards" do not include the wrecking, salvaging, dismantling, or storage of automobiles, similar vehicles and junk.
 304. 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 twenty-four (24) inches. Farm ponds and/ or lakes are not included, provided that swimming was not the primary purpose for their construction.
 305. TIMBER MANAGEMENT: Activities related to or encompassing timber harvesting, logging, forestry, woodlands, wooded areas, and the maintenance and management of said areas.
 306. THEATER/ CINEMA: A building or part of a building devoted to showing motion pictures or dramatic, dance, musical, or other live performances. This definition does not include "Adult and Sexually Oriented Businesses."
 307. TOWER: See Communication Tower.
 308. TRANSFER FACILITY/ RESOURCE RECOVERY: A facility licensed by the Pennsylvania Department of Environmental Protection (PA DEP) which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing and recovery or disposal.
 309. TRANSMISSION FACILITY: Any use or structure including a pipe, pipeline, duct, wire, line, conduit, pole, tower, equipment, or other structure used for the transmission of electric power.
 310. TOWNHOUSE: A multi-family residential building no more than two and one-half (2 ½) stories in height which contains at least three (3) but no more than six (6) 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 with an attached, detached, or basement garage that can accommodate one (1) or more vehicles. Each dwelling unit shall contain a minimum of nine hundred (900) square feet of interior habitable area. Each dwelling unit shall be situated on a lot of record.
 311. TRIPLEX AND QUADRAPLEX DWELLINGS: A multi-family residential structure having three (3) or four (4) completely separate living spaces, each with a separate entrance, designed for the use by a single-family. The units may be separated by common walls and/ or be separated onto two (2) stories. Each dwelling unit shall contain a minimum of nine hundred (900) square feet of interior habitable area and shall have one (1) side yard adjacent to each dwelling unit.
 312. TRUCK TERMINAL/ SERVICE PLAZA: A facility designed to provide services to motorized vehicles and their occupants. Services may include fueling, repairs, vehicle servicing, food services, retail services, vehicle storage, and travel amenities.
 313. UNIVERSITY, COLLEGE, POSTSECONDARY FACILITY: A post-secondary school, institution or place of instruction, operated by a public, private, religious, or for profit organization, having regular sessions with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing vocational and/ or post-secondary education to

- students. Schools can include a building, a group of buildings, or a campus including uses for classrooms, libraries, auditoriums, gymnasiums, playing fields, vocational training areas (indoor and outdoor), administrative offices, dormitories, dining facilities, and maintenance facilities.
314. **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.
315. **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.
316. **USE, UNLAWFUL:** A use, whether of land, water body, or structure which was not in existence prior to the enactment of this Zoning Ordinance or its amendment(s) and does not comply with the regulations of this Zoning Ordinance or its amendment(s).
317. **UTILITY:** Utilities shall include community and public water or sanitary sewer facilities, electric, telephone, gas, renewable energy, cable, and internet services.
318. **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.
319. **VEHICLE SALES AND SERVICE:** A retail establishment which may include one (1) or more of the following: an open area, other than a street, for the display and sale or rental of new or used automobiles and light duty trucks; buildings which may contain offices and showrooms; an area within a completely enclosed building where reconditioning, preparation, accessory installation, repairs, and/ or servicing of vehicles is performed.
320. **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.
321. **VINEYARD:** A farm where grapevines are planted, grown, raised, or cultivated for the purpose of producing grape wine.
322. **VISUAL SCREEN:** A masonry wall, solid board fence with finished side toward adjacent use or a screen planting, or combination of, 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.
323. **WAREHOUSE AND DISTRIBUTION – COMMERCIAL USE:** An establishment for the storage and handling of freight or merchandise, but not including the maintenance or fueling of any type of vehicles.
324. **WAREHOUSING AND PRODUCT DISTRIBUTION ACTIVITIES:** An establishment for the storage and handling of freight or merchandise, but not including, the maintenance or fueling of commercial vehicles.
325. **WAREHOUSE AND STORAGE SERVICES:** A structure primarily used for the storage of goods and materials which may include refrigeration and cold storage services. This use does not include distribution centers.
326. **WASTEWATER TREATMENT PLANT:** A facility that processes and converts wastewater, which is water no longer needed or suitable for its most recent use,

- into an effluent that can be either returned to the water cycle with minimal environmental issues or reused.
327. **WATER BODY/ WATER:** Any natural or manmade pond, lake, wetland, impoundment, or watercourse. This shall not include any pond or facility designed and constructed solely to contain stormwater, or a swimming pool.
328. **WATER CONTAINMENT DEVICES:** Includes all pools, ponds and other artificial devices that contain water and are a depth of twenty-four (24) inches or greater below ground level and/ or a height of twenty-four (24) inches or more at its highest point above ground level.
329. **WATER STORAGE:** Any impoundment of water by a public or private authority, agency or corporation for the purpose of providing water supply or recreation to the general public.
330. **WATER TREATMENT PLANT:** Means a process, device, or structure used to improve the physical, chemical, or biological quality of the water in a public water system.
331. **WATERCOURSE:** Any channel of conveyance of surface water having a defined bed and banks, such as a stream, river, brook, or creek, whether natural or artificial, with perennial, intermittent, or seasonal flow. This shall not include any channel or ditch designed and constructed solely to carry stormwater.
332. **WETLAND OR WETLANDS:** Those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ponds, lakes, and similar areas. Wetlands shall include any area so delineated by the National Wetlands Inventory of the U.S. Fish and Wildlife Service and all lands regulated as wetlands by the Pennsylvania Department of Environmental Protection (PADEP) or the U.S. Army Corps of Engineers (ACE). In the event there is a conflict between the definitions of these agencies, the more restrictive definition that defines the wetlands most expansively shall apply.
333. **WHOLESALE USES ACTIVITIES, BUILDINGS AND STRUCTURES:** Uses for the selling of commodities to retailers or tradesmen rather than consumers.
334. **WINERY:** A business establishment located entirely within an enclosed building for the production and sale of fruit wine.
335. **WIRELESS:** Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
336. **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.
337. **WIRELESS SUPPORT STRUCTURE:** 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.
338. **YARD:** An unoccupied space open to the sky, on the same lot with a building or structure.
339. **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.

- 340. 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.
- 341. YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the sideline 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 sideline. A building shall not extend into the required side yards.
- 342. 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.
- 343. 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.
- 344. ZONING HEARING BOARD: The Zoning Hearing Board of Big Beaver Borough as duly constituted by and established pursuant to this Ordinance.
- 345. 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.
- 346. ZONING MAP, OFFICIAL: The official map of Big Beaver Borough delineating the zoning districts.
- 347. ZONING 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 Ordinance. When the scope of work is regulated by this Ordinance (section 3109) and outside of the scope for the Uniform Construction Code.

ARTICLE 4 RESERVED

ARTICLE 5 ZONING MAP AND ZONING DISTRICTS

Section 500 Official Zoning Map

- A. A map entitled "Zoning Map, Big Beaver Borough" is hereby adopted as part of this Ordinance.
- B. A map entitled "Zoning Map, Big Beaver Borough" as illustrated in Appendix C shall be the officially adopted Zoning Map of Big Beaver Borough.
 - 1. A full size, signed copy of said map shall be available for inspection at the Borough Office during normal business hours.

Section 501 Zoning Districts and Overlay Districts

- A. The Borough is divided into a series of Zoning Districts stated in this Article and shown by the district boundaries on the Official Zoning Map.
- B. Districts enumerated.
 - 1. **Rural Residential (R-1)**
 - a. The purpose of the **R-1 Rural Residential District** is to provide areas in the Borough for:

- i. Uses as prescribed in Appendix B which may include:
 - a. Rural living environments including, Low Density and Moderate Density housing,
 - b. Agricultural or farming operations, vineyards,
 - c. Limited Institutional and governmental uses,
 - d. Limited commercial and industrial uses,
 - e. Planned residential developments, and planned residential commercial developments
 - f. The preservation of the natural features and rural identity of the area,
- 2. **Suburban Residential District (R-2)**
 - a. The purpose of the **R-2 Suburban Residential District** is to provide areas in the Borough, where public infrastructure exists or is planned in the future, for:
 - i. Uses as prescribed in Appendix B which may include:
 - a. Residential neighborhoods and suburban living environments including, Low Density and Moderate Density housing,
 - b. Limited Institutional and governmental uses,
 - c. Limited commercial uses,
 - d. Planned residential developments, and planned residential commercial developments,
 - e. The preservation of the neighborhood/ suburban identity of the area,
- 3. **Mixed Use Neighborhood District (MUN)**
 - a. The purpose of the **MUN Mixed Use Neighborhood District**, is to provide areas in the Borough where public infrastructure exists and/ or to encourage the development of infrastructure to allow for:
 - i. Uses as prescribed in Appendix B which may include:
 - a. Suburban residential development supported by the convenience of commercial development that typically serves local and regional customers,
 - b. Residential neighborhoods and suburban living environments including Low Density, Moderate Density and High Density housing,
 - c. Authorized Institutional and governmental uses,
 - d. Commercial uses and Mixed Use Commercial Residential Uses,
 - e. Planned residential developments, and planned residential commercial developments,
 - f. The preservation of existing neighborhood/ suburban areas while encouraging innovative incorporation of commercial services,
 - g. Uses as prescribed in Appendix B.
- 4. **Commercial District (C-1)**
 - a. The purpose of the **C-1 Commercial District** is to provide areas in the Borough where high volume controlled traffic corridors with public infrastructure exists to allow for:
 - i. Uses as prescribed in Appendix B which may include:
 - a. Commercial retail and service activities which serve the needs of the general community,

- b. Authorized Institutional and Governmental uses,
- c. High Density residential housing.
- d. Planned Residential Developments, and Planned Residential Commercial Developments,
- e. Limited Industrial Uses.
- f. Effective development and use of the commercial corridors in the Borough,

5. Interstate Commercial District (C-2)

- a. The purpose of the **C-2 Interstate Commercial District** is to provide areas in the Borough where access to interstate highways allows for:
 - i. Uses as prescribed in Appendix B which may include:
 - a. Large scale commercial activity requiring direct access to interstate interchange and “off-ramp” highway services that are directly supporting interstate interchange traffic in an area with access to adequate infrastructure.
 - b. Other commercial uses compatible with the location and available infrastructure,
 - c. Limited Institutional and Governmental uses,
 - d. Limited Industrial Uses.
 - e. Planned Residential Developments, and Planned Residential Commercial Developments,
 - f. Effective development and use of the commercial corridors in the Borough,

6. Industrial District (I)

- a. The purpose of **I, Industrial District** is to allow for:
 - i. Uses as prescribed in Appendix B which may include:
 - a. Industrial uses, including manufacturing processes, intensive outdoor recreation, and resource refining in locations that have the appropriate infrastructure and access to the regional transportation network and in appropriate locations where the public health, safety, and welfare of the surrounding neighborhoods are protected and the environmental impacts of the uses will not have adverse effects on the local community.
 - b. Authorized Institutional and Governmental uses,
 - c. Limited Commercial uses,
 - d. Effective development and use of the intermodal corridors in the Borough,

7. Beaver County Airport Zoning District (Overlay)

- **AZD-5, Beaver County Airport Horizontal Zoning District**
- **AZD-6, Beaver County Airport Conical Zoning District.**
- a. All district boundaries and overlays are shown on the Big Beaver Zoning Map, with exception of the AZD-5, Beaver County Airport Horizontal Zoning District, and the AZD-6, Beaver County Airport Conical Zoning District.
- b. Districts AZD-5 and AZD-6 Beaver County Airport Zoning Districts are overlays and in addition to the zoning districts established in this Article 5.
- c. The boundaries of the AZD-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.'

- d. 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.
- e. In addition to meeting all criteria applicable to the zoning districts established by Section 500 of this Article, such lands as situated in the overlay districts of AZD-5 and AZD-6 Beaver County Airport Zoning Districts will be subject to the provisions of BEAVER COUNTY AIRPORT ZONING DISTRICT REGULATIONS AND RESTRICTIONS, of this Ordinance.

C. Special Condition Areas

1. In addition to the zoning districts, Special Condition Areas are considered to be an overlay of the entire Borough. When the conditions occur on a lot, the requirements of the special condition Areas apply.
 - a. The property owner and/ or developer are to use their best efforts to determine if Special Conditions are present on the lot or parcel and the extent to which such areas will require adherence to the Special Conditions.
 - i. In all cases, the property owner/ developer is responsible for identifying any Special Condition that exists on the lot and shall employ such outside professionals, as needed, to determine the extent to which such conditions exist.
 - b. The Borough Engineer, Zoning Officer, or other individual or entity identified by the Borough Council may:
 - i. Confirm the determination by the owner/ developer;
 - ii. Make a separate determination of the Special Condition.
 - c. In all cases the determination of the Borough Engineer, Zoning Officer, or other qualified individual or entity identified by the Borough Council shall be final.
 - i. Appeals to the final determination shall be made to the Zoning Hearing Board.
2. The purpose of **Special Condition Areas** is to identify those parcels, spaces, and locations where conservation, environmental considerations and restrictions are necessary through special planning, controlled development, or other protection to reduce risk of flooding, landslides, erosion, water degradation, and other hazards to property and persons.
3. Requirements of Special Condition Areas shall supplement and at times supersede the requirements of a zoning district in this Ordinance where such environmentally sensitive lands or lands with special conditions are located.
 - a. Conditions may inhibit or preclude development.
 - b. Special Condition Areas may overlap in which case the requirements of all areas must be met and in all cases the more restrictive requirements shall apply.
4. Within Special Conditions there are three (3) Areas.
 - a. **Natural Environmental Area:** This area includes natural environmental conditions such as, waterways, riparian areas, storm water flows, transitional lands, and slopes.
 - b. **Earth Disturbance Area:** This area identifies conditions caused by human activity, such as: mining activity (including spoil stockpiles);

redirected storm water flows; storm water collection facilities, and ponds and lowlands created by surface mining; that may require remediation, reclamation, renewal, or special treatment prior to development.

- c. **Protected Conservation Area:** This area identifies areas that have been designated by the Borough as protected areas restricting all development except for non-commercial recreational facilities, recreational support facilities and facilities required for the maintenance, upkeep, and good order of the conservation area.

Section 502 District Boundaries

- A. Where uncertainty exists as to the boundaries of any District, as shown on the Official Zoning Map, the following rules shall apply.
 - 1. District boundary lines, unless otherwise indicated on the Map, follow or are parallel to the centerline of streets and streams; and to lot or 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.
 - 2. 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.
 - 3. 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.
 - 4. In un-subdivided 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 503 Interpretation of District Boundaries

- A. In circumstances not covered by Section 502 District Boundaries, the Zoning Hearing Board shall interpret the intent of the Official Zoning Map as to location of District boundaries.

ARTICLE 6 GENERAL CONDITIONS, REGULATIONS, and PROVISIONS

Section 600 Interpretation of This Ordinance

- A. In interpreting and applying the provisions of this Ordinance, the provisions in this Article shall be the minimum requirements for use, development, alteration, or any other changes, additions or activity on any and all properties, in whole or in part, within the Borough.
- B. 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.
- C. It is not intended by this Ordinance to interfere or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties which were in place prior to the adoption of this Ordinance.

- D. Unless specifically defined or permitted, conditions, regulations, and provisions outlined in this Article shall apply to all zoning districts.

Section 601 **Conformity of Property Use**

- A. All buildings, structures, and uses shall hereafter conform to the provisions of this Ordinance.
1. Permits and approvals may only be issued if the proposed development and/ or use conforms to the regulations prescribed within the applicable zoning district and this Ordinance.
- B. Buildings, structures and/ or uses shall not be moved and/ or altered unless in conformity with the regulations of this Ordinance and the zoning district in which it is located.
1. Any such change of use shall also comply with all other Borough ordinances, regulations, permitting requirements, and other use restrictions.

Section 602 **Authorized Uses**

- A. Permitted uses, Permitted uses with Special Regulations, Conditional uses, and uses by Special Exception for each zoning district are set forth in Appendix B, "Table of Authorized Uses".

Section 603 **Uses Not Expressly Permitted**

- A. Any use not expressly permitted for a zoning district is not permitted in that district.
- B. Such uses may be considered for approval if:
1. The use meets the criteria for a similar Permitted use, Permitted use with Special Regulations, Conditional Use, or Special Exception in the district where approval is sought.
- C. "Uses Not Specifically Listed" are permitted only:
1. In districts where such similar uses are permitted by Permitted use, Permitted use with Special Regulations, Conditional Use, or Special Exception.
 2. The Zoning Officer shall make the initial determination of the district(s) where the use may occur based on the nature of the use.
- D. The following approval steps shall be applied to "Uses Not Specifically Listed".
1. Uses determined to be a Permitted use or a Permitted use with Special Regulations shall be presented to and approved or rejected by Borough Council.
 - a. Council may require such use be reviewed as a Conditional use or a use by Special Exception following the procedures set forth in this Ordinance.
 2. Uses determined to be a Conditional use or Special Exception use shall be reviewed in accordance with the provisions of this Ordinance.
- E. A determination of the Borough Council may be appealed per the provisions of the Pennsylvania Municipal Planning Code.

Section 604 **One Principal Use**

- A. In all zoning districts, unless otherwise specified in this section, there shall only be one (1) principal use and structure on a lot.
1. Uses listed in Appendix B shall be considered One Principal Use, unless indicated as an accessory use, for purposes of this section.
 2. In all districts:
 - a. Communication Towers may be a co-located use providing that the use meets all others use requirements as described in this Ordinance.
 - b. Water Towers may be co-located use provided that the use meets all others use requirements as described in this Ordinance.
 3. The following uses on an ABUTTING RESIDENTIAL ACCESSORY USE LOT, PRIVATE, as defined in this Ordinance shall be considered Accessory uses and subject to the use requirements in Article 21.
 - a. Private Use Storage Building, No Impact
 - b. Private Use Vehicle Storage, No Impact
 - c. Private Use Activity Building, No Impact
- B. In the Rural Residential District (R-1):
1. Low Density Housing is allowable as described in this Ordinance.
 - a. Only one (1) single-family residence is permitted on a lot less than ten (10) acres.
 - b. Up to two (2) single-family residences are permitted on a lot greater than ten (10) acres.
 - i. Each residence shall be sited so that if subdivided from the residual tract they shall meet all district requirements for acreage, setbacks and bulk requirements.
 - ii. Each residence shall have separate sewage and water service as required in this Ordinance.
 2. Moderate Density Housing is allowable as described in this Ordinance.
 3. Planned Residential Developments and Planned Residential Commercial Developments are allowable as described in this Ordinance.
 4. A Bed and Breakfast may be collocated with a single-family residential unit.
 5. A resource extraction facility:
 - a. May be collocated with an agricultural operation;
 - b. Shall meet the use requirements as described in this Ordinance.
 6. Oil and Gas Well Pads:
 - a. May be collocated with an agricultural operation;
 - b. Shall meet the use requirements as described in this Ordinance.
- C. In the Suburban Residential District (R-2):
1. Low Density Housing is allowable as described in this Ordinance.
 - a. Only one (1) single-family residence is permitted on a lot less than ten (10) acres.
 - b. Up to two (2) single-family residences are permitted on a lot greater than ten (10) acres.
 - i. Each residence shall be sited so that if subdivided from the residual tract they shall meet all district requirements for acreage, setbacks and bulk requirements.
 - ii. Each residence shall have separate sewage and water service as required in this Ordinance.

2. Moderate Density Housing is allowable as described in this Ordinance.
3. Planned Residential Developments and Planned Residential Commercial Developments are allowable as described in this Ordinance.
4. A Bed and Breakfast may be collocated with a single-family residential unit.

D. In the Mixed Use Neighborhood District (MUN):

1. Low Density Housing is allowable as described in this Ordinance.
 - a. Only one (1) single-family residence is permitted on a lot less than ten (10) acres.
 - b. Up to two (2) single-family residences are permitted on a lot greater than ten (10) acres.
 - i. Each residence shall be sited so that if subdivided from the residual tract they shall meet all district requirements for acreage, setbacks and bulk requirements.
 - ii. Each residence shall have separate sewage and water service as required in this Ordinance.
2. Moderate Density Housing is allowable as described in this Ordinance.
3. High Density Housing is allowable as described in this Ordinance.
4. Planned Residential Developments and Planned Residential Commercial Developments are allowable as described in this Ordinance.
5. A Bed and Breakfast may be collocated with a single-family residential unit.
6. Mixed-Use Buildings are allowable as described in this Ordinance.
7. Business Services/ Business Centers are allowable as described in this Ordinance.
8. Commercial sub-uses co-located in a single principal facility, such as a business center or shopping mall, are allowable.
 - a. In all cases where use requirements of the principal facility and the sub-use differ, the more stringent requirement as described in this Ordinance shall apply.

E. In the Commercial District (C1):

1. High Density Housing is allowable as described in this Ordinance.
2. Planned Residential Developments and Planned Residential Commercial Developments are allowable as described in this Ordinance.
3. Mixed-Use Buildings are allowable as described in this Ordinance.
4. Business Services/ Business Centers are allowable as described in this Ordinance.
5. Commercial sub-uses co-located in a single principal facility, such as a business center, or shopping mall, are allowable.
 - a. In all cases where use requirements of the principal facility and the sub-use differ, the more stringent requirement as described in this Ordinance shall apply.

F. In the Interstate Commercial District (C2):

1. Developments are allowable as described in this Ordinance.
2. High Density Housing is allowable as described in this Ordinance.
3. Moderate Density Housing is allowable as described in this Ordinance.
4. Planned Residential Developments and Planned Residential Commercial Developments are allowable as described in this Ordinance.
5. Mixed-Use Buildings are allowable as described in this Ordinance.
6. Business Services/ Business Centers are allowable as described in this Ordinance.

- 7. Commercial sub-uses co-located in a single principal facility, such as a business center, or shopping mall, are allowable.
 - a. In all cases where use requirements of the principal facility and the sub-use differ, the more stringent requirement as described in this Ordinance shall apply.

G. In the Industrial District (I):

- 1. Commercial sub-uses co-located in a single principal facility, such as a business center, are allowable.
 - a. In all cases where use requirements of the principal facility and the sub-use differ, the more stringent requirement as described in this Ordinance shall apply.
- 2. Up to three (3) Industrial Uses, as listed in Appendix B, may occupy the same lot/ facility provided each use meets the requirements of this Ordinance.
 - a. In all cases where use requirements differ, the more stringent requirement as described in this ordinance shall apply to the entire lot/ facility.

Section 605 Integrity of Lot Lines

- A. No part of a lot, yard, or other open space required for setbacks or other requirements of this Ordinance may be used for or substitute for the setback or other requirement of this Ordinance for another lot, yard, or open space.

Section 606 Accessory Buildings, Structures and Uses

- A. All accessory buildings, structures, and/ or uses and shall:
 - 1. Adhere to the provisions of this Ordinance;
 - 2. Be included in the bulk and lot coverage calculations for the lot.
- B. Except as specified in Section 604, an accessory structure must be located on a lot with an existing principal use.
 - 1. Buildings, structures and uses that are typically accessory in nature shall not be the principal use on a lot.
 - 2. Uses with an approved building permit or development approval may place temporary trailers, containers and storage boxes on the lot to be developed up to sixty (60) days prior to the commencement of construction.
 - a. Such trailers, containers and storage boxes shall be:
 - i. Subject to the setback requirements of the district in which they are located.
 - ii. Removed within thirty (30) days of: construction completion; the revocation of the building permit or development approval; and/ or, lack of meaningful activity on the site for more than sixty (60) days.
 - b. A Zoning Permit is required prior to the installation of such structures.
- C. Accessory buildings, structures, or uses may require Conditional or Special Exception approval(s).
 - 1. Uses requiring such approvals can be found in Appendix B.

2. The Zoning Officer may determine that other unlisted uses may also require Conditional use or Special Exception approval as determined by use and location.

Section 607 Lot Requirements

- A. The minimum dimensional requirements for lots shall be applied as specified in the district requirements.
 1. Development of a lot shall conform at a minimum to the dimensional requirements of the zoning district in which it is located as well as:
 - a. Any additional use requirements as identified in the Ordinance;
 - b. Any additional requirements due to Special Conditions as identified in:
 - i. Natural Environmental, Article 15;
 - ii. Earth Disturbance, Article 16;
 - iii. Conservation Area, Article 17;
 - iv. Airport Overlay Zone, Article 18.
- B. For all uses in all districts where the lot or property borders a railroad or interstate right of way, the rear and side yard setbacks shall be the property line, when abutting said use.
- C. All setback areas, yard and lot requirements required under this Ordinance shall be open to the sky and unobstructed by any building or structure except as permitted by this Ordinance. Fences and approved bufferyard materials shall be permitted in setback areas.
- D. 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. The ordinary projection of chimneys and flues into the rear yard shall not exceed two (2) feet in depth and 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.
- E. The front yard requirements 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.
- F. On an irregularly shaped lot, any main wall of a structure that does not parallel the lot line, the yard or minimum distance to the lot line at every point of the wall shall be at least equal to the minimum dimension required for the yard or distance to the lot line.
 1. In the case that any main wall of a structure may be measured to more than one (1) lot line, the larger dimension required for the yard or distance to the lot line shall be used.
- G. Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall be considered side yards.
 1. Lots that have three (3) or more street frontages, shall provide front yards:

- a. On all sides of the parcel where the front or main door is oriented to the street;
 - b. On all sides of the parcel providing vehicle and/ or driveway access to the street.
 - c. Full application of this provision may require front setbacks on all sides of the parcel.
- H. Subsurface mineral rights and infrastructure that extend beyond the area of the surface lot shall not be used in the calculation of the surface lot dimensions or lot area.

Section 608 Height Regulations

- A. Unless otherwise stipulated in this Ordinance, the maximum height of any building, structure or use shall be thirty-five (35) feet.
- 1. When permitted in a zoning district, buildings, structures, and uses may not be erected to a height exceeding the maximum limits set forth in each zoning district without prior submission for review and comment by the fire chief.
 - 2. Ancillary equipment mounted to the roof of any building/structure including, but not limited to, HVAC RTUs, mechanical systems, elevator shafts, bulkheads, water tanks/towers, penthouses, parapets, and similar unoccupied rooftop structures, but excluding solar panels, shall not be included in the height calculation.
- B. Churches, temples, and other houses of worship and devotion may be erected to a height not exceeding sixty-five (65) feet provided:
- 1. All building setbacks, for each yard line, shall be increased by at least one (1) additional foot for each additional two (2) feet in building height above thirty-five (35) feet.
 - 2. No occupiable space may be constructed above thirty-five (35) feet.
- C. Commercial buildings/structures, and detached ancillary structures such as elevator shafts, bulkheads, fire towers, tanks, water towers, etc., which require a height greater than thirty-five (35) feet or the maximum height provided for the use may be erected provided the height does not exceed ninety (90) feet and the following conditions are met:
- 1. All setbacks requirements shall be increased by at least one (1) additional foot for each additional one (1) foot in building height above thirty-five (35) feet;
 - 2. Such buildings/structures have been submitted to the fire chief for review and comment.
 - a. Additional fire and/ or safety provisions may be required as a result of any recommendation made by the fire chief.
- D. Industrial buildings/structures and detached ancillary structures such as cooling towers, elevators, bulkheads, fire towers, tanks, water towers etc., which require a height greater than thirty-five (35) feet or the maximum height provided for the use may be erected provided the height does not exceed ninety (90) feet and the following conditions are met:
- 1. All setbacks requirements shall be increased by at least one (1) additional foot for each additional one (1) foot in building height above thirty-five 35 feet;
 - 2. Such buildings/structures have been submitted to the fire chief for review and comment.

a. Additional fire and/ or safety provisions may be required as a result of any recommendation made by the fire chief.

- E. Chimneys shall be installed in a manner that is functional, aesthetic, and does not interfere with the Airport Overlay District.
1. Chimneys may not exceed a height of twice the principal building, structure or use height without an approved Variance.
 2. The measured height of the principal building shall not include any ancillary structures such as those identified in Sub-sections 608.C and 608.D above.

Section 609 Small Lot of Record

- A. Any lot of record existing on the effective date of this Ordinance may be used for the erection of a building or structure conforming to the use regulations of the District in which it is located, even though its area and/ or width are less than the minimum requirements of this Ordinance provided that:
1. The Lot of Record is recorded by the County on the effective date of the adoption of this Ordinance.
 2. The Lot has access to required infrastructure to support the use.
 3. The lot meets all other requirements of the District in which it is located.
 4. In no case shall any structure be permitted within ten (10) feet of a lot line or roadway right of way.
- B. Any lot of record existing and meeting the requirement of Section 609.A, on the effective date of this Ordinance in the R1, R2 and MUN Zoning Districts, may be used for the erection of a single-family dwelling unit, even though its area and width are less than the minimum requirements of this Ordinance provided that:
1. Public sewage collection and treatment service is available or provided.
 2. The Borough's Sewage Enforcement Office/ Officer certifies that on-lot sewage treatment is within the safe limits recommended by the Pennsylvania Department of Environmental Protection.
 3. In all cases the district setbacks will be maintained where possible.
 - a. In no case shall any structure be permitted within ten (10) feet of a lot line.
- C. Any lot of record existing and meeting the requirement of Section 609.A, on the effective date of this Ordinance in the C1, C2 ,and I Zoning Districts may be used for the erection of any permitted use, even though its area and width are less than the minimum requirements of this Ordinance provided that:
1. Public sewage collection and treatment service is available or provided.
 2. The Borough's Sewage Enforcement Office/ Officer certifies that on-site sewage treatment is within the safe limits recommended by the Pennsylvania Department of Environmental Protection.
 3. All infrastructure requirements to support the use are available.
 4. In no case shall any structure be permitted within twenty (20) feet of a lot line of any residential use or district (R1, R2, and MUN).
 5. In no case shall any structure be permitted within ten (10) feet of a lot line of any non-residential use or district (C1, C2, and I).
 6. In no case shall a structure be permitted within twenty (20) feet of a roadway right of way.

- D. Small Lots of Record that are part of approved undeveloped subdivisions or proposed subdivisions in the process of approval shall:
1. Complete all approval requirements for the subdivision within one (1) year of the effective date of this Ordinance.
 2. Begin development of the subdivision infrastructure within one (1) year of the effective date of this Ordinance.
 3. Complete all components of the subdivision infrastructure within two (2) years of the effective date of this ordinance.
 4. Require Borough Council approval for an extension of up to one (1) year maximum to meet the requirements in this Section.

Section 610 Flag Lot, Permitted

- A. A flag lot meeting the following conditions shall be permitted.
1. The lot shall meet the minimum lot frontage requirements of the district no further than two hundred fifty (250) feet from the roadway from which it gains its access as measured along the access road.
 2. The access way (pole) to the lot:
 - a. Shall be a minimum of forty (40) feet in width for a lot of two (2) acres or less.
 - b. Shall be a minimum of fifty (50) feet in width for lots larger than two (2) acres.
 - c. Shall maintain a side yard minimum of ten (10) feet on both sides of the access way.
 - i. Such side yards shall be grass or other maintained vegetative material.
 - d. Shall not be included for the calculations of the lot.
 3. Such lot shall otherwise meet all area and setback requirements of the district.
 - a. The front setback requirement for flag lots shall be measured at the point where the lot meets the minimum lot frontage requirement.
 - i. Typically, the point where the access road meets the main (flag) lot.
 4. Only one (1) flag lot is permitted per subdivision.

Section 611 Flag Lot, Non-Conforming

- A. Any flag lot of record existing on the effective date of this Ordinance may be used for the erection of a building or structure conforming to the use regulations of the District in which it is located, even though its area and/ or width are less than the minimum requirements of this Ordinance provided that:
1. The Lot of Record is recorded by the County.
 2. The Lot has access to the required infrastructure to support the use.
 3. The lot meets all other requirements of the District in which it is located.
 4. Meets all other requirements of Section 610
- B. Any lot of record existing and meeting the requirement of Section 611.A, on the effective date of this Ordinance in the R1, R2, and MUN Zoning Districts, may be used for the erection of a single-family dwelling unit, even though its area and width are less than the minimum requirements of this Ordinance provided that:
1. Public sewage collection and treatment service is available or provided.

2. The Borough's Sewage Enforcement Office/ Officer certifies that on-site sewage treatment is within the safe limits recommended by the Pennsylvania Department of Environmental Protection.
 3. In all cases the district setbacks will be maintained where possible.
 - a. In no case shall any structure be permitted within ten (10) feet of a lot line.
- C. Any lot of record existing and meeting the requirement of Section 609.A, on the effective date of this Ordinance in the C1, C2, and I Zoning Districts may be used for the erection of any permitted use, even though its area and width are less than the minimum requirements of this Ordinance provided that:
1. Public sewage collection and treatment service is available or provided.
 2. The Borough's Sewage Enforcement Office/ Officer certifies that on-site sewage treatment is within the safe limits recommended by the Pennsylvania Department of Environmental Protection.
 3. All infrastructure requirements to support the use are available.
 4. In all cases the district setbacks will be maintained where possible.
 - a. In no case shall any structure be permitted within twenty (20) feet of a lot line of any residential use or district (R1, R2, and MUN).
 - b. In no case shall any structure be permitted within ten (10) feet of a lot line of any non-residential use or district (C1, C2, and I).

Section 612 Steep Sloped Lots

- A. 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 613 Public Utility Corporation

- A. Lot regulations within this Ordinance may not apply to any existing or proposed building or structure or extension thereof, used or to be used by a public utility corporation, agency, or authority provided that:
1. Upon petition to the Borough Council it is decided that the proposal is reasonably necessary for the convenience of welfare of the public.
 2. Borough Council may add requirements such as, but not limited to: ingress and egress restrictions; fencing; lighting, maintenance, and bufferyards.

Section 614 Intersection/ Clear Sight Triangle Requirements

- A. Street intersections shall provide adequate sight distance pursuant to PENNDOT Publication 13M (Latest Edition) (Design Manual Part 2 Highway Design).
1. The requirements therein apply to all street intersections in the Borough.
- B. Driveways and other entrances onto roadways shall have, and be provided, adequate sight distances to safely enter traffic lanes.
1. The sight line for a driveway or entrance onto a roadways shall not be impaired by any object, feature, landscaping, structure or device on the lot or adjacent lot(s).

- a. Such impairments shall include but are not limited to: vegetation (including weeds), mounding, berms, fencing, walls, signs, ornamental devices, etc. in excess of three (3) feet.
2. The Borough Engineer shall determine if sight distances are adequate.

Section 615 Water Containment Devices

- A. Water Containment Devices shall include all pools, ponds and other artificial devices that contain water and are:
 1. A depth of twenty-four (24) inches or greater below ground level.
 2. A height of twenty-four (24) inches or more at its highest point above ground level.
- B. A building permit is required for the installation of Water Containment devices as defined herein.
 1. All installations shall be in conformance to the Uniform Construction Code and/ or other State and local requirements.
- C. Any detention/ retention ponds associated with developments and/ or serving as stormwater measures shall be regulated and, as required, permitted by the PADEP.
 1. All proposed ponds and alterations to existing ponds shall be submitted to the PADEP and Beaver County Conservation District for review and application of regulations under the PA Dam Safety and Encroachments Act, Chapter 105, the PA Clean Streams Law and any other applicable laws and regulations.
- D. The water containment device shall not be located, including any walls, or paved areas or accessory structures adjacent thereto, within the front setback or within (10) feet to any property line.
- E. Ponds associated with Agricultural Operations are permitted without restriction or requirements.

Section 616 Outdoor Display and Storage

- A. Any material or equipment stored outside an enclosed area for commercial, institutional, or industrial use shall be:
 1. Incidental to the principal use of the lot;
 2. Stored to the rear of the building or an alternative location which screens the display/ storage area from public view from the street or from any adjacent use.
- B. Outside display and storage for commercial, institutional, or industrial use may not occupy:
 1. Areas designed and designated for parking.
 2. Bufferyards, landscape strips, roadways, and roadway right-of-ways.
 3. Side and rear setback areas.
 4. Other areas as enumerated in Permitted Uses with Special Regulations, Conditional Uses, and/ or Special Exceptions.
- C. Any display and/ or storage outside a completely enclosed area is permitted for the following uses:

1. Retail/ wholesale landscape centers, building supply, farm with retail, motor vehicle sales, and similar businesses which require outside storage of materials.
 - a. In the case of said businesses, outside display and storage areas shall be immediately adjacent to the primary building, structure, or use in space intended for storage and display use.
 - b. Such displays and storage shall adhere to the provisions of Section 616.B above.
- D. Any Use enumerated in Article 21, Article 22 and/ or Article 23 shall follow the use requirements therein.
1. In all cases, where there is a conflict of requirements, the more stringent use shall apply.

Section 617 Accessory Use Preceding Principal Use

- A. An accessory use may be constructed prior to a principal use as specified in this Ordinance.
1. Failure to meet the requirements specified in this Ordinance shall not constitute a hardship for purposes of Zoning Hearing Board review.
- B. Accessory Use Preceding Principal Use
1. Shall be submitted for a Conditional use approval per Article 20 and Article 22 of this Ordinance.
 2. Shall meet, at a minimum, the requirements of Section 2205.
 - a. The requirement for the location map for such Accessory Use Preceding Principal Use shall be reduced to showing and identifying all lots within two hundred-fifty (250) 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 Assessment/ Tax Claim Office;
 3. A plan shall be submitted describing how all conditions and requirements of the Principal use and the Accessory use will be met in accordance with this Ordinance.
 - a. Such plan shall include all required provisions and submittals outlined for said principal and accessory uses in Article 20, Article 21, Article 22, and Article 23 of this Ordinance.
 - i. Such plan shall include a timeline for completion of the accessory and principal uses.
 - a. Approval of any Conditional Use or Special Exception for any principal or accessory use must be approved prior to, or concurrent with the approval of the Accessory Use Preceding Principal Use.
 - ii. Such Conditional Use submittal may be made concurrent with the submission for Conditional Use for Accessory Use Preceding Principal Use.
 - a. If a Special Exception is required for the principal or accessory use, a separate submission to the Zoning Hearing Board is required.
 - iii. Unless noted herein, the accessory use shall follow all requirements for accessory uses of the district.

- iv. As part of the approval, the landowner shall post a bond in favor of the Borough and in a form acceptable to the Borough in an amount that will allow for the demolition of any partially or fully built accessory building.
 - a. Such bond shall be held until completion of the principal use or the need to employ the bond as a remedy against non-compliance with the Conditional Use approval.
- v. Upon approval, the landowner shall:
 - a. Complete construction of the accessory building within twelve (12) months.
 - i. The landowner may make a written request to Borough Council for up to a maximum of a twelve (12) month extension to complete the accessory building.
 - b. Begin construction of the Principal use within the timeline specified in the Conditional Use approval but no later than eighteen (18) months after Conditional use approval for the Accessory use Preceding Principal Use.
 - i. The landowner may make a written request to Borough Council for up to a maximum of a twelve (12) month extension to begin construction of the principal use.
- vi. Failure to begin or complete construction of the accessory and/ or principal building/ use, as specified in the Conditional Use approval, shall cause the forfeiture of all permissions to build an Accessory Use Preceding Principal Use.
 - a. Upon due notice from the Borough that the requirements of the Conditional Use have not been met, the landowner shall have ninety (90) calendar days remove any partially or fully built accessory building.
 - b. Failure to remove the accessory structure shall cause the bond to be used as a remedy against non-compliance with the Conditional Use approval.

Section 618 Flagpoles

- A. Flagpoles, regardless of their location on the lot, may not exceed a height of twice the principal building, structure, or use height.
- B. Flagpoles attached to the principal building, structure or use may not exceed a height of greater than fifteen (15) feet from the highest point of the roofline.
- C. In parks and designated memorial sites, the maximum height shall be seventy-five (75) feet.
 - 1. Upon petition of Borough Council, exceptions to the height requirement for public buildings, memorial sites, cemeteries, and other common use facilities may be permitted.
- D. All Non-Residential flagpoles shall be submitted to the Zoning Officer for review.
 - 1. Any project requiring UCC permitting will be forwarded to Borough's Building Code Official.

Section 619 Antennas, Satellite Dishes, and Other Means of Reception

- A. This section applies only to on-site uses of antennas and other devices used for reception of signals.
- B. Antennas and similar devices intended to provide service to the principal building, structure, or use of a parcel, regardless of their location on the lot, may not exceed a height of:
 - 1. Thirty (30) feet for free standing devices.
 - 2. Ten (10) feet above the highest point of the structure to which it is secured or mounted.
- C. Satellite dishes may be attached to the principal or accessory use building or structure.
 - 1. Satellite dishes may not exceed at their highest point a height of greater than ten (10) feet from the highest point of the roofline.
 - 2. Satellite dishes may not be attached to trees or public utility poles.
- D. Other reception devices shall not exceed the height requirements or other provisions outlined in this section.
 - 1. In cases of conflicting requirements, the more stringent requirement shall be applied.

Section 620 Special Condition Areas

- A. Requirements of Special Condition Areas apply to all lots on which they occur.
- B. Special Condition Areas are enumerated in Section 501.C.
- C. Special Condition Area requirements can be found:
 - 1. Natural Environmental Conditions in Article 15;
 - 2. Earth Disturbance Areas in Article 16;
 - 3. Conservation Areas in Article 17.

ARTICLE 7 RURAL RESIDENTIAL DISTRICT (R-1)

Section 700 Purpose

- A. The purpose of the **R-1 Rural Residential District** is to provide areas in the Borough for:
 - 1. Rural living environments including, Low Density and Moderate Density housing,
 - 2. Agricultural or farming operations, vineyards,
 - 3. Institutional and governmental uses,
 - 4. Limited commercial and industrial uses,
 - 5. Planned residential developments, and planned residential commercial developments.
 - 6. The preservation of the natural features and rural identity of the area.

Section 701 Permitted Uses and Uses Requiring Additional Approvals

- A. Uses shall conform to the purpose in Section 700, above.
 - 1. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.
- B. Permitted uses, Permitted uses with Special Regulations, Conditional uses, and uses by Special Exception for each zoning district are set forth in Appendix B, "Table of Authorized Uses".
 - 1. Approval of uses shall follow the procedures and conditions as outlined in:
 - a. Article 20, Uses Requiring Additional Approvals.
 - b. Article 21, Permitted Uses with Special Regulations.
 - c. Article 22, Conditional Use Requirements.
 - d. Article 23, Special Exception Requirements.
- C. All buildings, structures, and uses that are permitted or otherwise approved must meet:
 - 1. The General Use Requirements (Article 6).
- D. Accessory uses that are customary and incidental to the principal use, but not listed in Appendix B, may be permitted provided:
 - 1. The same use criteria and requirements as a similar principal use is used, when applicable.
 - a. The Zoning Officer shall determine applicability.
 - 2. The use is approved by the Zoning Officer.
 - a. Uses denied by the Zoning Officer may be appealed to the Zoning Hearing Board.

Section 702 Lot Area and Lot Width Requirements

- A. Minimum Lot Area Requirements:
 - 1. Uses with on-lot sewage treatment.
 - a. Single-family residence including Manufactured (mobile) and Industrialized (Modular) Housing,
 - i. One (1) acre per dwelling unit.
 - b. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23.
 - i. Where lot and area requirements are not specified the requirements of this section or shall apply
 - c. Vineyard,
 - i. Three (3) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.
 - d. All other Permitted uses.
 - i. One (1) acre per use or principal structure with on-lot sewage.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.
 - 2. With off-lot municipal sewage treatment:

- a. Single-family residence including Manufactured (mobile) and Industrialized (Modular) Housing,
 - i. One-half (1/2) acre per dwelling unit.
 - b. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22 and 23.
 - i. Where lot and area requirements are not specified the requirements of this section or shall apply
 - c. Vineyard,
 - i. Three (3) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage provider.
 - d. All other Permitted uses,
 - i. One-half (1/2) acre per use or principal structure with off-lot sewage.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage provider.
3. Corner lot areas for all Permitted, Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception shall be increased by ten (10) percent.

B. Minimum Lot Width Requirements:

- 1. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - a. One hundred (100) feet per lot.
- 2. Assisted Living/ Group Care Residence, Day Care Home, Bed and Breakfast, and Short Term Rental.
 - a. One hundred (100) feet per lot.
- 3. All other uses,
 - a. Two hundred (200) feet per lot.
- 4. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23, or two hundred (200) feet per lot, whichever is greater.
- 5. Corner lot widths for all Permitted uses, Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception shall be increased by twenty (20) percent.

- C. Uses granted variances, unless specifically given a variance for area, lot width, or sewage as they pertain to this section, shall meet the area requirements of this section.

Section 703 Yard Requirements

A. Minimum Front Yard Requirements/ Building Line setbacks:

- 1. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - a. Forty (40) feet.
- 2. Assisted Living/ Group Care Residence, Day Care Home, Bed and Breakfast, and Short Term Rental.
 - a. Forty (40) feet.
- 3. All other uses,

- a. Fifty (50) feet.
- B. Minimum Side Yard Requirements:
- 1. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - a. Ten (10) feet.
 - b. Accessory uses, ten (10) feet.
 - 2. Assisted Living/ Group Care Residence, Day Care Home, Bed and Breakfast, and Short Term Rental.
 - a. Ten (10) feet.
 - b. Accessory uses, ten (10) feet.
 - 3. All other uses,
 - a. Twenty-five (25) feet.
 - b. Accessory uses, twenty (20) feet.
- C. Minimum Rear Yard Requirements:
- 1. All principal uses – thirty (30) feet.
 - 2. All accessory uses – ten (10) feet.
- D. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the yard/ setback requirements as set forth in Articles 20, 21, 22, and 23.
- 1. Where yard/ setback requirements are not specified the requirements of this section or shall apply.

Section 704 Lot Coverage Requirements

- A. The sum of the footprints of all buildings, including accessory buildings, shall not cover more than thirty (30) percent of the total lot area.
- 1. For Low Density Housing, driveways, sidewalks and pathways shall be excluded from the calculation of impervious surfaces.
- B. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot coverage requirements as set forth in Articles 20, 21, 22, and 23.
- 1. Where lot coverage requirements are not specified the requirements of this section or shall apply.

Section 705 Height Requirements

- A. Height Requirements shall be in accordance with Section 608, Height Requirements.
- B. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the height requirements as set forth in Articles 20, 21, 22, and 23.
- 1. Where lot height requirements are not specified the requirements of this section and Section 608, shall apply.

ARTICLE 8 SUBURBAN RESIDENTIAL DISTRICT (R-2)

Section 800 Purpose

- A. The purpose of the **R-2 Suburban Residential District** is to provide areas in the Borough, where public infrastructure exists or is planned in the future, for:
1. Residential neighborhoods and suburban living environments including, Low Density and Moderate Density housing,
 2. Institutional and governmental uses,
 3. Limited commercial uses,
 4. Planned residential developments, and planned residential commercial developments,
 5. The preservation of the neighborhood/ suburban identity of the area.

Section 801 Permitted Uses and Uses Requiring Additional Approvals

- A. Uses shall conform to the purpose in Section 800, above.
1. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.
- B. Permitted uses, Permitted uses with Special Regulations, Conditional uses, and uses by Special Exception for each zoning district are set forth in Appendix B, "Table of Authorized Uses".
1. Approval of uses shall follow the procedures and conditions as outlined in:
 - a. Article 20, Uses Requiring Additional Approvals.
 - b. Article 21, Permitted Uses with Special Regulations.
 - c. Article 22, Conditional Use Requirements.
 - d. Article 23, Special Exception Requirements.
- C. All buildings, structures, and uses that are permitted or otherwise approved must meet:
1. The General Use Requirements (Article 6).
- D. Accessory uses that are customary and incidental to the principal use, but not listed in Appendix B, may be permitted provided:
1. The same use criteria and requirements as a similar principal use is used, when applicable.
 - a. The Zoning Officer shall determine applicability.
 2. The use is approved by the Zoning Officer.
 - a. Uses denied by the Zoning Officer may be appealed to the Zoning Hearing Board.

Section 802 Lot Area and Lot Width Requirements

- A. Minimum Lot Area Requirements:
1. Uses with on-lot sewage treatment.
 - a. Single-family residence including Manufactured and Industrialized (Modular) Housing,

- i. One (1) acre per dwelling unit.
 - b. Uses denoted as Permitted uses with Special Regulation, Conditional uses and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23.
 - i. Where lot and area requirements are not specified the requirements of this section or shall apply
 - c. All other Permitted uses,
 - i. One (1) acre per use or principal structure with on-lot sewage.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.
 2. With off-lot municipal sewage treatment:
 - a. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - i. One-quarter (1/4) acre per dwelling unit.
 - b. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22 and 23.
 - i. Where lot and area requirements are not specified the requirements of this section or shall apply
 - c. All other Permitted uses,
 - i. One-half (1/2) acre per use or principal structure with off-lot sewage.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage provider.
 3. Corner lot areas for all Permitted, Permitted uses with Special Regulation, Conditional uses and uses by Special Exception shall be increased by ten (10) percent.
- B. Minimum Lot Width Requirements:
1. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - a. Ninety (90) feet per residential lot.
 2. Assisted Living/ Group Care Residence, Day Care Home, Bed and Breakfast, and Short Term Rental.
 - a. Ninety (90) feet per lot.
 3. Assisted Living Facility, Place of Worship, School/ Educational Institution.
 - a. Two hundred (200) feet per lot.
 4. All other uses,
 - a. One hundred (100) feet per lot.
 5. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23, or one hundred (100) feet per lot, whichever is greater.
 6. Corner lot widths for all Permitted uses, Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception shall be increased by twenty (20) percent.
- C. Uses granted variances, unless specifically given a variance for area, lot width, or sewage as they pertain to this section, shall meet the area requirements of this section.

Section 803 Yard Requirements

- A. Minimum Front Yard Requirements/ Building Line setbacks:
 - 1. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - a. Forty (40) feet.
 - 2. Assisted Living/ Group Care Residence, Day Care Home, Bed and Breakfast, and Short Term Rental.
 - a. Forty (40) feet.
 - 3. Assisted Living Facility, Place of Worship, School/ Educational Institution.
 - a. Fifty (50) feet.
 - 4. All other uses,
 - a. Fifty (50) feet.

- B. Minimum Side Yard Requirements:
 - 1. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - a. Ten (10) feet.
 - b. Accessory uses, ten (10) feet.
 - 2. Assisted Living/ Group Care Residence, Day Care Home, Bed and Breakfast, and Short Term Rental.
 - a. Ten (10) feet.
 - b. Accessory uses, ten (10) feet.
 - 3. Assisted Living Facility, Place of Worship, School/ Educational Institution.
 - a. Twenty (20) feet.
 - 4. All other uses,
 - a. Twenty-five (25) feet.
 - b. Accessory uses, twenty (20) feet.

- C. Minimum Rear Yard Requirements:
 - 1. All principal uses – thirty (30) feet.
 - 2. All accessory uses – ten (10) feet.

- D. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the yard/ setback requirements as set forth in Articles 20, 21, 22, and 23.
 - 1. Where yard/ setback requirements are not specified the requirements of this section or shall apply.

Section 804 Lot Coverage Requirements

- A. The sum of the footprints of all buildings, including accessory buildings, shall not cover more than thirty (30) percent of the total lot area.
 - 1. For Low Density Housing, driveways, sidewalks and pathways shall be excluded from the calculation of impervious surfaces.

- B. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot coverage requirements as set forth in Articles 20, 21, 22, and 23.
 - 1. Where lot coverage requirements are not specified the requirements of this section or shall apply.

Section 805 **Height Requirements**

- A. Height Requirements shall be in accordance with Section 608, Height Requirements.
- B. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the height requirements as set forth in Articles 20, 21, 22, and 23.
 - 1. Where lot height requirements are not specified the requirements of this section and Section 608, shall apply.

ARTICLE 9 **MIXED-USE NEIGHBORHOOD (MUN) DISTRICT**

Section 900 **Purpose**

- A. The purpose of the **MUN Mixed Use Neighborhood District**, is to provide areas in the Borough where public infrastructure exists and/ or to encourage the development of infrastructure to allow for:
 - 1. Suburban residential development supported by the convenience of commercial development that typically serves local and regional customers,
 - 2. Residential neighborhoods and suburban living environments including Low Density, Moderate Density, and High Density housing,
 - 3. Institutional and governmental uses,
 - 4. Commercial uses and Mixed Use Commercial Residential Uses,
 - 5. Planned residential developments, and planned residential commercial developments,
 - 6. The preservation of existing neighborhood/ suburban areas while encouraging innovative incorporation of commercial services.

Section 901 **Permitted Uses and Uses Requiring Additional Approvals**

- A. Uses shall conform to the purpose in Section 900, above.
 - 1. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.
- B. Permitted uses, Permitted uses with Special Regulations, Conditional uses, and uses by Special Exception for each zoning district are set forth in Appendix B, "Table of Authorized Uses".
 - 1. Approval of uses shall follow the procedures and conditions as outlined in:
 - a. Article 20, Uses Requiring Additional Approvals.
 - b. Article 21, Permitted Uses with Special Regulations.
 - c. Article 22, Conditional Use Requirements.
 - d. Article 23, Special Exception Requirements.
- C. All buildings, structures, and uses that are permitted or otherwise approved must meet:
 - 1. The General Use Requirements (Article 6).
- D. Accessory uses that are customary and incidental to the principal use but not listed in Appendix B may be permitted provided:

1. The same use criteria and requirements as a similar principal use is used, when applicable.
 - a. The Zoning Officer shall determine applicability.
2. The use is approved by the Zoning Officer.
 - a. Uses denied by the Zoning Officer may be appealed to the Zoning Hearing Board.

Section 902**Lot Area and Lot Width Requirements****A. Minimum Lot Area Requirements:**

1. Uses with on-lot sewage treatment.
 - a. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - i. One (1) acre per dwelling unit.
 - b. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23.
 - i. Where lot and area requirements are not specified the requirements of this section or shall apply
 - c. Campground, Charitable/ Non-Profit Recreation, Comprehensive Personal Care Home/ Skilled Nursing, Continuing Care/ long Term Care, Integrated Business Centers/ Shopping Malls, Residential-Moderate Density, Residential-High Density, Vineyard.
 - i. Three (3) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.
 - d. Country Club/ Golf Course.
 - i. Ten (10) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.
 - e. All other Permitted uses,
 - i. One (1) acre per use or principal structure with on-lot sewage.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.
2. With off-lot municipal sewage treatment:
 - a. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - i. One-fourth (1/4) acre per dwelling unit.
 - b. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23.
 - i. Where lot and area requirements are not specified the requirements of this section or shall apply
 - c. Assisted Living Facility, Residential-Moderate Density, Residential-High Density.
 - i. Two (2) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage provider.
 - d. Campground, Charitable/ Non-Profit Recreation, Comprehensive Personal Care Home/ Skilled Nursing, Continuing Care/ long Term Care, Integrated Business Centers/ Shopping Malls, Vineyard.

- i. Three (3) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage provider.
 - e. Country Club/ Golf Course.
 - i. Ten (10) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage provider.
 - f. All other Permitted uses,
 - i. One-half (1/2) acre per use or principal structure.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage provider.
- 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. Single-family residence including Manufactured and Industrialized (Modular) Housing.
 - a. Ninety (90) feet per residential lot.
- 2. Residential – Moderate Density
 - a. Fifty (50) feet per residential lot.
- 3. Assisted Living/ Group Care Residence, Day Care Home, Bed and Breakfast, and Short Term Rental.
 - a. Ninety (90) feet per lot.
- 4. Integrated Business Centers/ Shopping Malls, Outdoor Recreation – General, Recreation – Indoor, Theater.
 - a. Two hundred (200) feet per lot.
- 5. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23, or two hundred (200) feet per lot, whichever is greater.
- 6. All other uses,
 - a. One hundred (100) feet per lot.
- 7. Corner lot widths for all Permitted uses, Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception shall be increased by twenty (20) percent.

Section 903

Yard Requirements

A. Minimum Front Yard Requirements/ Building Line setbacks:

- 1. Single-family residence including Manufactured and Industrialized (Modular) Housing.
 - a. Forty (40) feet.
- 2. Assisted Living/ Group Care Residence, Day Care Home, Bed and Breakfast, Residential-Moderate Density, Short Term Rental.
 - a. Forty (40) feet.
- 3. All other uses,
 - a. Fifty (50) feet.
- 4. For Commercial and Mixed uses, customer parking areas are permitted in the Front Yard area with a minimum of a twenty-five (25) foot setback.
 - a. Parking areas in front yard areas shall:
 - i. Be for customer use;

- ii. Shall be of a paved, compacted, or interlocking surface capable of supporting anticipated vehicle traffic and emergency vehicles as approved by the Borough Engineer.
- iii. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.

B. Minimum Side Yard Requirements:

1. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - a. Ten (10) feet.
 - b. Accessory uses, ten (10) feet.
2. Assisted Living/ Group Care Residence, Day Care Home, Bed and Breakfast, and Short Term Rental.
 - a. Ten (10) feet.
 - b. Accessory uses, ten (10) feet.
3. Assisted Living Facility, Place of Worship, School/ Educational Institution.
 - a. Twenty (20) feet.
4. Parking Areas
 - a. Twenty-five (25) feet.
 - i. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.
5. All other uses,
 - a. Twenty-five (25) feet.
 - b. Accessory uses, twenty (20) feet.

C. Minimum Rear Yard Requirements:

1. All principal uses – thirty (30) feet.
2. Parking
 - a. Twenty-five (25) feet.
 - i. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.
3. Accessory uses
 - a. Single-family residence including Manufactured and Industrialized (Modular) Housing, Assisted Living/ Group Care Residence, Day Care Home, Bed and Breakfast, and Short Term Rental.
 - i. Ten (10) feet.
 - b. All other uses.
 - i. Twenty (20) feet.

D. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the yard/ setback requirements as set forth in Articles 20, 21, 22, and 23.

1. Where yard/ setback requirements are not specified the requirements of this section or shall apply.

Section 904 Lot Coverage Requirements

- A. Residential buildings, including accessory buildings and structures, shall not cover more than thirty (30) percent of the total lot area.
 - 1. For Low Density Housing, driveways, sidewalks and pathways shall be excluded from the calculation of impervious surfaces.
- B. Commercial, Institutional, Governmental buildings and structures, including accessory buildings and structures, shall not cover more than forty (40) percent of the total lot area.
 - 1. Customer parking areas with impervious surfaces may occupy up to an additional ten (10) percent of the lot area.
- C. Mixed use and all other uses, buildings and structures, including accessory buildings and structures, shall not cover more than forty (40) percent of the total lot area.
 - 1. Customer parking areas with impervious surfaces may occupy up to an additional ten (10) percent of the lot area.
- D. All impervious surfaces shall not cover more than fifty (50) percent of the total lot area.
- E. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot coverage requirements as set forth in Articles 20, 21, 22, and 23.
 - 1. Where lot coverage requirements are not specified the requirements of this section or shall apply.

Section 905 Height Requirements

- A. Height Requirements shall be in accordance with Section 608, Height Requirements.
- B. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the height requirements as set forth in Articles 20, 21, 22, and 23.

ARTICLE 10 Reserved

ARTICLE 11 COMMERCIAL DISTRICT (C1)

Section 1100 Purpose

- A. The purpose of the **C-1 Commercial District** is to provide areas in the Borough where high volume controlled traffic corridors with public infrastructure exists to allow for:
 - 1. Commercial retail and service activities which serve the needs of the general community.
 - 2. Institutional and governmental uses.
 - 3. High Density residential housing.
 - 4. Planned residential developments, and planned residential commercial developments.
 - 5. Limited Industrial Uses.
 - 6. Effective development and use of the commercial corridors in the Borough.

Section 1101 Permitted Uses and Uses Requiring Additional Approvals

- A. Uses shall conform to the purpose in Section 1100, above.
 - 1. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.

- B. Permitted uses, Permitted uses with Special Regulations, Conditional uses, and uses by Special Exception for each zoning district are set forth in Appendix B, "Table of Authorized Uses".
 - 1. Approval of uses shall follow the procedures and conditions as outlined in:
 - a. Article 20, Uses Requiring Additional Approvals.
 - b. Article 21, Permitted Uses with Special Regulations.
 - c. Article 22, Conditional Use Requirements.
 - d. Article 23, Special Exception Requirements.

- C. All buildings, structures and uses that are permitted or otherwise approved must meet:
 - 1. The General Use Requirements (Article 6).

- D. Accessory uses that are customary and incidental to the principal use, but not listed in Appendix B, may be permitted provided:
 - 1. The same use criteria and requirements as a similar principal use is used, when applicable.
 - a. The Zoning Officer shall determine applicability.
 - 2. The use is approved by the Zoning Officer.
 - a. Uses denied by the Zoning Officer may be appealed to the Zoning Hearing Board.

Section 1102 Lot Area and Lot Width Requirements

- A. Minimum Lot Area Requirements:
 - 1. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23.
 - a. Where lot and area requirements are not specified the requirements of this section or shall apply.
 - 2. Assisted Living Facility, Business Services/ Business Centers, Microbrewery/ Brew Pub, Light Manufacturing, Mini-Warehouse/ Self Storage Building, Mixed Use Building, Pet Boarding/Kennel, Warehousing, and Product Distribution Activities Wholesale Uses, Supply Yard, Storage Yard, Recreation – Commercial Mixed.
 - a. One (1) acre.
 - 3. Entertainment Center-Indoor, Gaming Enterprise, Motel/ Hotel, School/ Educational Institution, Shooting Range-Indoor, University/ College/ Postsecondary.
 - a. Two (2) acres.
 - 4. Comprehensive Personal Care Home/ Skilled Nursing, Continuing Care/ Long Term Care, Integrated Business Centers/ Shopping Malls, Residential-High Density.
 - a. Three (3) acres.

5. Oil and Gas Well Pads, Water/Wastewater Treatment Plant, Solar Generation/ Production Facility/ Transmission Facility.
 - a. Five (5) acres.
6. Country Club/ Golf Course, Outdoor Recreation-Intensive.
 - a. Ten (10) acres.
7. All other Permitted uses,
 - a. One-half (1/2) acre per use or principal structure.
8. Corner lot areas for all permitted, Special Exception, or Conditional Uses shall be increased by ten (10) percent.

B. Minimum Lot Width Requirements:

1. Residential – High Density
 - a. One hundred and fifty (150) feet.
2. Comprehensive Personal Care Home/ Skilled Nursing, Continuing Care/ long Term Care, Hospital, Integrated Business Centers/ Shopping Malls, Mixed Use Building, Place of Worship, Outdoor Recreation – General, Outdoor Recreation-Intensive, Recreation – Indoor, School,/ Educational Institution, Theater.
 - a. Two hundred (200) feet per lot.
3. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23, or one hundred (100) feet per lot, whichever is greater.
4. All other uses,
 - a. One hundred (100) feet per lot.
5. Corner lot widths for all Permitted uses, Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception shall be increased by twenty (20) percent.

Section 1103 Yard Requirements

A. Minimum Front Yard Requirements/ Building Line setbacks:

1. All uses,
 - a. Fifty (50) feet.
 - b. 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.
2. For Commercial, Industrial, and Mixed uses, customer parking areas are permitted in the Front Yard area with a minimum of a twenty (20) foot setback.
 - a. Parking areas in front yard areas shall:
 - i. Be for customer use;
 - ii. Shall be of a paved, compacted, or interlocking surface capable of supporting anticipated vehicle traffic and emergency vehicles as approved by the Borough Engineer;
 - iii. In addition to setback requirements, have a bufferyard to or other means to prevent vehicles lights reflecting onto roadways or adjoining lots.

B. Minimum Side Yard Requirements:

1. Adjoining a R-1, R-2, and MUN Zoning District:
 - a. Principal building or use:
 - i. Fifty (50) feet.
 - b. Accessory uses:

- i. Twenty (20) feet.
 - c. Parking Areas
 - i. Twenty-five (25) feet.
 - a. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.
 - 2. Adjoining I, and other C-1 Uses:
 - a. Principal building or use:
 - i. Fifteen (15) feet.
 - b. Accessory uses:
 - i. Ten (10) feet.
 - c. Parking Areas
 - i. Fifteen (15) feet.
- C. Minimum Rear Yard Requirements:
 - 1. Adjoining a R-1 and R-2 Zoning District:
 - a. Principal building or use:
 - i. Fifty (50) feet.
 - b. Accessory uses:
 - i. Twenty (20) feet.
 - c. Parking Areas
 - i. Twenty-five (25) feet.
 - a. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.
 - 2. Adjoining MUN Zoning District:
 - a. Principal building or use:
 - i. Thirty (30) feet.
 - b. Accessory uses:
 - i. Twenty (20) feet.
 - c. Parking Areas
 - i. Twenty-five (25) feet.
 - 3. Adjoining I and other C-1 Uses:
 - a. Principal building or use:
 - i. Fifteen (15) feet.
 - b. Accessory uses:
 - i. Ten (10) feet.
 - c. Parking Areas
 - i. Fifteen (15) feet.
- D. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the yard/ setback requirements as set forth in Articles 20, 21, 22, and 23.
 - 1. Where yard/ setback requirements are not specified the requirements of this section or shall apply.

Section 1104 Lot Coverage Requirements

- A. Commercial, Industrial, Institutional, Governmental buildings and structures, including accessory buildings and structures, shall not cover more than fifty (50) percent of the total lot area.

1. Customer parking areas with impervious surfaces may occupy up to an additional ten (10) percent of the lot area.
- B. Residential – High Density, Mixed uses and all other uses, buildings and structures, including accessory buildings and structures, shall not cover more than forty (40) percent of the total lot area.
1. Resident and Customer parking areas with impervious surfaces may occupy up to an additional ten (10) percent of the lot area.
- C. All impervious surfaces shall not cover more than sixty (60) percent of the total lot area.
- D. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot coverage requirements as set forth in Articles 20, 21, 22, and 23.
1. Where lot coverage requirements are not specified the requirements of this section or shall apply.

Section 1105 Height Requirements

- A. Height Requirements shall be in accordance with Section 608, Height Requirements.
- B. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the height requirements as set forth in Articles 20, 21, 22, and 23.

ARTICLE 12 INTERSTATE COMMERCIAL DISTRICT (C2)

Section 1200 Purpose

- A. The purpose of the **C-2 Interstate Commercial District** is to promote the orderly and efficient development of areas within the Borough where public infrastructure currently exists or where expansion is encouraged. This district is strategically located to leverage access to interstate highways and major transportation corridors while fostering innovative and integrated land use patterns that reflect a vibrant urban-like character to allow for:
1. A broad range of commercial uses, including those requiring high visibility and direct access to interstate interchange traffic, as well as highway-oriented services supported by existing infrastructure.
 2. Limited institutional, governmental, and industrial uses consistent with infrastructure capacity and land use compatibility of the district.
 3. Planned Residential Developments (PRDs) and mixed-use Planned Residential/Commercial Developments (PRCDs) that reflect best practices in community design, sustainability, and economic viability.
 4. A strengthening and enhancement of the Borough's commercial corridors to ensure that they are being effectively utilized for long-term contribution to economic growth.

Section 1201 Permitted Uses and Uses Requiring Additional Approvals

- A. Uses shall conform to the purpose in Section 1200, above.

1. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.
- B. Permitted uses, Permitted uses with Special Regulations, Conditional uses, and uses by Special Exception for each zoning district are set forth in Appendix B, "Table of Authorized Uses".
1. Approval of uses shall follow the procedures and conditions as outlined in:
 - a. Article 20, Uses Requiring Additional Approvals.
 - b. Article 21, Permitted Uses with Special Regulations.
 - c. Article 22, Conditional Use Requirements.
 - d. Article 23, Special Exception Requirements.
- C. All buildings, structures and uses that are permitted or otherwise approved must meet:
1. The General Use Requirements (Article 6).
- D. Accessory uses that are customary and incidental to the principal use, but not listed in Appendix B, may be permitted provided:
1. The same use criteria and requirements as a similar principal use is used, when applicable.
 - a. The Zoning Officer shall determine applicability.
 2. The use is approved by the Zoning Officer.
 - a. Uses denied by the Zoning Officer may be appealed to the Zoning Hearing Board.

Section 1202**Lot Area and Lot Width Requirements**

- A. Minimum Lot Area Requirements:
1. Uses with on-lot sewage treatment.
 - a. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23.
 - i. Where lot and area requirements are not specified the requirements of this section shall apply
 - b. Commercial Use-Warehouse and Distribution, Container-Boxed Storage Facility, Emergency Services-Private, Entertainment Center-Indoor, Factory Outlet, Gaming Enterprise, Motel/ Hotel, School/ Educational Institution, Self-Storage Facility, Storage Yard-Principal, Supply Yard, Warehousing-Product Distribution Activities, Warehouse-Storage Services.
 - i. Two (2) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.
 - c. Comprehensive Personal Care Home/ Skilled Nursing, Continuing Care/ Long Term Care, Hospital, Integrated Business Centers/ Shopping Malls, Residential-Moderate Density, Residential-High Density, School/ Educational Institution, Truck Terminal.
 - i. Three (3) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.

- d. Oil and Gas Well Pads.
 - i. Five (5) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.
 - e. Country Club/ Golf Course.
 - i. Ten (10) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.
 - f. Single-family residence including Manufactured (mobile) and Industrialized (Modular) Housing,
 - i. One (1) acre per dwelling unit.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.
 - g. All other Permitted uses,
 - i. One (1) acre per use or principal structure.
 - ii. Documentation certifying approval of sewage disposal provisions by the Sewage Enforcement Officer.
2. With off-lot municipal sewage treatment:
- a. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23.
 - i. Where lot and area requirements are not specified the requirements of this section shall apply
 - b. Commercial Use-Warehouse and Distribution, Container-Boxed Storage Facility, Emergency Services-Private, Entertainment Center-Indoor, Factory Outlet, Gaming Enterprise, Motel/ Hotel, School/ Educational Institution, Self-Storage Facility, Storage Yard-Principal, Supply Yard, Warehousing-Product Distribution Activities, Warehouse-Storage Services.
 - i. Two (2) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage Provider.
 - c. Comprehensive Personal Care Home/ Skilled Nursing, Continuing Care/ Long Term Care, Hospital, Integrated Business Centers/ Shopping Malls, Residential-Moderate Density, Residential-High Density, School/ Educational Institution, Truck Terminal.
 - i. Three (3) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage Provider.
 - d. Oil and Gas Well Pads.
 - i. Five (5) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage Provider.
 - e. Country Club/ Golf Course.
 - i. Ten (10) acres.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage Provider.
 - f. Single-family residence including Manufactured (mobile) and Industrialized (Modular) Housing,
 - i. One-half (1/2) acre per dwelling unit.

- ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage Provider.
 - g. All other Permitted uses,
 - i. One-half (1/2) acre per use or principal structure.
 - ii. Documentation certifying approval of sewage disposal provisions by the Public Sewage Provider.
- 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. Single-family residence including Manufactured and Industrialized (Modular) Housing.
 - a. Ninety (90) feet per residential lot.
- 2. Residential – Moderate Density
 - a. Fifty (50) feet per residential lot if individually subdivided.
 - b. Ninety (90) feet per residential lot if left consolidated.
- 3. Residential – High Density
 - a. One hundred and fifty (150) feet.
- 4. Commercial Use-Warehouse and Distribution, Comprehensive Personal Care Home/ Skilled Nursing, Continuing Care/ long Term Care Emergency Services-Private, Entertainment Center-Indoor, Factory Outlet, Gaming Enterprise, Hospital, Integrated Business Centers/ Shopping Malls, Motel/ Hotel, Place of Worship, School/ Educational Institution, Truck Terminal, Warehousing-Product Distribution Activities, Warehouse-Storage Services.
 - a. Two hundred (200) feet per lot.
- 2. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23, or one hundred (100) feet per lot, whichever is greater.
- 3. All other uses,
 - a. One hundred (100) feet per lot.
- 4. Corner lot widths for all Permitted uses, Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception shall be increased by twenty (20) percent.

Section 1203 Yard Requirements

A. Minimum Front Yard Requirements/ Building Line setbacks:

- 1. All uses,
 - a. Forty (40) feet.
 - b. 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.
- 2. Customer parking areas are permitted in the Front Yard area with a minimum of a twenty (20) foot setback.
 - a. Parking areas in front yard areas shall:
 - i. Be for customer use;
 - ii. Shall be of a paved, compacted, or interlocking surface capable of supporting anticipated vehicle traffic and emergency vehicles as approved by the Borough Engineer;

- iii. In addition to setback requirements, have a minimum of a ten (10) foot landscaped bufferyard or other means to prevent vehicles lights reflecting onto roadways or adjoining lots.

B. Minimum Side Yard Requirements:

1. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - a. Ten (10) feet.
 - b. Accessory uses, ten (10) feet.
2. All other uses adjoining a R-1, R-2, and MUN Zoning District:
 - a. Principal building or use:
 - i. Fifty (50) feet.
 - b. Accessory uses:
 - i. Twenty-five (25) feet.
 - c. Parking Areas
 - i. Twenty-five (25) feet.
 - a. In addition to any setback requirements, have a minimum ten (10) foot landscaped bufferyard between the parking area and any adjoining lot or roadway.
3. All other uses Adjoining I:
 - a. Principal building or use:
 - i. Fifteen (15) feet.
 - b. Accessory uses:
 - i. Ten (10) feet.
 - c. Parking Areas
 - i. Fifteen (15) feet.

C. Minimum Rear Yard Requirements:

1. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - a. Thirty (30) feet.
 - b. Accessory uses, ten (10) feet.
2. All other uses adjoining a R-1, R-2, and MUN Zoning District:
 - a. Principal building or use:
 - i. Fifty (50) feet.
 - b. Accessory uses:
 - i. Twenty-five (25) feet.
 - c. Parking Areas
 - i. Twenty-five (25) feet.
 - a. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.
3. All other uses adjoining I Uses:
 - a. Principal building or use:
 - i. Fifteen (15) feet.
 - b. Accessory uses:
 - i. Ten (10) feet.
 - c. Parking Areas
 - i. Fifteen (15) feet.

- D. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the yard/ setback requirements as set forth in Articles 20, 21, 22, and 23.
1. Where yard/ setback requirements are not specified the requirements of this section or shall apply.

Section 1204 Lot Coverage Requirements

- A. Residential buildings, including accessory buildings and structures, shall not cover more than thirty (30) percent of the total lot area.
- B. Commercial, Industrial, Institutional, Governmental buildings and structures, including accessory buildings and structures, shall not cover more than fifty (50) percent of the total lot area.
1. Customer parking areas with impervious surfaces may occupy up to an additional ten (10) percent of the lot area.
- C. Mixed use and all other uses, buildings, and structures, including accessory buildings and structures, shall not cover more than forty (40) percent of the total lot area.
1. Resident and Customer parking areas with impervious surfaces may occupy up to an additional ten (10) percent of the lot area.
- D. All impervious surfaces shall not cover more than sixty (60) percent of the total lot area.
- E. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot coverage requirements as set forth in Articles 20, 21, 22, and 23.
1. Where lot coverage requirements are not specified the requirements of this section or shall apply.

Section 1205 Height Requirements

- A. Height Requirements shall be in accordance with Section 608, Height Requirements.
- B. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the height requirements as set forth in Articles 20, 21, 22, and 23.

ARTICLE 13 INDUSTRIAL DISTRICT (I)

Section 1300 Purpose

- A. The purpose of the **I, Industrial District** is to provide areas in the Borough where, location in relation to other zoning districts and access to highways allows for:
1. Industrial uses, including manufacturing processes, intensive outdoor recreation, and resource refining in locations that have the appropriate infrastructure and access to the regional transportation network and in appropriate locations where the public health, safety, and welfare of the surrounding neighborhoods are protected and the environmental impacts of the uses will not have adverse effects on the local community.
 2. Limited institutional and governmental uses,

3. Limited commercial uses,
4. Effective development and use of the commercial corridors in the Borough.

Section 1301 Permitted Uses and Uses Requiring Additional Approvals

- A. Uses shall conform to the purpose in Section 1300, above.
 1. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.
- B. Permitted uses, Permitted uses with Special Regulations, Conditional uses, and uses by Special Exception for each zoning district are set forth in Appendix B, "Table of Authorized Uses".
 1. Approval of uses shall follow the procedures and conditions as outlined in:
 - a. Article 20, Uses Requiring Additional Approvals.
 - b. Article 21, Permitted Uses with Special Regulations.
 - c. Article 22, Conditional Use Requirements.
 - d. Article 23, Special Exception Requirements.
- C. All buildings, structures, and uses that are permitted or otherwise approved must meet:
 1. The General Use Requirements (Article 6).
- D. Accessory uses that are customary and incidental to the principal use, but not listed in Appendix B, may be permitted provided:
 1. The same use criteria and requirements as a similar principal use is used, when applicable.
 - a. The Zoning Officer shall determine applicability.
 2. The use is approved by the Zoning Officer.
 - a. Uses denied by the Zoning Officer may be appealed to the Zoning Hearing Board.

Section 1302 Lot Area and Lot Width Requirements

- A. Minimum Lot Area Requirements:
 1. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22 and 23.
 - a. Where lot and area requirements are not specified the requirements of this section shall apply.
 2. Single-family residence including Manufactured (mobile) and Industrialized (Modular) Housing,
 - a. One-half (1/2) acre per dwelling unit for off-lot municipal sewage treatment.
 - b. One (1) acre per dwelling unit for on-lot sewage treatment.
 3. Commercial Use: Warehouse and Distribution, Container-Boxed Storage, Wholesale Uses, School/ Educational Institution, Self-Storage Facility, Storage Yard-Principal, Supply Yard, Warehousing-Product Distribution Activities, Warehouse-Storage Services and Heavy Manufacturing.
 - a. Two (2) acres.

4. Hospital, Integrated Business Centers/ Shopping Malls, Truck Terminal, Collection and Recycling Facility, and Salvage Yard.
 - a. Three (3) acres.
5. Oil and Gas Well Pads, Water/ Wastewater Treatment Plant, Natural Gas Compressor Station and/ or Processing Plant, Oil and Gas Activities and Operations, Resource Extraction Facility, Solar Generation/ Production Facility/ Transmission Facility, Transfer Facility/ Resource Recovery.
 - a. Five (5) acres.
6. Outdoor Recreation Intensive, Power Generation/ Transmission Facility, Resource Conversion/ Refining Facility.
 - a. Ten (10) acres.
7. All other Permitted uses,
 - a. One (1) acre per use or principal structure.
8. Corner lot areas for all permitted, Special Exception or Conditional Uses, shall be increased by ten (10) percent.

B. Minimum Lot Width Requirements:

1. Single-family residence including Manufactured and Industrialized (Modular) Housing.
 - a. Ninety (90) feet per residential lot.
2. Commercial Use-Warehouse and Distribution, Emergency Services-Private, Entertainment Center-Indoor, Factory Outlet, Gaming Enterprise, Hospital, Integrated Business Centers/ Shopping Malls, Motel/ Hotel, Place of Worship, School/ Educational Institution, Truck Terminal, Warehousing-Product Distribution Activities. Warehouse-Storage Services.
 - a. Two hundred (200) feet per lot.
2. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot and area requirements as set forth in Articles 20, 21, 22, and 23, or one hundred (100) feet per lot, whichever is greater.
3. All other uses,
 - a. One hundred (100) feet per lot.
4. Corner lot widths for all Permitted uses, Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception shall be increased by twenty (20) percent.

Section 1303

Yard Requirements

A. Minimum Front Yard Requirements/ Building Line setbacks:

1. All uses,
 - a. Thirty (30) feet.
 - b. 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.
2. Customer parking areas are permitted in the Front Yard area with a minimum of a fifteen (15) foot setback.
 - a. Parking areas in front yard areas shall:
 - i. Be for customer use;
 - ii. Shall be of a paved, compacted, or interlocking surface capable of supporting anticipated vehicle traffic and emergency vehicles as approved by the Borough Engineer;

- iii. In addition to setback requirements, have a minimum of a ten (10) foot landscaped bufferyard or other means to prevent vehicles lights reflecting onto roadways or adjoining residential and/ or commercial lots.

B. Minimum Side Yard Requirements:

1. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - a. Ten (10) feet.
 - b. Accessory uses, ten (10) feet.
2. All other uses adjoining a R-1, R-2, and MUN Zoning District:
 - a. Principal building or use:
 - i. Fifty (50) feet.
 - b. Accessory uses:
 - i. Twenty-five (25) feet.
 - c. Parking Areas
 - i. Twenty-five (25) feet.
 - a. In addition to any setback requirements, have a minimum ten (10) foot landscaped bufferyard between the parking area and any adjoining lot or roadway.
3. All other uses adjoining C-1, C-2, and I Uses:
 - a. Principal building or use:
 - i. Fifteen (15) feet.
 - b. Accessory uses:
 - i. Ten (10) feet.
 - c. Parking Areas
 - i. Fifteen (15) feet.
 - d. 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.
 - i. The proposed use of said side yard area shall be reviewed by the Big Beaver Fire Chief and any minimum building or use separation must be maintained.
 - ii. In no case shall common walls be permitted between properties of separate ownership.

C. Minimum Rear Yard Requirements:

1. Single-family residence including Manufactured and Industrialized (Modular) Housing,
 - a. Thirty (30) feet.
 - b. Accessory uses, ten (10) feet.
2. All other uses adjoining a R-1, R-2, and MUN Zoning District:
 - a. Principal building or use:
 - i. Fifty (50) feet.
 - b. Accessory uses:
 - i. Twenty-five (25) feet.
 - c. Parking Areas
 - i. Twenty-five (25) feet.
 - a. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.

3. All other uses adjoining I and other C-2 Uses:
 - a. Principal building or use:
 - i. Fifteen (15) feet.
 - b. Accessory uses:
 - i. Ten (10) feet.
 - c. Parking Areas
 - i. Fifteen (15) feet.
- D. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the yard/ setback requirements as set forth in Articles 20, 21, 22, and 23.
 1. Where yard/ setback requirements are not specified the requirements of this section or shall apply.

Section 1304 Lot Coverage Requirements

- A. Residential buildings, including accessory buildings and structures, shall not cover more than thirty (30) percent of the total lot area.
- B. Commercial, Industrial, Institutional, Governmental buildings and structures, including accessory buildings and structures, shall not cover more than fifty (50) percent of the total lot area.
 1. Customer parking areas with impervious surfaces may occupy up to an additional ten (10) percent of the lot area.
- C. All impervious surfaces shall not cover more than sixty (60) percent of the total lot area.
- D. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the lot coverage requirements as set forth in Articles 20, 21, 22, and 23.
 1. Where lot coverage requirements are not specified the requirements of this section or shall apply.

Section 1305 Height Requirements

- A. Height Requirements shall be in accordance with Section 608, Height Requirements.
- B. Uses denoted as Permitted uses with Special Regulation, Conditional uses, and uses by Special Exception in Appendix B shall follow the height requirements as set forth in Articles 20, 21, 22, and 23.

Section 1306 Industrial and Business Parks

- A. Borough Council, at its' sole discretion, may designate an area an Industrial and/or Business Park if the following criteria have been met:
 1. A request to be designated as an Industrial and/ or Business Park has been submitted to and approved by Borough Council.
 - a. Such submission may be part of the development plan for the area.
 2. The parcel or parcels to be included are contiguous and located within the Industrial Zoning District.
 3. The parcel or parcels to be included are contiguous.

4. The minimum area shall be five (5) acres.
5. The area and/ or parcels are intended for industrial and commercial uses;
6. The area and/ or parcels are owned and/ or developed by a single entity;
 - a. The area to be designated shall be in single or corporate ownership at the time of request or a request filed jointly by all owners of the property.
7. There are three or more separate parcels or lots arranged and constructed in accordance with a plan that are intended for industrial use.
8. The entrance to the Industrial/Business Park shall enter onto an Arterial Road. Each parcel shall have direct access to a public road.
 - a. Such roadways may be proposed as part of the development plan.
9. All uses within the Industrial Park shall meet all requirements of the individual use unless otherwise specified in this section.

B. Bufferyards

1. A single continuous bufferyard along the perimeter of the Industrial Park may be installed in lieu of separate bufferyards for each use, provided:
 - a. A plan for installation and maintenance of the bufferyard is:
 - i. Submitted as part of the development plan.
 - ii. Submitted as part of the request for Industrial Park designation.
 - iii. Submitted to Borough Council for approval.
 - b. Such bufferyards shall be:
 - i. Twenty-five (25) feet in depth around the entire perimeter.
 - a. Excluding roadway and utility entrances.
 - ii. Maintained by the owner, developer, or jointly by all owners.
 - a. Failure to maintain the bufferyard may result in revocation of the bufferyard approval.
 - i. All uses shall meet bufferyard requirements should the approval be revoked.
 - c. All required setbacks for individual uses shall be met.

ARTICLE 14 PLANNED RESIDENTIAL and PLANNED RESIDENTIAL / COMMERCIAL DEVELOPMENT

Section 1401 Purpose

- A. Provisions for Planned Residential Developments (PRD) and Planned Residential/ Commercial Developments (PRCD) shall be administered by the Borough Council pursuant to the provisions of this article.
 1. Planned Residential Developments and Planned Residential/ Commercial Developments are permitted in zoning districts per Appendix B.
- B. A Planned Residential Development is intended to provide for a mixture of medium and/ or high density housing units that allow for flexibility of land development and density regulations that:
 1. Support a variety in type, design, and layout of dwelling units;
 2. Encourage innovations in residential development;
 3. Create modern neighborhood environments;
 4. Conserve open space and encourage a more efficient use of land, public services, and infrastructure;
 5. Protect natural resources;

6. Provide a means integrate the type, design, and layout of residential units to the characteristics of the Borough's diverse landscapes.
- C. A Planned Residential/ Commercial Development is intended to provide for a mixture of commercial uses and medium and/ or high density housing units that allow for flexibility of land development and density regulations that:
1. Support a variety in type, design, and layout of commercial uses and dwelling units;
 - a. The commercial uses are intended to compliment and support the residential uses;
 2. Encourage innovations in co-located and/ or integrated commercial and residential development;
 3. Balance commercial and residential uses in a unified neighborhood environment;
 4. Conserve open space and encourage a more efficient use of land, public services, and infrastructure;
 5. Protect natural resources;
 6. Provide a means integrate the type, design, and layout of commercial and residential units to the characteristics of the Borough's diverse landscapes.
- D. Provide a means for application, review and approval of Planned Residential Development and Planned Residential/ Commercial Development within the Borough.

Section 1402 Permitted Uses

- A. A Planned Residential Development may include any use listed as Low, Medium or High Density Housing.
1. Uses may be stand alone, grouped, or integrated with other residential uses.
 2. There shall be variation of use, type, or design in the residential units so as not to create monolithic style throughout the development.
 3. The development shall include provision for recreation, common open space, and/ or preservation of sensitive environmental and natural resources.
 4. The uses may be configured more closely than permitted by the zoning district to allow the remaining land to be used for recreation, common open space, and preservation of sensitive environmental and natural resources.
- B. A Planned Residential/ Commercial Development may include any commercial use listed in the C-2 district and any use listed as Medium or High Density Housing.
1. Commercial uses may be stand alone, grouped, or integrated with residential uses.
 2. There shall be variation of use, type, or design in the residential units so as not to create monolithic style throughout the development.
 3. The development shall include provision for recreation, common open space, and/ or preservation of sensitive environmental and natural resources.
 4. The uses may be configured more closely than permitted by the zoning district to allow the remaining land to be used for recreation, common open space, and preservation of sensitive environmental and natural resources.
- C. Housing complexes with units of identical or similar exterior design and/ or without design variation shall not be considered as Planned Residential or Planned Residential Commercial Developments.

Section 1403 **Approval Procedure for Planned Residential Development and
Planned Residential/ Commercial Development**

- A. This section provides the method for submitting, processing, and determining approval for a planned residential development or a planned residential/ commercial development.
1. All planning, zoning, and subdivision matters relating to the platting, use, and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Borough, shall be determined and established by the Borough Council.
- B. Application Process.
1. An application for tentative approval of the development plan for a planned residential development or a planned residential/ commercial development shall be filed by or on behalf of the landowner.
 2. The application for tentative approval shall be filed by the landowner in such form as provided in this Ordinance along with any payment of such fee or fees as determined by Borough Council.
 3. The application for tentative approval of a planned residential development or a planned residential/ commercial development shall include a written statement by the landowner setting forth the reasons why, in his opinion, that a planned residential development or a planned residential/ commercial development would be in the public interest and would be consistent with the goals and objectives and/ or Multi-Municipal Comprehensive Plan for the development of the Borough.
 4. The application for and tentative and final approval of a development plan for a planned residential development or a planned residential/ commercial development prescribed in this article shall be in lieu of all other procedures or approvals.
- C. Public Hearings.
1. Within 60 days after the filing of an application for tentative approval of a planned residential development or a planned residential/ commercial development pursuant to this article, a public hearing pursuant to public notice on said application shall be held by the Borough Council.
 2. The Borough Council may continue the hearing, or refer the application to the Planning Committee, Borough Engineer, Borough Solicitor, or other relevant individual or body for review and comments, a report, or determinations.
 - a. Any continued public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.
 3. The Borough may offer a mediation option as an aid in completing proceedings authorized by this section and by subsequent sections in this article prior to final approval by the governing body.
- D. The Findings.
1. The Borough Council within 60 days following the conclusion of the public hearing(s) provided for in this article or within 180 days after the date of filing of the application, whichever occurs first, shall, by official written communication, to the landowner, either:
 - a. Grant tentative approval of the development plan as submitted;

- b. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - c. Deny tentative approval to the development plan.
 2. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted.
 3. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the governing body, notify such governing body of their refusal to accept all said conditions, in which case, the governing body shall be deemed to have denied tentative approval of the development plan.
 - a. In the event the landowner does not, within said period, notify the governing body of their refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
 4. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
 - a. In those respects in which the development plan is or is not consistent with the goals and objectives and or the multi municipal comprehensive plan for the development of the Borough;
 - b. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, density, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - c. The purpose, location, and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - d. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment;
 - e. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established;
 - f. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development and the integrity of the development plan.
 5. In the event a development plan is granted tentative approval, with or without conditions, the governing body may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed.

- a. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

E. Status of Plan after Tentative Approval.

1. The official written communication provided for in this article shall be certified by the Borough Secretary and shall be filed in their office, and a certified copy shall be mailed to the landowner.
2. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.
3. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits.
4. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Borough pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
5. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the governing body in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked.

F. Application for Final Approval.

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof.
2. Said application shall be made to the Borough Secretary within the time or times specified by the official written communication granting tentative approval.
3. The application shall include any drawings, specifications, covenants, easements, performance bond, and such other requirements as may be specified by ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval.
4. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.
5. After the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the Borough shall:

- a. Approve the final application for the grant that has no changes or modifications within forty-five (45) days from the date of the next regularly scheduled Borough Council meeting after the date the filing of the final application.
 - i. Should the next regular meeting of Borough Council occur more than thirty (30) days following the filing of the application, the forty-five (45) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.
 - b. In the event the development plan as submitted contains variations from the development plan given tentative approval, Borough Council may refuse to grant final approval and shall, within forty-five (45) days from the date of the next regular meeting of Council after the date the application is filed, and shall advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest.
 - i. Should the next regular meeting of Borough Council occur more than thirty (30) days following the filing of the application, the forty-five (45) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.
 - c. In the event of such refusal, the landowner may:
 - i. Refile the application for final approval without the variations objected;
 - ii. File a written request with the approving body that it hold a public hearing on his application for final approval.
 - iii. In the event the landowner shall fail to take either of these alternate actions within thirty (30) days, they shall be deemed to have abandoned the development plan.
 - d. If the landowner wishes to take either such alternate action they may do so:
 - i. Within the time or times specified by the official written communication granting tentative approval;
 - ii. Within thirty (30) additional days, only if the landowner was notified that the development plan was refused after the time for applying for final approval shall have passed.
 - e. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner described in this article for public hearings on applications for tentative approval.
 - f. Within thirty (30) days after the conclusion of the hearing, the approving body shall by official written communication either:
 - i. Grant final approval to the development plan, or
 - ii. Deny final approval.
 - g. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this article.
6. Failure of the governing body or agency to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to:
 - a. An extension of time;

- b. A change in the prescribed manner of presentation of communication of the decision.
- 7. Failure to meet the extended time or change in manner or presentation of communication shall have like effect.

G. Post-approval.

- 1. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Borough and shall be filed by the landowner of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith.
 - a. Upon the filing of record of the development plan, the zoning and subdivision regulations for the underlying district(s) applicable to the land included in the approved final plan shall cease to apply thereto.
- 2. Pending completion of the approved development, there shall be no modifications or changes to the plan or any part thereof that has final approval, except with the consent of the landowner.
- 3. Upon the approval of a final plat, the developer shall within ninety (90) days of such final approval or ninety (90) days after the date of delivery of an approved plat signed by the Borough, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the recorder of deeds of Beaver County, Pennsylvania.
- 4. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof the landowner shall so notify the Borough in writing.
 - a. In the event the landowner shall fail to commence and carry out the development in accordance with the stated time provisions in the final approval or per Section 508 of the Municipal Planning Code (MPC), no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to the Borough Zoning Ordinance.
- 5. No development shall be permitted or commence until the landowner completes the posting of required bonds, financial security agreement conditions, and/ or payment of required fees has been completed.
 - a. The final approval of the development shall expire and be deemed to be revoked if the bonding and/ or financial security agreement is not fully executed within ninety (90) days.
 - i. A written extension of up to ninety (90) days may granted by the Borough Council upon the written request by the developer.
 - ii. Such extension shall not be unreasonably withheld.
 - iii. Two such ninety (90) day extensions, or combinations of extensions not to exceed one hundred eighty (180) days may be granted.
 - iv. The final approval of the development shall expire and be deemed to be revoked if the bonding and/ or a complete financial security agreement has not been completed after such extension(s) has expired.
 - b. In the event the landowner shall fail to commence and carry out the development in accordance with the stated time provisions in the final approval or per Section 508 of the Municipal Planning Code (MPC), no development or further development shall take place on the property

included in the development plan until after the said property is reclassified by enactment of an amendment to the Borough Zoning Ordinance.

H. Bonding/ Financial Security Agreement.

1. The final plat or record plan shall not be signed nor recorded until the bond and/ or financial security agreement is executed.
2. Such bonding, or financial security agreement, shall provide for, and secure to the public:
 - a. The completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
3. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer.
4. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion.
 - a. Such adjustment may be made by the Borough Council:
 - i. As requested by the developer;
 - ii. As an action by Borough Council to ensure the Borough's interests.
5. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection
6. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost.
 - a. The Borough, upon the recommendation of the Borough engineer, may refuse to accept such estimate for good cause shown.
 - b. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate.
7. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
 - a. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

8. In the case where development is projected over a period of years, the Borough may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
9. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work.
 - a. Any such requests shall be in writing addressed to the Borough Secretary, and the Borough shall have forty-five (45) days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat.
 - i. Upon such certification the Borough shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed;
 - ii. If the Borough Council fails to act within said forty-five (45) day period, the Borough shall be deemed to have approved the release of funds as requested.
 - iii. The Borough Council may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
10. Where the governing body accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication.
 - a. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
11. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
12. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Borough shall not condition the issuance of building, grading, or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat.
 - a. If said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise

permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

I. Release from Improvement Bond.

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough engineer.
2. The Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough engineer to inspect all of the aforesaid improvements. The Borough engineer shall, thereupon, file a report, in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail.
 - a. The report shall be made and mailed within thirty (30) days after receipt by the Borough engineer of the aforesaid authorization from the Borough Council;
 - b. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough engineer, said report shall contain a statement of reasons for such non-approval or rejection.
3. The Borough Council shall review such report within thirty (30) days and may:
 - a. Accept the report in whole;
 - b. Accept the report with modifications;
 - c. Request additional information or modifications by the Borough engineer.
 - d. The developer may request in writing an extension of the review period by the borough Council.
4. The Borough Secretary shall notify the developer, within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of the action or pending action of the Borough Council to accept the report.
5. If the Borough Council or the Borough engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
6. If any portion of the said improvements shall not be approved or shall be rejected by Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
7. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the municipal engineer. Where herein reference is made to the municipal engineer, their shall be a duly registered professional engineer employed by the Borough or engaged as a consultant thereto.

J. Reimbursements

1. The Borough may prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements.

2. Such reimbursement shall be based upon a schedule established by ordinance or resolution.
3. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
4. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary.
 - a. The Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
5. If, within twenty (20) days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - a. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date.
 - b. The applicant shall be required to pay the entire amount determined in the decision immediately.
6. In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five years.
7. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill.
8. If the amount of payment required in the decision is less than the original bill by one thousand (\$1,000) or more, the Borough shall pay the fee of the professional engineer; otherwise the Borough and the applicant shall each pay one-half (1/2) of the fee of the appointed professional engineer

Section 1404 Use Requirements

- A. Requirements Enumerated
 1. Meet the requirements of Article 22, Section 2207.
 2. The site of the proposed development shall not be less than ten (10) acres.
 3. The property proposed for a Planned Residential Development or Planned Residential/ Commercial Development shall be serviced with:
 - a. Public Water
 - b. Public Sewer or a private Wastewater Treatment Plant.

- i. A private Wastewater Treatment Plant must meet all Federal, State, and County requirements.
4. The site proposed for a Planned Residential Development and Planned Residential/ Commercial Development shall have frontage on and direct vehicular access to an arterial or collector street, as defined in this Ordinance.
 - a. The primary vehicular entrance, Planned Residential Development or Planned Residential/ Commercial Development shall, at a minimum, have direct access to a collector road.
5. Variations to lot areas, setbacks, coverage area, and other dimensional requirements of the underlying district shall be specified on the submission and be clearly marked, indicated, or highlighted as such.
6. Variations of any other requirements herein, or from underlying district requirement or otherwise stated in this Ordinance shall be specified in the plan submission and be clearly marked, indicated or highlighted as such.
7. The setback from any property line or adjoining residential district (R-1, R-2, and MUN) shall be fifty (50) feet, inclusive of parking and all accessory structures.
 - a. A planted and maintained bufferyard of no less than fifteen (15) feet in width shall be required along property lines that abut low and moderate density residential developments.
8. The setback from any property line or adjoining non-residential districts (C-1, C-2, and I) shall be twenty-five (25) feet, inclusive of parking and all accessory structures.
9. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate 100 trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
10. Parking requirements shall be met per Article 35.
11. Parking spaces shall be located no more than three hundred (300) feet from the primary entrance to the unit or shared entrance to the building.
12. A minimum of twenty-five (25) feet of yard setback with bufferyard shall be provided around all off-street parking and loading areas.
13. All parking spaces and driveways shall be of a paved, compacted, or interlocking surface capable of supporting anticipated vehicle traffic and emergency vehicles as approved by the Borough Engineer.
14. A sign identifying the Planned Residential Development is permitted at up to two (2) entrances providing such entrances are from an arterial or collector street.
 - a. Signage shall not to exceed the requirements of Article 36 for the MUN District.
15. A sign identifying the Planned Residential/ Commercial Development is permitted at up to two (2) entrances providing such entrances are from an arterial or collector street.
 - a. The maximum surface area of any business/ commercial identification sign in a Planned Residential Commercial Development shall not exceed 12 (twelve) square feet.

- i. Such signs may be illuminated and shall be affixed to the exterior of the business.
 - a. Borough Council may establish limitations on time and intensity of signage illumination.
- 16. The calculation of Maximum Buildable Acre shall exclude: Internal Roadways; Waterways; Floodplains, Wetlands; Steep Slopes; Ponds, Existing Utility Right-of-Ways; Stormwater Retention and Detention areas; Unmitigated Earth Disturbance Areas (see Article 16), and: Conservation Areas (see Article 17) including areas designated as Open Space to be administered by an HOA, the Borough or other such entity.
- 17. The maximum dwelling unit density per buildable acre shall be:
 - a. Twelve (12) units for high rise apartments,
 - b. Eight (8) units for Low-rise apartments, Condominiums;
 - c. Four (4) units for single story apartment;
 - d. Set forth by the developer, for approval or modification by Borough Council, for conversion units.
 - e. Four (4) units for all other uses.
- 18. Each dwelling unit shall have a minimum of five hundred (500) square feet of habitable area, exclusive of basement and or cellar space.
- 19. Each unit will have a minimum of three (3) habitable rooms to include a bedroom, cooking, and dining areas and one (1) bathroom.
- 20. Where 2 or more buildings exist on the same lot, the minimum distance between buildings, as measured from the closest point, shall be a minimum of forty (40) feet.
- 21. All portions of the property not covered by buildings, driveways, parking, pools, shelters, gazebos, or other developed or paved areas shall be suitably landscaped with grass, ground cover, and decorative shrubs or trees.
 - a. See Section 1405, Specific Design Standards.
- 22. The design and orientation of the buildings on the property shall take into account compatibility with the visual impact on adjoining single-family residential properties. The building and the property shall be effectively landscaped to minimize such impacts on adjoining residential properties.
- 23. Garages and accessory buildings shall be located so in a manner or be screened to prevent visual and noise issues with adjoining properties.
 - a. Setbacks shall match or exceed adjoining property's side and rear yard setbacks.

Section 1405 Specific Design Standards

- A. Community/ Common Open Space
 - 1. Community/ Common Open Space shall be required as a portion of the development and shall:
 - a. Consist of an area equal to or greater than the sum of five hundred (500) square feet per dwelling unit in the development but not less than twenty (20%) percent of the site.
 - i. At least seventy-five (75%) percent of such open space shall be a contiguous tract of land of five (5%) percent or less slope.
 - ii. Permanently preserved and/ or maintained natural areas may be included in the computation of open space.

- b. Such open space not included in '1.a.ii' above may include recreational improvements as approved by Borough Council, but at a minimum shall be maintained as a lawn.
- c. Such open space shall have a minimum of one hundred (100) feet of street frontage on a local street accessible from within the development.
- d. Borough Council may modify or waive the frontage requirement if the Open Space is connected to all housing via a trail and/ or sidewalk network or trails and/ or sidewalks.
- e. Common open space shall be recorded with the County independently from other portions of the planned residential development. (See Section 1406, below.)

B. Sidewalks

1. Sidewalks shall be provided along the frontage of all residential, commercial, and nonresidential lots within the development parcel.
 - a. Walkways that are proposed within the planned residential development parcel to provide access to or communication through common open space or common facilities shall form a logical, safe and convenient system.
 - b. Such walkways shall be located to minimize contacts with normal automotive traffic, with street crossings held to a minimum.
2. The walkway system shall be constructed of all-weather, durable hard surfaces approved by the Borough Council.
3. The developer as part of the submission shall detail the manner in which said sidewalks shall be maintained, repaired, and/ or replaced.

C. Ancillary Nonresidential Uses

1. Ancillary nonresidential/ non-commercial uses supporting the residential development may be permitted only if all of the following criteria are met:
 - a. Construction of the ancillary nonresidential units shall not be permitted until 50% of all proposed dwelling units in the planned residential development are constructed and occupied or ready for occupancy.
 - b. The ancillary nonresidential uses shall be designed primarily to serve residents of the planned residential development.
 - c. The ancillary nonresidential uses shall be limited to the ground or street floors of a residential building containing multi-family dwelling units or to a single freestanding building on the planned residential development parcel.
 - d. The total floor area devoted to the ancillary nonresidential uses shall not exceed 15% of the total floor area of all buildings devoted to residential use in the planned residential development.
 - e. Any freestanding building proposed to contain ancillary nonresidential uses shall not be located within one hundred (100) feet of any existing or proposed residential dwelling within the planned residential development or any adjoining property line.

D. Perimeter Setback.

1. No structures, stormwater detention facilities, or parking are permitted within the perimeter setback.
2. Only landscaping, bufferyards, common open space, and underground piping or lines for water, sewer, gas, and electric collection and/ or distribution shall be permitted within the perimeter setback.

3. The area included in the perimeter setback shall be maintained and managed by the developer or successor organization.
 - a. Borough Council may require a management plan to be included with the submission.

Section 1406 Maintenance and Conveyance of Open Space

- A. The developer or derivative organization thereof, shall covenant to operate and maintain the land and facilities known as community or open space in perpetuity.
 1. Such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise.
 - a. Conveyance may be made to a successor organization conceived and established to own and maintain the common open space in the same manner.
 - b. Such conveyance to a successor organization shall not alter the use of the open/ community space.
 2. In the event that the developer, organization, or any successor organization established to own and maintain the common open space at any time fail to maintain the same in accordance with this Ordinance and/ or the land development plan and in reasonable order and condition, the Borough shall have the right to:
 - a. Maintain such open space;
 - b. Assess the cost of such maintenance on a pro rata basis and as a lien against the lots within the planned residential development parcel that have a right of enjoyment of the common open space;
 - c. Impose such fines and means of restitution to cause and compel action by the responsible party.
- B. Conveyance of Open and Community Space to the Borough.
 1. The Borough shall not be obligated to accept the conveyance or dedication of the common open space or any portion thereof, where the Borough Council determines that such dedication is not in the interest of the Borough.
 2. The Borough Council shall have the right of first refusal regarding the conveyance/ dedication of the required open space for public use to the Borough.
 - a. If the Borough accepts such a dedication, the Borough agrees to operate and maintain the dedicated land and facilities for the originally intended use as common open space.
 - b. Such space shall be accessible to all residents of the Borough, with such restrictions or permits as required, to facilitate harmonious use.

ARTICLE 15 NATURAL ENVIRONMENTAL CONDITIONS

Section 1500 Purpose

- A. For purposes of this Article, a natural environmental condition is one that exists in its' natural form without human changes or alteration.
- B. The purpose of this Article is to:
 1. Identify naturally occurring environmental conditions that require additional investigation, special planning, submissions, preparation protection, and

adherence to requirements in accordance with the requirements set forth in this Article and this Ordinance.

- 2. Provide safeguards for the health, safety, and welfare of persons and property from flooding, mudslides, landslides, or other natural dangers to life and property.
- 3. Establish a balance between land use and the ability of the natural systems to support development.
- 4. Set requirements for development of areas with natural environmental conditions as identified in this Article.

C. This Article shall apply to all Zoning Districts

Section 1501 Natural Environmental Conditions

A. Natural Environmental Conditions include:

- 1. Steep slopes
- 2. Riparian areas, including but not limited to:
 - a. Waterways
 - b. Floodplains
 - c. Wetlands and other transitional water features.
- 3. Other environmentally sensitive conditions and/ or impactful areas as identified in applications for land development or permitting.
 - a. Any site identified in the Pennsylvania Natural Diversity Inventory (PNDI).
 - b. Any habitat of any federally identified endangered species.

Section 1502 Identification and Delineation of Natural Environment Conditions

A. It shall be the responsibility of the landowner and/ or developer to determine and identify if any land being considered for development has natural environment conditions.

- 1. In addition, the Zoning Officer, Building Inspector, Borough Engineer, and/or other Borough agents, employees, or consultants may identify natural environment conditions.

B. Sources to assist in such determinations shall include:

- 1. Known conditions of the property as visually evidenced.
- 2. USGS topographical maps.
- 3. Beaver County Natural Heritage Inventory.

C. Such areas shall be marked and delineated on all development plans submitted for review.

Section 1503 General Provisions

A. In the event that the provisions of this article and the provisions of other applicable Borough standards or ordinances are in conflict, the more restrictive provisions shall apply.

B. In the event that two (2) or more natural resource areas identified in this article overlap, the resources with the most restrictive standard (the least amount of permitted alteration, regrading, clearing, or building) shall apply to the area of overlap.

- C. It shall be a violation of this Ordinance to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb a natural resource protected by this article prior to the submission, review and approval of:
 - 1. Applications for zoning or building permits;
 - 2. Conditional use or special exception approvals;
 - 3. Zoning variances;
 - 4. Subdivision or land development plans;
 - 5. Any other applicable permit or approval required by the Borough that would involve disturbance of natural resources protected in this article.
- D. Where disturbance of a natural resource is permitted, it shall not take place until it has been determined that such disturbance is consistent with the provisions of this article and other applicable ordinance provisions.
- E. Restrictions to the disturbance of resources shall apply before, during, and after construction on a site.
- F. Plan information required by this article shall be verified as correct by the Borough Engineer or other qualified professional, as determined by the Borough Engineer or Council.

Section 1504 Review Procedures

- A. All lots being considered for development, alteration, resource harvesting, or any other use that would impact a natural environmental condition as set forth in Section 1501 shall adhere to the review process herein.

Section 1505 Remediation Action

- A. The disturbance of any Natural Environmental Condition, as defined herein, shall be remediated as follows:
 - a. A remediation plan for the area of disturbance shall be submitted to Big Beaver Borough for review and approval (see below). The remediation plan must be prepared by a PA-licensed design professional proficient in the appropriate restoration of the disturbed area. The remediation plan must also be submitted to the appropriate County, State, Federal, and/or other Agencies for review and approval, as applicable.
 - b. The remediation plan shall be reviewed by the Borough Engineer and, if necessary, by the Big Beaver Borough Council during the land development plan approval process, or, where such approval is not required, by the Big Beaver Borough Zoning Officer and Big Beaver Borough Engineer during the zoning permit approval process.

Section 1506 Lot Regulations

- A. Lot area, width, yards and coverage regulations for the zoning district shall apply; along with any increase of lot area or the most restrictive coverage as specified:
 - 1. In this Article
 - 2. As a condition of Conditional Use approval
 - 3. As a condition of Special Exception approval

4. The zoning district, and/or
5. Use requirements.

Section 1507 **Height Regulations**

- A. The maximum building height for the Zoning District shall apply.

Section 1508 **Review and Approval**

- A. All standards and requirements in this Article shall be reviewed for compliance and approved by the Zoning Officer, Building Inspector and/or Borough Engineer for compliance.
- B. All requirements and standards of this Article shall be reflected in drawings, designs, and submittals.
- C. Modifications
1. For any use or activity subject to Subdivision or Land Development review, as part of applicable Plan submission, modification(s) may be requested by the applicant in accordance with the provisions of the SALDO.
 - a. These requested modification(s) may be also granted by Borough Council or the Zoning Hearing Board (as applicable) per provisions of this Ordinance.
 2. For any use or activity not subject to Subdivision or Land Development review, but subject to application for approval of a Conditional Use, Special Exception, or Zoning Variance under the provisions of this Ordinance, the applicant may request modification(s) to the provisions of this Article.
 3. For any use or activity not falling within the scope of subsections C-1 and C-2 above, the applicant may request modification(s) to the provisions of this Article in the form of an application for grant of a Special Exception by the Zoning Hearing Board.
 4. Applicants shall provide appropriate documentation in support of their modification request.
 - a. The Big Beaver Borough Council or Zoning Hearing Board (as applicable) may request additional documentation of an applicant, or of its municipal consultants, to help reach its decision.
 5. In consideration of approval of any applicant request for modification(s) under this Article, the following standards shall serve as the basis for a decision:
 - a. That there are unique physical circumstances or conditions, including but not limited to:
 - i. Irregularity, narrowness, or shallowness of lot size or shape,
 - ii. Excessive frontage along a water body,
 - iii. Presence of existing buildings or structures, or
 - iv. Exceptional topographical or other physical conditions peculiar to the particular property.
 - b. That due to physical circumstances or conditions, it is impracticable for the property to be developed in strict conformity with the requirements of this Article and that the approval of the modification is therefore necessary to enable the reasonable use of the property.

- i. The underlying zoning provisions and requirements of the district shall serve as a minimum standard for the requested modifications.
 - c. That the modification, if approved, will result in the minimum modification or reduction in performance, pursuant to the purposes set forth in this Article as needed to provide for the lawful intended use
- 6. No alteration of the Use Regulations set forth in this Ordinance shall be authorized as modification pursuant to this Section.
 - a. Any such requested alteration shall constitute an application for a Variance, meeting all applicable requirements for same, to be submitted to the Zoning Hearing Board pursuant to Article 23.

Section 1509 **Steep Slopes**

- A. This section details the requirements on sloped lands to:
 - 1. Erect buildings and structures.
 - 2. Construct impervious surfaces.
 - 3. Protect areas with steep slopes, so as to:
 - a. Limit soil erosion.
 - b. Limit the siltation of streams.
 - c. Protect low-lying areas from flooding.
 - d. Limit unregulated stormwater discharge from graded slopes.
 - e. Protect existing ground cover.
 - f. Reduce the hazard of mudslides and landslides.

- B. For those grading activities where a governmental review agency, professional engineer or engineering geologist determines the type of soil to be graded on the site from the Beaver County Soil Survey or a more detailed professional field analysis, the maximum slopes are defined as follows:
 - 1. Tier 1: Less than 15% slope
 - a. This is not considered a steep slope unless other factors deem it so including: soil type, natural drainage, erosion, vegetation, etc.
 - 2. Tier 2: Greater than 15% to 25% slope.
 - a. This is considered a moderately steep slope unless other factors deem it to be a Tier 3 or Tier 4 slope including: soil type, natural drainage, erosion, vegetation, etc.
 - 3. Tier 3: Greater than 25% to 40% slope.
 - a. This is considered to be a severely steep slope unless other factors deem it to be a Tier 4 slope including: soil type, natural drainage, erosion, vegetation, etc.
 - 4. Tier 4: Greater than 40% slope.
 - a. This is considered to be a prohibitive steep slope.
 - i. Development or disturbance of prohibitive steep slopes is prohibited except as specifically provided for by variance.

- C. Slope is calculated based upon contours at intervals of not more than five (5) feet where the slope is greater than fifteen (15%) percent and at intervals of not more than two (2) feet when the slope is fifteen (15%) percent or less.
 - 1. The applicant shall delineate each category of steep slope which are on the site and show them on a submitted drawing in shading, cross-hatch, color relief or other such means that readily identifies the area.

2. The Borough Engineer, Zoning Officer, Planning Committee, and/ or Borough Council may require the developer or landowner to present a site survey and geotechnical reports detailing the specific conditions used in determining a steep slope.
- D. Any portion of any lot which has a natural or unfinished slope greater than twenty five (25%) percent (Tier 3 and Tier 4) shall be considered a steep slope and shall be subject to the requirements of this Article.
1. For slopes of greater than twenty five (25%) percent, a geotechnical plan prepared by a structural engineer, including materials and type of foundation to be used to overcome structural problems associated with slope conditions is required.
 2. High walls resulting from active mineral removal activities shall be exempt from these regulations.
 - a. High walls shall be remediated and/or stabilized based on the requirements of Article 16 and Article 27.
- E. Any portion of any lot which has a natural or unfinished slope in excess of fifteen (15%) percent but less than twenty five (25%) (Tier 2) may be considered a steep slope and may be subject to the requirements of this Article.
1. Factors such as soil type, natural drainage, erosion, vegetation, etc. may be used to determine if Tier 2 lots are considered steep slopes.
- F. Lot Area and Coverage Requirements
1. Steep slope areas shall be preserved in their natural state whenever possible. Where construction of roads, buildings, driveways, or infrastructure cannot be avoided, disturbance shall be kept to the minimum necessary and, in no case, shall it exceed the following permitted disturbance limits:
 - a. Slopes on lots having an average slope of at least 15% but not more than 25%, shall have the minimum lot area increased by a factor of 1.3 and shall not have impervious surfaces exceeding 30% of the lot area as increased.
 - i. Maximum disturbance of the lot shall not exceed 80%
 - b. Slopes on lots having an average slope of at least 25% to 40% shall have the minimum lot area increased by a factor of 1.5 and shall not have impervious surfaces exceeding 20% of the lot area as increased.
 - i. Maximum disturbance of the lot shall not exceed 60%
 - c. All freestanding structures, buildings and substantial improvements are prohibited on slopes of 40% or greater.
 - i. Exceptions may be granted via conditional use for driveways and utilities crossing the slope when no other route or location is feasible.
 - ii. Where driveways and utilities meet the exception requirement, the lot area requirement shall be increased by two times (2x) the area of disturbance.
- G. Grading Requirements
1. All grading shall be minimized, and no grading shall be undertaken within any area identified as a steep slope except where approved.

2. Finished slopes of all cuts and fills shall be stabilized and shall not exceed a 33% slope, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.
 3. Grading for the minimum portion of a road or driveway necessary for access to the principal use and sewer, water, and other utility lines when it can be demonstrated that no other routing is feasible.
 4. Each building or structure shall be constructed in such a manner as to provide the least alteration necessary of the existing grade, vegetation, and natural soils condition.
 5. A grading plan shall be provided identifying the existing contours of the site, proposed finished grades, and the proposed location of all buildings and structures.
 6. Excessive cut and fill shall be avoided. New roads and improvements to existing roads should be designed within the existing contours of the land to the extent possible and strive for compatibility with the character of rural roads.
 7. All stockpiles of earth intended to be stored for more than twenty one (21) days shall be seeded or otherwise stabilized to the satisfaction of the Borough Engineer. Any disturbed area of Tier 2, Tier 3 or Tier 4 slopes or any cut and fill resulting in slopes of greater than twenty five (25%) percent shall be protected with an erosion control blanket.
 8. Any disturbance of land shall be in compliance with the erosion and sedimentation control standards of the Subdivision and Land Development Ordinance and PADEP Title 25, Chapter 102.
- H. The Borough Engineer, Zoning Officer, Planning Commission and/ or Borough Council may require the developer or landowner to present professional reports detailing the specific conditions used in determining a steep slope.

Section 1510 Waterways, Wetlands, and Riparian areas

- A. The requirements of this section are intended to reduce adverse aquatic health impacts due to changes in the temperature of receiving waters (both temperature increases and temperature decreases) as a result of storm water runoff, loss of vegetative shading, and direct discharges to water bodies.
- B. All requirements of the Big Beaver Borough Stormwater Management and Floodplain Ordinances, Commonwealth of Pennsylvania and Federal regulations in their full force and effect are considered a part of the section.
- C. This section details the requirements to protect water resources for the following purposes:
1. To conserve, protect, and restore natural waterways, wetlands, and riparian resources.
 2. To reduce the entry of detrimental substances, such as sediment, organic matter, trash, and pesticides, into waterways.
 3. To attenuate flooding and reduce soil loss.
 4. To provide opportunities for recreation, such as hiking and fishing.
 5. To regulate the use, and the siting of buildings and structures to be consistent with the purposes and intent of this article and accepted conservation practices.
 6. To regulate development so as not to overwhelm the carrying capacity of existing natural resources.

D. Permitted Uses

1. The following uses or activities are permitted by right in riparian buffer areas:
 - a. Stream crossings for farm vehicles or livestock if part of a federal, state, or county conservation district or local nonprofit riparian buffer improvement project.
 - b. Timber Harvesting shall not encroach more than fifty (50) feet from the outer edge of a riparian buffer area as defined in regulations referenced in 1509 B, when:
 - i. Conducted in compliance with a timber harvesting plan prepared, submitted, and approved in accordance with Ordinance #242.
 - ii. The area does not contain slopes over 25% grade or a floodplain.
 - c. Structures that, by their nature, cannot be located anywhere except within the riparian buffer, such as
 - i. Docks,
 - ii. Boat launches,
 - iii. Public water supply intake structures,
 - iv. Facilities for natural water quality treatment,
 - v. Purification,
 - vi. Public wastewater treatment plant sewer lines and outfalls
 - vii. Stormwater conveyance structures and outfalls.
2. The following uses or activities are permitted within the outer fifty (50) feet of a riparian buffer area provided that existing forested riparian buffers are not removed or otherwise impacted:
 - a. The grazing of livestock or growing of agricultural crops.
 - b. Any other use or activity permitted in the underlying zoning district, provided that:
 - i. There is no re-grading, filling, or alteration within the inner fifty (50) feet of the riparian buffer area,
 - ii. No more than twenty (20%) percent of the outer fifty (50) feet may be re-graded, filled, or otherwise altered or subject to land disturbance.

E. Buffer Restoration and Planting Requirement

1. All riparian buffer areas that are disturbed, developed, or modified shall be restored with a diverse mix of locally adapted non-invasive and native species of canopy trees, understory trees, shrubs, and herbaceous plants so as to constitute a forested riparian buffer where not otherwise occupied by any existing use.
 - a. The restored areas shall be monitored, maintained, and re-restored as necessary until natural growth with native species is established.
 - b. Applicants shall submit, as a condition of approval, a planting and maintenance plan for the impacted riparian buffer area.
 - c. Additional planting guidance may be obtained from:
 - i. PADEP's Bureau of Watershed Management Document Number 394-5600-001, entitled "Riparian Forest Buffer Guidance, November 27, 2010, and
 - ii. The "Chesapeake Bay Riparian Handbook, A Guide for Establishing and Maintaining Riparian Forest Buffers," USDA Forest Service, NA-TP-02-97, Radnor, PA.

- iii. Other reconized planting guides applicable to riparian areas in Pennsylvania.
- 2. The Borough Engineer, Zoning Officer or other authorized Borough representatives may inspect the restored areas to assure compliance with this Article.

Section 1511 Unstable Slopes and Mudslide Prone Areas.

- A. The development, use, alteration, modification, or any other earth disturbance of unstable slopes or mudslide prone areas is prohibited.
 - 1. Action, remediation, or modifications to stabilize or reduce the threat of a catastrophic event may be approved by Borough Council.
 - a. All such efforts shall be accompanied by supporting design and engineering reports, drawings, and specifications.

ARTICLE 16 EARTH DISTURBANCE AREAS

Section 1600 Purpose

- A. For purposes of this Article, an earth disturbance area is one that exists due to human intervention, changes, or alteration to the natural environment including but not limited to uses identified and enumerated in Sub-section 1601.A; below.
- B. The purpose of this Article is to:
 - 1. Identify environmental conditions caused by human intervention, changes, or alteration that require additional investigation, special planning, submissions, preparation protection, and adherence to requirements in accordance with the requirements set forth in this Article and this Ordinance.
 - 2. Provide safeguards for the health, safety, and welfare of persons and property from dangers including but not limited to:
 - a. Landslides, slumping, mudslides, or similar land movement which may impact roads and road access to neighboring properties.
 - b. Land movement that may impact the stability of neighboring buildings and structures.
 - c. Water movement that may impact the stability of neighboring buildings and structures.
 - d. Uncontrolled storm water release.
 - e. Soil erosion.
 - f. Degradation of water resources.
 - g. Flooding.
 - h. Uncontrolled release of pond water and any hazardous materials that might be contained therein.
 - 3. Establish a balance between land use and the ability of the natural systems to support development.
 - 4. Set requirements for development of areas with earth disturbance areas as identified in this Article.
- C. This Article shall apply to all Zoning Districts

Section 1601 Earth Disturbance Areas

- A. Earth Disturbance Areas caused by human activity include:
 - 1. Surface mines for the removal of any mineral, gravel, stone, or other naturally occurring substance.
 - 2. Strip mines and associated spoils areas.
 - 3. Mine reclamation including Reclaimed Acid Mine Projects (RAMP) sites.
 - 4. Major grading of one (1) acre or greater that was not regulated.
 - 5. Areas where unstable soils or fill have been added or disposed upon.
 - 6. Steep slopes.
 - a. See Article 15 for identification of steep slopes per this Ordinance.
 - 7. Repository areas for fill, including soil, gravels, slag, and road cuttings.
 - 8. Areas used as waste dumps of any kind.
 - 9. Ponds and retention devices used in conjunction with mining or development.
 - 10. Activities related to timbering or clearcutting, grubbing
- B. Regulation of these areas is required to avoid potential hazards to the community, including as outlined in Sub-section 1600 B.2.
- C. Development of these areas typically requires special consideration and expertise for appropriate and safe utilization.

Section 1602 Identification and Delineation of Earth Disturbance Areas

- A. It shall be the responsibility of the landowner and/ or developer to determine and identify if any land being considered for development has had prior earth disturbance.
 - 1. In addition, the Zoning Officer, Building Inspector, Borough Engineer, and/or other Borough agents, employees, or consultants may identify earth disturbance areas.
- B. Sources to assist in such determinations shall include:
 - 1. Known historical uses of the property as evidenced by deed searches and other public documents.
 - 2. USGS topographical maps.
 - 3. Any and all visual evidence of such prior uses.
 - 4. Beaver County Natural Heritage Inventory.
- C. Such areas shall be marked and delineated on all development plans submitted for review.

Section 1603 General Provisions

- A. In the event that the provisions of this article and the provisions of other applicable Borough standards or ordinances are in conflict, the more restrictive provisions shall apply.
- B. In the event that two (2) or more earth disturbance areas identified in this article overlap, the areas with the most restrictive standard shall apply to the area of overlap.
- C. It shall be a violation of this article to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb an area identified in this article prior to the submission, review and approval of:
 - 1. Applications for zoning and/ or building permits;

2. Conditional use or special exception approvals;
 3. Zoning variances;
 4. Subdivision or land development plans;
 5. Any other applicable permit or approval required by the Borough that would involve disturbance of natural resources protected in this article.
- D. Where alteration of an area with earth disturbance is permitted, it shall not take place until it has been determined that such alteration is consistent with the provisions of this article and other applicable ordinance provisions.
- E. Restrictions to the alteration of areas of earth disturbance shall apply before, during, and after construction modification, grading, or any other earth disturbance on a site.
- F. Plan information required by this article shall be verified as correct by the Borough Engineer or other qualified professional, as determined by the Borough Engineer.
- G. Where alteration of an area with earth disturbance is permitted, the plan information shall include measures for mitigation and remediation.

Section 1604 Review Procedures

- A. All lots being considered for development, alteration, resource harvesting, or any other use that would impact an earth disturbance area as set forth in Section 1601 shall adhere to the review requirements and process herein.
- B. It shall be the responsibility of the landowner and/ or developer to determine if any land considered for development has had prior earth disturbance per Section 1602 of this Article
- C. All areas related to existing or prior disturbances, alterations, and changes must be clearly marked, along with the type, depth, and current status of such disturbances.
- D. All structures, embankments, retention walls, water retention, detention or diversion structures, and devices related to existing or prior disturbances, alterations, and changes must be clearly marked, along with the type, depth, and current status of such disturbances.
1. All known sub-surface structures and devices shall also be clearly marked, including buried tanks and injection wells.
- E. All plans for development for a lot or a parcel containing areas of disturbed soils shall require engineering review for stability and stormwater impacts.
1. A geotechnical report shall be required to determine the suitability of the site for the development proposed.
- F. Stormwater management plans shall be required.

Section 1605 Remediation Action

- A. The disturbance of any Earth Disturbance Area, as defined herein, shall be remediated as follows:
1. A remediation plan for the area of disturbance shall be submitted to Big Beaver Borough for review and approval (see below). The remediation plan must be prepared by a PA-licensed design professional proficient in the appropriate restoration of the disturbed area. The remediation plan must also be submitted to the appropriate County, State, Federal, and/or other Agencies for review and approval, as applicable.
 2. The remediation plan shall be reviewed by the Borough Engineer and, if necessary, by the Big Beaver Borough Council during the land development plan approval process, or, where such approval is not required, by the Big Beaver Borough Zoning Officer and Big Beaver Borough Engineer during the zoning permit approval process.

Section 1606 Lot Area and Lot Width Regulations

- A. Lot area, width, yards and coverage regulations for the zoning district shall apply; along with any increase of lot area or the most restrictive coverage as specified:
1. In this Article
 2. As a condition of conditional use approval
 3. As a condition of special exception approval
 4. The zoning district, and/or
 5. Use requirements.

Section 1607 Height Regulations

- A. The maximum building height for the Zoning District shall apply.

Section 1608 Review and Approval

- A. All standards and requirements in this Article shall be reviewed for compliance and approved by the Zoning Officer, the Borough Engineer, and/ or the Building Inspector for compliance.
- B. All requirements and standards of this Article shall be reflected in drawings, designs, and submittals.
- C. Modifications
1. For any use or activity subject to Subdivision or Land Development review, as part of applicable Plan submission, modification(s) may be requested by the applicant in accordance with the provisions of the SALDO.
 2. These requested modification(s) may be also granted by Borough Council or the Zoning Hearing Board (as applicable) per provisions of this Ordinance.
 3. For any use or activity not subject to Subdivision or Land Development review, but subject to application for approval of a Conditional Use, Special Exception, or Zoning Variance under the provisions of this Ordinance, the applicant may request modification(s) to the provisions of this Article.
 4. For any use or activity not falling within the scope of subsections C.1 and C.2 and C.3 above, the applicant may request modification(s) to the provisions of this

- Article in the form of an application for grant of a Special Exception by the Zoning Hearing Board.
5. Applicants shall provide appropriate documentation in support of their modification request.
 - a. The Big Beaver Borough Council or Zoning Hearing Board (as applicable) may request additional documentation of an applicant, or of its municipal consultants, to help reach its decision.
 6. In consideration of approval of any applicant request for modification(s) under this Article, the following standards shall serve as the basis for a decision:
 - a. That there are unique physical circumstances or conditions, including but not limited to:
 - i. Irregularity, narrowness, or shallowness of lot size or shape,
 - ii. Excessive frontage along a water body,
 - iii. Presence of existing buildings or structures, or
 - iv. Exceptional topographical or other physical conditions peculiar to the particular property.
 - b. That due to physical circumstances or conditions, it is impracticable for the property to be developed in strict conformity with the requirements of this Article and that the approval of the modification is therefore necessary to enable the reasonable use of the property.
 - i. The underlying zoning district provisions and requirements shall serve as a minimum standard for the requested modifications.
 - c. That the modification, if approved, will result in the minimum modification or reduction in performance of the riparian buffer, pursuant to the purposes set forth in this Article as needed to provide for the lawful intended use
 7. No alteration of the Use Regulations set forth in this Ordinance shall be authorized as modification pursuant to this Section.
 - a. Any such requested alteration shall constitute an application for a variance, meeting all applicable requirements for same, to be submitted to the Zoning Hearing Board pursuant to Article 20 and Article 23.

Section 1609

Requirements for Ponds and Retention devices

- A. This Section identifies and enumerates additional requirements for lots containing ponds created intentionally or unintentionally as a result of previous development or land disturbance.
 1. See also, Section 615, Water Containment Devices.
- B. Ponds as defined in this Article include but are not limited, water retention and collection structures and naturally occurring low areas created intentionally or unintentionally that:
 1. Retain water and/ or other products and by-products related to mineral extraction and refining.
 2. Retain water related residential, commercial or industrial development.
 3. Are used or once were used for recreational or aesthetic purposes.
 4. Retain any type of sludge or other residues caused by human activity.
- C. Development requires submission of documentation by a structural engineer as to the stability and means of control of ponds to prevent hazards including, but not limited to the following:

- 1. Uncontrolled release of pond water and any hazardous materials that might be contained therein.
- 2. Water movement that may impact the stability of neighboring buildings and structures.
- 3. Uncontrolled storm water release.
- 4. Erosion.

- D. Any detention/ retention ponds associated with developments and/ or serving as stormwater measures shall be regulated and, as required, permitted by the PADEP.
 - 1. All proposed ponds and alterations to existing ponds shall be submitted to the PADEP and Beaver County Conservation District for review and application of regulations under the PA Dam Safety and Encroachments Act, Chapter 105, the PA Clean Streams Law and any other applicable laws and regulations.

Section 1610 Other Conditions and Impacted Areas

- A. Other areas, uses, structures, and devices that have been disturbed by and/ or created by human activity that may jeopardize the health, safety, and welfare of persons and property may be:
 - 1. Identified by the Zoning Officer, Building Inspector, Borough Engineer, and/or other Borough agents, employees or consultants.
 - 2. Identified by relevant County, State and/ or Federal Agencies.
 - 3. Required to be mitigated, modified, removed, maintained, monitored, and/ or any other requirement deemed necessary by the Borough Council as a requirement for conditional use approval.
 - a. The requirements of this Article shall serve as a guide but shall not restrict reasonable action by the Borough Council to maintain health, safety, and welfare of persons and property.

ARTICLE 17 CONSERVATION AREAS

Section 1700 Purpose

- A. This Article protects unique areas of the Borough that require special management for the following purposes:
 - 1. To allow the Borough Community Development Goals, as set forth in Article 2, to be implemented.
 - 2. To promote use of Borough Park areas
 - 3. To preserve recreational spaces for both active and passive recreation.
 - 4. To preserve unique wildlife habit areas as a natural resource.
 - 5. To preserve unique ecological areas.
 - 6. To preserve unique historical features of the Borough.

Section 1701 Applicability

- A. This Article shall apply to all Zoning Districts.
- B. This Article provides requirements and direction for the development, maintenance, and preservation of the following:
 - 1. Parks and recreational areas managed by the Borough.
 - 2. Wetland Conservation Areas managed by the Borough.

- 3. Areas defined as a unique habitat in the Pennsylvania Natural Diversity Inventory.
 - 4. Locations identified as habitat for an endangered species by the US endangered Species Act or by the PA DCNR.
 - 5. An area defined in the Pennsylvania Historical Inventory.
 - 6. An area defined in the Beaver County Natural Heritage Inventory.
 - 7. Areas that are known or suspected to contain archeological artifacts of significance.
- C. For purposes of this Article, unless otherwise stated, the uses and descriptions enumerated in Sub-section 1701.B shall be collectively referred to as Conservation Areas.
- D. Any development, alteration, or modification of a Conservation Area shall require a development plan that address the specific area, uses, and intended protections.

Section 1702 General Standards

- A. In parks and recreational areas, managed by the Borough, the following shall apply:
- 1. A plan for development shall be prepared and approved by Council per the recommendation of the Council's Committee for Parks and Recreation.
 - 2. Improvements and additions may include:
 - a. Shelters and picnic grounds.
 - b. Plazas and common areas.
 - c. Recreational equipment.
 - d. Play areas including playgrounds, ballfields, courts, and courses.
 - e. Trails and walkways.
 - f. Parking.
 - g. Sanitary facilities.
 - h. Handicapped accessibility.
 - 3. Permeable surfaces shall be preferred for uses in the following areas
 - a. All parking lots, excepting those that serve handicapped access.
 - b. Trails
 - c. Playgrounds
 - 4. Timber management shall follow the regulations as set forth in Ordinance #242.
 - 5. Steep slopes of greater than forty percent (40%) grade shall be maintained as open space
 - 6. All development shall minimize erosion and changes to natural areas.
- B. In areas of unique habitat, as defined by in the Pennsylvania Natural Diversity Inventory (PNDI) environmental review of the Pennsylvania Natural Heritage Program (PNHP) or by the Endangered Species Act (ESA) the following may apply:
- 1. Areas delineated by the PNDI may require review by the appropriate agency.
 - 2. Resources from the PA DCNR, as available and noted in the PA State Wildlife Action Plan (2015), may be utilized where appropriate.
 - 3. The EPA requirements for Endangered and Threatened Species and Critical Habitat may be followed any areas found to have critical habitat, as defined by the ESA.
- C. In areas of Historical or Archeological Interest, the following may apply:
- 1. Development in an area listed in the PA Historic Places Inventory may require

Conditional Use approval.

ARTICLE 18 AIRPORT OVERLAY DISTRICT

Section 1800 Purpose

- A. The purpose of this Article is to comply with the Airport Overlay Districts as identified by relevant Federal, State and County agencies.
1. Such overlay districts as currently identified and being overlaid onto Big Beaver Borough include:
 - a. AZD-5, Beaver County Airport Horizontal Zoning District, and;
 - i. See Appendix E, Airport Overlay District.
 - b. AZD - 6, Beaver County Airport Conical Zoning District.
 - i. See Appendix E, Airport Overlay District.
 2. Within such overlay districts the following shall be regulated and restricted:
 - a. The height of structures and objects of natural growth within the overlay areas in order to prevent the creation or establishment of airport hazards relative to aviation traffic to and from the Beaver County Airport in accordance with and as required by the Aviation Code, being Act No. 164 of 1984, amending title 74 (Transportation), Chapter 39, Subchapter B, as same now exists or may hereafter be amended.
 - i. Such regulation and restriction are necessary to prevent obstruction to aviation traffic which has 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.
 - ii. For the purpose of the health, welfare, and safety of person and property, the intent and directive of this Article 18 is restrictive, and not permissive.

Section 1801 Restrictive Beaver County Airport Zone Height Limitations

- A. Except as otherwise may be provided in this Article 18, 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.
1. 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:
 - i. 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;
 - b. At a height of one thousand four hundred two (1,402) feet above mean sea level.
 2. AZD-6, Beaver County Airport Conical Zone:

- a. 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;
- b. 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 1802 **Regulation of Airport Zoning Districts**

- A. 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 18 of this Ordinance and all other applicable Federal, State and County laws, codes, ordinances, or regulations.
 1. In the event there is a conflict between the provisions of this Article 18 and other provisions of this Zoning Ordinance, the more restrictive provisions shall apply.
- B. Development, substantial improvement, construction, and/ or any other uses or activities that involve a height that impinges on the restrictions of the Airport Overlay District height limitations stated in Section 1801 (above) shall not be permitted.
- C. Development, substantial improvement, construction, and/ or any other uses or activities within the Airport Overlay District shall require an Airport Zoning District Permit issued by the Zoning Officer if such proposed use is in excess of:
 1. Thirty-five (35) feet in a non-Industrial Zoned District, and in excess of
 2. Fifty-five (55) feet in an Industrial District,
 3. Seventy-five (75) feet in all districts for the planting of items of natural growth or trees which have the natural potential of growth in excess of seventy-five (75) feet.
- D. Such Airport Zoning District Permit shall be an additionally required permit to any other permits which may be required by this or other Ordinances of the Borough of Big Beaver.

Section 1803 **Application for an Airport Zoning District Permit**

- A. Application for an Airport Zoning District Permit
 1. An Application for an Airport Zoning District Permit shall be submitted by the landowner to the Zoning Officer or Borough Secretary.
 2. The Zoning Officer, in conjunction with the Borough Engineer as needed, shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed.

- a. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Ordinance which have not been met, shall be sent to the applicant.
- B. The submitted Application for Application for an Airport Zoning District Permit shall include five (5) hard copies and one (1) digital file, with the following information:
1. All maps, surveys, plans, and text which may be relevant to the request. At a minimum the request shall:
 - a. Be accompanied with the required fee, as set by resolution of the Big Beaver Borough Council.
 - b. Name and address of the applicant.
 - c. Name and address of owner of the land.
 - 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. Specify the specific existing, proposed and potential condition(s) for which Application for an Airport Zoning District Permit is requested including:
 - i. The location of all existing structures, streets, drives, objects of natural growth, and/ or other improvements, together with data or indicated by proper reference to table, of each point:
 - a. Exceeding the zoning district requirements in 1802.C.
 - b. Exceeding the Airport Overlay requirements in 1802.B.
 - i. Such conditions may require Variance approval.
 - c. In relation to the elevation of the Beaver County Airport and to and above mean sea level.
 - ii. The heights and locations of all existing and proposed buildings, structures and potential vegetative growth at maturity within the Airport Overlay Zone.
 - f. Include 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 Federal Government, Commonwealth of Pennsylvania and/ or the Borough of Big Beaver.
 2. In addition, if applicable, as determined by the Zoning Officer, a Development Plan showing the overall development scheme with any or all of the following shall be submitted:
 - a. A written plan narrative describing the use and the overall development.
 - b. A location map showing and identifying all lots within five hundred (500) feet of the lot for which the Application for an Airport Zoning District Permit 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 Assessment/ Tax Claim Office.
 - c. Details of the proposed development including:
 - i. All existing and proposed buildings, structures and parking areas.
 - d. Landscaping Plan indicating the mature heights of landscaping and bufferyard plantings, (if applicable).
 - e. Any additional data requested by the Zoning Officer or Borough Engineer that is needed to evaluate the request.

- C. An application for an Airport Zoning District Permit shall be reviewed and approved or denied by the Zoning Officer and/ or Borough Engineer within ninety (90) days of receipt and acceptance of a completed application.
 - 1. The ninety (90) day period may be extended by:
 - a. Up to ten (10) days to provide time for review by the Beaver County Airport Manager and/ or their designee.
 - b. A written request of the applicant.
- D. Failure of the Zoning Officer to act upon the application within said time limit shall be construed as an approval of the application by the Zoning Officer.
- E. Approval of the Permit shall occur when:
 - 1. The Zoning Officer approves the application for an Airport Zoning Permit.
 - 2. After ninety (90) days passage of the receipt and acceptance of the application for an Airport Zoning.
 - a. Such time limit may be extended by ten (10) days to provide review by the Beaver County Airport Manager or their designee.
 - 3. Said permit, after the approval of the Zoning Officer, shall be submitted to the Pennsylvania Department of Transportation by certified mail and,
 - a. 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.
 - b. 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.
- F. 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 42 of this Ordinance.
 - 1. The Zoning Hearing Board of the Borough of Big Beaver as created in this Ordinance, as amended, 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.

Section 1804**Request for Variance**

- A. If compliance with the requirements of this Article 18 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 18, such person may apply to the Zoning Hearing Board of Big Beaver Borough for a Variance in accordance with the procedure detailed in this Ordinance as amended.
 - 1. 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.

- B. 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:
1. Would not be contrary to the public interest.
 2. Would not create a hazard to air navigation.
 3. Would not create a hazard to property or life.
 4. Would do substantial justice.
 5. Would be in accordance with the spirit of this Ordinance and the Aviation Code.
- C. No application for a Application for an Airport Zoning District Permit under this Section 1804 shall be considered by the said Zoning Hearing Board until a copy of the application for Variance and Application for an Airport Zoning District Permit shall have been submitted to the Beaver County Airport Manager for the latter's consideration and advice and written response, as to the aeronautical effects that are involved as to the Application for an Airport Zoning District Permit requested.
1. No action shall be taken by the Zoning Hearing Board upon such request for a Application for an Airport Zoning District Permit until the said Airport Manager has had the opportunity of fifteen (15) days to review and render written comment as herein before provided.
 - a. If the said Airport Manager does not respond with written comment as to said application for Application for an Airport Zoning District Permit 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 for the Airport Zoning District Permit.
 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 Application for an Airport Zoning District Permit per Article 24, is hereby extended from thirty (30) days to forty-five (45) days.
- D. In the granting of any Variance for an Airport Zoning District Permit 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 18, including but not limited to:
1. The requirements of installation of markers and lights as may be required by the guidelines of the Federal Aviation Administration.
 - a. The operation and maintenance of any and all requirements set forth by the Zoning Hearing Board shall be maintained 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.
- E. No decision to grant a Variance for an Airport Zoning District Permit 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 Application for an Airport Zoning District Permit.

1. 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.
 - a. After passage of the ten (10) day period as required by the foregoing Subparagraph E. 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.

Section 1805 General Airport Zoning District Regulations and Requirements

- A. All application of airport zoning regulations under this Article 18 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 18, 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 18 shall not be applied retroactively and shall not be construed to require the removal, lowering, or other change or alteration of any legally 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 18.
 1. 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 legally begun prior to the effective date of this Article 18, and which construction or alteration is diligently pursued and completed. Provided, however:
 - a. 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 19, 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.
 - i. 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.
 - ii. 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.

- iii. 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 1805.

D. Notwithstanding the preceding provisions of this Section 1805.C, before any existing use which is a nonconforming use under this Article 18 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.

1. As to any such desired substantial change, enlargement or increase in height of such existing structure, all provisions, regulations and requirements of this Article 18 shall be applicable.
2. 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 18, 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 18 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 18.

Section 1806

Administration, Enforcement, and Notice

- A. It shall be the duty of the Zoning Officer and Borough Engineer of Big Beaver Borough to administer and enforce the regulations prescribed in this Article 18.
 1. Applications for permits shall be submitted to the Zoning Officer upon such forms as prescribed by the Borough of Big Beaver.
 2. Nothing herein contained shall disqualify any member of the Police Department of Big Beaver Borough, Police agencies contracted by the Borough in addition to the Zoning Officer, to issue citations for prosecution of any violator of the restrictions and requirements hereof.

- B. Applications for a Variance for an Airport Zoning District Permit from the regulations and restrictions of this Article 18 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 Application for an Airport Zoning District Permit pursuant to the procedure of Article 24 of the Zoning Ordinance of Big Beaver Borough, subject to the extended time limitation set forth in this Article 18.

- C. Any person aggrieved by the decision or ruling of the Zoning Hearing Officer in the administration of this Article 18, 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 Application for an Airport Zoning District Permit pursuant to this Article 18 may file an appeal thereto as prescribed by the Aviation Code, being Act No. 164 of 1984.
- E. Notwithstanding any other provision of law, the Zoning Officer and/ or the Zoning Hearing Board of Big Beaver Borough, upon decision to grant an Airport Zoning District Permit or Application for an Airport Zoning District Permit under this Article 18, 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.

ARTICLE 19 NONCONFORMING USES, STRUCTURES, and LOTS

Section 1900 Definition

- A. A nonconforming use is defined as any lot which is not in compliance with this Ordinance, or any amendment(s) hereafter enacted, which, prior to the enactment of this Ordinance, or prior to any subsequent amendment(s), lawfully existed and:
 1. Met all requirements of the previous Zoning Ordinance.
 2. Due to lot configuration could not meet area or setback requirements of the prior Zoning Ordinance.
 3. The existence and use predated the prior Zoning Ordinance.

Section 1901 Permitted Continuation

- A. A nonconforming use may continue and may be 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 and in accordance with this and other Borough Ordinances.

Section 1902 Unlawful Use of Authorization

- A. Nothing in this Zoning Ordinance shall be interpreted as authorization for or approval of the continuance of any illegal or unauthorized use, building, structure, or site that was:
 1. In violation of the prior Zoning Ordinance or other Borough ordinances at the time of enactment of this Zoning Ordinance.
 2. Constructed, altered, or allowed to become noncompliant by use, in violation of the prior Zoning Ordinance or other Borough ordinances at the time of enactment of this Zoning Ordinance.

Section 1903 Alterations, Improvements, and Reconstruction

- A. A nonconforming building or structure may be altered if such alteration is intended and will result in the building or structures conversion to a conforming use.
 1. Use requirements and approvals as set forth in Articles 20-24 shall apply.

- B. A nonconforming building or structure may be altered, improved, or reconstructed provided:
 - 1. Such alterations do not result in:
 - a. The expansion of the exterior footprint of any nonconforming portion of the building or structure;
 - b. The building or structure becoming more non-conforming in any respect;
 - c. The extension or increase of the line of non-conformance of the nonconforming building or structure.
 - 2. Such work:
 - a. Does not exceed fifty percent (50%) of the current replacement value of the building or structure as determined by the Beaver County Assessor;
 - b. That exceeds exceed fifty percent (50%) but not exceeding one hundred percent (100%) of the current replacement value of the building or structure, as determined by the Beaver County Assessor, is approved as a Special Exception by the Zoning Hearing Board.
 - c. Such alterations and additions do not exceed the district area and bulk requirements.

- C. Accessory structures may be altered or expanded as long as they continue to conform to the existing nonconforming primary structure.
 - 1. Alteration of accessory buildings or structures may not exceed the district requirements.

Section 1904 Extension or Expansion

- A. Any non-conforming non-residential use that does not abut a residential use may be expanded provided the following conditions are met:
 - 1. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel or parcel as it currently exists.
 - 2. 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.
 - 3. The extension is for the purpose of expanding the use in existence at the time of the adoption of this Zoning Ordinance.
 - 4. 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.
 - 5. Such expansion does not present a threat to the health, safety, or welfare of the community or its residents.
 - 6. Such additions do not exceed the district bulk requirements.
 - 7. There is not a change of use to a different non-conforming use.

- B. All other nonconforming uses may be extended or expanded with approval as a Special Exception by the Zoning Hearing Board subject to and provided the following conditions are met:
 - 1. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
 - 2. 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.

3. The extension is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Zoning Ordinance.
4. 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.
5. Adequate parking can be provided in conformance with this Ordinance to serve both the original plus the expanded use.
6. Such expansion does not present a threat to the health, safety, or welfare of the community or its residents.
7. Such additions do not exceed the district bulk requirements;
8. There is not a change of use to a different non-conforming use.

Section 1905 Change of Use

- A. A change of use, building, or structure is permitted if the resulting change will result in the use, building, or structures conversion to a conforming use.
 1. Use requirements and approvals as set forth in Articles 20-24 shall apply.
- B. No nonconforming building, structure, or use shall change to another type of nonconforming use.

Section 1906 Abandonment and Discontinuance

- A. A nonconforming use, building, structure, and/ or site which has been abandoned or has discontinued as a nonconforming use shall not thereafter be returned to such, or any other, nonconforming use.
- B. A nonconforming use shall be considered abandoned or discontinued when one (1) of the following conditions exists:
 1. When the nonconforming use, building, structure has been replaced by a conforming use.
 2. When the nonconforming use, building, structure has been intentionally removed or replaced by a conforming use.
 3. When the nonconforming use, building, structure and/ or site has been abandoned, unoccupied, or unused for a period of one (1) year.
 4. When the intent of the owner to discontinue the nonconforming use is apparent.
 5. 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.
 - a. The requirement for replacement of equipment may be extended up to twelve (12) months if the owner presents demonstrable facts, such as sales or rental agreements, to show their intention to replace said equipment within the said twelve (12) months to continue the nonconforming use.
 6. When a Special Exception by the Zoning Hearing Board has not been granted in favor of the continuance or expansion of the nonconforming use.
- C. Any nonconforming use of a sign or billboard:
 1. Shall not be resumed or reconstructed if abandoned.
 2. Shall be considered abandoned if any of the following apply:
 - a. The sign is not used for three (3) consecutive months.
 - b. The sign and or its' structures have fallen into disrepair.

- c. The sign has been fully or partially removed other than for routine maintenance.

Section 1907 **Repair, Reconstruction, and Maintenance of Unsafe Structures**

- A. Nothing in this Ordinance shall be deemed to prevent the reconstruction, repairing, rebuilding, and continued use of a non-conforming building or structure damaged by fire, collapse, explosion, or natural event, provided reconstruction or repair begins within one (1) year from the occurrence of damage.
- B. Whenever possible, non-conforming uses shall be mitigated when renovation, reconstruction or repair are required and there is no additional cost or hardship borne by the landowner.
- C. 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 1908 **Changes and Modifications to Zoning Ordinance**

- A. Changes and Modifications to this Zoning Ordinance may render uses, buildings, and structures Nonconforming.
 1. The foregoing provisions shall apply to any nonconforming uses created by such changes and modifications to the Zoning Ordinance.

Section 1909 **Construction Approved Prior to Legal Enactment of Ordinance**

- A. 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 has met the following conditions:
 1. Construction has diligently proceeded within two (2) months of the date of such permit;
 2. The ground story framework has been completed within four (4) months of the date of the permit;
 3. The entire building has been completed within one (1) year from the date of the permit, or according to such plans as filed.

Section 1910 **Registration**

- A. Property Owners may register any non-confirming use with the Borough Office.
 1. The submission shall include a general description of the nature and extent of the nonconformity and may include photographs as documentation.
 2. Said list shall be maintained for public use and information. The Borough shall maintain a list of all such identified nonconforming uses existing at the time of the legal enactment of this Ordinance.
- B. The Borough shall file all such submissions in the Parcel File maintained in the Borough Office.

ARTICLE 20 USES REQUIRING ADDITIONAL APPROVALS**Section 2000 PURPOSE**

- A. This Article outlines the additional approval processes used by the Borough and the process for obtaining use approvals.

Section 2001 TABLE OF AUTHORIZED USES

- A. Permitted uses, Permitted Uses with Special Regulations, Conditional Uses, and uses by Special Exception for each Zoning District are set forth in Appendix B, "Table of Authorized Uses".
- B. As used in Appendix B of this Ordinance:
1. The letter "P" denotes a permitted use by right, subject to the requirements specified by this Ordinance.
 2. The letters "SR" denote Special Regulations for a permitted use that are subject to the requirements specified by this Ordinance in accordance with Article 21 of this Ordinance.
 3. The letter "C" denotes a use that is Conditional, subject to the requirements specified by this Ordinance and provided that the Borough Council grants the conditional use pursuant to Article 22 of this Ordinance.
 4. The letters "SE" denote a use that is a Special Exception subject to the requirements specified by this Ordinance and provided that the Zoning Hearing Board grants the Special Exception, along with any other requirements they deem prudent pursuant to Article 23 of this Ordinance.
- C. Uses for each district are defined and may be permitted uses or shall require additional submittals and review prior to approval as outlined in Articles 20, 21, 22, and 23.
- D. Any use not expressly permitted for a Zoning District is not permitted in that district, unless authorized as a use by Special Exception in accordance with the provisions of Article 23 of this Ordinance or use by Variance in accordance with Article 24 of this Ordinance.
1. See Section 2006 for Variance appeal process.

Section 2002 USES NOT SPECIFICALLY LISTED

- A. Uses Not Specifically Listed as Permitted, Special Regulation, Conditional Use, or by Special Exception are permitted only in districts where similar such use is permitted by Permitted Use, Special Regulation, Conditional Use, or Special Exception.
1. The Borough Planning Committee shall determine the district(s) where the use may occur based on the nature of the use and make such recommendation to Borough Council for approval.
 2. See Section 2006 for the Variance appeal process.

Section 2003 GENERAL STANDARDS AND CRITERIA FOR PERMITTED USES WITH SPECIAL REGULATIONS

- A. The following are hereby established as the standards and criteria governing Permitted Uses with Special Regulations authorized by this Ordinance.
- B. A use with Special Regulations is a Permitted Use that must meet additional criteria as specified in this Ordinance and enumerated in Article 21.
- C. The Borough Council shall ensure that the additional Special Regulation criteria has been met by visual inspection by a representative or designee so named by the Borough Council, including but not limited to:
 - 1. The Zoning Officer; Borough Engineer; Solicitor; other Employees of the Borough; other outside Agencies charged with such inspection.

Section 2004 GENERAL STANDARDS AND CRITERIA FOR CONDITIONAL USES

- A. The following are hereby established as the standards and criteria governing the allowance of conditional uses authorized by this Ordinance.
- B. A Conditional Use shall meet all requirements, criteria and/ or standards enumerated in Article 22.
- C. No use or structure shall be allowed which shall violate the spirit and intent of the Community Development Goals in Article 2 of this Ordinance.
- D. The Borough Council shall ensure that all Conditional Use requirements, criteria and/ or standards enumerated in Article 22 have been met, by visual inspection or other practicable means, by a representative or designee so named by the Borough Council, including but not limited to:
 - 1. The Zoning Officer; Borough Engineer; Solicitor; other Employees of the Borough; other outside Agencies charged with such inspection.

Section 2005 STANDARDS AND CRITERIA FOR USES BY SPECIAL EXCEPTION

- A. The following are hereby established as the standards and criteria governing the allowance of Special Exceptions as authorized by this Ordinance.
- B. The Borough Zoning Hearing Board shall hear and decide requests for uses by Special Exception per provisions of Article 23.
- C. All applications for uses by Special Exception shall demonstrate compliance with the criteria, conditions, standards, and/ or requirements enumerated in Article 23.
- D. No use or structure shall be allowed which shall violate the spirit and intent of the Community Development Goals in Article 2 of this Ordinance.

- E. The Borough Council shall ensure that all Special Exception requirements, criteria and/ or standards enumerated in Article 23 and/ or any modifications by the Zoning Hearing Board have been met, by visual inspection or other practicable means, by a representative or designee so named by the Borough Council, including but not limited to:
1. The Zoning Officer; Borough Engineer; Solicitor; other Employees of the Borough; other outside Agencies charged with such inspection.

Section 2006**STANDARDS and CRITERIA for VARIANCES FROM THIS ORDINANCE**

- A. 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.
- B. The Borough Zoning Hearing Board shall review requests for variances and apply reasonable criteria so that the spirit and intent of the Community Development Goals in Article 2 of this Ordinance are met in whole or to the greatest extent possible.
- C. The board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The board may grant a variance, provided that all of 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 zoning 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 that will afford relief and will represent the least modification possible of the regulation in issue.
- D. 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.

- E. The Borough Council shall ensure that all variance requirements, criteria, and/ or standards enumerated by the Zoning Hearing Board shall have been met, by visual inspection or other practicable means, by a representative or designee so named by the Borough Council, including but not limited to:
1. The Zoning Officer; Borough Engineer; Solicitor; other Employees of the Borough; other outside Agencies charged with such inspection.

Section 2007 **PERFORMANCE STANDARDS COMPLIANCE**

- A. All uses requiring additional approvals shall comply with the performance standards in Section 2008 of this Article.
1. 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 Committee, 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.
 2. The cost of such consulting services shall be borne by the applicant.

Section 2008 **PERFORMANCE STANDARDS**

- A. **ELECTRICAL DISTURBANCES:** No activity shall cause electrical disturbances adversely affecting the electrical grid including radio or television reception in the Borough.
- B. **EROSION:** No erosion by wind or water shall be permitted which will carry objectionable substances onto adjoining properties.
- C. **FIRE PROTECTION:** Any activity involving the handling or storage of flammable, explosive, or other hazardous materials shall be subject to the standards of the International Fire Code - Current Version, NFPA (National Fire Protection Association), and/ or any National or Federal Regulations. Necessary fire prevention and firefighting equipment shall be readily available to the activities noted above.
- D. **GLARE:** Lighting devices which produce objectionable direct or reflected glare on adjoining properties or roadways shall not be permitted.
- E. **INFORMATION SERVICES:** No activity shall cause information services disturbances adversely affecting the reception of internet and similar services in the Borough.
- F. **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 by the Borough Council.
- G. **ODORS:** In any Zoning District except the "I" District, and as specifically defined and protected under the PA "Right-to-Farm" Law, 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 or other relevant State and/ or Federal Agency. No such odorous gas and emissions shall endanger lives or property in any Zoning District.

- H. 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 or other relevant State and/ or Federal Agency.
- I. 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 or other relevant State and/ or Federal Agency.
- J. 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 21 PERMITTED USES WITH SPECIAL REGULATION REQUIREMENTS

Section 2100 Overview of Special Regulation Requirements

- A. Permitted Uses with Special Regulations (SR) are intended to address specific development requirements with minimal administrative burdens while assuring that community standards for use, safety, and impact are maintained.
- B. Borough Council shall adopt such Special Regulations so that the proposed use:
 - 1. Shall not alter the established character and use of the neighborhood or zoning district in which it is located, and that it will not substantially impair the use or development of adjacent properties.
 - 2. Shall adhere to community standards for health, safety, and wellness;
 - 3. Shall not have adverse impact on traffic flow, infrastructure;
 - 4. Shall not adversely impact adjoining properties and uses.
- C. The Borough Council shall ensure that the additional Special Regulation criteria has been met by visual inspection by a representative or designee so named by the Borough Council, including but not limited to:
 - 1. The Zoning Officer; Borough Engineer; Solicitor; other Employees of the Borough; other outside Agencies charged with such inspection.
- D. Borough Council shall have the right and may:
 - 1. Request that a plan for development be presented to the Planning Committee or their designee;
 - 2. Request review and status updates regarding Special Regulations by the Zoning Officer, Borough Engineer, or other relevant Borough official, representative or employee.

Section 2101 Powers and Duties

- A. Special Regulations shall be established by Borough Council and may include any and all provisions as deemed by Council to ensure compatible use, separation of activities, traffic flow, health, safety, etc.

- B. The Zoning Officer and/ or the Borough Engineer or other relevant Borough official, representative or employee shall ascertain that Special Regulation requirements have been met or not met and shall report the same to the Borough Council.

Section 2102 Process and Requirements

- A. Permitted uses with Special Regulations follow the same approval path as permitted uses but shall demonstrate how the Special Regulation requirements will be/ have been met.
 - 1. Prior discussion with the Zoning Officer is encouraged.
 - 2. Information may also be submitted to the Planning Committee and/ or Borough Council prior to development for comment.
- B. Permitted uses with Special Regulations require review by the Zoning Officer and/ or the Borough Engineer or other relevant Borough official, representative or employee.
- C. Borough Council may request such additional information as they determine is needed to assure that the Special Regulation requirements are met including:
 - 1. A written description of the intended use;
 - 2. Descriptions, drawings, designs, reports, etc. detailing how the Special Regulations will be met.

Section 2103 Procedures for Approval

- A. The Zoning Officer shall be notified by the owner/ developer when the Special Regulation requirements have been met.
- B. The Zoning Officer and/ or the Borough Engineer or other individual or agency designated by Borough Council shall ascertain that Special Regulation requirements have been met or not met and shall report the same to the Borough Council.
- C. In the event that the determination of the Zoning Officer and/ or Borough Engineer is not acceptable to the owner/ developer, the appeal process shall be the same as for a denied permitted use.

Section 2104 General Standards and Criteria for Permitted uses with Special Regulations

- A. Refer also to Article 20 of this Ordinance.
- B. The use shall meet the requirements of Section 2003.
- C. All uses in Appendix B denoted as Permitted uses with Special Regulations (SR) shall meet the requirements of this Ordinance and all relevant Articles herein in addition to the requirements of this Article and specific requirements enumerated in Section 2106.
- D. The proposed use complies with all applicable provisions and requirements for that type of use contained in this article, unless a variance to any provision has been granted by the Borough Zoning Hearing Board, and with other applicable Borough, County and Commonwealth and Federal ordinances, laws and regulations.

- E. The proposed use shall obtain all applicable permits, licenses, and approvals from the Borough, Beaver County, Pennsylvania and Federal agencies.
- F. Permitted Use with Special Regulations housed within a Business Services/ Business Center, Integrated Business Center/ Business Center, etc. are required to follow the Special Use requirements for said use.

Section 2105 Basic Requirements for all Permitted Uses with Special Regulations

- A. All Permitted Uses with Special Regulations shall meet the following requirements:
 - 1. Shall meet all County, State, and Federal requirements and licensures.
 - 2. Permitted Uses with Special Regulations housed within a Business Services/ Business Center, Integrated Business Center/ Business Center, etc. are required to follow the Special Regulation.
 - 3. Vehicular and pedestrian access to the proposed site:
 - a. Shall be designed and provided to maximize pedestrian and vehicle safety;
 - b. Shall be designed to ensure safe ingress and egress to the site without disruption of traffic flow;
 - c. Shall be designed to minimize conflicts between vehicular and pedestrian circulation.
 - 4. Vehicular access to the lot shall be from an arterial or collector roadway.
 - a. Primary access points to the property shall be located as far as possible from road or street intersections and adequate sight distances for the posted speed limits shall be met.
 - b. Use of a local roadway, shall require the approval of the Borough Council, provided it will not have a negative impact on surrounding and adjacent properties.
 - 5. All parking and loading shall be adequately provided for on-site with no queuing or parking on any roadway or driveway on or off of the site.
 - a. Turn-arounds and parking facilities must be provided on-site for buses and/ or other large capacity vehicles.
 - b. Fencing and/ or planting buffers will be required where vehicle lights reflect onto roadways or adjoining properties.
 - 6. Site lighting shall be shielded and reflected away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent lot line.
 - 7. The hours of operation and activities must be appropriately scheduled to protect against detrimental noise and disturbances to adjacent properties and neighborhood(s).
 - 8. The site shall be served by adequate and appropriate water and sewer services.
 - a. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.

Section 2106 Standards for Specific Uses

- A. Use Requirements
 - 1. **Agricultural Operation.**

- a. The minimum site area shall be ten (10) acres for each lot.
 - b. Agricultural operations with animals shall have an additional twenty-five (25) feet of yard setbacks with a landscaped screen. The intention of the bufferyard shall be to protect the surrounding uses from visual, noise, and malodorous nuisances.
 - i. Such bufferyard is not required between abutting lots with agricultural operations and a common owner.
 - c. All relevant County, State, and Federal requirements for farm operations are required and shall be adhered to.
 - d. Not more than one (1) identification sign shall be permitted; said sign shall be a ground or wall sign and must meet all the signage requirements of this Ordinance.
- 2. Animal Hospital/ Veterinary Clinics**
- a. For pet boarding/kennels, follow requirements for Pet Boarding/Kennels.
 - b. The storage of any animal waste shall be regularly disposed of by discharge to an approved sewage disposal system or facility for biological wastes. Any temporary storage of animal or biological waste shall be within a building, within enclosed containers, pending removal to or disposal at an approved facility. A plan for management of such waste shall be submitted for municipal review.
 - c. The following setbacks apply:
 - i. One Hundred (100) feet from any adjoining property line in R-1, R-2, and MUN districts;
 - d. Not more than one ground sign shall be permitted on the lot and must meet all the signage requirements of this Ordinance.
- 3. Auto Body Repair Shop**
- a. All activities shall be conducted within an enclosed structure.
 - b. The following setbacks are required:
 - i. An additional twenty five (25) feet of setback of the Zoning District.
 - c. If the use requires the storage of vehicles, such storage shall be adequately provided for on-site in accordance with this Ordinance.
 - d. Not more than one (1) ground sign shall be permitted on the lot and must meet all the signage requirements of this Ordinance.
- 4. Assisted Living/ Group Care Residence.**
- a. Residences may have up to five (5) occupants, including live-in staff.
 - b. Notify the Fire Department of Location.
- 5. Banks/ Financial Institution.**
- a. An additional twenty five (25) feet of setback from Residential Uses and any R2 Zoning District.
 - b. Not more than one (1) ground sign shall be permitted on the lot and must meet all the signage requirements of this Ordinance.
- 6. Bed and Breakfast.**
- a. No more than five bedrooms shall be available or used for lodging use in any building.
 - b. Guests shall not occupy the facility for more than 14 consecutive nights.
 - c. Side and rear setbacks shall be a minimum of twenty-five (25) feet.
 - i. Parking areas are not permitted in the setback areas.

- ii. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.
 - d. All parking and loading shall be adequately provided for on-site with no queuing or parking on any roadway or driveway.
 - i. There shall be a minimum of one (1) space provided for each room and one (1) space provided for each permanent resident.
 - ii. All parking spaces and driveways shall be of a paved, compacted, or interlocking surface capable of supporting anticipated vehicle traffic and emergency vehicles as approved by the Borough Engineer.
 - iii. Fencing and/ or planting buffers will be required where vehicle lights reflect onto roadways or adjoining properties.
 - e. Not more than one (1) ground sign shall be permitted on the lot and must meet all the signage requirements of this Ordinance.
- 7. Charitable/ Non-Profit Recreation Facility.**
 - a. The facility shall be for use by the charitable organization/ non-profit in furtherance of their mission and shall not be used as a rental facility or for any commercial function.
 - b. Permanent residential uses are not permitted.
 - c. The owner(s) and operator(s) of the facility shall be responsible for the conduct and safety of the members, visitors, or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors, and guests.
 - d. Any use involving camping activities must be in a Zoning District that permits Campgrounds and shall follow Campground requirements in this Ordinance.
 - e. Any use involving animals shall be restricted to districts where the use is permitted and/ or meet the requirements for animal uses of this Zoning Ordinance and other Borough ordinances.
 - f. Any use of horses shall follow the requirements of 'Horse Boarding, Riding Academy, Riding Stable' in this Ordinance.
 - g. When abutting R-2 or MUN district or a residential or a commercial use, a 25-foot landscape buffer shall be provided along all sides and rear property boundaries within or abutting such districts and uses..
 - h. No principal or accessory structures or uses are permitted in the buffer areas.
- 8. Concentrated Animal Feeding Operation (CAFO).**
 - a. The minimum site area required for the facility shall be ten (10) acres.
 - b. Application for a Borough permit to include:
 - i. Proof of compliance for all requirements set forth or required by: The Nutrient and Odor Management Act (NOMA), State Conservation Commission (SCC), PA Department of Environmental Protection (DEP), The County Conservation District, and/ or The Domestic Animal Law (DAL).
 - ii. A site plan indicating the boundaries of the property and all structures on the property including:
 - a. Location map;

- b. Existing and proposed buildings including setbacks and siting requirements;
 - c. Internal roadways, parking and receiving areas.
 - d. All portions of the property identified with Natural Environmental Conditions (Article 15), Earth Disturbance Areas (Article 16), and/ or Conservation Areas (Article 17).
 - e. Base flood elevations, when applicable, from the Flood Insurance Rate map (FIRM) prepared by FEMA.
 - f. Wetland Delineation Report including a declaration that there are no water resources as described by the PA DEP and/ or DCNR on the site.
 - g. Utility Plan showing: gas lines, electric service, cable service, water service, sanitary sewer service, and storm sewers.
 - iii. Nutrient and Odor management plans;
 - iv. Any required DEP permits or plans;
 - v. Compliance with the Clean Streams Act;
 - vi. Plans for compliance for the disposal of dead animals;
 - vii. Plan documents for manure storage facilities, including certifications and approvals.
 - c. Not more than one identification sign shall be permitted; said sign shall be a ground or wall sign and must meet all the signage requirements of this Ordinance.
 - d. All dumpsters, trash receptacles, and or garbage/ trash storage areas shall be screened from adjoining properties and right-of-ways and placed in a rear or side yard, or similar requirement to prevent visual, noise, and malodorous nuisance.
- 9. Data Centers:**
- a. As used herein and as applied to data centers, the term “tract” shall refer to the entire area of land, which may consist of contiguous individual or consolidated parcels, lots, units, or land being developed as a data center within a geographic area. The minimum tract size required for a data center shall be 50 acres.
 - b. The tract for a data center shall have frontage on and direct vehicular access to an arterial or collector street. Notwithstanding any other provision of this Ordinance to the contrary, including Section 2105.A.4, individual lots/units shall not be required to have direct vehicular access via an access driveway connecting directly to an arterial or collector street.
 - c. Each data center building shall be served by Borough-approved public sewage service and public water service.
 - d. Notwithstanding any other provision of this Ordinance to the contrary, data center buildings shall be set back distances of at least one hundred (100) feet from tract lines. This requirement shall not apply to internal lot or unit lines within the data center tract if subdivided or subjected to a planned community or condominium form of ownership to allow for separate ownership or lease of individual buildings and/or delineation from common areas/elements; instead, setbacks from internal lot or unit lines in these instances shall be the greater of fifteen (15) feet or the separation required by the applicable building code for detached buildings.

- e. Notwithstanding any other provision of this Ordinance to the contrary, including Section 604, one (1) or more data center buildings and supporting or accessory uses and structures are permitted on one (1) or more lots provided that the applicable lot and dimensional standards of are met for the tract and the lot.
- f. Data centers may be enclosed with a fence and gate not less than six (6) feet and no more than ten (10) feet in height.
- g. Notwithstanding any other provision of this Ordinance to the contrary, including Section 2105.A.7, data centers are permitted to operate twenty-four (24) hours per day, seven (7) days a week, three hundred sixty-five (365) days per year because the potential nuisances that may accompany data centers are mitigated by and addressed elsewhere in this section.
- h. Sound.
 - i. The applicant must submit a sound study during land development plan review or, where such review is not required, during zoning permit review, which estimates current ambient sound levels and establishes anticipated and acceptable post-construction sound levels, as provided below, at the time of operation along all tract lines. The sound study need not consider internal lot or unit lines within the tract or shared with properties zoned for or developed with a data center. This study shall be prepared and sealed by a PA-licensed Professional Engineer (P.E.) specializing in acoustics.
 - ii. Sound levels shall not exceed seventy-five (75) dBA measured along all tract lines.
 - iii. The following shall be exempt from the sound level limitation of subsection h.ii above:
 - a) Emergency backup generators and other redundant/backup power equipment intended, designed and operated during a power failure or other emergency situation.
 - b) Testing or recharge of emergency backup generators and other redundant/backup power equipment during the hours of 7:00 AM to 7:00 PM EST. If the anticipated noise levels during testing are to exceed the limits set under Section 2106.A.9.h.ii, reasonable advance notice of the date/time of said testing shall be given to the Borough.
- i. The applicant must submit an analysis of resources that may be impacted by the operational use during land development plan review or, where such review is not required, during zoning permit review. Such analysis shall include the following, as applicable:
 - i. Water;
 - ii. Electrical Systems;
 - iii. Natural Gas;
 - iv. Sewer Systems;
 - v. Communication Systems;
 - vi. Information and Online Systems;

- vii. Roadways and Roadway Structures; and
 - viii. Storm Water Systems.
 - j. Storage of all hazardous materials and substances onsite, specifically including diesel fuel for use with any emergency power generators, shall comply with all applicable Federal, State, and County standards for storage, use and removal, specifically including as provided in Section 2008.C of this Ordinance.
 - k. The applicant shall submit a commonly-accepted preparedness, prevention, and contingency plan to account for diesel fuel spill management and mitigation. This shall be submitted during land development plan review or, where such review is not required, during zoning permit review.
- 10. Day Care Center/Nursery School (commercial business).**
- a. Provide the following information to the relevant Fire and Police Service agencies:
 - i. Location of the facility.
 - ii. A copy of the facilities Emergency Plan.
- 11. Day Care Home (home based business).**
- a. Provide the following information to the relevant Fire and Police Service agencies:
 - i. Location of the facility.
 - ii. A copy of the facilities Emergency Plan.
- 12. Funeral Home/Crematoriums.**
- a. All rooms available for funerals and viewing shall be located within the lot's principal building.
 - b. The following additional setbacks are required in the MUN district:
 - i. An additional twenty five (25) feet of setback from Residential Uses and R2 Zoning District.
 - c. Not more than one (1) ground sign shall be permitted on the lot and must meet all the signage requirements of this Ordinance.
- 13. Home Occupation/ Home Office**
- a. No more than twenty percent (20%) of the GSF of the residence can be used for the occupation/ office.
 - i. A home office may be permitted in an accessory building provided that the structure has adequate HVAC, sewer and water services for the intended use.
 - a. Such use may occupy up to seven hundred fifty (750) square feet of the GSF of the accessory structure or building.
 - b. Visits, including customers, clients, deliveries, pickups, and/or removal functions to or from the premises, whether vehicular or pedestrian, shall not be in excess of those normally associated with residential use.
 - c. Adequate parking for the combined residential use and home occupation shall be provided on site per Appendix D.
 - i. Parking areas are not permitted in the set-back areas.
 - d. Not more than one ground sign shall be permitted on the lot and must meet all the signage requirements of this Ordinance.
 - e. No more than two (2) non-resident employees may work at the location.

14. Private Use Activity Building, No Impact

- a. Shall be subject to all building and permitting requirements required by this and other ordinances.
- b. Shall be located on:
 - i. A lot with a Low-Density residence, or,
 - ii. A lot abutting a Low-Density residence and whose use shall be accessory to the Low-Density residence.
 - a. Such abutting lots shall have common ownership.
- c. Unless noted herein, the use shall follow the requirements for accessory uses of the district.
- d. Frontage shall follow the district requirements for low-density residences.
- e. The front yard requirement shall be the district low-density-residential requirement.
- f. Height shall be limited to one and one-half (1 ½) stories above ground level with a maximum height of thirty (30) feet as measured from ground level to the highest point.
 - i. Any exposed basement walls shall be used in the calculation of the building height.
- g. Lot coverage, side and rear setbacks shall follow the district low-density residential requirements.
 - i. Setbacks apply to the abutting property.
- h. No structure shall be constructed within the setback areas.
 - i. Walkways, pathways, and open-air breezeways between the uses are permitted.
- i. On abutting lots, all utilities shall be separately serviced to each parcel.
- j. Vehicular access to the lot shall be from a roadway.

15. Private Use Storage Building, No Impact

- a. Shall be subject to all building and permitting requirements required by this and other ordinances.
- b. Shall be located on:
 - i. A lot with a Low-Density residence, or,
 - ii. A lot abutting a Low-Density residence and whose use shall be accessory to the Low-Density residence.
 - a. Such abutting lots shall have common ownership.
- c. Unless noted herein, the use shall follow the requirements for accessory uses of the district.
- d. Frontage shall follow the district requirements for low-density residences.
- e. Height shall be limited to one and one-half (1 ½) stories above ground level with a maximum height of twenty (20) feet as measured from ground level to the highest point.
 - i. Any exposed basement walls shall be used in the calculation of the building height.
- f. Lot coverage, side and rear setbacks shall follow the district low-density residential requirements.
 - i. Setbacks apply to the abutting property.
- g. No structure shall be constructed within the setback areas.
 - i. Walkways, pathways, and open-air breezeways between the uses are permitted.

- h. On abutting lots, all utilities shall be separately serviced to each parcel.
- i. Vehicular access to the lot shall be from a roadway.

16. Private Use Vehicle Storage Building, No Impact

- a. Shall be subject to all building and permitting requirements required by this and other ordinances.
- b. Shall be located on:
 - i. A lot with a Low-Density residence, or,
 - ii. A lot abutting a Low-Density residence and whose use shall be accessory to the Low-Density residence.
 - a. Such abutting lots shall have common ownership.
- c. Unless noted herein, the use shall follow the requirements for accessory uses of the district.
- d. Frontage shall follow the district requirements for low-density residences.
- e. The front yard requirement shall be the district low-density-residential requirement.
- f. Height shall be limited to one and one-half (1 ½) stories above ground level with a maximum height of twenty (20) feet as measured from ground level to the highest point.
 - i. Any exposed basement walls shall be used in the calculation of the building height.
- g. Lot coverage, side and rear setbacks shall follow the district low-density residential requirements.
 - i. Setbacks apply to the abutting property.
- h. No structure shall be constructed within the setback areas.
 - i. Walkways, pathways, and open-air breezeways between the uses are permitted.
- i. On abutting lots, all utilities shall be separately serviced to each parcel.
- j. Vehicular access to the lot shall be from a roadway.

17. Recreation, Commercial Mixed.

- a. All structures and activity areas shall be located at least twenty-five (25) feet from any residential property line.
 - i. A fifteen (15) foot bufferyard shall be required along any residential or commercial zoning district (R1, R2, MUN, C-1, and C-2).
- b. Any facility located within two hundred (200) feet of a property line adjoining a residential use or zoning classification (R1, R2, or MUN) shall cease operations no later than 11:00 PM.
- c. Additional recreation-related commercial uses may include, and are limited to: a concession stand, gift shop, retail sales of sporting goods, and other similar retail or service uses which are directly related to the use.
- d. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual,

published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

- e. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination.

18. Recreation, Commercial Outdoor.

- a. All structures and activity areas shall be located at least twenty-five (25) feet from any residential property line.
 - i. A fifteen (15) foot bufferyard shall be required along any residential or commercial zoning district (R1, R2, MUN, C-1, and C-2).
- b. Any facility located within two hundred (200) feet of a property line adjoining a residential use or zoning classification (R1, R2, or MUN) shall cease operations no later than 11:00 PM.
- c. Additional recreation-related commercial uses may include, and are limited to: a concession stand, gift shop, retail sales of sporting goods, and other similar retail or service uses which are directly related to the use.
- d. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- e. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination.

19. Recreation, Private.

- a. The facility shall be for private, non-commercial use by the owner, association, organization, and shall not be used as a rental facility or for any commercial function.
- b. Permanent residential uses are not permitted.
 - i. Temporary facilities such as cabins and camp homes are permitted for use by the owner, members and guests.
- c. Any use involving animals shall be restricted to districts where the use is permitted and/ or meet the requirements for animal uses of this Zoning Ordinance and other Borough ordinances.
- d. Any use of horses shall follow the requirements of 'Horse Boarding, Riding Academy, Riding Stable' in this Ordinance.

20. Residential, Moderate Density.

- a. The property proposed for multi-family dwellings shall have frontage on and direct vehicular access to an arterial, collector, or local street, as defined in this Ordinance.
- b. Lot areas shall meet or exceed the requirements of the district.
- c. The maximum dwelling unit density per acre shall be:
 - i. Eight (8) units for Townhouses and Garden Apartments;
 - ii. Four (4) units for patio and carriage homes;
 - iii. Four (4) units for all other uses.
- d. The setback from any property line adjoining a single-family dwelling shall be fifty (50) feet, inclusive of parking and all accessory structures.
- e. Where two (2) or more buildings exist on the same lot, the minimum distance between buildings shall be forty (40) feet.
- f. All portions of the property not covered by buildings, driveways, parking, pools, shelters, gazebos, or other paved areas shall be suitably landscaped with grass, ground cover, and decorative shrubs or trees.
- g. The design and orientation of the buildings on the property shall take into account compatibility with the visual impact on adjoining single-family residential properties.
- h. The building and the property shall be effectively landscaped to minimize such impacts on adjoining residential properties.
- i. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.

21. Short Term Rental (ie, Air B&B, etc.)

- a. Short-Term rental units shall follow all state and county provisions for short term rental accommodations.
- b. There shall be no more than two (2) short term rental units on a property.
- c. Each short term rental unit shall have a minimum of the following number of rooms: one (1) bedroom; one (1) bathroom, and one (1) kitchen.
 - i. Each rental unit shall have an unshared bathroom and unshared kitchen area.
- d. An individual guest shall not occupy the facility for more than thirty (30) consecutive nights.
- e. The owner(s) and operator(s) of a short term rental unit shall be responsible for the conduct and safety of the patrons.
- f. There shall be one (1) parking space provided for each bedroom within a unit as well as one (1) space provided for each permanent resident.
- g. Not more than one (1) ground sign shall be permitted on the lot and must meet all the signage requirements of this Ordinance.
- h. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.

22. Skilled Games, Accessory Use.

- a. The games of skill shall be co-located with an approved primary use.
- b. The primary use shall meet all requirements of this Ordinance pertaining to the primary use.

- c. A maximum of nine (9) games of skill may be offered.
- d. The number of all such games of skill shall be reported to the Borough annually on July 1st or next business day.
 - i. The maximum number of games on site at any point during the prior twelve (12) months shall be used for reporting purposes.
- e. All skilled games may only be operated during normal hours of operation of the principal use and may not be used outside the normal operating hours of the primary use.
- f. The owner(s) and operator(s) of the principal use shall be responsible for the conduct and safety of the members, visitors, or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors, and guests.
- g. One (1) additional window sign indicating Skilled Games availability shall be permitted and shall meet all the signage requirements of this Ordinance except that:
 - i. Said signage may only be illuminated:
 - a. In the C-1 and C-2 districts.
 - b. During business hours.

23. Solar Energy System, Accessory

- a. Solar Energy Systems intended for private, on-site use are permitted in all districts subject to the provisions of this Ordinance.
- b. Accessory Solar Energy Systems shall be:
 - i. Accessory to the principal use.
 - ii. Restricted to the side and rear yard areas.
 - a. Except such uses in the Industrial district are permitted in the front yard so long as they are in conformance with the district setback requirements.
 - iii. In conformance with the setback requirements for detached accessory uses of the district.
 - iv. In conformance with the height restrictions for detached accessory uses of the district.
- c. Ground mounted or freestanding Solar Energy Systems shall have an energy output of not greater than twelve kW (12kW).
- d. Roof Mounted Solar Energy Systems on the roofs of on-site structures shall:
 - i. Be parallel with the roof surface and not extend higher than eighteen (18) inches above said surface.
 - a. A vertical rise of up to forty five (45) degrees is permitted so long as such rise does not exceed the height limits herein.
 - ii. Shall not exceed the district height requirements.
 - iii. Not have a limit as to power output.

24. Storage Box/ Container - Temporary

- a. Units shall be accessory to a primary use.
- b. Units shall be in use for six (6) months or less.
- c. Units shall be set back a minimum of twenty (20) feet from any property line and/ or Roadway Right-of-Way.
- d. Units shall not block any roadway or cause a visual obstruction to traffic.
- e. Storage of materials outside of the units is prohibited.

- f. Storage of hazardous materials and substances shall not be permitted.

25. Storage Yard, Accessory

- a. Shall be an accessory use.
- b. Shall be a portion of a lot or parcel which is not occupied by a building and is used to store materials associated with the permitted principal use.
- c. Shall be enclosed within a fenced area with a minimum height of six (6) feet.
 - i. Outside storage in an unfenced area shall be permitted for businesses which require outside display and storage of materials to the public such as nurseries, garden supply, building supply, and similar businesses.
- d. In any permitted residential district any material or equipment stored outside an enclosed building, except for the purposes identified in Sub-section 2106.3.a above, shall be incidental to the principal use of the lot and shall be stored to the rear of the building or a location on the site which screens the storage area from public view from the street.
 - i. Buffering identified in the bufferyard requirements in Article 34 of this Ordinance, may be required to screen material or equipment stored outside.
- e. Containers shall not be permitted in the front yard area of any permitted residential district.

25. Storage Yard, Principal

- a. Storage shall be the principal use of the site.
 - i. Five (5) percent of the lot area can be used for non-storage purposes such as a field office.
- b. All activities shall be conducted within a fenced or screened area,
- c. The following setbacks are required:
 - i. One Hundred (100) feet from any adjoining property line in R-1, R-2, and MUN districts.
- d. Materials and/ or equipment within the storage yard are not offered for commercial sale nor are they to be accessible to the public.
- e. Not more than one (1) ground sign shall be permitted on the lot and must meet all the signage requirements of this Ordinance.

26. Vineyard

~ A vineyard/ winery that does not serve, sell, or otherwise provide finished products containing alcohol to the public at the production site shall be considered an Agricultural Operation.

- a. A vineyard/ winery that serves alcohol to the public shall operate in accordance with the provisions of the Pennsylvania Liquor Control Board and/ or other relevant State agency or authority.
- b. Food service and the sale of food shall be permitted and must adhere to County and State Health requirements.
- c. The owner(s) and operator(s) of a vineyard/ winery shall be responsible for the conduct and safety of the patrons.
- d. On-premise consumption of alcoholic beverages shall only be between the hours of 10am and 11pm.

- e. Outside seating is permitted in an area designated for such use and shall not occupy any portion of the minimum parking area required by this Ordinance.
- f. Social, recreational, musical, and/ or similar events are permitted between the hours of 10am and 10pm.
- g. Uses may include a visitor center, day use/ rental of the facility, winery/ vineyard tours, on-site tastings, retail sales of products produced on-site (or off site by the same producer/ owner), related retail products, and educational programs.
- h. The following setbacks are required:
 - i. Five hundred (500) feet from, any school, daycare, or church use, as measured from the closest edge of property lines;
 - ii. Two hundred (200) feet from any residential dwelling;
 - iii. Two hundred (200) feet from any adjoining property line in R-1, R-2, and MUN districts.
- i. Front yard dimensions shall conform to the requirements of the district.
- j. A Twenty-five (25) foot landscaped bufferyard is required along any adjoining property line in R-2, and MUN districts.
 - i. Such bufferyard shall not be required if the adjoining use is Commercial.
- k. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- l. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent lot line. As part of its decision, the Borough Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjacent properties.
 - i. Lighting of parking areas shall be reduced by fifty (50%) percent one (1) hour after close of business.
- m. Not more than one (1) identification sign shall be permitted; said sign shall be a ground or wall sign and must meet all the signage requirements of this Ordinance.

ARTICLE 22 CONDITIONAL USE REQUIREMENTS

Section 2200 Overview of Conditional Uses

- A. Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular parcel of land.
- B. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by the Planning Committee. The

proposed use shall be analyzed by comparing it to established development standards and design guidelines. This review shall determine whether the proposed use addresses the specific standards identified in this Ordinance and whether or not it should be permitted by weighing the public need for, and the benefit to be derived from the use, against the impact which it may cause.

Section 2201 Powers and Duties

- A. 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 Article 2.
- B. 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.

Section 2202 Application Process and Requirements

- A. An application for conditional use shall be submitted to the Borough Secretary.
 - 1. The Borough Secretary, Zoning Officer, Engineer and/or other entity designated by Council shall review the application for completeness.
 - a. Incomplete submissions will be returned to the applicant.
 - i. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Ordinance which have not been met, shall be sent to the applicant.
 - 2. The Borough Secretary will notify the Borough Planning Committee that an application has been received and reviewed for completeness.
- B. The application shall be reviewed by the Borough Planning Committee.
 - 1. The Borough Planning Committee shall have 30 (thirty) days to review said application after notification by the Borough Secretary of a submitted application.
 - 2. The applicant may submit a written request for a time extension for the application.
- C. The Conditional Use application shall include, at a minimum:
 - 1. All information required in the following Sections of this Article.
 - 2. Any and all additional requirements required in Section 2204, Standards and Requirements for Conditional Use.
 - 3. The application fee required as determined by the fee schedule adopted by the Borough Council.
- D. The Borough Planning Committee may further determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed.
 - 1. If the application is accepted, the Planning Committee shall forward the application to the Borough Council for review, consideration, public hearing and determination.
 - a. The Planning Committee may also submit to Council such comments and recommendations as it deems relevant to the application.

2. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Ordinance which have not been met, shall be sent to the applicant.
- E. After Council receives a recommendation from the Borough Planning Committee or thirty (30) days has passed from the date of the Borough Planning Committee meeting at which the complete application is reviewed:
1. The Borough Council shall hold a public hearing, pursuant to the required public notice, within the time periods and procedures required by the PA Municipalities Planning Code. The public hearing shall commence within sixty (60) days of the date of the filing of an administratively complete application as determined by the Borough Planning Committee.
 2. In granting a conditional use, the Borough Council may attach such additional reasonable conditions and safeguards, as it may deem necessary.

Section 2203 Procedures for Approval

- A. The Borough Council shall hear and decide requests for conditional uses within forty-five (45) days after the last hearing before the governing body.
1. 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 containing 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 sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than one hundred (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
1. Unless the applicant has agreed in writing or on the record to an extension of time.
- C. 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 herein above provided, the Borough Council shall give public notice of the decision within ten (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.
1. If the Borough Council shall fail to provide such notice, the applicant may do so.
- D. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to them no later than the day following its date.
- E. Expiration of Conditional Use Approval.
1. Conditional Use approval shall expire automatically without written notice to the applicant if no application for a building or zoning permit to undertake the

construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless the Borough Council, in their sole discretion, extends Conditional Use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be a twelve (12) month extension.

F. Expiration of Conditional Use Approval Granted Prior to the Effective Date of this Ordinance.

- 1. Conditional Use approval granted prior to the effective date of this Ordinance shall expire automatically without written notice to the applicant if no application for a building or zoning permit to undertake the construction or authorize the occupancy described in the application for Conditional Use approval is submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval, unless the Borough Council, in their sole discretion, extends Conditional Use approval upon written request of the applicant received prior to its expiration.
 - a. The maximum extension permitted shall be twelve (12) months beyond the original expiration date.

Section 2204 General Standards and Requirements for Conditional Uses

- A. Refer also to Article 20 of this Ordinance.
- B. The use shall meet the requirements of Section 2205.
- C. All uses in Appendix B denoted as Conditional Use shall meet the requirements of this Ordinance and all relevant Articles herein in addition to the requirements of this Article and specific requirements enumerated in Section 2209.
- D. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Ordinance, unless a variance to any provision has been granted by the Borough Zoning Hearing Board, and with other applicable Borough, County, and Commonwealth and Federal ordinances, laws and regulations. The proposed use shall obtain applicable permits, licenses, and approvals from the Borough, Beaver County, Pennsylvania and Federal agencies before final approval of the Conditional Use application shall be granted.

Section 2205 Basic Requirements for All Conditional Use Applications

- A. The application shall include five (5) copies and one (1) digital file of the following:
 - 1. A statement of the intended use.
 - 2. The zoning district and use for which the conditional use approval is sought.
 - 3. A statement of how all applicable requirements of Article 22 will be met.
 - 4. A simple site plan indicating the boundaries of the property and all structures on the property.
 - 5. A location map showing and identifying all lots within five hundred (500) 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 Assessment/ Tax Claim Office.
 - i. Specific use requirements may have a lesser or greater distance requirement.

6. All other requirements set forth by Borough Council in keeping with Sub-section 2202.E.2.
- B. All Conditional Uses shall meet the following requirements:
1. Shall meet all County, State, and Federal requirements and licensures.
 2. Uses requiring a Conditional Use but housed within a Business Services/ Business Center, Integrated Business Center/ Business Center, etc. are required to follow the Conditional Use approval process for said use.
 3. Vehicular and pedestrian access to the proposed site:
 - a. Shall be designed and provided to maximize pedestrian and vehicle safety;
 - b. Shall be designed to ensure safe ingress and egress to the site without disruption of traffic flow;
 - c. Shall be designed to minimize conflicts between vehicular and pedestrian circulation.
 4. Vehicular access to the lot shall be from an arterial or collector roadway.
 - a. Primary access points to the property shall be located as far as possible from road or street intersections and adequate sight distances for the posted speed limits shall be met.
 - b. Use of a local roadway, shall require the approval of the Borough Council, provided it will not have a negative impact on surrounding and adjacent properties.
 5. All parking and loading shall be adequately provided for on-site with no queuing or parking on any roadway or driveway on or off of the site.
 - a. Turn-arounds and parking facilities must be provided on-site for buses and/ or other large capacity vehicles.
 - b. Fencing and/ or planting buffers will be required where vehicle lights reflect onto roadways or adjoining properties.
 6. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent lot line. As part of its decision, the Borough Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjacent properties.
 - a. Lighting of parking areas shall be reduced by fifty (50%) percent one (1) hour after close of business.
 7. Not more than one (1) identification sign shall be permitted; said sign shall be a ground or wall sign and must meet all the signage requirements of this Ordinance.
 8. The hours of operation and activities must be appropriately scheduled to protect against detrimental noise and disturbances to adjacent properties and neighborhood(s).
 9. The site shall be served by adequate and appropriate water and sewer services.
 - a. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.
 10. All dumpsters, trash receptacles, and or garbage/ trash storage areas shall be screened from adjoining properties and right-of-ways and placed in a rear or side yard, or similar requirement to prevent visual, noise, and malodorous nuisance.

Section 2206 Expanded Requirements for Conditional Use Applications

- A. All items required in Section 2205, shall be met; which may be supplemented or modified in this section.

- B. A Development Plan shall be prepared and submitted to Borough Council showing the overall development scheme including the following:
 - 1. Property and Planimetric Survey including: property lines, bearings and distances, and building setbacks. The survey must be sealed by a Professional Land Surveyor.
 - 2. Location Map.
 - 3. Proposed development layout and architectural sketches, showing all existing and proposed buildings and parking areas.
 - 4. Landscaping Plan indicating landscaping and bufferyard plantings, (if applicable).

Section 2207 Requirements for Comprehensive Conditional Use Applications

- A. All items required in Section 2205 and 2206, shall be met; which may be supplemented or modified in this section.

- B. A Development Plan shall be prepared and submitted to Borough Council showing the overall development scheme including the following:
 - 1. Existing topography shown in two (2) foot contours and existing drainage patterns.
 - 2. Grading Plan indicating the proposed grading of the site.
 - 3. Base flood elevations, when applicable, from the Flood Insurance Rate map (FIRM) prepared by FEMA.
 - 4. Wetland Delineation Report including a declaration that there are no water resources as described by the PA DEP and/ or DCNR on the site.
 - 5. Exterior sign and exterior lighting plans.
 - 6. Utility Plan showing: gas lines, electric service, cable service, water service, sanitary sewer service, and storm sewers.
 - 7. Adjacent limited access highways and interchanges thereof, all other roads, streets, highways, access points, sight distances, traffic controls, traffic flow patterns, anticipated peak traffic volumes, and Highway Occupancy Permit if required.
 - 8. Adjacent uses and adjacent property owners.
 - 9. Written plan narrative describing the use and the overall development.
 - 10. Additional data as requested by the Borough.

- C. All developments shall:
 - 1. Submit plan requirements and documentation for approval using the Conditional Use Application and approval process.
 - a. Where applicable, a Subdivision and Land Development submission shall be required.
 - 2. As applicable, comply with the Borough Design Standards and Requirements, Site Improvement Requirements and Construction Requirements.
 - 3. Be reviewed by the Big Beaver Borough Fire Chief and must comply with the recommendations of the Big Beaver Borough Fire Chief.
 - a. All non-residential developments must provide a Knox Box(s) at the location(s) specified by the Big Beaver Borough Fire Chief.

- b. All developments must provide fire hydrant(s) at the location(s) specified by the Big Beaver Borough Fire Chief.
 - i. Alternate fire suppression systems may be approved by the Big Beaver Borough Fire Chief in lieu of fire hydrants.

Section 2208 Standards for Specific Uses

- A. All uses in Appendix B requiring Conditional Use approval shall meet the requirements of this Ordinance and relevant Articles in addition to the requirements of this Article and specific requirements enumerated in Sub-section 2209
 - 1. Uses Not Specifically Listed are permitted only in districts where similar use is permitted, (see Section 2002).
 - 2. Uses not enumerated in Sub-section 2209 shall meet all other requirements of this Ordinance and this Article for conditional use approval.
- B. In addition to the general standards and criteria for conditional uses listed herein and in Article 20, an application for any of the following uses which are listed in any zoning district as a Conditional Use shall comply with the additional specific applicable standards and criteria in Section 2209.

Section 2209 Specific Requirements by Use

- A. Use Requirements
 - 1. **Agrivoltaics Solar Generation/ Transmission Facility.**
 - a. Meet the requirements of Section 2207
 - b. Shall be co-located with an agricultural use such as animal grazing or crop production.
 - c. All processes shall be contained completely on the site.
 - d. Approved, existing Right-of-Ways:
 - i. Shall be used for transmission;
 - ii. Shall abut the solar generation facility;
 - e. Storage of all hazardous materials and substances used to process or manufacture products shall comply with all applicable Federal, State, and County standards for use and removal.
 - f. All ground-mounted and freestanding solar collectors shall be completely enclosed by a fence with a locking gate.
 - g. The minimum site required shall be five (5) acres.
 - h. The site shall not be located within twelve hundred (1,200) feet of any residential dwelling, measured from any property boundary of the site in a straight line along a public street right-of-way to the nearest wall of a residential dwelling.
 - i. This excludes residential dwellings on the same property, or adjoining property, with the same owner.
 - i. The solar array(s) shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street ROW's.
 - j. A fifty (50) foot bufferyard shall be required along any residential or commercial zoning district (R1, R2, MUN, C-1, and C-2).
 - k. Other than the solar panel array and supporting infrastructure, all materials and equipment shall be contained:
 - i. Within a completely enclosed building;

- ii. Within an area screened with an eight (8) foot opaque fence.
 - l. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
 - m. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created.
 - n. A fire safety review shall be conducted with the Big Beaver Borough Emergency Management Coordinator.
 - i. As part of the submission, a plan for emergency communications to the Borough and other relevant agencies shall be presented.
 - o. No signage or graphic content may be displayed on the system except the manufacturer's badge, safety information, and equipment specification information.
 - i. Said information shall be depicted within an area no more than nine (9) square feet in size.
 - p. The Borough shall be notified of any vacation, abandonment or decommissioning of solar facilities.
 - i. Discontinuation /abandonment is presumed when a solar system has been disconnected from the metering grid for a period of six (6) continuous months or has not produced electricity for a period of six (6) months.
 - ii. The solar facilities and all related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment, including the removal of all structural and electrical parts, systems, facilities, or equipment.
 - q. The owner or operator of the solar facility, prior to the commencement of construction, shall provide a form of financial security acceptable to the Borough, in the form of a bond or a letter of credit, for the decommissioning the facility.
 - i. Such bonds or letters of credit shall be renewed annually and shall cover a period of two (2) years from the issuance of the bond.
 - a. Failure to provide financial security in the form of a bond or letter of credit shall result in the revocation of the Conditional use approval.
 - ii. If the owner fails to remove or repair the vacated, abandoned, or decommissioned solar facilities within the twelve (12) month period outlined in p.ii above, the Borough reserves the right to enter the property, remove the system, and use the financial security in place by the owner or pursue other legal action as may be necessary to have the system removed at the owner's expense.
 - iii. Any unpaid costs resulting from the municipal removal of a vacated, abandoned, or decommissioned solar system, if not covered by the financial security posted, shall constitute a lien upon the property against which the costs were charged
- 2. Antennas and Towers – See Article 26**
- 3. Assisted Living Facility.**
- a. Meet the requirements of Section 2207.

- b. The facility shall meet all State and Federal requirements for life care or nursing/ convalescent care facilities in addition to those defined in this section.
 - c. Facility may house six (6) to one hundred (100) residents, exclusive of live-in staff.
 - d. Two (2) story buildings, not exceeding thirty five (35) feet, with second story dwelling units are permitted.
 - i. A minimum of fifty (50%) percent of the second-story dwelling units shall have at-grade or elevator access.
 - e. The life care community may include congregate dining facilities, a library, social hall, exercise room, indoor swimming pool, arts and crafts room, and similar amenities for the residents either within a residential building or in an accessory structure.
 - f. Sidewalk gradients shall be constructed at five (5) percent maximum.
 - g. Safe vehicular access and areas for discharging and picking up guests shall be provided.
 - h. The facility shall be accessible for firefighting purposes and evacuation at all levels and on all sides.
 - i. A twenty five (25) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
 - j. Any additional standards that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site defined by the Borough Council shall be complied with by the landowner and / or developer.
- 4. Bar/ Night Club.**
- a. Meet the requirements of Section 2206.
 - b. A bar/night club shall operate in accordance with the provisions of the Pennsylvania Liquor Control Board.
 - c. The owner(s) and operator(s) of a bar/night club shall be responsible for the conduct and safety of the patrons.
 - d. The following setbacks are required:
 - i. Five hundred (500) feet from, any school, daycare or similar use, as measured from the closest edge of property lines;
 - ii. Two hundred (200) feet from any residential dwelling;
 - iii. Two hundred (200) feet from any adjoining property line in R-1, R-2, and MUN districts.
 - e. Front yard dimensions shall conform to the requirements of the district.
- 5. Campground/ Recreational Vehicle (RV) Park**
- a. Meet the requirements of Section 2207.
 - b. The minimum lot area of a campground, public or private shall be ten (10) acres.
 - c. All campgrounds shall have direct vehicular access to an arterial or collector street.
 - d. All campsites shall be located at least two-hundred (200) feet from any residence and at least one hundred (100) feet from any lot line or public right-of-way.
 - e. Campsites shall be dimensioned, improved, and arranged so that when any space is occupied, no portion of any unit or vehicle (including awning

or other accessory attachments) shall be within fifteen (15) Feet of any other unit or building within the camp.

- f. All campsites shall have a suitable source of potable water and sanitary sewer disposal as determined by the Borough Engineer and Sewage Enforcement Officer.
- g. Each campsite shall be a minimum of five-hundred (500) square feet.
- h. No campground shall contain more than seventy-five (75) individual campsites.
- i. Visitor parking shall be provided at one (1) space for every three (3) camping sites.
- j. Side and rear bufferyards shall each be a minimum of fifty (50) feet in width and shall be planted/ constructed and maintained to provide a visual, light, and sound barrier from neighboring properties utilizing a combination of vertical barriers consisting of planted materials, landscaping or other means approved by the Borough Council.
 - i. The use of only grass, sod, lawn, or turf shall not be considered as acceptable planted material for use for the landscaped bufferyard.
- k. The owner(s) and operator(s) of the campground shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination.
- l. The campground hours for visitors shall be limited to between 7:00 a.m. and 11:00 p.m. No deliveries or operations shall be permitted prior to 6:00 a.m. or after 9:00 p.m. Outdoor entertainment or related activities shall be limited to between 11:00 a.m. and 9:00 p.m.
- m. All outdoor storage areas, loading areas, and dumpsters or waste collection areas shall be screened from adjacent lots.

6. Cemetery.

- a. Meet the requirements of Section 2207.
- b. Must meet all state requirements.
- c. A minimum site of twenty (20) acres shall be required.
- d. A drainage plan shall be submitted with the application for the use to show the existing and proposed runoff characteristics.

The applicant shall provide sufficient hydraulic and other information to satisfy the Borough Council that potential for groundwater contamination from development of burial ground shall not be hazardous to any neighboring water supply wells. Borough Council may require, as a condition of approval, the installation of monitoring wells where potential hazard to neighboring wells is suspect.
- e. A ground water study prepared by a hydrologist or registered professional engineer qualified to perform such studies shall be submitted with the application. No gravesite shall be placed where wetlands exist or are suspected.
- f. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements of Article 35.
- g. All property lines adjoining residential uses shall require an additional twenty-five (25) feet of yard setback and be screened twenty five (25) feet in width and shall meet the bufferyard requirements of this Ordinance.
- h. All equipment shall be properly stored in an enclosed building when not in use.

- i. At no time shall a corpse be exposed or visible from a street or adjacent lot.
 - i. Containers with corpses (i.e., coffins) shall not be stored outside of a building or structure.
 - j. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases, or solids is permitted on the subject property.
 - k. No burial sites or structures shall be located within one hundred (100) feet from any adjoining property lines. No crematoriums shall be operated within one thousand (1,000) feet of a residential dwelling.
 - l. The Conditional Use application shall include:
 - i. A conceptual plan of the entire tract of land for the proposed development the cemetery and any other uses proposed for the site;
 - ii. The areas that will be used for burial grounds, monuments, mausoleums, chapels, service, storage buildings, and other structures;
 - iii. Proposed roadways, accessways, parking, and service areas;
 - iv. Any plan for future development;
 - v. All relevant State and County approvals/ applications for approval;
 - vi. All other relevant information required by this Ordinance.
- 7. Clinic, Medical/Alcohol/Drug/Rehabilitation.**
- a. Meet the requirements of Section 2206.
 - b. All medical clinic/alcohol or drug clinics shall be licensed by the Commonwealth of Pennsylvania.
 - c. No medical clinic/alcohol or drug clinic may be operated within one thousand (1,000) feet of a residential, school, or church use.
 - d. The lot shall be served by frontage on an arterial or collector street.
 - e. An additional twenty-five (25) feet of yard setback with a landscape screen shall be provided around all off-street parking and loading areas.
 - f. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site defined by the Borough Council shall be complied with by the landowner and/ or developer.
- 8. Collection & Recycling/ Transfer Facility/ Resource Recovery Facilities.**
- a. Meet the requirements of Section 2207.
 - b. The use shall not be a Salvage Yard as described in Article 29.
 - c. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing, debris, and dust shall not be created.
 - d. The applicant shall fully describe the scope of operation and offer expert testimony regarding the measures used to mitigate problems associated with noise, fumes, dust, and litter.
 - e. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris off of the site.
 - f. The applicant for the Conditional Use Permit shall be responsible for correcting any litter problems that occur within one-half (1/2) mile of the facility that are attributable to the facility and related operations. Failure to correct said problem shall be cause for revocation of the Conditional Use Permit.
 - g. Recycling, collection, transfer, and related handling activities shall be restricted to nonhazardous materials and all activities and functions shall

- be in accordance with applicable Federal, State, County, and Borough rules, regulations and directives.
- h. No recycling, collection, transfer, and related handling activities shall be established on a site containing less than five (5) contiguous acres.
 - i. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
 - j. A fifty (50) foot bufferyard shall be required along any residential or commercial zoning district (R1, R2, MUN, C-1, C-2).
 - k. A twenty-five (25) foot bufferyard shall be required along any public roadway right-of-way.
 - l. Materials shall be stored in such a manner as to discourage the presence of rodents and other disease carrying animals.
 - m. If after operations commence, the Borough Zoning Officer determines that a vermin problem exists, the operator of the facility shall be responsible for taking whatever measures are necessary to rid the premises of said nuisances.
 - n. The entire facility shall have a chain link fence with a fence screen of at least eight (8) feet high around all activity areas and said areas shall be secured during nonbusiness hours.
 - o. All materials shall be stored:
 - i. Within a completely enclosed building;
 - ii. Within the area screened by the eight (8) foot opaque fence.

9. Comprehensive Personal Care Home/ Skilled Nursing Facility.

- a. Meet the requirements of Section 2207.
- b. The facility shall meet all State and Federal requirements for life care or nursing/ convalescent care facilities in addition to those defined in this section.
- c. Facility may house twenty-five (25) to two hundred (200) patients/ residents, exclusive of live-in staff.
- d. Multi-story buildings with second story dwelling, not exceeding thirty five (35) feet, units are permitted.
 - i. A minimum of fifty (50%) percent of the second-story dwelling units shall have at-grade or elevator access.
 - ii. All additional stories shall have at-grade or elevator access.
- e. Comprehensive Personal Care Home/Skilled Nursing Facility may include congregate dining facilities, a library, social hall, exercise room, indoor swimming pool, arts and crafts room, and similar amenities for the residents either within a residential building or in an accessory structure.
- f. Sidewalk gradients shall be constructed at five (5) percent maximum.
- g. Safe vehicular access and areas for discharging and picking up guests shall be provided.
- h. The facility shall be served by frontage on a public street.
- i. The facility shall be accessible for firefighting purposes and evacuation at all levels and on all sides.
- j. A twenty-five (25) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- k. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site

defined by the Borough Council shall be complied with by the landowner and / or developer.

10. Container/ Boxed Storage Facility

- a. Meet the requirements of Section 2207.
- b. Lot area: there shall be a minimum area of two (2) acres.
- c. The principal use of the site shall be for the storage of containers and boxed storage as defined in this Ordinance.
 - i. Five (5) percent of the lot area may be used for non-storage purposes such as a rental office.
 - ii. Additional office and/ or other uses in direct support of the Storage Facility may be permitted as part of the Conditional Use approval.
- d. The following additional setbacks are required:
 - i. One Hundred (100) feet from any adjoining property line in R-1, R-2, and MUN districts.
 - ii. An additional twenty-five (25) feet from any roadway right-of-way and adjoining property line in C1 and C2 districts.
- e. Maximum stacked height shall be no higher than two units or twenty five (25) feet, whichever is less.
- f. All activities shall be conducted within a fenced or screened area.
- g. Units shall be completely screened from any adjacent residential properties and districts.
 - i. Stacked units adjacent to residential properties and districts shall have additional opaque screening exceeding the height of the storage units by two (2) feet.
- h. Storage of materials outside of the units is prohibited, unless enclosed within a fencing screen or a landscape buffer planting at 80% opacity.
- i. The preferred means of vehicular access to the lot shall be from an arterial or collector roadway.
 - i. Use of a local roadway shall require the approval of the Borough Council, provided it will not have a negative impact on surrounding and adjacent properties.
- j. Primary access points to the property shall be located as far as possible from road or street intersections and adequate sight distances for the posted speed limits shall be met.
- k. All parking and loading shall be adequately provided for on-site with no queuing or parking on any roadway or driveway.
 - i. Fencing and/ or planting buffers will be required where vehicle lights reflect onto roadways or adjoining properties.
 - ii. All turn-arounds and parking facilities for busses, trucks, and/ or other large vehicles must be provided for on-site.
- l. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases, or solids shall be permitted on the site.
- m. No portion of the facility may be used for a dwelling purpose at any time.
- n. No access, commercial sales, or business activity to the general public shall be conducted on the site.
- o. Signage, advertising, brand designs, and brand identification are not permitted on any exterior surface of the containers.
 - i. Containers shall be of a neutral color.

- ii. Containers may be lettered and/ or numbered for identification purposes only, not exceed 12 (twelve) inches in height.
- p. All internal access roadways and driveways shall be of a paved, compacted, or interlocking surface capable of supporting anticipated vehicle traffic and emergency vehicles as approved by the Borough Engineer.
- q. Not more than one (1) ground sign shall be permitted on the lot and must meet all the signage requirements of this Ordinance.

11. Continuing Care/ Long Term Care/ Retirement Communities.

- a. Meet the requirements of Section 2207.
- b. The facility shall meet all State and Federal requirements for Continuing Care/Long Term Care/Retirement Communities in addition to those defined in this section.
- c. A plan outlining the proposed build-out of the facility/ campus with anticipated housing capacities of each type of unit shall be included in the site development plan.
 - i. Build-out, including the proposed build-out or phasing of the facility/ campus, that occurs after the initial phase of construction shall be submitted for review and approval as a new use.
- d. Single-family dwellings, detached and attached, multi-family and garden apartments may be proposed, provided that the gross site density shall not exceed the requirements for residential low density and residential moderate density as defined in this Ordinance.
- e. Multi-story buildings with second story dwelling units are permitted, not exceeding thirty-five (35) feet.
 - i. A minimum of fifty (50) percent of the second-story dwelling units shall have at-grade or elevator access.
 - ii. All additional stories shall have at-grade or elevator access.
 - iii. This provision does not pertain to single-family residences.
- f. The community may include congregate dining facilities, a library, social hall, exercise room, indoor swimming pool, arts and crafts room, and similar amenities for the residents either within a residential building or in an accessory structure.
- g. If a nursing home is proposed as part of the community, the proposed use shall be subject to the standards and criteria of this Ordinance.
- h. Ancillary uses, such as banks, deli, medical offices, may be authorized as part of any life care community which proposes one hundred (100) or more dwelling units, provided that they are primarily used by the residents, are located within a residential building and do not constitute more than 15% of the total floor area devoted to residential use on the site.
- i. Sidewalk gradients shall be constructed at five (5) percent maximum.
- j. Safe vehicular access and areas for discharging and picking up guests shall be provided.
- k. The facility shall be served by frontage on a public street.
 - l. The facility shall be accessible for firefighting purposes and evacuation at all levels and on all sides.
- m. A twenty-five (25) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of

emergency equipment between buildings may dictate a greater separation of structures.

- n. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site defined by the Borough Council shall be complied with by the landowner and / or developer.

12. Country Club/ Golf Course.

- a. Meet the requirements of Section 2207.
- b. A twenty-five (25) foot bufferyard with a landscape screen shall be provided around all off-street parking and loading areas that are within two hundred (200) feet of public streets or adjoining properties.
- c. Any portion of the golf course abutting roadways or adjoining properties shall be setback a minimum of ninety (90) feet/ thirty (30) yards, measured from the outer edge of the fairway rough and shall include a fifty (50) foot landscape buffer along roadways and a twenty-five (25) foot landscape buffer along all other property borders in accordance with Article 34.
- d. A fifty (50) foot landscape buffer shall be provided along roadway right of way.
- e. The owner(s) and operator(s) of a country club or golf course shall be responsible for the conduct and safety of the members, visitors, or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors, and guests.
- f. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases, or solids is permitted with the exception of lawn chemicals and gasoline, diesel fuel and oil for the operations and maintenance of motorized vehicles and equipment.
- g. The owner(s) and operator(s) of a country club or golf course shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination.

13. Drive in/ Drive Through/Retail Uses

- a. Meet the requirements of Section 2206.
- b. The following setbacks are required:
 - i. One hundred (100) feet from any residential dwelling;
 - ii. One hundred (100) feet from any adjoining property line in R-1, R-2, and MUN districts;

14. Emergency Services, Private

- a. Meet the requirements of Section 2206.
- b. Must meet and provide evidence for all county, state, and federal requirements.
- c. A warning light system to alert drivers of emergency vehicles exiting shall be installed at all exits onto roadways.
- d. All exits onto roadways shall have clear site lines of three hundred (300) feet in all directions of traffic.
- e. A twenty-five (25) foot bufferyard shall be required along any residential zoning district (R1, R2, and MUN).
- f. Outdoor storage of materials is prohibited, unless enclosed within a fenced area located in the rear yard and a minimum of twenty-five (25) feet from all lot lines and screened with a landscape buffer planting at

eighty (80) percent opacity. The intention of the bufferyard shall be to protect the surrounding neighborhood from inappropriate light and other disturbances.

- g. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- h. The ground surface of off-street parking and loading spaces shall be shall be of a paved, compacted, or interlocking surface capable of supporting anticipated vehicle traffic and emergency vehicles as approved by the Borough Engineer, to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- i. Exterior lighting for parking areas shall be reduced to half power after 11:00 p.m.
- j. Dumpsters shall be located in the rear and shall be appropriately screened.

15. Entertainment Center, Indoor

- a. Meet the requirements of Section 2206.
- b. All activities shall be conducted within a fully enclosed structure.
- c. The following setbacks are required:
 - i. An additional fifty (50) feet of setback from Residential Uses and any R2 Zoning district.
- d. Building height: Building height shall be limited to two and one-half (2 ½) stories, shall not exceed thirty-five (35) feet.

16. Fraternal Organizations/ Private Clubs

- a. Meet the requirements of Section 2207.
- b. All activities, other than outdoor recreation, shall be conducted within a completely enclosed building, as defined by this Ordinance. Doors and windows shall remain closed during any time that entertainment is presented.
- c. Any outdoor activities that may be allowed in a residential district shall be limited to the hours between 8 AM and 10 PM.
- d. Clubhouses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning district and at least fifty (50) feet from all other property lines.
- e. Any establishment that includes a restaurant shall further be subject to the parking requirements of Article 35 for the portion of the building devoted to restaurant use.
- f. A twenty-five (25) foot bufferyard with a landscape screen shall be provided around all off-street parking and loading areas that are within two hundred (200) feet of public streets or adjoining properties.
- g. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created

- h. The use of such premises is primarily for members of these organizations and their guests.
 - i. Any rental of the facility to nonmembers shall:
 - a. Be incidental to the primary use;
 - b. Comply with all relevant laws, statutes, and ordinances with regards to operations and alcohol use;
 - c. Require on-site management and/ or security personnel during the event.
 - i. All music, entertainment, or sound systems shall be confined to the building. No outdoor speakers shall be permitted, with the exception of occasional events of up to four (4) times per year.
 - j. Live entertainment shall not be of a sexually oriented nature, or any other entertainment qualifying the performance as a sexually oriented business.
 - k. All private clubs shall front, and have access to, an arterial or collector road.
 - l. Shooting ranges, indoor or outdoor, are prohibited unless otherwise approved by meeting the criteria of this Ordinance.

17. Factory Outlet.

- a. Meet the requirements of Section 2207.
- b. All activities shall be conducted wholly within a completely enclosed building.
- c. Lot area: there shall be a minimum area of two (2) acres.
- d. Lot dimensions shall conform to the requirements of the district.
- e. Maximum impervious surface coverage: 75%.
- f. Building height: Building height shall be limited to two and one-half (2 1/2) stories, shall not exceed thirty-five (35) feet.
- g. The site shall have frontage on and direct vehicular access to an arterial or collector street.
- h. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

18. Gaming Enterprise.

- a. Meet the requirements of Section 2207.
- b. Shall meet all County, State, and Federal requirements and licensures.
 - i. Shall meet all PLCB requirements for the serving of alcohol, if applicable.
- c. All gaming enterprise hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance, or interruption.
- d. All activities shall be conducted wholly within a completely enclosed building.
- e. The owner(s) and operator(s) of a gaming enterprise shall be responsible for the conduct and safety of the members, visitors, or guests and shall

- be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors, and guests.
- f. Lot area: there shall be a minimum area of two (2) acres.
 - g. The following setbacks are required:
 - i. Two hundred (200) feet from any residential dwelling;
 - ii. Two hundred (200) feet from any adjoining property line in R-1, R-2, and MUN districts.
 - iii. In all other instances, the lot shall have an additional twenty-five (25) feet of side and rear yard setback.
 - h. Front yard dimensions shall conform to the requirements of the district.
 - i. A Twenty-five (25) foot landscaped bufferyard is required along any adjoining property line in R-1, R-2, and MUN districts.
 - j. Maximum impervious surface coverage: 75%.
 - k. Building height: Building height shall be limited to two and one-half (2 ½) stories, shall not exceed thirty-five (35) feet.
 - l. The site shall have frontage on and direct vehicular access to an arterial or collector street.
 - m. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
 - n. Parking areas are not permitted in the setback areas.
 - o. A Twenty-five (25) foot landscaped bufferyard is required along any adjoining property line in R-1, R-2, and MUN districts.
 - i. Such bufferyard shall not be required if the adjoining use is Commercial or Industrial.
 - ii. Fencing and/ or planting buffers will be required where vehicle lights reflect onto roadways or adjoining properties.
 - p. Signage shall meet all the signage requirements of this Ordinance.
 - q. The owner(s) and operator(s) of a gaming enterprise shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, situation and surface water, and groundwater contamination.
 - r. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.

19. Gas Station.

- a. Meet the requirements of Section 2207.
- b. The minimum lot area for fuel sales shall be one acre.
- c. The following setbacks are required:
 - i. One hundred feet (100) from any residential dwelling;
 - ii. One hundred feet (100) from any adjoining property line in R-1, R-2, and MUN districts.
- d. Front yard dimensions shall conform to the requirements of the district.

- e. A Twenty-five (25) foot landscaped bufferyard is required along any adjoining property line in R-1, R-2, and MUN districts.
- f. Maximum impervious surface coverage: 75%.
- g. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- h. Maximum height of the principal structure shall be thirty (30) feet and shall be limited to one (1) story.
 - i. A canopy over the fuel dispensers shall be permitted; provided, that:
 - a. The canopy is not attached to the principal building.
 - b. The canopy shall not exceed twenty (20) feet. Solar panels mounted to the top of the canopy shall not count against the height limit.
 - c. The canopy shall not be enclosed.
 - d. The canopy shall be located a minimum of twenty-five (25) feet from any property line or street right-of-way line.
 - e. The canopy shall be removed immediately if fuel sales are discontinued.
 - i. Fuel dispensers shall be located at least thirty (30) feet from the edge of any street right-of-way.
 - j. All fuel and other flammable substances shall be stored at least twenty-five (25) feet from any property line.
 - k. Site lighting shall be shielded and reflected away from adjacent properties and public streets.
 - l. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
 - m. Signage shall meet all the signage requirements of this Ordinance.
 - n. The owner and operator of the facility shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination.
 - o. All automobile parts and accessories, dismantled vehicles, and similar materials shall be stored within a completely enclosed building.
 - p. Storage, handling, and disposal of hazardous materials, as defined by federal or state statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (DEP) and the United States Environmental Protection Agency (EPA).

20. Heavy Manufacturing and Heavy Industrial Activities.

- a. Meet the requirements of Section 2207.
- b. Storage of all hazardous materials and substances used to process or manufacture products shall comply with all applicable Federal, State, and County standards for use and removal.

- c. The minimum site required shall be 5 (five) acres.
- d. The site shall not be located within Twelve hundred (1,200) feet of any residential dwelling, measured from any property boundary of the site in a straight line along a public street right-of-way to the nearest wall of a residential dwelling.
- e. A fifty (50) foot bufferyard shall be required along any residential or commercial zoning district (R1, R2, MUN, C-1, C-2).
- f. All processes shall be contained within a completely enclosed building and windows and doors shall remain closed during manufacturing processes.
- g. All materials and equipment shall be contained:
 - i. Within a completely enclosed building;
 - ii. Within an area screened with an eight (8) foot opaque fence.
- h. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- i. The owner and operator of the facility shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination.

21. Industrial Commercial Mixed-use Building.

- a. Meet the requirements of Section 2206.
- b. Shall be located in an Industrial and/ or Business Park.
 - i. Parking structures, garages, and accessory uses shall not be considered in such calculations.
- c. Only commercial and institutional uses that are approved for the Industrial district shall be permitted; and:
 - i. The only the following such uses are permitted:
 - a. Bank/ Financial Institution; Business Services/ Business Center; Contractor Offices/Equipment & Material Storage; Health/ Fitness/ Gym/Yoga Studios; Landscape Service Center/Retail/Wholesale/Garden/Landscaping Center, Laundromat, Industrial Machine Sales and Service; Light Manufacturing; Medical Marijuana Dispensary; Professional Offices; Research and Development Activities; Restaurant; Retail Business/ Retail Store/Retail Center; Vehicle Sales and Service; any Institutional Use permitted in the Industrial District.
- d. Where an industrial, institutional or commercial use has additional requirements within this ordinance those requirements shall be applied.
 - i. In all cases, the more restrictive requirements shall apply.
- e. Shall meet or exceed the setback, bulk and height requirements the industrial zoning district.

- i. The maximum height shall not exceed thirty-five (35) feet, regardless of use.
- ii. Where there is a variation in the requirements, in all cases the more stringent requirement shall apply.
- f. Primary building facades and entrances shall front adjacent streets, public walkways, or a common parking area within a plaza or complex.
- g. Portions of buildings designated for non-residential purposes shall not be
- h. The location and orientation of loading and service areas shall be coordinated to minimize conflicts of vehicular and pedestrian circulation.

22. Manufactured (Mobile) Home Park

- a. Meet the requirements of Section 2207.
- b. The minimum site required for a Manufactured home park shall be ten (10) acres.
- c. All Manufactured homes, buildings, and structures shall be setback a minimum of twenty-five (25) feet from any park property line or public street right-of-way which is not in the Manufactured home park.
- d. The maximum density of a Manufactured home park shall not exceed six (6) Manufactured homes per acre.
 - i. The calculation of Maximum Buildable Acre shall exclude: Internal Roadways, Waterways; Floodplains, Wetlands; Steep Slopes; Ponds, Existing Utility Right-of-Ways; Stormwater Retention and Detention areas; Unmitigated Earth Disturbance Areas (see Article 16), and: Conservation Areas (see Article 17), and Green Spaces.
- e. Manufactured homes shall be separated from each other and from other Manufactured homes, buildings, and structures by at least thirty (30) feet on all sides.
 - i. The minimum yard requirements for each Manufactured home lot shall be:
 - a. Twenty-five (25) feet for front yards;
 - b. Fifteen (15) feet for rear yards and;
 - c. Ten (10) feet for side yards.
 - d. Such yards shall be measured from the perimeter of the Manufactured home slab.
 - e. Carports or parking pads may be located in the required side yard.
 - f. Every Manufactured home lot shall have access to a private street within the Manufactured home park.
 - g. Private streets within the Manufactured home park shall be paved.
 - h. Each Manufactured home lot shall have two (2) paved parking spaces of at least ten (10) feet by twenty (20) feet.
 - i. Any alteration, expansion, extension, or reduction of any Manufactured home park shall meet or exceed all the requirements of this section and this Ordinance and shall be subject to the use conditions as required for a new use.
 - i. The new acreage shall be used for any required calculations.
 - ii. Any Manufactured Home Park that is reduced in size:
 - a. Shall be a minimum of ten (10) acres;
 - b. Shall not reduce any existing frontage or setback areas.
 - j. Every Manufactured home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a

- conspicuous place on each lot a number corresponding to the number of each lot as shown on the plot plan.
- k. A minimum of 5% of the gross area of the park, excluding bufferyards and setback areas, shall be suitably landscaped and maintained with grass, ground cover and decorative shrubs or trees.
 - l. Fuel and Supply Storage:
 - i. Natural Gas Systems: Natural gas piping systems when installed in mobile home parks shall be maintained in conformity with accepted engineering practices and those standards set by the company providing such gas service.
 - a. Shutoff Valve and Cap for Piped Natural Gas: Each mobile home lot provided with piped natural gas shall have an approved shutoff valve installed between the lot and the distribution outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
 - ii. Liquefied Petroleum Gas Systems: Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures, when installed, shall be maintained in conformity with the rules and regulations of the Commonwealth of Pennsylvania and/or the Public Utilities Commission.
 - a. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - b. Systems shall have at least one (1) accessible method for shutting off gas. Such method shall be located outside the mobile home and shall be maintained in safe operating condition.
 - c. All liquefied petroleum gas piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
 - d. Tanks of more than twenty (20) and less than one hundred (100) pounds net capacity may be installed on a mobile home lot and shall be securely but not permanently fastened to prevent accidental overturning.
 - e. No liquefied petroleum gas tank shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure within the park site.
 - iii. Fuel Oil Supply Systems: All fuel oil supply systems provided for mobile home, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the vending company having jurisdiction and the Commonwealth of Pennsylvania.
 - iv. Piping and Valves for Outside Fuel Storage Tanks: All piping from outside fuel storage tanks or cylinders to mobile homes shall:
 - a. Be securely but not permanently fastened in place;
 - b. Have shutoff valves located within five (5) inches of storage tanks;
 - c. Be not less than five (5) feet from any mobile home exit;

- d. Where located in areas adjacent to vehicle traffic, be protected against collision or physical damage.

23. Medical Marijuana Dispensary.

- a. Meet the requirements of Section 2206.
- b. All medical marijuana facilities shall be licensed by the Commonwealth of Pennsylvania in accordance with PA Act 16.
- c. A Dispensary shall at a minimum meet the same Borough zoning and land use requirements as other commercial facilities that are located in the same zoning district, as well as any additional special standards applicable to this use as may be required under PA Act 16.
 - i. Should use requirements differ, the more stringent requirement shall be used.
- d. All activities including dispensing, advertising, marketing, etc. shall be conducted indoors in an enclosed and secure facility.
- e. A detailed security plan addressing the safety and security of the physical facility, personnel, and the public is required.
- f. A Dispensary may sell medical devices and instruments which are needed to administer Medical Marijuana.
- g. The following setbacks are required:
 - i. Five hundred (500) feet from, any school, daycare, or church use, as measured from the closest edge of property lines;
 - ii. Two hundred (200) feet from any residential dwelling;
 - iii. Two hundred (200) feet from any adjoining property line in R-1, R-2, and MUN districts.
 - iv. In all other instances, the lot shall have an additional twenty-five (25) feet of side and rear yard setback.
- h. Front yard dimensions shall conform to the requirements of the district.
- i. A Twenty-five (25) foot landscaped bufferyard is required along any adjoining property line in R-1, R-2, and MUN districts.
- j. The lot shall be served by frontage on a public street.
- k. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site defined by the Borough Planning Committee or Borough Council shall be complied with by the landowner and / or developer.

24. Medical Marijuana Grower/ Producer.

- a. Meet the requirements of Section 2207.
- b. The minimum site area required for the facility shall be five (5) acres.
- c. No medical marijuana facility may be operated within one thousand (1,000) feet of a residential, school, and church use.
- d. All medical marijuana facilities shall be licensed by the Commonwealth of Pennsylvania.
- e. The lot shall be served by frontage on an arterial or collector roadway.
- f. The parking and circulation shall be referred to the Fire Company for comments regarding traffic safety and emergency access.
- g. An additional twenty-five (25) feet of yard setback with a landscape screen consisting of a mix of deciduous and evergreen trees staggered with a maximum spacing of thirty (30) feet, shall be provided around all off-street parking and loading areas. The intention of the Bufferyard shall be to protect the surrounding neighborhood from inappropriate light and other disturbances.

- h. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site defined by the Borough Planning Committee or Borough Council shall be complied with by the landowner and / or developer.

25. Microbrewery/Brew Pub.

- a. Meet the requirements of Section 2206.
- b. A microbrewery/ brew pub shall operate in accordance with the provisions of the Pennsylvania Liquor Control Board.
- c. Food service and the sale of food shall be permitted and must adhere to County and State Health requirements.
- d. The owner(s) and operator(s) of a bar/night club shall be responsible for the conduct and safety of the patrons.
- e. Outside seating is permitted in an area designated for such use and shall not occupy any portion of the minimum parking area required by this Ordinance.
- f. Social, recreational, musical, and/ or similar events are permitted between the hours of 10am and 10pm.
- g. Uses may include a visitor center, day use/ rental of the facility, microbrewery/ brew pub tours and on-site tastings.
- h. The following setbacks are required:
 - i. Five hundred (500) feet from, any school, daycare, or church use, as measured from the closest edge of property lines;
 - ii. Two hundred (200) feet from any residential dwelling;
 - iii. Two hundred (200) feet from any adjoining property line in R-1, R-2, and MUN districts.
- i. Front yard dimensions shall conform to the requirements of the district.
- j. A Twenty-five (25) foot landscaped bufferyard is required along any adjoining property line in R-1, R-2, and MUN districts.
- k. Such bufferyard shall not be required if the adjoining use is Commercial or Industrial.
- l. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

26. Mixed-Use Building.

- a. Meet the requirements of Section 2206.
- b. At least twenty-five (25) percent of the gross floor area of a mixed-use building shall have nonresidential uses, such as retail store, office, restaurant, medical office, etc.
 - i. Parking structures, garages, and accessory uses shall not be considered in such calculations.
- c. The following uses are not permitted in a mixed use building: group care residences, assisted living, care homes of any type, fraternal organizations/ private clubs, hospitals, clinics, adult oriented business,

short term rental, animal hospitals, bar/ night club, car wash, warehousing and storage facilities of any type, gaming enterprise, motel or hotel, pet boarding, skilled game center, skilled game accessory use, and shooting ranges.

- d. Non-residential and residential uses shall separate entrances and not share any common areas.
- e. Shall meet or exceed the setback and height requirements for commercial use in the zoning district.
 - i. The maximum height shall not exceed thirty-five (35) feet, regardless of use.
- f. The residential use shall meet or exceed the requirements of High-density Housing for the zoning district.
- g. Primary building facades and entrances shall front adjacent streets, public walkways, or a common parking area within a plaza or complex.
- h. Portions of buildings designated for non-residential purposes shall not be used for residential purposes.
- i. Portions of buildings designated for residential purposes shall not be used for non-residential purposes.
- j. The location and orientation of loading and service areas shall be coordinated to minimize conflicts of vehicular and pedestrian circulation.
- k. Only non-residential uses that are approved for the district shall be permitted in the mixed-use building in that district.
- l. Where an institutional or commercial use has additional requirements within this ordinance those requirements shall be applied.
 - i. In all cases, the more restrictive requirements shall apply.
- m. Where a residential use has additional requirements within this ordinance those requirements shall be applied.
 - i. In all cases, the more restrictive requirements shall apply.

27. Natural Gas Compressor Station/ Processing Plant. See Article 28.

28. Oil & Gas Activities and Operations/ Oil & Gas Well Pads. See Article 28.

29. Outdoor Recreation, Intensive.

- a. Meet the requirements of Section 2207.
- b. A location map showing and identifying all lots within one-thousand (1000) 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 Assessment/ Tax Claim Office.
- c. All principal structures shall be located at least fifty (50) feet from any property line or roadway right-of-way.
- d. Any facility located within two hundred (200) feet of a property line adjoining a residential use or zoning classification (R1, R2, or MUN) shall cease operations no later than 11:00 PM.
- e. A fifty (50) foot bufferyard shall be required along any residential or commercial zoning district (R1, R2, MUN, C-1, and C-2) or properties therein.
- f. Additional recreation-related commercial uses may include, and are limited to: a concession stand, ice cream store, cafeteria or restaurant, bicycle rental, bicycle repair, gift shops, retail sales of sporting goods, and other similar retail or service uses which are directly related to the nearby existing recreational or historic sites.

- g. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- h. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination
- i. All materials and equipment shall be contained:
 - i. Within buildings or other structures;
 - ii. Within an area screened with an eight (8) foot opaque fence.

30. Parking Structure, Commercial

- a. Meet the requirements of Section 2207.
- b. The following setbacks are required:
 - i. An additional twenty-five (25) feet of setback from any R-1, R-2, or MUN district.
- c. Vehicular access onto and off the site shall be designed to ensure safe ingress and egress without disruption of traffic flow on adjoining roadways.
- d. Vehicular access to the lot shall be from an arterial or collector roadway.
 - i. Primary access points to the property shall be located as far as possible from road or street intersections and adequate sight distances for the posted speed limits shall be met.
 - ii. Use of a local roadway shall require the approval of the Borough Council, provided it will not have a negative impact on surrounding and adjacent properties.
- e. All parking shall be adequately provided for on-site with no queuing or parking on any roadway or driveway.
 - i. Fencing and/ or planting buffers will be required where vehicle lights reflect onto roadways or adjoining properties.
- f. Site lighting shall be shielded and reflected away from adjacent properties and public streets.
- g. Not more than one (1) ground sign shall be permitted on the lot and must meet all the signage requirements of this ordinance.
- h. Vehicular entries shall be designed so that they do not dominate the street frontage of a building.

31. Place of Worship.

- a. Meet the requirements of Section 2206.
- b. All buildings shall be setback at least one hundred (100) feet from the lot lines of residentially zoned properties.

- c. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Borough Engineer to ensure employee and visitor safety.
- d. A twenty-five (25) foot bufferyard with a landscape screen shall be provided around all off-street parking and loading areas that are within one hundred (100) feet of public streets or adjoining properties.
- e. For parking demands greater than three hundred (300) automobiles:
 - i. Additional setbacks, screening and buffering of off-street parking and loading areas may be required by Borough Council in order to protect the surrounding neighborhood from inappropriate noise, dust, light, and other disturbances;
 - ii. A comprehensive traffic plan may be required.

32. Research and Development Activities.

- a. Meet the requirements of Section 2207.
- b. The premises shall have frontage on and at least one point of direct vehicular access to an arterial street or collector street.
- c. Activities shall be limited to those activities that do not involve any products or processes that use or produce any hazardous material as classified by the United States Environmental Protection Agency (U.S. EPA) or Pennsylvania Department of Environmental Protection (PA DEP). The storage, use, or manufacture of hazardous or potentially hazardous materials shall be limited to those materials required to be used by or produced in connection with the research and development activity, and the transportation, handling, use, and disposal of such materials shall conform to all applicable regulations of U.S. EPA and PA DEP. An inventory of hazardous, toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases, or solids shall be updated annually and submitted to the Borough for record.
- d. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- e. All materials and equipment shall be contained:
 - i. Within buildings or other structures;
 - ii. Within an area screened with an eight (8) foot opaque fence.
- f. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light, or other disturbance or interruption.
- g. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- h. A fifty (50) foot bufferyard shall be required along any residential or commercial zoning district (R1, R2, MUN, C-1, and C-2) or properties therein.

- i. Sound, noise, and vibrations from the structures/ units shall be mitigated so as not to be perceptible at the property line.
- j. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination

33. Residential, Higher Density

- a. Meet the requirements of Section 2207.
- b. The property proposed for higher density residential dwellings shall have frontage on and direct vehicular access to an arterial or collector street, as defined in this Ordinance.
- c. Lot areas shall meet or exceed the requirements of the district.
- d. Yard setbacks for all lots fronting on public streets shall not be less than the front yard setback requirements of the underlying district.
- e. The setback from any property line or adjoining residential district shall be fifty (50) feet, inclusive of parking and all accessory structures.
 - i. A planted and maintained bufferyard of no less than fifteen (15) feet in width shall be required along property lines that abut low and moderate density residential developments.
- f. The maximum permitted impervious coverage shall be forty (40) percent of the developable tract area.
- g. The primary vehicular entrance to a high density development shall, at a minimum, have direct access to a arterial or collector roadway.
- h. Parking requirements shall be met per Article 35.
- i. Parking spaces shall be located no more than three hundred (300) feet from the primary entrance to the unit or shared entrance to the building.
- j. A minimum of twenty-five (25) feet of yard setback with bufferyard shall be provided around all off-street parking and loading areas.
- k. All parking spaces and driveways shall be of a paved, compacted, or interlocking surface capable of supporting anticipated vehicle traffic and emergency vehicles as approved by the Borough Engineer.
- l. High rise apartment buildings, condominiums, combined residential/ commercial buildings shall be permitted one (1) sign at each entrance not to exceed the requirements of Article 36.
- m. The maximum dwelling unit density per acre shall be:
 - i. Twelve (12) units for high rise apartments,
 - ii. Eight (8) units for Low-rise apartments, Condominiums;
 - iii. Set forth by the developer, for approval or modification by Borough Council, for conversion units.
 - iv. Four (4) units for all other uses.
- n. Each dwelling unit shall have a minimum of five hundred (500) square feet of habitable area, exclusive of basement and or cellar space.
- o. Each unit will have a minimum of three (3) habitable rooms to include a bedroom, cooking and dining areas and one (1) bathroom.
- p. Where two (2) or more buildings exist on the same lot, the minimum distance between buildings, as measured from the closest point, shall be a minimum of forty (40) feet.
- q. All portions of the property not covered by buildings, driveways, parking, pools, shelters, gazebos, or other developed or paved areas shall be suitably landscaped with grass, ground cover, and decorative shrubs or trees.

- r. The design and orientation of the buildings on the property shall take into account compatibility with the visual impact on adjoining single-family residential properties. The building and the property shall be effectively landscaped to minimize such impacts on adjoining residential properties.
- s. Garages and accessory buildings may be located in the rear and/ or side yard, provided that they do not violate lot coverage and side yard regulations herein set forth.
 - i. Setbacks shall match or exceed adjoining property's side and rear yard setbacks.

34. Residential, Moderate Density

- a. Meet the requirements of Section 2206.
- b. The property proposed for multi-family dwellings shall have frontage on and direct vehicular access to an arterial or collector street, as defined in this Ordinance.
- c. Lot areas shall meet or exceed the requirements of the district.
- d. The maximum dwelling unit density per acre shall be:
 - i. Eight (8) units for Townhouses and Garden Apartments;
 - ii. Four (4) units for patio and carriage homes;
 - iii. Four (4) units for all other uses.
- e. The setback from any property line adjoining a single-family dwelling shall be fifty (50) feet, inclusive of parking and all accessory structures.
- f. Where two (2) or more buildings exist on the same lot, the minimum distance between buildings shall be forty (40) feet.
- g. All portions of the property not covered by buildings, driveways, parking, pools, shelters, gazebos, or other paved areas shall be suitably landscaped with grass, ground cover, and decorative shrubs or trees.

35. Retail Business/ Retail Store/ Retail Center.

- a. Meet the requirements of Section 2206.
- b. An additional thirty-five (35) feet of setback from Residential Uses and any R2 Zoning District.
- c. All loading areas shall be at the rear of the building.
- d. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

36. Resource Extraction See Article 28

37. Salvage Yard (Junkyard). See Article 29

38. Self-contained, Unoccupied Structures/ Units

- a. Meet the requirements of Section 2206.
- b. Storage of hazardous materials and substances shall not be permitted.
- c. A fifty (50) foot bufferyard shall be required along any residential or commercial zoning district (R1, R2, MUN, C-1, and C-2).
- d. All structures/ units shall be fully enclosed within an area screened with an eight (8) foot opaque fence.

- e. All materials and equipment shall be contained:
 - i. Within the structure/ unit;
 - ii. Within an area screened with an eight-foot opaque fence.
- f. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created
- g. A Knox Box(s) shall be provided as specified by the Big Beaver Borough Fire Chief.

39. School/ Educational Institution, Private or Public

- a. Meet the requirements of Section 2207.
- b. The school shall be accredited by an accreditation body recognized by the State or licensed by the Commonwealth of Pennsylvania.
- c. A plan outlining the proposed build-out of the facility/ campus with anticipated capacities of each building/ use shall be included in the site development plan.
 - i. Build-out, including the proposed build-out or phasing of the facility/ campus, that occurs after the initial phase of construction shall be submitted for review and approval as a new use.
- d. A twenty-five (25) foot bufferyard with a landscape screen shall be provided around all off-street parking and loading areas that are within one hundred (100) feet of public streets or adjoining properties.
- e. For parking demands greater than three hundred (300) automobiles:
 - i. Additional setbacks, screening and buffering of off-street parking and loading areas may be required by Borough Council in order to protect the surrounding neighborhood from inappropriate noise, dust, light, and other disturbances;
 - ii. A comprehensive traffic plan may be required.
- f. Lighting levels visible from an adjacent lot line of a residential use or residential zoning district shall be reduced to at least half of the maximum permitted footcandles between 11 p.m. and 6 a.m., prevailing time.
- g. Where proposed development is an addition or expansion of an existing structure, facility, or development within the Borough, any addition or expansion shall complement the existing structure, facility and/ or development and fit within a plan for future structure and facilities.

40. Self-Storage Facility

- a. Meet the requirements of Section 2207.
- b. Lot area: there shall be a minimum area of one (1) acre.
- c. Lot dimensions shall conform to the requirements of the district.
- d. Maximum impervious surface coverage: 75%.
- e. Building height: Building height shall be limited to two and one-half (2 ½) stories, shall not exceed thirty-five (35) feet.
- f. The preferred means of vehicular access to the lot shall be from an arterial or collector roadway.
 - i. Use of a local roadway, shall require the approval of the Borough Council, provided it will not have a negative impact on surrounding and adjacent properties.
- g. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases, or solids shall be permitted on the site.
- h. All activities shall be conducted wholly within a completely enclosed, secured building within a fenced-in area.

- i. Outside storage activity in a completely enclosed fenced area may be approved by Borough Council.
 - i. Fencing shall be screened or opaque, if approved.
- j. No portion of the facility may be used for a dwelling purpose at any time.
- k. No business activity other than the rental of storage units shall be conducted on the premises.
 - i. Office space in direct support of the Self-Storage Facility may be provided.
 - ii. No signs shall be placed on the buildings or on their rooftops.
- l. As part of its decision Borough Council may regulate outdoor lighting to prevent adverse impacts on adjoining properties.
- m. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- n. All internal access roadways and driveways shall be of a paved, compacted, or interlocking surface capable of supporting anticipated vehicle traffic and emergency vehicles as approved by the Borough Engineer.

41. Shooting Range (Indoor).

- a. Meet the requirements of Section 2207.
- b. If a shooting range is a part of a complex or auxiliary to another use, the more stringent requirements of use shall apply in all instances.
- c. Shooting range operations shall comply with all applicable federal, state, and local regulations regarding the possession, transportation, and discharge of firearms.
- d. Shooting range operations shall not substantially injure or detract from the lawful existing permitted use of neighboring properties as determined by Borough Council.
- e. Shooting range operations shall not substantially damage the health, safety, or welfare of the Borough or its residents and property owners as determined by Borough Council.
- f. The consumption of alcoholic beverages shall not be permitted on the site.
- g. A development plan shall identify the Safety Fan within the facility for each firing range.
 - i. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet within the facility.
 - ii. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.
- h. The applicant shall present credible evidence from a qualified professional that the sounds of shooting in the nearest residential zone

and at any adjacent residential dwelling unit do not exceed the ambient noise level.

- i. A site security plan shall be required.
- j. All munitions and ammunition shall be stored in a secure locked area or areas.
 - i. The Fire Chief shall be notified of storage or potential storage of live ammunition.
- k. The owner(s) and operator(s) of a shooting range shall be responsible for the conduct and safety of the patrons.
- l. All activities including dispensing, advertising, marketing, etc. shall be conducted indoors in an enclosed and secure facility.
- m. Discharging of firearms outdoors shall not be permitted.
- n. The minimum site required shall be two (2) acres.
- o. The following setbacks, as measured from the closest edge of property lines are required from any part of the shooting range:
 - i. No part of a shooting range facility shall be located within five hundred (500) feet of any public road.
 - ii. One thousand (1,000) feet from, any public library or church use;
 - iii. One thousand five hundred (1,500) feet from any residential use, public park, or trail, or any other public facility;
 - a. In the case of a public trail, the setback shall be from the edge of the trail closest to the parcel containing the shooting range.
 - iv. One thousand five hundred (1,500) feet from any R-2 or MUN district boundary.
 - v. Two thousand five hundred (2,500) feet from any public or private school or hospital.
- p. Building height: Building height shall be limited to two and one-half (2 ½) stories, and shall not exceed thirty-five (35) feet.
- q. Parking areas are not permitted in the setback areas.
- r. Borough Council may require landscaped bufferyards in the setback areas.

42. Shooting Range (Outdoor) Public or Private.

- a. Meet the requirements of Section 2207.
- b. A location map showing and identifying all lots within one-thousand (1000) 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 Assessment/ Tax Claim Office.
- c. If a shooting range is a part of a complex or auxiliary to another use, the more stringent use requirements shall apply in all instances.
- d. Shooting range operations shall comply with all applicable federal, state, and local regulations regarding the possession, transportation, and discharge of firearms.
- e. Shooting range operations shall not substantially injure or detract from the lawful existing permitted use of neighboring properties as determined by Borough Council.
- f. Shooting range operations shall not substantially damage the health, safety or welfare of the Borough or its residents and property owners as determined by Borough Council.

- g. The consumption of alcoholic beverages shall not be permitted on the site.
- h. A development plan shall identify the Safety Fan for each firing range.
 - i. The Safety Fan shall include the area necessary to safely contain all projectiles, including direct fire and ricochet on the property.
 - ii. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of berms, overhead baffles/ structures, or other safety barriers to contain projectiles to the Safety Fan.
 - iii. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, etc. shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.
- i. Ranges for fixed target fire arm shooting must be backed by an earthen mound at least fifteen (15) feet in height and have a suitable bullet trap structure to deflect and stop bullets and projectiles.
- j. Ranges must have a clearly defined and established firing line.
- k. For trap and skeet shooting ranges where targets will be propelled or hurled into the air, the point of fire or discharge shall be setback at least three hundred (300) yards from any property line in the direction of shooting.
- l. Fields of fire must be completely enclosed by a chain link fence at least six (6) feet in height.
- m. The applicant shall present credible evidence from a qualified professional that the sounds of shooting in the nearest residential zone and at any adjacent residential dwelling unit do not exceed the ambient noise level.
- n. A site security plan shall be required.
- o. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan.
- p. All munitions and ammunition stored on site shall be stored in a secure locked area or areas.
 - i. The Fire Chief shall be notified of storage or potential storage of live ammunition.
- q. The owner(s) and operator(s) of a shooting range shall be responsible for the conduct and safety of the patrons.
- r. The shooting range shall not be illuminated.
- s. Unless otherwise restricted in this Section, or as a provision of approval by Borough Council, the firing range may only operate during daylight hours.
 - i. Daylight hours being defined as one (1) hour after sunrise and one (1) hour before sunset.
- t. Any outdoor activities permitted in a residential district shall be permitted during daylight hours as defined above.
- u. All other outdoor activities on the site:
 - i. Shall not be located within five hundred (500) feet of an existing residence or residential district.
 - ii. Shall only operate during daylight hours as defined above.
- v. All activities including dispensing, advertising, marketing, etc. shall be conducted indoors in an enclosed and secure facility.

- w. The minimum site required shall be twenty (20) acres.
- x. The following setbacks, as measured from the closest edge of property lines are required from any part of the shooting range:
 - i. Five hundred (500) feet of any public road;
 - ii. One thousand (1,000) feet from, any public library or church use;
 - iii. One thousand five hundred (1,500) feet from any residential use, public park, or trail, or any other public facility;
 - iv. In the case of a public trail, the setback shall be from the edge of the trail closest to the parcel containing the shooting range.
- y. One thousand five hundred (1,500) feet from any R-2 or MUN district boundary.
- z. Two thousand five hundred (2,500) feet from any public or private school or hospital.
- aa. Borough Council may require landscaped bufferyards in the setback areas.
- bb. Non-shooting range facilities such as club houses, parking, etc. shall be setback a minimum of one hundred feet (100) from the property line and street right-of-way.
- cc. Such facilities shall follow the requirements of the zoning district and this Ordinance.
 - i. In all cases, the more restrictive requirements shall apply.
- dd. Building height: Building height shall be limited to two and one-half (2 ½) stories, shall not exceed thirty-five (35) feet.
 - i. Safety fan structures may exceed this height for safety purposes.
 - a. Such structures shall not serve any other use or purpose.
 - b. Such structures shall not be visible from adjoining properties.
- ee. Parking areas are not permitted in the setback areas.
- ff. Two parking spaces shall be provided for each shooting position or station,
 - i. This is in addition to any parking required for any other facility on the site such as a clubhouse.

43. Skilled Games Center.

- a. Meet the requirements of Section 2207.
- b. A location with ten (10) or more games of skill shall be considered a Skilled Games Center regardless of any other activity that shall be co-located at the site (e.g. gas station, bar, club, etc.)
 - i. In all instances of combined operations, the more stringent requirements shall apply.
 - ii. Such co-located enterprises shall be fully separated by a wall or other permanent partition.
- c. The number of all such games of skill shall be reported to the Borough annually on July 1st or next business day.
 - i. The maximum number of games on site at any point during the prior twelve (12) months shall be used for reporting purposes.
- d. All parking spaces and driveways shall be of a paved, compacted, or interlocking surface capable of supporting anticipated vehicle traffic and emergency vehicles as approved by the Borough Engineer.
- e. A twenty-five (25) foot bufferyard with a landscape screen shall be provided around all off-street parking and loading areas that are within two hundred (200) feet of public streets or adjoining properties.

- i. A twenty-five (25) foot bufferyard shall be required along any residential zoning district (R1, R2, and MUN).
- f. The owner(s) and operator(s) of a skilled games center shall be responsible for the conduct and safety of the members, visitors, or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors and guests.
- g. The owner(s) and operator(s) of a skilled games center shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination.
- h. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

44. Solar Generation/ Production Facility/ Transmission Facility.

- a. Meet the requirements of Section 2207
- b. All processes shall be contained completely on the site.
- c. Approved, existing Right-of-Ways:
 - i. Shall be used for transmission;
 - ii. Shall abut the solar facility;
- d. Storage of all hazardous materials and substances used to process or manufacture products shall comply with all applicable Federal, State, and County standards for use and removal.
- e. All ground-mounted and freestanding solar collectors and associated ancillary equipment and materials shall be completely enclosed by a minimum eight (8) foot high opaque fence with a locking gate.
 - i. The minimum site required shall be ten (10) acres.
- f. Production and/ or transmission facilities without a generation or collection facility are permitted.
 - i. The minimum required site area is five (5) acres per use.
- g. The exterior fence line of the facility shall not be located closer than five hundred (500) feet to any residential dwelling unit/use. Additionally, all noise-generating equipment (inverters, transformers, etc.), excluding the panels and their associated racking, shall maintain a separation distance of no less than one thousand (1,000) feet with any residential dwelling unit/use. This distance shall be measured from the pad on which the equipment is located to the nearest wall of the dwelling.
 - i. Based on the anticipated impact in the sound study required under Section 2209.A.44.m, additional separation distances for the noise-generating equipment may be required.
 - ii. In instances where no residential dwelling units/uses are located in the immediate area of the site, the facility shall be held to all District minimum setback requirements found in Section 1303.

- h. The solar array(s) shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street right of ways.
- i. The site shall have frontage on and direct vehicular access to an arterial or collector street.
- j. In addition to the separation distances detailed above, a thirty five (35) foot wide foot bufferyard shall be required Along all property/right-of-way lines abutting any use of property that is not industrial in nature.
 - i. This buffer yard shall be complaint with all applicable regulations within Article 34 and consist of no fewer than three (3) staggered rows of conifer trees having a minimum height of six (6) feet.
- k. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination.
- l. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. Operator/Developer shall submit a sound study estimating ambient sound levels at the site and establishing anticipated and acceptable post-construction sound levels associated with the facility. This report shall be prepared and sealed by a PA-licensed Professional Engineer (P.E.) specializing in acoustics.
- m. A fire safety review shall be conducted with the Big Beaver Borough Emergency Management Coordinator and Fire Chief.
 - i. As part of the submission, a plan for emergency communications to the Borough and other relevant agencies shall be presented.
- n. No signage or graphic content may be displayed on the system except the manufacturer's badge, safety information, and equipment specification information.
 - i. Said information shall be depicted within an area no more than thirteen hundred (1,300) square inches in size.
- o. The Borough shall be notified of any vacation, abandonment, or decommissioning of solar facilities.
 - i. Discontinuation /abandonment is presumed when a solar system has been disconnected from the net metering grid for a period of six (6) continuous months or has not produced electricity for a period of six (6) months.
 - ii. The solar facilities and all related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment, including the removal of all structural and electrical parts, systems, facilities, or equipment.
- p. The owner or operator of the solar facility shall provide a form of financial security satisfactory to the municipality, in the form of a bond, for the decommissioning of the facility.
 - i. Such bonds or letters of credit shall be renewed annually and shall cover a period of two (2) years from the issuance of the bond.
 - ii. If the owner fails to remove or repair the vacated, abandoned, or decommissioned solar facilities within the twelve (12) month period outlined above, the Borough reserves the right to enter the property, remove the system, and use the financial security in place by the owner or pursue other legal action as may be necessary to have the system removed at the owner's expense.

- iii. Any unpaid costs resulting from the municipal removal of a vacated, abandoned, or decommissioned solar system, if not covered by the financial security posted, shall constitute a lien upon the property against which the costs were charged.
 - a. Failure to provide financial security in the form of a bond or letter of credit shall result in the revocation of the Conditional use approval.

45. Storage Box/ Container – Permanently.

- a. Meet the Requirements of 2205.
- b. Units shall be accessory to a primary use.
- c. Units shall be set back an additional twenty-five (25) feet from any roadway right-of-way, residential use or residential district, (R1, R2, or MUN).
- d. Maximum stacked height shall be no higher than two units or twenty five (25) feet, whichever is less.
- e. Units shall be completely screened from any adjacent residential properties and districts.
 - i. Stacked units adjacent to residential properties and districts shall have additional screening exceeding the height of the storage units.
- f. Storage of materials outside of the units is prohibited, unless enclosed within a fencing screen or a landscape buffer planting at 80% opacity.
- g. Storage of hazardous materials and substances shall not be permitted.

46. Truck Terminal/ Service Plaza

- a. Meet the requirements of Section 2207.
- b. The primary use shall be to service vehicles and passengers traveling along an Interstate Highway.
- c. The minimum lot area shall be four (4) acres.
- d. Uses that support the Truck Terminal/ Service Plaza operation shall, in addition to the requirements herein, adhere to any use requirements of the use most closely akin to the single use as defined in this Ordinance for the district.
 - i. Any use not approved for the district is not an approved use.
 - ii. The following uses are not permitted as part of the Truck Terminal/ Service Plaza:
 - a. Bar/ nightclub, clinics, factory outlet, gaming enterprise, hospitals, schools, skilled game center.
 - b. Any residential use.
 - c. Any industrial use except said use and supply yard.
- e. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- f. Vehicular access onto and off of the site shall be designed to ensure safe ingress and egress without disruption of traffic flow on adjoining roadways.
- g. Vehicular access to the lot shall be from the nearest point possible from the Interstate exit along an arterial or collector roadway.
 - i. Primary access points to the property shall be located as far as possible from road or street intersections and adequate sight distances for the posted speed limits shall be met.

- ii. Use of a local roadway shall require the approval of the Borough Council, provided it will not have a negative impact on surrounding and adjacent properties.
- h. All parking and loading shall be adequately provided on-site with no queuing or parking on any roadway or driveway.
- i. All turn-arounds and parking facilities for buses, trucks, and/ or other large vehicles must be provided on-site.
- j. If the use requires the storage of vehicles, such storage shall be adequately provided on site.
- k. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All references to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by the Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- l. A canopy over the fuel dispensers shall be permitted; provided, that:
 - i. The canopy is not attached to the principal building.
 - ii. The canopy shall not exceed twenty (20) feet.
 - a. Solar panels mounted to the top of the canopy shall not count against the height limit.
 - iii. The canopy shall not be enclosed.
 - iv. The canopy shall be located a minimum of twenty-five (25) feet from any property line or street right-of-way line.
 - v. The canopy shall be removed immediately if fuel sales are discontinued.
- m. Fuel dispensers shall be located at least thirty (30) feet from the edge of any street right-of-way.
- n. All fuel and other flammable substances shall be stored at least twenty-five (25) feet from any property line.
- o. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination.
- p. All vehicle repair activities shall be conducted within an enclosed structure.
- q. All vehicle parts and accessories, dismantled vehicles, and similar materials shall be stored within a completely enclosed building.
- r. Storage, handling, and disposal of hazardous materials, as defined by federal or state statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (DEP) and the United States Environmental Protection Agency (EPA).
- s. Fencing and/ or planting buffers will be required where vehicle lights reflect onto roadways or adjoining properties.
- t. Site lighting shall be shielded and reflected away from adjacent properties and public streets.

47. University, College, Postsecondary Facility.

- a. Meet the requirements of Section 2207.
- b. Shall be accredited by a State or US Department of Education recognized accreditation body. Proof of accreditation or application for accreditation shall be provided.
- c. Shall meet all license requirements of the Commonwealth of Pennsylvania.
- d. A plan outlining the proposed build-out or phasing of the facility/ campus with anticipated capacities of each building/ use shall be included in the site development plan.
 - i. Build-out, including the proposed build-out or phasing of the facility/ campus, that occurs after the initial phase of construction shall be submitted for review and approval as a new use.
- e. On-site housing for enrolled students may be provided. Such housing shall meet all of the requirements of this Ordinance and shall be compatible with the adjoining property uses.
- f. Multi-story buildings with a maximum height of three (3) stories are permitted, shall not exceed thirty-five (35) feet.
 - i. All stories shall have at-grade entrances or elevator access.
- g. The campus or facility may include congregate dining facilities, a library, union building, wellness facilities, indoor swimming pool, arts and crafts room, and similar accessory uses for the students either within a residential building or in an accessory structure.
- h. Ancillary uses in direct support of the student population, such as banks, delis, cafes, bookstores, etc. may be permitted provided:
 - i. The facility has a sustained enrollment of one hundred (100) or more students;
 - ii. The ancillary uses shall be primarily for student use and support;
- i. The facility shall be served by frontage on a public street.
- j. The facility shall be accessible for firefighting purposes and evacuation at all levels and on all sides.
- k. A twenty five (25) foot-wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- l. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site defined by the Borough Council shall be complied with by the landowner and / or developer.

48. Warehouse & Distribution - Commercial Use.

- a. Meet the requirements of Section 2207.
- b. Lot area: there shall be a minimum area of two (2) acres.
- c. Lot dimensions shall conform to the requirements of the district.
- d. Maximum impervious surface coverage: 75%.
- e. Building height: Building height shall be limited to two and one-half (2 ½) stories, shall not exceed thirty-five (35) feet.
- f. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of

future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

- g. All activities shall be conducted wholly within a completely enclosed building or loading berths.
 - i. Outside storage activity in a completely enclosed fenced area may be approved by Borough Council.

49. Warehousing and Product Distribution Activities.

- a. Meet the requirements of Section 2207.
- b. The minimum site area required for the facility shall be three (3) acres.
- c. The following setbacks are required:
 - i. One hundred (100) feet from any residential dwelling;
 - ii. One hundred (100) feet from any adjoining property line in R-1, R-2, and MUN districts.
- d. Outdoor storage areas shall be:
 - i. Enclosed within a fenced area;
 - ii. A minimum of one hundred feet from and residential uses and/or districts (R-1, R-2, and MUN);
 - iii. A minimum of twenty-five (25) feet from all other lots lot lines (C-1, C-2, and I);
 - iv. Screened with a landscape buffer planting at 80% opacity.
 - a. The intention of the bufferyard shall be to protect the surrounding neighborhood from inappropriate visual, noise, light, and other disturbances.
- e. Maximum impervious surface coverage: 75%.
- f. Building height: Building height shall be limited to two and one-half (2 ½) stories, shall not exceed thirty-five (35) feet.
- g. Any storage of petroleum products, hazardous materials, or potentially hazardous materials shall conform with all applicable Federal, State, County, and Borough laws, statutes, regulations, and resolutions, including but not limited to the regulations and any permit requirements of the EPA and DEP.
 - i. No petroleum products or hazardous materials shall be buried or disposed of on the subject property.
- h. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

50. Warehouse and Storage Services

- a. Meet the requirements of Section 2207.

- b. Lot dimensions shall conform to the requirements of the district.
- c. Maximum impervious surface coverage: seventy-five (75%) percent.
- d. Building height: Building height shall be limited to two and one-half (2 ½) stories, shall not exceed thirty-five (35) feet.
- e. The preferred means of vehicular access to the lot shall be from an arterial or collector roadway.
 - i. Primary access points to the property shall be located as far as possible from road or street intersections and adequate sight distances for the posted speed limits shall be met.
 - ii. Use of a local roadway, shall require the approval of the Borough Council, provided it will not have a negative impact on surrounding and adjacent properties.
- f. All activities shall be conducted wholly within a completely enclosed, secured building within a fenced-in area.
 - i. Outside storage activity in a completely enclosed fenced area may be approved by Borough Council.
- g. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases, or solids shall be permitted on the site.
- h. No portion of the facility may be used for a dwelling purpose at any time.
 - i. No business activity other than the rental of storage units shall be conducted on the premises.
 - i. Office space in direct support of the Self-Storage Facility may be provided.
 - ii. No signs shall be placed on the buildings or on their rooftops.
- j. As part of its decision Borough Council may regulate outdoor lighting to prevent adverse impacts on adjoining properties.
- k. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

51. Water/Wastewater Treatment Plant.

- a. Meet the requirements of Section 2207.
- b. All methods of sanitary sewage treatment and disposal shall be approved by the Pennsylvania Department of Environmental Protection and in accordance with the sewage plan for the Borough.
- c. Recertification of the adequacy of sewage disposal systems shall be required, prior to an expansion or conversion of an existing use, that can reasonably be expected to increase sewage flows.
- d. Any person transporting solid waste within the Borough shall prevent or remedy any spillage from vehicles or containers used in the transport of such solid waste.

52. Water Storage.

- a. Meet the requirements of Section 2207.

- b. No water storage facility shall exceed two hundred fifty (250) feet in height.
- c. A water storage facility shall be setback from adjacent property lines and/or street right-of-way lines a distance equal to one hundred fifteen (115) percent of the water storage/ tower's height.
- d. Shall have and maintain a twenty-five (25) foot perimeter bufferyard.
- e. The height of a water facility shall be measured from the top of the foundation to the upper most point of the tower.
- f. Lighting shall be required for the water storage tower as a safety measure for low-flying aircraft in accordance with all Federal Aviation Administration (FAA) regulations and approvals.
- g. All water storage uses, which are principal uses or structures, shall comply with the area and bulk regulations for principal structures in the zoning district in which they are proposed.
- h. The facility will comply with the Airport Overlay District requirements.

53. Wholesale Uses, Activities, Buildings, and Structures.

- a. Meet the requirements of Section 2207.
- b. The minimum site area required for the facility shall be three (3) acres.
- c. The following setbacks are required:
 - i. One hundred (100) feet from any residential dwelling;
 - ii. One hundred (100) feet from any adjoining property line in R-1, R-2, and MUN districts.
- d. Outdoor storage areas shall be:
 - i. Enclosed within a fenced area;
 - ii. A minimum of one hundred (100) feet from and residential uses and/ or districts (R-1, R-2, and MUN);
 - iii. A minimum of twenty-five (25) feet from all other lots lot lines (C-1, C-2, and I);
 - iv. Screened with a landscape buffer planting at 80% opacity.
 - a. The intention of the bufferyard shall be to protect the surrounding neighborhood from inappropriate visual, noise, light and other disturbances.
- e. Maximum impervious surface coverage: 75%.
- f. Building height: Building height shall be limited to two and one-half (½) stories, shall not exceed thirty-five (35) feet.
- g. All sales and display areas shall be on the site and shall not encroach on the setbacks areas.
- h. Any storage of petroleum products, hazardous materials, or potentially hazardous materials shall conform with all applicable Federal, State, County, and Borough laws, statutes, regulations, and resolutions, including but not limited to the regulations and any permit requirements of the EPA and DEP.
 - i. No petroleum products or hazardous materials shall be buried or disposed of on the subject property.
- i. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New

streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

54. Winery

~ A vineyard/ winery that does not serve, sell or otherwise provide finished products containing alcohol to the public at the production site shall be considered an Agricultural Operation.

- a. Meet the requirements of Section 2206.
- b. A vineyard/ winery that serves alcohol to the public shall operate in accordance with the provisions of the Pennsylvania Liquor Control Board and/ or other relevant State agency or authority.
- c. Food service and the sale of food shall be permitted and must adhere to County and State Health requirements.
- d. The owner(s) and operator(s) of a vineyard/ winery shall be responsible for the conduct and safety of the patrons.
- e. On-premise consumption of alcoholic beverages shall only be between the hours of 10am and 11pm.
- f. Outside seating is permitted in an area designated for such use and shall not occupy any portion of the minimum parking area required by this Ordinance.
- g. Social, recreational, musical, and/ or similar events are permitted between the hours of 10am and 10pm.
- h. Uses may include a visitor center, day use/ rental of the facility, winery/ vineyard tours, on-site tastings, retail sales of products produced on-site (or off site by the same producer/ owner), related retail products, and educational programs.
- i. The following setbacks are required:
 - i. Five hundred (500) feet from, any school, daycare or church use, as measured from the closest edge of property lines;
 - ii. Two hundred (200) feet from any residential dwelling;
 - iii. Two hundred (200) feet from any adjoining property line in R-1, R-2, and MUN districts.
- j. Front yard dimensions shall conform to the requirements of the district.
- k. A Twenty-five (25) foot landscaped bufferyard is required along any adjoining property line in R-2, and MUN districts.
 - i. Such bufferyard shall not be required if the adjoining use is Commercial.
- l. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

ARTICLE 23 SPECIAL EXCEPTION REQUIREMENTS**Section 2300 Special Exceptions**

- A. Uses requiring Special Exceptions are unique, impactful, and/ or their effect on the surrounding districts, existing uses, and/ or environment cannot be determined comprehensively in advance.
- B. The Special Exception review and approval process allows for the Zoning Hearing Board to review the location, design, configuration, and potential impact of the proposed use.
 - 1. This review shall determine whether the proposed use:
 - a. Demonstrates a unique hardship to the applicant.
 - b. Complies with the specific standards identified in this Ordinance, including Sections 2302 and 2309;
 - c. Will alter the established character and use of the neighborhood or zoning district in which it is located weighing the public need for and the benefit to be derived from the use, versus the impact which it may have on surrounding districts, existing uses, and/ or environment;
 - d. Will substantially impair the use or development of adjacent properties;
 - e. Conforms to the scale, character, and exterior appearance of existing structures and uses in the district or neighborhood in which it is located.
 - f. Meets existing development, design, and engineering standards;
- C. In all cases, it is the applicants' responsibility to demonstrate how the requirements prescribed herein will be met.

Section 2301 Powers, Duties, and Compliance

- A. The Big Beaver Zoning Hearing Board shall hear and decide all requests for Special Exceptions where this Ordinance indicates a Special Exception may be granted subject to compliance with the standards and criteria prescribed.
- B. The Big Beaver Zoning Hearing Board shall adhere to spirit and intent of the Community Development Goals of Article 2 of this Ordinance with primary consideration given to public health, safety, welfare of the community, existing use and surrounding environment.
- C. The Zoning Hearing Board, in granting a Special Exception shall apply the criteria enumerated in Section 2300, above.
- D. In granting a Special Exception, the Zoning Hearing Board may require 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.
- E. The Big Beaver Borough Council shall establish the criteria for Special Exception uses as defined in this Ordinance, the requirements for Special Exceptions and the process for submission and approval as a component of the Zoning Ordinance.

Section 2302 General Standards and Criteria for all Special Exceptions

- A. Uses by special exception:

1. Shall not violate the spirit and intent of the Community Development Goals of Article 2 of this Ordinance;
2. Shall not endanger the public health, safety, or welfare nor deteriorate the surrounding environment on the site where it is proposed;
3. Shall demonstrate compliance with all relevant requirements of this Ordinance;
4. Shall be substantially conforming to the surrounding uses of property;
5. Shall have no adverse substantial impact on neighboring uses of property;
6. Shall be sited, oriented, and landscaped to produce an aesthetically compatible or architecturally harmonious relationship of buildings or grounds to adjacent buildings or properties.

Section 2303 Performance Standards

- A. Uses by special exception shall meet the following performance standards.
1. Shall meet all County, State, and Federal requirements and licensures.
 2. Uses requiring a Special Exception but housed within a Business Services/ Business Center, Integrated Business Center/ Business Center, etc. are required to follow the Special Exception approval process for said use.
 3. Vehicular and pedestrian access to the proposed site:
 - a. Shall be designed and provided to maximize pedestrian and vehicle safety;
 - b. Shall be designed to ensure safe ingress and egress to the site without disruption of traffic flow;
 - c. Shall be designed to minimize conflicts between vehicular and pedestrian circulation.
 4. Vehicular access to the lot shall be from an arterial or collector roadway.
 - a. Primary access points to the property shall be located as far as possible from road or street intersections and adequate sight distances for the posted speed limits shall be met.
 - b. Use of a local roadway, shall require the approval of the Zoning Hearing Board as a Variance, provided it will not have a negative impact on surrounding and adjacent properties.
 - i. Requests for variances shall follow the procedure outlined in this Ordinance.
 5. All parking and loading shall be adequately provided for on-site with no queuing or parking on any roadway or driveway on or off of the site.
 - a. Turn-arounds and parking facilities must be provided on-site for buses and/ or other large capacity vehicles.
 - b. Fencing and/ or planting buffers will be required where vehicle lights reflect onto roadways or adjoining properties.
 6. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent lot line. As part of its decision, the Borough Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjacent properties.
 - a. Lighting of parking areas shall be reduced by fifty (50%) percent one hour after close of business.
 - b. Site lighting, if proposed, shall be shielded and reflected away from adjacent residential properties and public streets, if applicable.
 7. Not more than one (1) identification sign shall be permitted; said sign shall be a ground or wall sign and must meet all the signage requirements of this Ordinance.

8. The hours of operation and activities must be appropriately scheduled to protect against detrimental noise and disturbances to adjacent properties and neighborhood(s).
9. The site shall be served by adequate and appropriate water and sewer services
 - a. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.
10. All dumpsters, trash receptacles, and or garbage/trash storage areas shall be screened from adjoining properties and right-of-ways and placed in a rear or side yard, or similar requirement to prevent visual, noise, and malodorous nuisance.
11. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage, and disposal.
12. All developments as applicable:
 - a. Must submit plans for approval as a Land Development Plan Application, per the Borough Subdivision and Land Development Ordinance.
 - b. Must comply with the Borough Design Standards and Requirements, and the Site Improvements and Construction Requirements of the Subdivision and Land Development Ordinance.
13. All developments must be reviewed by the Big Beaver Borough Fire Chief and must comply with the recommendations of the Big Beaver Borough Fire Chief.
14. All developments within the MUN, C-1, C-2, and I Zoning District must provide a Knox Box(s) at the location(s) specified by the Big Beaver Borough Fire Chief.
15. As practicable, all developments within the MUN, C-1, C-2, and I Zoning District must provide fire hydrant(s) at the location(s) specified by the Big Beaver Borough Fire Chief.
16. The 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 on-site and off-site improvements, including without limitations:
 - a. Encased storm water facilities and appurtenances;
 - b. Street lighting;
 - c. Traffic control and roadway modifications;
 - d. Sanitary sewer collection and treatment facilities;
 - e. Community firefighting apparatus and equipment which may be required for any unusual use or activity;
 - f. Recreational sites and/ or facilities and other public facilities, and/ or services deemed necessary.

Section 2304**Application Submittal Requirements**

- A. An application for Special Exception approval shall be submitted to the Zoning Officer or Borough Secretary with all required submittals and application fees.
 1. The application shall not be forwarded to the Zoning Hearing Board until all required submittals have been received.
 2. The Zoning Officer shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed.

- a. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Ordinance which have not been met, shall be sent to the applicant.
- B. The submitted application for Special Exception approval shall include five (5) hard copies and one (1) digital file, with the following information.
1. The use set forth in this Article for which the Special Exception approval is sought and the grounds upon which it is requested.
 2. A Development Plan shall show the overall development scheme including the following:
 - a. A written plan narrative describing the use and the overall development.
 - b. A location map showing and identifying all lots within five hundred (500) feet of the lot for which the special exception 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 Assessment/ Tax Claim Office.
 - i. Specific use requirements may have a lesser or greater distance requirement.
 - c. The zoning district and use for which the special exception approval is sought.
 - d. A written narrative of how all applicable requirements of Article 23 will be met.
 - e. Details of the proposed development including:
 - i. Layout and architectural sketches,
 - ii. All existing and proposed buildings, structures, and parking areas.
 - f. Landscaping Plan indicating landscaping and bufferyard plantings, (if applicable).
 - g. At the discretion of the Zoning Hearing Board, written comments and recommendation(s) from the Borough Planning Committee may be required.
 - h. Any additional data as requested by the Zoning Hearing Board.
 - i. The application fee required as determined by the fee schedule adopted by the Borough Council.
- C. In Section 2309, below, Uses that may have more impact or complexity shall have the use requirement of: *"Include additional use information per section 2304 C."*
1. In such instances, in addition to the submissions in Sub-section 2304,B, above, the following additional application submittal information shall be included in the Development Plan.
 - a. Property and Planimetric Survey including: property lines, bearings and distances, and building setbacks.
 - i. Existing topography by two (2) foot contours and existing drainage patterns.
 - ii. The survey must be sealed by a Professional Land Surveyor.
 - b. Proposed development layout and architectural sketches, showing all existing and proposed buildings and parking areas.
 - c. Grading Plan indicating the proposed grading of the site.
 - d. Base flood elevations, when applicable, from the Flood Insurance Rate map (FIRM) prepared by FEMA.
 - e. Wetland Delineation Report including a declaration that there are no water resources as described by the PA DEP/ DCNR on the site.
 - f. Exterior sign and exterior lighting plans.

- g. Utility Plan showing: gas lines, electric service, cable service, water service, sanitary sewer service, and storm sewers.
- h. Adjacent limited access highways and interchanges thereof, all other roads, streets, highways, access points, sight distances, traffic controls, traffic flow patterns, anticipated peak traffic volumes, and Highway Occupancy Permit if required.

Section 2305 Application and Review Process

- A. The administratively complete Application for Special Exception with all submittals and accepted by the Zoning Officer shall be forwarded to the Zoning Hearing Board.
- B. The Zoning Hearing Board shall hold a public hearing, pursuant to the required public notice, within the time periods and procedures required by the PA Municipalities Planning Code.
 - 1. The Zoning Hearing Board shall hear and decide requests for special exceptions within sixty (60) days of receiving a complete and accepted application.
 - 2. The hearing by the Zoning Hearing Board shall be conducted in accordance the procedures outlined in the Pennsylvania Municipalities Planning Code.
- C. 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 2306 Procedures for Approval

- A. The Zoning Hearing Board shall use the standards, criteria, requirements, and intent of this Ordinance, among other things, in its evaluation.
 - 1. Specific Use Requirements shall carry particular weight in the decision for approval of the special exception.
- B. 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.
 - 1. Conclusions based on any provisions of this or any other ordinance shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
- C. Where the Zoning Hearing Board 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 sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than one hundred (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.
 - 1. When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision as herein above provided, the Zoning Hearing Board shall give public notice of the decision within ten (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.

2. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so.
- D. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered and/ or mailed to the applicant no later than the day following the day of the decision.
- E. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in this Article, as it may deem necessary to implement the purposes of the PA Municipalities Planning Code and this Article and Ordinance.
1. See Section 2303.A.16.

Section 2307 **Expiration of Special Exception Approval**

- A. Special exception approval shall expire automatically without written notice to the applicant if no application for any required permit(s), certificates or approvals to undertake the construction or authorize the occupancy described in the application for special exception approval is submitted within twelve (12) months of said approval, unless the Borough Council, in their sole discretion, extends special exception approval upon written request of the applicant received prior to its expiration.
1. The maximum extension permitted shall be twelve (12) months.

Section 2308 **Use Requirements**

- A. All uses in Appendix B requiring Special Exception approval shall meet the requirements of this Ordinance and relevant Articles in addition to the requirements of Section 2309 unless a variance has been granted by the Zoning Hearing Board.

Section 2309 **Requirements for Specific Uses**

- A. Use Requirements:
1. **Concentrated Animal Operation (CAO).**
 - a. The application shall include five (5) hard copies and one (1) digital file.
 - b. The minimum site area required for the facility shall be ten (10) acres.
 - c. Application for a Borough permit to include:
 - i. Proof of compliance for all requirements set forth or required by: The Nutrient and Oder Management Act (NOMA), State Conservation Commission (SCC), PA Department of Environmental Protection (DEP), The County Conservation District, and/ or The Domestic Animal Law (DAL) to include:
 - a. Siting requirements of all buildings;
 - b. Setbacks;
 - c. Nutrient and Oder management plans;
 - d. Any required DEP permits or plans;
 - e. Compliance with the Clean Streams Act;
 - f. Plans for compliance for the disposal of dead animals;
 - g. Plan documents for manure storage facilities, including certifications and approvals.

- d. A Development Plan shall be prepared and submitted to the Zoning Hearing Board showing the overall development scheme including the following:
 - i. Existing topography shown in two (2) foot contours and existing drainage patterns.
 - ii. Grading Plan indicating the proposed grading of the site.
 - iii. Base flood elevations, when applicable, from the Flood Insurance Rate map (FIRM) prepared by FEMA.
 - iv. Wetland Delineation Report including a declaration that there are no water resources as described by the PA DEP and/ or DCNR on the site.
 - v. Exterior sign and exterior lighting plans.
 - vi. Utility Plan showing: gas lines, electric service, cable service, water service, sanitary sewer service, and storm sewers.
 - vii. Adjacent limited access highways and interchanges thereof, all other roads, streets, highways, access points, sight distances, traffic controls, traffic flow patterns, anticipated peak traffic volumes, and Highway Occupancy Permit if required.
 - viii. Adjacent uses and adjacent property owners.
 - ix. Written plan narrative describing the use and the overall development.
 - x. Additional data as requested by the Zoning Hearing Board.
 - e. As required, submit plans for approval as a Land Development Plan Application, per the Borough Subdivision and Land Development Ordinance;
 - f. Comply with the Borough Design Standards and Requirements, and the Site Improvements and Construction Requirements of the Subdivision and Land Development Ordinance.
 - g. The site shall be served by adequate and appropriate water and sewer services
 - i. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer or Public Sewage provider, and certification shall be provided from competent sources that adequate water supply is available.
 - h. Review by the Big Beaver Borough Fire Chief and must comply with the recommendations of the Big Beaver Borough Fire Chief.
 - i. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site defined by and are within the purview of the Borough Zoning Hearing Board shall be complied with by the landowner and / or developer.
- 2. Drive in Retail Uses**
- a. The following setbacks are required:
 - i. One hundred (100) feet from any residential dwelling;
 - ii. One hundred (100) feet from any adjoining property line in R-1, R-2, and MUN districts.
- 3. Horse Boarding, Riding Academy, Riding Stable.**
- a. Such use:
 - i. Shall be minimum of three (3) acres, when proposed as a principal use or,
 - ii. Shall be an accessory to an agricultural use;

- b. No building housing animals shall be closer than two hundred (200) feet to any lot line in R2, MUN, C-1, C2 districts.
- c. All lot lines adjoining a lot that is zoned R-1, R-2, or MUN shall include an additional twenty-five (25) feet of yard setback with a bufferyard in accordance with this Ordinance.
- d. All training areas and bridal paths shall be adequately fenced to protect adjoining lots from intrusion.
- e. Perimeter fences shall be constructed around all fields and meadows that are used for horse grazing, feeding, exercising, and similar activities.
 - i. No perimeter fence shall be closer than ten (10) feet from a lot line.
 - ii. Fencing shall be maintained in good condition and be adequate to contain the livestock therein.
 - iii. Fence should be rigid and not affixed to trees, shrubs, planted material, or natural objects.
- f. The landowner or occupant shall be responsible for collecting and disposing of litter and droppings from the horses in such a way as to minimize the presence of fly larvae or objectionable odors.
- g. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination.
- h. Adequate parking areas with a dust-free, all-weather surface shall be provided on lot to accommodate vehicles and horse trailers anticipated during peak use of the facility.
 - i. Parking areas shall be located at least fifty (50) feet from any property line.
 - j. Outdoor lighting, if any, shall be limited to security lighting for the parking areas and the building perimeter(s).
 - k. Indoor riding arenas and outdoor riding rings or riding arenas shall be located at least three hundred (300) feet from any property line.
 - l. Bridle paths shall be located at least fifty (50) feet from any property line.
- m. No camping or other overnight accommodations shall be permitted on the site.

4. Infrastructure Intensive Activities

- a. Meet the requirements of Section 2304C.
- b. The applicant must submit an analysis of resources that may be impacted by the operational use including, but not limited to:
 - i. Water;
 - ii. Electrical Systems;
 - iii. Natural Gas;
 - iv. Sewer Systems;
 - v. Communication Systems;
 - vi. Information and On-line Systems;
 - vii. Roadways and Roadway structures;
 - viii. Storm Water Systems;
- c. Storage of all hazardous materials and substances used to process or manufacture products shall comply with all applicable Federal, State, and County standards for use and removal.
- d. The minimum site required shall be five (5) acres.

- e. The site shall have frontage on and direct vehicular access to an arterial or collector street.
 - f. The site shall not be located within twelve hundred (1,200) feet of any residential dwelling, measured from any property boundary of the site in a straight line along a public street right-of-way to the nearest wall of a residential dwelling.
 - g. A fifty (50) foot bufferyard shall be required along any residential or commercial zoning district (R1, R2, MUN, C-1, C-2).
 - h. All processes shall be contained within a completely enclosed building and windows and doors shall remain closed during manufacturing processes.
 - i. All materials and equipment shall be contained:
 - i. Within a completely enclosed building;
 - ii. Within an area screened with an eight (8) foot opaque fence.
 - j. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
 - k. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination
- 5. Medical Marijuana Production Facility.**
- a. Meet the requirements of Section 2304C.
 - b. The production facility shall at a minimum meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district, as well as any additional special standards applicable to this use as may be required under PA Act 16.
 - i. Should use requirements differ, the more stringent requirement shall be used.
 - c. The minimum site area required for the facility shall be five (5) acres.
 - d. The following setbacks are required:
 - i. Two hundred (200) feet from any residential dwelling;
 - ii. Two hundred (200) feet from any adjoining property line in R-1, R-2, and MUN districts.
 - e. No medical marijuana facility may be operated within one thousand (1,000) feet of a school, daycare, or church use.
 - f. All medical marijuana facilities shall be licensed by the Commonwealth of Pennsylvania in accordance with PA Act 16.
 - g. A detailed security plan addressing the safety and security of the physical facility, personnel, and the public is required.
 - h. Processing and storage shall be conducted in an enclosed and secure facility.
 - i. All harvested product must be secured indoors.

- i. An additional twenty-five (25) feet of yard setback with a bufferyard meeting the requirements of this Ordinance.
 - j. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular site recommended by the Borough Planning Committee and/ or defined by the Zoning Hearing Board shall be complied with by the landowner and / or developer.
- 6. Pet Boarding/ Kennel.**
- a. Kennel uses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning district and at least fifty (50) feet from any other property line.
 - b. The minimum lot area required for this use shall be one (1) acres.
 - c. All outdoor kennel facilities (including, but not limited to, runs, pens, coops, and similar facilities) shall be:
 - i. Constructed for easy cleaning.
 - ii. Adequately secured by a fence, with a self-latching gate, and otherwise fully enclosed to ensure that a cat or any other animal is not able to climb or jump out of the enclosed area.
 - d. At no time shall the animals be permitted to run loose on the property other than in a completely enclosed area as described in the subsection above.
 - e. Outdoor pens and runs shall be screened from any residential property, by a six (6) foot-high compact vegetative screen or one hundred (100%) percent opaque fence on all sides.
 - f. If adjacent properties include residential dwellings, the kennel shall be soundproofed to minimize noise impact on the adjacent properties.
 - g. The kennel shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania, Department of Agriculture, and Beaver County's Animal Control Bylaw 15-1033 shall be maintained.
 - h. The use shall be subject to periodic inspections, by the designated officer of Beaver County, to ensure compliance with the conditions of approval.
 - i. The facility must provide current dog kennel license to any authorized official upon request.
- 7. Power Generation/ Transmission Facility.**
- a. Meet the requirements of Section 2304C.
 - b. All processes shall be contained completely on the site.
 - c. Approved, existing Right-of-Ways:
 - i. Shall be used for transmission;
 - ii. Shall about the power generation facility.
 - d. Storage of all hazardous materials and substances used to process or manufacture products shall comply with all applicable Federal, State, and County standards for use and removal.
 - e. The minimum site required shall be five (5) acres.
 - f. The site shall not be located within twelve hundred (1,200) feet of any residential dwelling, measured from any property boundary of the site in a straight line along a public street right-of-way to the nearest wall of a residential dwelling.
 - g. The site shall have frontage on and direct vehicular access to an arterial or collector street.

- h. A fifty (50) foot bufferyard shall be required along any residential or commercial zoning district (R1, R2, MUN, C-1, and C-2).
- i. As part of its decision, the Zoning Hearing Board may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjacent properties.
- j. All materials and equipment shall be contained:
 - i. Within a completely enclosed building;
 - ii. Within an area screened with an eight (8) foot opaque fence.
- k. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water, and groundwater contamination
- l. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created.
- m. A fire safety review shall be conducted with the Big Beaver Borough Emergency Management Coordinator and Fire Chief.
 - i. As part of the submission, a plan for emergency communications to the Borough and other relevant agencies shall be presented.
- n. A Knox Box(s) shall be provided as specified by the Big Beaver Borough Fire Chief.

8. Resource Conversion/ Refining Facility

- a. Meet the requirements of Section 2304C.
- b. All processes shall be contained completely on the site.
- c. A plan for the removal of finished products shall be submitted as part of the application to include:
 - i. Proposed transportation routes;
 - ii. Approved, existing Right-of-Ways;
- d. Hours of operation shall be 6am to 8pm.
 - i. Hours of activity may be further limited by the Zoning Hearing Board.
- e. The applicant shall submit a plan for roadway and infrastructure remediation for Borough maintained infrastructures affected by transport.
- f. The operator shall post a bond in favor of the Borough and in a form acceptable to the Borough prior to beginning operations in accordance with Big Beaver Borough's Heavy Hauling Permit (Excess Maintenance Agreement-Per Ordinance 114 Roads and Streets).
- g. Storage of all hazardous materials and substances used to process or manufacture products shall comply with all applicable Federal, State, and County standards for use and removal.
- h. The minimum site required shall be five (5) acres.
- i. The site shall not be located within twelve hundred (1,200) feet of any residential dwelling, measured from any property boundary of the site in a straight line along a public street right-of-way to the nearest wall of a residential dwelling.
- j. The site shall have frontage on and direct vehicular access to an arterial or collector street.
- k. A fifty (50) foot bufferyard shall be required along any residential or commercial zoning district (R1, R2, MUN, C-1, and C-2).
- l. All materials and equipment shall be contained:
 - i. Within a completely enclosed building;
 - ii. Within an area screened with an eight (8) foot opaque fence.

- m. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- n. A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections, and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- o. Sound, noise, and vibrations from the site shall be mitigated so as not to be perceptible at the property line.
- p. A fire safety review shall be conducted with the Big Beaver Borough Emergency Management Coordinator and Fire Chief.
 - i. As part of the submission, a plan for emergency communications to the Borough and other relevant agencies shall be presented.
- q. The applicant shall submit a plan for spill management and mitigation.
- r. A Knox Box(s) shall be provided as specified by the Big Beaver Borough Fire Chief.

9. Sanitary Landfill.

- a. Meet the requirements of Section 2304C.
- b. A location map showing and identifying all lots within one-thousand (1000) 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 Assessment/ Tax Claim Office;
- c. The owner or operator must obtain all necessary permits, approvals, or certifications as required by the Pennsylvania Department of Environmental Protection and the US Environmental Protection Agency.
 - i. Any suspension or revocation of the required State and Federal permits shall constitute a violation of this Ordinance and will result in the suspension or revocation of the Certificate of Occupancy Special Exception approval and/ or enforcement of the penalty provisions of this Ordinance.
 - ii. Copies of all permits, approvals, certifications, etc. must be submitted to the Borough.
- d. An operational plan shall be developed and the activity conducted in accordance with the operational plan.
- e. The minimum site size required for a sanitary landfill is fifty (50) contiguous acres.
- f. A minimum of a seven hundred fifty (750) foot setback from all adjacent uses in within the R1 District is required for all activities on the site.
- g. A minimum of a seven hundred fifty (750) foot setback from all other residential districts (R2 and MUN) is required for all activities on the site.
- h. A minimum of a five hundred (500) foot setback from all commercial districts (C1, C2) is required for all activities on the site.

- i. A Bufferyard of one hundred (100) feet shall be required along the entire perimeter of the site.
 - i. The bufferyard shall be of a height and density:
 - a. To provide a visual barrier to the site.
 - b. To mitigate light, noise, odors, vibrations, and other site specific nuisances.
- j. Sound, noise, and vibrations from the site shall be mitigated so as not to be perceptible at the property line.
- k. Fencing at least 8 feet in height shall be provided around any work area for security and to control windblown refuse and odors.
- l. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris, and dust shall not be created.
 - i. The applicant shall fully describe the scope of operation and offer expert testimony regarding the measures used to mitigate problems associated with noise, fumes, dust, and litter.
 - ii. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.
 - iii. The applicant for the Special Exception shall be responsible for correcting any litter problems that occur within one-half (1/2) mile of the facility that are attributable to the facility and related operations. Failure to correct said problem shall be cause for revocation of the Special Exception.
- m. The site shall have frontage on and at least one point of direct vehicular access to an arterial street or collector street.
- n. A transportation plan shall be submitted as part of the application to include proposed transportation routes.
- o. The applicant shall submit a plan for roadway and infrastructure remediation for Borough maintained infrastructures affected by transport.
- p. Storage of all hazardous materials and substances shall comply with all applicable Federal, State, and County standards for use and removal.
- q. Hours of operation shall be 6am to 8pm.
 - i. Hours of activity may be further limited by the Borough Council.
- r. The driveway or haul road entering the site from a public street shall be paved for a distance of six hundred (600) feet from the public street.
- s. A tire washing station shall be located on the site to service trucks exiting the facility.
- t. The operator shall post a bond in favor of the Borough and in a form acceptable to the Borough prior to beginning operations in accordance with Big Beaver Borough's Heavy Hauling Permit (Excess Maintenance Agreement-Per Ordinance 114 Roads and Streets).
- u. A fire safety review shall be conducted with the Big Beaver Borough Emergency Management Coordinator and Fire Chief.
 - i. As part of the submission, a plan for emergency communications to the Borough and other relevant agencies shall be presented.
- v. The applicant shall submit a plan for spill management and mitigation.
- w. A Knox Box(s) shall be provided as specified by the Big Beaver Borough Fire Chief.

ARTICLE 24

VARIANCE PROCEDURE

Section 2400

Purpose and Authority

- A. To provide the process to request a variance from the requirements of this Ordinance.
 - 1. A request for Variance to the Zoning Ordinance shall be made to the Zoning Hearing Board in accordance with the provisions of this Ordinance.
- B. The Zoning Hearing Board shall review Variance request by the criteria set forth in the PA Municipalities Planning Code.
- C. In all cases, it is the applicants' responsibility to demonstrate how the requirements prescribed herein will be met.

Section 2401 **Powers, Duties, and Compliance**

- A. The Big Beaver Zoning Hearing Board shall hear and decide all requests for Variances subject to compliance with the standards and criteria prescribed in this Ordinance.
- B. The Big Beaver Zoning Hearing Board shall adhere to spirit and intent of the Community Development Goals of Article 2 of this Ordinance with primary consideration given to public health, safety, welfare of the community, existing use and surrounding environment.
- C. The Zoning Hearing Board, in granting a Variance shall apply the criteria enumerated in Section 2400, above.
- D. In granting a Variance, the Zoning Hearing Board may require 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.
- E. The Big Beaver Borough Council shall establish the criteria for Variance uses as defined in this Ordinance, the requirements for Variances and the process for submission and approval as a component of the Zoning Ordinance.

Section 2402 **Procedure**

- A. Application for a Variance
 - 1. An Application for Variance shall be submitted by the landowner to the Zoning Officer or Borough Secretary.
 - 2. The Zoning Officer shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed.
 - a. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Ordinance which have not been met, shall be sent to the applicant.
- B. The submitted Application for Variance, shall at a minimum include:
 - 1. All maps, surveys, plans, and text which may be relevant to the request. At a minimum the request shall:
 - a. Be accompanied with the required application and fee, as set by Resolution of the Borough Council.

- b. A location map showing and identifying all lots within five hundred (500) feet of the lot for which the Variance 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 Assessment/ Tax Claim Office.
 - c. Specify the specific condition for which Variance relief is requested.
 - d. Address how each condition in Section 2006.C, of this Ordinance has been met.
 - i. The request shall specify any non-applicable condition(s).
 - e. State how the relief sought will or will not diverge from the spirit and intent of the Community Development Goals in Article 2 of this Ordinance for the district in which relief is sought.
 - f. State any and all occurrences where the Performance Standards of Sections 2007 and 2008 of this Ordinance may not be met.
2. If applicable, as determined by the Zoning Officer, a Development Plan showing the overall development scheme shall be submitted including the following:
- a. A written plan narrative describing the use and the overall development.
 - b. The zoning district and use for which the Variance approval is sought.
 - b. Details of the proposed development including:
 - I. Layout and architectural sketches,
 - II. All existing and proposed buildings, structures, and parking areas.
 - c. Landscaping Plan indicating landscaping and bufferyard plantings, (if applicable).
 - c. At the discretion of the Zoning Hearing Board, written comments and recommendation(s) from the Borough Planning Committee may be required.
 - d. Any additional data as requested by the Zoning Hearing Board.
 - e. The application fee required as determined by the fee schedule adopted by the Borough Council.
- C. The Zoning Officer shall transmit the completed request, any all required information, and the file on said issue and any relevant documentation to the Zoning Hearing Board.
- 1. Upon receipt of a request for variance, the Board shall establish a time and place to hear said request within sixty (60) days.
 - 2. The hearing by the Zoning Hearing Board shall be conducted in accordance with Article 9, Pennsylvania Municipalities Planning Code, as amended.
 - 3. 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.

Section 2403 Procedures for Approval

- A. The Zoning Hearing Board shall use the standards, criteria, requirements, and intent of this Ordinance, PA Municipalities Planning Code, among other things, in its evaluation.
- B. 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.
 - 1. Conclusions based on any provisions of this, or any other Ordinance shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
- C. Where the Zoning Hearing Board 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 sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than one hundred (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.

1. When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision as herein above provided, the Zoning Hearing Board shall give public notice of the decision within ten (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.
 2. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so.
- D. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered and/ or mailed to the applicant no later than the day following the day of the decision.
- E. In granting a Variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in this Article, as it may deem necessary to implement the purposes of the PA Municipalities Planning Code and this Article and Ordinance.
1. See Section 2303.A.16 for examples of reasonable conditions.

Section 2404 Appeal of the Zoning Officer's Decision

- A. 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 in Section 2402.

Section 2405 Request for Variance from the Airport Overlay District

- A. Requests for variance from the Airport Overlay District shall follow the procedure outline in Section 1804 of this Ordinance.

Section 2406 Appeals of Zoning Hearing Board Decisions

- A. 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."

Section 2407 Expiration of Variance Approval

- A. Variance approval shall expire automatically without written notice to the applicant if no application for any required permit(s), certificates or approvals to undertake the construction or authorize the occupancy described in the application for Variance approval is submitted within twelve (12) months of said approval, unless the Borough Council, in their sole discretion, extends Variance approval upon written request of the applicant received prior to its expiration.
1. The maximum extension permitted shall be twelve (12) months.

ARTICLE 25 ADULT and SEXUALLY ORIENTED BUSINESSES

Section 2500 Purpose

- A. This Article:
1. Provides standards and regulations related to adult-related businesses including Conditional Use provisions;
 2. Is intended 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.
- B. 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 effects of such businesses on the surrounding community.
1. Accordingly, the Ordinance permits adult-related businesses as set forth in Appendix B, but regulates the time, place, and manner of operation of adult-related businesses.
 2. Adult and sexually oriented businesses shall not create an enticement for minors due to its proximity to nearby uses where minors may congregate.
- C. An adult and sexually oriented business is any commercial establishment, business or club whose business and operations are intended for adults and/ or provide sexually explicit merchandise and activities, including, but not limited to any adult:
1. Arcade, bookstore, cabaret, encounter facility, mini-motion picture theater, motel, theater, novelty store, mini motion-picture theater, motion-picture theater, video store, escort agency, nude model studio and/ or sensual massage studio; as well as any activity which under the Pennsylvania Obscenity Code, must exclude minors or may not knowingly disseminate to minors.
- D. The following uses are excluded from this definition so long as they are located in an approved zoning district.
1. Any practice or establishment where a medical practitioner, psychologist, psychiatrist, therapist, or similar professional person licensed by the state engages in medically approved and recognized therapy including sexual therapy.
 2. Nude model studios when associated with a school licensed by the Commonwealth of Pennsylvania or an accredited college, junior college, or university which maintains and operates educational programs in which credits are earned and transferable to other educational institutions.
 - a. Participation is limited to enrolled students.

Section 2501 Permitted Districts

- A. Adult/ sexually oriented business as defined in this Ordinance shall only be permitted,
1. As a Conditional Use in the Highway Commercial (C-1) District.
 - a. Conditional Use approval shall follow the provisions of Article 20 and Article 22.
 2. Along the Route 18 corridor with ingress and egress from that roadway.
- B. Adult and sexually oriented business shall not be permitted in any other zoning district.

Section 2502 Lot Area, Lot Width and District Setback Requirements

- A. Minimum Lot Area Requirement:
 - 1. District lot area requirements apply.
- B. Minimum Lot Width Requirements:
 - 1. District lot width requirements apply.
- C. Minimum Use and District Setbacks
 - 1. All activities, including parking, shall be:
 - a. At least One thousand (1,000) feet in any direction from any:
 - i. Existing residential use.
 - ii. Indoor recreation facility, including commercial and non-commercial.
 - iii. Community center;
 - iv. Establishment licensed to serve and/ or sell alcoholic beverages;
 - v. Library;
 - vi. Medical facility, hospital, doctor office, dentist office;
 - vii. Movie Theater;
 - viii. Place of worship or use;
 - ix. Preschool, child day care, adult day care, special needs facility, property or use;
 - x. Public or private playground or recreational facility;
 - xi. Public or private school property or use;
 - xii. Public park property;
 - xiii. Training facility, gym or studio used by minors;
 - b. At least one thousand (1,000) feet from any property located within the R-1, R-2, or MUN Zoning Districts,
 - i. including such uses or similar zoning districts in adjacent municipalities;
 - c. At least fifty (50) feet in any direction from any other zoning district.
 - 2. The structure, use, and property that the Adult-related business occupies shall be at least two thousand five hundred (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.
- D. Corner lot widths shall be increased by ten (10) percent.

Section 2503 Yard Requirements

- A. Minimum Front Yard Requirements/ Building Line setbacks:
 - 1. See Section 2502 (above) for setbacks based on district and use.
 - a. In all other cases, the district lot area requirements apply.
 - b. In all cases the more restrictive application of this Ordinance applies.
- B. Minimum Side Yard Requirements:
 - 1. Principal building or use:
 - a. Fifty (50) feet.
 - 2. Accessory uses:
 - a. Fifty (50) feet.
 - 3. Parking Areas
 - a. Fifty (50) feet.

- i. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.

C. Minimum Rear Yard Requirements:

- 1. Principal building or use:
 - a. Fifty (50) feet.
- 2. Accessory uses:
 - a. Twenty-five (25) feet.
- 3. Parking Areas
 - a. Twenty-five (25) feet.
 - i. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.

Section 2504 Lot Coverage Requirements

- A. District lot coverage requirements apply.

Section 2505 Height Requirements

- A. Height Requirements shall be in accordance with Section 608, Height Requirements.

Section 2506 Conditional Use Requirements

A. Use Requirements

- 1. Meet the requirements of Section 2206 of this Ordinance.
 - a. The following additional and modified information shall be provided with the application for a conditional use:
 - i. A site plan illustrating the distance to the location, size, and type of all buildings and uses within twenty-five hundred (2,500) linear feet of the building proposed for the adult-related business.
 - ii. The zoning district classification within twenty-five hundred (2,500) feet of the property and building proposed for the adult-related business shall be illustrated on the site survey.
 - iii. 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 one (1) inch to one hundred (100) feet.
- 2. A location map showing and identifying all lots within twenty-five hundred (2500) 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 Assessment/ Tax Claim Office.
- 3. 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.
 - a. No theater which shows adult-related films shall project the film outside the confines of a building.
 - b. 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.
- 4. 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.
5. The maximum gross floor area of any building which is utilized for an adult-related business shall be no greater than five thousand (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.
 6. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, customers, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, customers, visitors, and guests.
 7. An adult-oriented business shall have no more than one (1) wall sign attached to the façade of the principal building.
 - a. The sign shall only include the name of the business, which itself shall not include any lewd, obscene, suggestive words, or images.
 - i. No exterior sign shall include any lewd or obscene work or any figure, picture, or painting which utilizes sexually explicit graphic or words.
 - b. No other signs shall be permitted.
 - c. No interior sign shall be visible from the exterior.
 - d. All other regulations, as set forth in this Ordinance shall apply.
 - i. In all cases the more restrictive requirements shall apply.
 8. Unless governed by more stringent Federal, State, or County regulations the following hours of operation shall be adhered to by all adult-related businesses.
 - a. Adult-related business may be open from 8 a.m. to midnight.
 - b. No adult-related business shall be open on Sunday.

ARTICLE 26 COMMUNICATIONS FACILITIES

Section 2600 Purpose and Definition

- A. This Article:
 1. Provides standards and regulations related to Communications Facilities, Communication Towers, Antennas, Small Cell Devices, and related infrastructure and support structures.
 2. Sets forth Conditional Use requirements.
 - a. All uses herein except Small Cell Devices (SCD's) shall adhere to the requirements of Article 20 and Article 22 and this Article 26 of this Ordinance.
 - b. Where use requirements vary, in all cases the more restrictive requirements shall be applied.
 3. Sets forth Permitted Use with Special Regulation Requirements.
 - a. All Small Cell Devices shall adhere to the requirements of Article 20, Article 21 and Section 2609, Section 2610 and Section 2611 of this Article.
 - i. Guidance and intent can be drawn from other Sections of this Article but shall not be inferred as requiring Conditional use approval for SCD's.
 - b. Where use requirements vary, in all cases the more restrictive requirements shall be applied.
 4. Sets standards to:

- a. Ensure the deployment of comprehensive wireless telecommunications services within the Borough.
 - b. Mitigate potential damage to adjacent properties from structural failure through careful siting and the application of proper engineering.
 - c. Minimize the total number of communication towers and other vertical communications devices throughout the borough;
 - d. Encourage the joint use of new and existing communications facilities as a primary option rather than newly constructed facilities;
 - e. Encourage users of communication towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - f. Encourage users of communication towers to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
 - g. Provide telecommunication service providers a means to deploy such services to the community quickly, effectively, and efficiently;
 - h. Mitigate visual or other adverse impacts of Communications Facilities.
- B. Unless otherwise stated, the term Communications Facility as used in this Article shall include towers, antennas, small cell devices, and related infrastructure and support facilities.
1. Where applicable, guy wires and other stabilizing devices shall also be subject to the requirements of this Ordinance.
 2. All nodes, control boxes, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating the communications facility shall be part of said facility.
- C. The requirements of this Article shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of all communication facilities.
1. The requirements of this Article shall be in addition to the provisions of the Building Code and any other Federal, State, or Local laws or Federal Communication Commission (FCC) regulations pertaining to such facilities.
 2. Communications Facilities shall be regulated by this Article of this Ordinance and shall not be considered, regulated, or permitted as public or private utilities.
- D. For purposes of this Article, unless otherwise stated, a "Tall" structure is any structure in excess forty (40) feet measured from the base to the highest point on the structure.

Section 2601 Permitted Uses

- A. Communications Towers and their accessory structures which are defined in this Ordinance shall only be permitted by Conditional Use in the R-1, C-1, C-2, and I districts.
1. Freestanding Antennas greater than thirty (30) feet shall be considered a Communications Tower for purposes of this Ordinance.
 2. Antennas that are secured to, or mounted onto, another structure with a height greater than ten (10) feet above the highest point of the structures and have an overall height of thirty (30) feet or greater, shall be considered a Communications Tower for purposes of this Ordinance.
- B. Small Cell Devices, antennas, and their accessory apparatus which are defined in this Ordinance shall be Permitted with Special Regulations (SR) in all districts.

Section 2602 Lot Area and Lot Width Requirements

- A. The lot area for communication towers of one hundred (100) feet or greater shall be:
 - 1. A minimum of three (3) acres or a dimension that satisfies setback and yard requirements of the district, whichever is greater.

- B. The lot area for communication towers of fifty (50) feet but less than one hundred (100) feet shall be:
 - 1. A minimum of two (2) acres or a dimension that satisfies setback and yard requirements of the district, whichever is greater.

- C. The lot area for communication towers less than fifty (50) feet shall be:
 - 1. A minimum of one (1) acre or a dimension that satisfies setback and yard requirements of the district, whichever is greater.

- D. When a Communication Tower is co-located with another principal use, the lot area, lot width and bulk requirements of the use with the greater requirements shall apply.
 - 1. All Communications Facilities shall, at a minimum, meet the set-back requirements of the district in which they are located.
 - a. In addition to the setback requirements set forth for the district and in this Article 26, all Communications Towers co-located with another principal use shall be setback from said principal use based on their height as follows:
 - i. If greater than one hundred (100), 125% of the height of the tower.
 - ii. If greater than 50 feet and less than one hundred (100) feet a minimum of 100 percent of the tower height.
 - iii. If 50 feet or less, shall make every effort to satisfy the minimum 100 percent requirement specified in Section 2602.D.ii, above.
 - a. Communication Towers 50 feet or less in height that cannot satisfy the minimum 100 percent requirement shall be setback a minimum of 30 feet from any principal use.
 - b. Communication Towers of 50 feet or less in height that cannot satisfy the minimum 100 percent requirement shall present a certification from a registered engineer that the tower will withstand winds of 100 miles per hour.

- E. Lot width requirements shall be determined by Yard Requirements but in no case shall be less than the district requirement.

- F. Private Antennas as defined in Section 2612 below shall not have lot requirements so long as they are affixed to the principal use.

- G. Small Cell Devices (SCD) shall not have a separate lot requirement if they are installed on other structures as set forth in Section 2611 and:
 - 1. The Yard, Lot, and Setback requirements of the principal use are met;
 - 2. Are fully within the footprint of the structure;
 - a. Or are a vertical extension of the structure;
 - 3. Meet all other requirements of the zoning district.

- H. Small Cell Devices shall be treated as antennas if any of the following conditions exist:

1. Free standing.
2. Outside of the footprint of an existing structure.
3. Greater than three (3) cubic feet.
4. Cumulatively (the volume of all equipment associated with the facility) greater than twenty-eight (28) cubic feet.

Section 2603 Yard Requirements

- A. All Communications Facilities shall, at a minimum, meet the setback requirements of the district in which they are located.
- B. Any Communications Tower greater than one hundred (100) feet, shall be setback:
 1. From any existing residential dwelling, a minimum of five hundred (500) feet or 125% of the height of the tower or antenna, whichever is greater.
 2. From any other regularly occupied non-residential space a minimum of two hundred (200) feet or 125% of the height of the tower or antenna, whichever is greater.
- C. Any Communications Tower greater than fifty (50) feet and less than two hundred (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 tower height.
- D. Communication Towers of fifty (50) feet or less in height shall make every effort to satisfy the minimum 100 percent requirement specified in Section 2603.C.
 1. Communication Towers fifty (50) feet or less in height that cannot satisfy the minimum one hundred (100) percent requirement shall be setback a minimum of thirty (30) feet from any adjoining property line.
 2. Communication Towers of fifty (50) feet or less in height that cannot satisfy the minimum 100 percent requirement shall present a certification from a registered engineer that the tower will withstand winds of one hundred (100) miles per hour.
- E. Accessory uses shall meet or exceed the district requirements.

Section 2604 Lot Coverage Requirements

- A. The total of all impervious surfaces including all structures and paved areas shall not exceed a lot coverage of more than fifty (50) percent.

Section 2605 Height Requirements

- A. The maximum height of communication facilities, communication towers shall not exceed two hundred (200) feet.
 1. Lesser heights may be set by Borough Council as a Conditional Use requirement.
 2. Utility poles used for Small Cell Devices may not be greater than fifty (50) feet in height.
- B. Height Requirements for any other structure shall be in accordance with Section 608, Height Requirements.
 1. Accessory building height shall be regulated by the building height requirements for the district or ten (10) feet, whichever is less.

- C. No Communication Tower shall infringe on the Beaver County Airport Overlay Zoning District.
 - 1. Any proposed 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.
 - 2. Any communication tower proposed within the Beaver County Airport Overlay Zoning District shall provide written approval of the antenna/ SCD location from the Federal Aviation Administration and the Beaver County Airport.
 - 3. 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/ SCD height, and lighting.

Section 2606 Conditional Use Requirements – All Communication Facility Uses

- A. Proposed Communications Facility installations shall demonstrate an existing need for the proposed service.
 - 1. Construction of Communication Facilities for the sole purpose of housing potential commercial tenants does not meet the intent of this section and conditional use shall not be approved for this use.
- B. Use Requirements:
 - 1. Meet the requirements of Article 20 and Article 21 and/ or Article 22 of this Ordinance as applicable.
 - 2. Meet the requirements of Section 2610, Joint Usage and Communication Facility Minimization.
 - a. Provide the anticipated capacity of the site, including number and types of communications devices that can be accommodated.
 - b. Provide a letter of intent to lease excess space on the tower in conformance with the provisions for shared use contained in this Article.
 - 3. Where possible, communications facilities shall be:
 - a. Clad with materials so as to affect a facade that is compatible with natural vegetative growth;
 - b. Designed in such a manner that they shall be fully enclosed within, and indistinguishable from, a preexisting structure (e.g., flagpole, steeple, water tower) or alternative communications facility structure.
 - 4. Communications facilities including apertures and bases shall be a neutral color so as to reduce visual obtrusiveness.
 - a. Unless:
 - i. Otherwise dictated by FAA or Beaver Airport Standards.
 - ii. Applying paint or other coloring agent affects the performance of the equipment.
 - 5. Illumination of communications facilities shall not be permitted unless:
 - a. Required in accordance with the requirements of the FAA.
 - b. Required as a safety measure for low-flying aircraft.
 - c. Federal Aviation Administration and/ or the Beaver County Airport requirements and approvals for required lighting plans are provided.

- d. The lighting plan is oriented in a manner so as not to unnecessarily project onto surrounding residential property.
- e. Required for site security.
 - i. Security lighting for accessory equipment, buildings, or structures shall not project onto adjoining properties.
- 6. A maintained, landscaped bufferyard is required between communication facilities and adjacent lots.
 - a. The bufferyard shall be:
 - i. Be a minimum of forty (40) feet.
 - ii. Meet the requirements of Article 34.
 - a. Natural bufferyards may be permitted by Borough Council.
- 7. Submit a statement that the use:
 - a. Is not a hazard to air navigation under Part 77, Federal Aviation Regulations;
 - i. A written statement from The FAA may be required.
 - b. Does not require compliance with Part 77.
 - i. A written statement from The FAA may be required.
- 8. Communications Facilities shall not interfere with public safety communications or the reception of broadband, television, radio, or other communications services.
- 9. No communication facilities shall be allowed on or attached to any type of single-family dwelling except as defined in Section 2612.

Section 2607

Conditional Use Requirements - Communications Towers

A. Use Requirements

- 1. Meet the requirements of Section 2207.
 - a. In addition, the following information shall be included in the project narrative or design plans.
 - i. Tower location, height and design;
 - ii. Tower capacity
 - iii. Fencing and security;
 - iv. Drainage improvements with a storm water management plan if applicable;
 - a. The Borough Engineer shall determine if such plan is required.
- 2. Land subject to hazards of life, health, and safety, such as deep mined or strip mined, quarried land, channels, swamps, land subject to flooding, mud slides, and subsidence shall not be approved for development until all such hazards have been satisfactorily eliminated or such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
 - a. Including requirements of Article 15 and Article 16
- 3. Excavation Standards.
 - a. No excavation shall be made with a cut face steeper in slope than two (2) horizontals to one (1) vertical, except under either of the following conditions:
 - i. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than 2 horizontals to 1 vertical, and a written statement of a civil engineer licensed by the Commonwealth of Pennsylvania and experienced in erosion

control is submitted to and approved by the Borough. The statement shall state that the licensed engineer has inspected the work site and that the specified deviation from the required slope will not cause injury to persons or damage to property.

- ii. A retaining wall or other approved support is provided to shore up the face of the excavation. Depending on the location and good safety practice, a guard rail or fence may be required at the top of an excavation cut. A design sealed by a professional engineer must be provided for the retaining wall, including a stability analysis and global stability analysis.
- iii. The Borough Engineer may require an excavation to be made with a cut face flatter in slope than two (2) horizontals to one (1) vertical if it finds that the soil or other material from which the excavation is dug is highly susceptible to erosion or if other conditions necessitate a flatter slope. In such case, the Borough shall specify a maximum allowable slope.

4. Fill Standards.

- a. No fill shall be made which creates any surface steeper in slope than two (2) horizontals to one (1) vertical, except under either of the following conditions:
 - i. The fill is located such that settlement, sliding, erosion and water drainage will not endanger adjoining property or human health and safety, in the opinion of the Borough.
 - ii. A written statement is submitted to the Borough by a licensed civil engineer, experienced in erosion control, in which such engineer certifies that he has inspected the work site and concluded that the proposed deviation from the required slope will not result in damage to adjoining property or danger to human health and safety.
 - iii. A retaining wall or other approved support is provided to shore up the face of the excavation. Depending on the location and good safety practice, a guard rail or fence may be required at the top of an excavation cut. A design sealed by a professional engineer must be provided for the retaining wall, including a stability analysis and global stability analysis.
- b. The Borough may require that the fill be graded with a slope flatter than two (2) horizontals to one (1) vertical if he finds such precaution necessary to ensure stability and safety under the circumstances.
- c. The fill must be composed of clean soil or earth.
- d. In order to ensure the stability and even settlement of the fill, each layer of fill shall be compacted by approved mechanical equipment in layers not to exceed 12 inches in thickness and as recommended by the applicant's geotechnical engineer. The entire area of each layer shall be completely compacted to a minimum compaction of 95% of a modified proctor prior to placement of the next layer of fill.

5. Drainage.

- a. The permit holder shall take adequate steps to prevent surface water from damaging the cuts and slopes of excavations and fills. The Borough may require such drainage structures as it deems necessary to prevent erosion damage and to ensure that surface water is properly channeled off to an approved storm drain, water course or catch basin. All grading

- permit applications must comply with the Big Beaver Borough Stormwater Management Ordinance.
6. At a minimum, the applicant shall conduct a geotechnical investigation. The investigation shall:
 - a. Determine the general geologic and subsurface conditions at the site and their impact on development, especially with respect to limitations/constraints on site grading, including cut slope and fill embankment construction and the capacity of natural soils to support development.
 - b. Aid in the development of the site grading plan.
 - c. Include consultation and review of existing maps, such as, but not limited to: Map of Zones Where Land Use Can Be Affected by Landslides, Flooding, and Undermining, Beaver County, PA, by Reginald P. Briggs and William R. Cohl, 1975, USGS Map MF-685D; Coal Resources of Beaver County, PA, Part 1, Coal Crop Lines, Mined-Out Areas and Structure Contours, compiled by Clifford H. Dodge, Mineral Resource Report 89, 1985, by PaDEP; Soil Survey of Beaver County, PA, by United States Department of Agriculture, Soil Conservation Service.
 7. Telecommunications towers shall be designed to structurally accommodate the maximum number of antennas possible, but in no case less than the following:
 - a. At least one two-way radio antenna for every 10 feet of tower;
 - b. At least one two-way radio antenna for every 20 feet of tower as well as at least one microwave facility.
 - c. Such other combination as found by the Borough Council to provide the maximum possible number of foreseeable users.
 - d. These requirements may be reduced if:
 - i. The FCC provides a written statement that no more licenses for those broadcast frequencies that could use the tower will be available in the foreseeable future; or
 - ii. The size of the tower required significantly exceeds the size of the existing towers in the areas and would therefore create an unusually onerous, visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.
 - a. This provision is only to be applied in unusual circumstances not resulting from the applicant's action or site selection unless no other site is possible.
 8. The access drive to the site shall be at least twelve (12) feet in width and improved with material acceptable to the Borough Engineer.
 - i. No access drive shall be of a dirt or unimproved nature.
 - ii. All access drives must be permitted by the Borough or PennDOT (State Road).
 9. At least one (1) parking space shall be provided at the site.
 10. A visual screen shall be provided along the perimeter of the tower base area to provide a visual buffer for adjoining private properties and the public right-of-way.
 11. As applicable, all development and earth moving activities shall be required to submit a Soil Erosion and Sedimentation Control Plan and obtain the required permit from the Beaver County Conservation District as required by the

Pennsylvania Department of Environmental Protection, pursuant to most recent rules and regulations of the Soil Erosion and Sedimentation Control Manual.

12. The base area of a tower and all accessory building structures shall be enclosed with a fence not less than six feet in height.
 - a. Fencing shall include a locked gate.
13. Signs shall not be permitted on towers or fencing except for:
 - a. Signs displaying owner contact information and safety instructions.
 - i. Such signs shall not exceed five square feet in surface area.
 - 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.
14. All Communications Towers shall be constructed so that they are not:
 - a. Directly above or adjacent to any occupied building, structure or common parking area.
 - i. Parking space(s) for maintenance vehicles are excluded.

Section 2608 **(This Section is reserved for future use)**

Section 2609 **Permitted Special Regulations, Small Cell Devices**

A. Use Requirements

1. A Development Plan shall be prepared and submitted to Borough Engineer showing the overall development scheme including the following:
 - a. The specific location of Small Cell Devices as well as any accessory equipment;
 - b. Any proposed building or structure, including telephone poles, to be used;
 - c. The height of the device as measured from the ground to the uppermost part of the device.
 - i. If mounted on another structure the maximum height shall be measured from the ground level to the top of the small cell device.
2. Signs shall not be permitted on any device or support equipment except for:
 - a. Signs displaying owner contact information and safety instructions.
 - i. Such signs shall not exceed 25% of one side of the device surface area.
3. Additional copies of the development plan shall be provided to such individuals and agents of the Borough, such as the Borough Engineer, Zoning Officer, etc. at the sole discretion of Borough Council.

Section 2610 **Joint Usage and Communications Facility Minimization**

- A. No new communications facilities shall be allowed unless it is demonstrated to the Borough Council that one or both of the following conditions exist:**
1. A coverage gap exists requiring an additional telecommunications facility.
 - a. The requirements set forth in 2610.A. 1 above do not apply to small cell devices and antennas as set forth in Section 2611 of this Ordinance.
 2. No existing or planned communications facility or tall structure can reasonably accommodate the applicant's proposed operational requirements.
 - a. The requirements set forth in in 2610.A.2, above, do not apply to small cell devices and antennas as set forth in Section 2611 of this Ordinance.

- B. The applicant, at their expense, shall demonstrate that:
1. A coverage gap exists.
 2. The proposed solution is the least intrusive manner for filling said gap.
- C. The applicant, at their expense, shall demonstrate that no existing or planned communication facility of tall structure can reasonably accommodate the need with the following procedure:
1. The applicant shall contact the owners of all existing or planned communications facilities as well as suitable building mounted sites (tall structures) within one (1) mile of the proposed location to determine if the proposed communications device can be located on an existing tall structure.
 2. The applicant shall provide the Borough with a scale map indicating the location of the proposed communications facility illustrating a one (1) mile radius from the communications facility, and illustrating any structure in excess of forty (40) feet (tall structure) within this one (1) mile radius.
 3. If there is a tall structure within the aforesaid radius, the applicant shall contact the owner and make a good faith effort to locate the communications device on the tall structure. The following factors shall be considered in determining if the antenna can be located on an existing tall structure:
 - a. Availability of space on the tall structure to locate the communications device;
 - b. The tall structure's structural integrity to support the communications device;
 - c. Radio frequency interference;
 - d. Geographic service area requirements;
 - e. Mechanical or electrical incompatibilities;
 - f. The comparative costs of co-location and new construction.
 - g. Evidence of a good faith effort to locate the communication device on the tall structure.
 - i. Any communications with offers and acceptance/rejection of said efforts.
 4. A list shall be provided by the applicant of all such owners contacted, the date of such contact and the form and content of such contact including:
 - a. Identification of the site by location, existing uses, and communications facility height.
 - b. Whether the existing or planned communications facility could structurally accommodate the use proposed by the applicant without requiring structural changes to the existing or planned communications facility.
 - c. Whether the existing or planned communications facility could structurally accommodate the proposed use if structural changes were made, not including totally rebuilding the existing or planned communication communications facility.
 - i. If so, the owner shall specify what changes would be required.
 - d. If structurally able, would sharing use by such existing or planned communications facility be precluded for reasons related to radio frequency (RF) interference.
 - i. If so, the owner shall describe in general terms what changes in either the existing or proposed uses would be required to accommodate the proposed communications facility, if at all.
 - e. If shared use is possible,

1. A cabinet or structure mounted atop a structure shall be:
 - a. Ten (10) square feet, or less, of gross floor area;
 - b. Six (6) feet, or less, in height.
 - c. No more than one percent (1%) of the gross roof area.
2. A ground mounted cabinet or structure shall be:
 - a. Twenty (20) square feet, or less, of gross floor area;
 - b. Six (6) feet, or less, in height;
 - c. Screened or subdued;
 - d. Located in the rear or side yard.
3. A cabinet mounted on a vertical structure such as a telephone pole shall be:
 - a. Sixteen (16) cubic feet, or less;
 - b. A minimum of six (6) feet above the ground;
 - c. Subdued in color and shape.

Section 2612 Private Use Antennas and Private Use Small Cell Devices

- A. Antennas and Small Cell Devices (SCD) intended for the private use by a residence or commercial use are permitted with Special Regulations in all districts subject to the provisions of this Ordinance.
 1. Such uses shall be deemed accessory uses to the principal use and do not require a Conditional use approval.
- B. Private use shall include:
 1. Reception only antennas and SCD's used for television, computers, and other such devices.
 2. Amateur Radio Station Operators/ Receive Only and Receive/ Send (Ham) Antennas provided that:
 - a. The installation of any said antenna complies with the height requirements of this Ordinance;
 - b. The antenna is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receiving only.

Section 2613 Abandoned/ Unused Towers, Antennas and Small Cell Device's

- A. If a communications tower, antenna, or small cell device is unused or abandoned, the owner shall be required to immediately notify the Borough in writing of the abandonment.
 1. Failure to notify the Borough within ninety (90) days of such discontinuance shall be considered a violation of this Ordinance and penalties may apply, per the maximum amount the MPC Code Permits.
 2. Any abandoned or unused communications tower, antenna or small cell device shall be removed by the owner within twelve (12) months of the date it was abandoned or last used.
 - a. Failure to remove an abandoned antenna or tower within said twelve (12) months of the date it was abandoned or last used shall be grounds for the Borough to cause the removal of the tower of antenna at the owner's expense.
 - b. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

- B. If the facility is to be retained for future use, the owner provide a written statement that shall establish when and under what conditions the facility will be reused.
 - 1. Any facility that remains unused or abandoned for twelve (12) months must reapply for all permits and necessary approvals prior to reinitiating operations.
- C. At the discretion of the Borough Council, upon good cause shown, the one (1) year period for removal may be extended for a period not to exceed one (1) additional year.
- D. All provisions of this section also apply to all accessory buildings and structures.

Section 2614 Operations

- A. Communications towers may be repaired or maintained without restriction.
 - 1. The Borough Council may, as a condition of approval, require a schedule of regular, periodic maintenance.
- B. Antennas and SCD's may be replaced in kind without restriction.

Section 2615 Accessory Buildings and Structures

- A. Use Requirements
 - 1. All accessory buildings or structures shall be setback at least forty (40) feet from the street or the maximum required by the zoning district, whichever is greater
 - 2. All accessory buildings or structures shall be setback at least twenty (20) feet from all other property lines or the maximum required by the zoning district, whichever is greater
 - 3. The maximum building height shall be ten (10) feet.
 - 4. Any accessory building or structure shall be durably constructed with a wood frame; composite materials; block, brick, or other suitable material.
 - a. Metal sheds are not permitted for such structures.
 - 5. Buildings and related structures shall, to the extent possible, use materials, colors, screening, and landscaping that will blend into the natural setting and surrounding buildings.
 - 6. The accessory building or structure shall not:
 - a. Include any offices, long-term vehicle storage, or outdoor storage;
 - b. House broadcast studios, except for emergency purposes;
 - c. House any other uses that are not needed to send or receive transmissions.
 - 7. The maximum gross floor area of the building or structure shall be three hundred (300) square feet.

Section 2616 Non-Conforming Use

- A. Communication Facilities that were legally constructed prior to the adoption of this Ordinance, and are as a result of its' adoption currently a non-conforming use, shall be allowed to continue their usage as they presently exist.
- B. Routine maintenance (including replacement with a new facilities of like construction and equal or lower height) shall be permitted on such pre-existing towers.

- C. New construction and/ or the addition of additional communications devices shall fully comply with the requirements of this Ordinance.
- D. Pre-existing nonconforming communications facilities that are damaged or destroyed may be rebuilt without having to first obtain a conditional use approval.
 - 1. The type, height, and location of the communications facility shall be of the same type and intensity as the original facility.
 - 2. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is first damaged or destroyed.
 - a. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as set forth in Section 2613.

Section 2617 Damages and Disturbances

- A. Any damage or disturbance occurring in any right-of-way, public property or private property during the installation, repair, replacement, or removal of communications facilities shall be repaired within thirty (30) days by the owner/ provider of the communications facility.
 - 1. If such repairs are not made within thirty (30) days or thirty (30) days after notice from the Borough:
 - a. The Borough take such action as needed to make the repairs and charge the owner/ provider for the costs;
 - b. May apply an additional penalty of the maximum amount permitted.
- B. Any graffiti on the facility or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

Section 2618 Insurance and Indemnification

- A. Each person that owns or operates a communications facility of fifty (50) feet or greater in height shall provide the Borough with a certificate of insurance evidencing coverage for the communications facility of:
 - 1. General liability coverage in the minimum amount of five million (\$5,000,000) per occurrence;
 - 2. Property damage coverage in the minimum amount of five million (\$5,000,000) per occurrence.
- B. Each person that owns or operates a tower-based or antenna-based communications facility of twenty-five (25) feet or greater but less than fifty (50) feet shall provide the Borough with a certificate of insurance evidencing coverage for the communications facility of:
 - 1. General liability coverage in the minimum amount of one million (\$1,000,000) per occurrence;
 - 2. Property damage coverage in the minimum amount of one million (\$1,000,000) per occurrence.
- C. Each person that owns or operates a Communications Facility shall at their sole cost and expense shall:
 - 1. Indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees, and agents at all times against any and all claims for

personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the Communications Facility.

- 2. Defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of said Communications Facility. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs, of indemnification.

ARTICLE 27 FLOOD - PRONE and MUDSLIDE - PRONE AREAS

Section 2700 Purpose

- A. The purpose of this Article is to:
 - 1. Identify flood and mudslide prone areas that require additional investigation, special planning, submissions, preparation protection, and adherence to requirements in accordance with the requirements set forth:
 - a. In this Article and this Ordinance;
 - b. In Article 15 and Article 16 of this Ordinance;
 - c. By Beaver County;
 - d. By the State of Pennsylvania;
 - e. By relevant Federal agencies.
 - 2. Provide safeguards for the health, safety and welfare of persons and property from flooding, mudslides, landslides or other natural dangers to life and property.
 - 3. Establish a balance between land use and the ability of the natural systems to support development.
 - 4. Set requirements for development of flood and mudslide prone areas as identified in this Article.
- B. Provide the basis for the Borough and its residents to participate in the National Flood Insurance Program.
 - 1. Certain areas of Big Beaver Borough are subject to periodic flooding and/ or mudslides from streams and other waters which may cause damage to properties and improvements within the reach of such waters and mudslides.
 - 2. The Borough Council of Big Beaver Borough has determined to participate in the National Flood Insurance Program.
 - 3. 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.

Section 2701 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:
 - 1. In the Big Beaver Floodplain Ordinance, No. 210, as adopted June 16, 2015, and revised.

2. The work must comply with all applicable regulations for flood-resistant construction under the currently adopted version(s) of code in the Pennsylvania Uniform Construction Code.
- B. All Manufactured (mobile) Homes and any additions thereto shall be anchored to resist flotation, collapse, or lateral movement in compliance with the Uniform Construction Code and The Department of Housing and Urban Development (HUD) regulations.

Section 2702 Regulation of Mudslide - Prone Areas

- 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.
1. Such geologist or soils engineer shall furnish, without charge to the Borough, two (2) copies of a written report of their review to the Zoning Officer.
 2. 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.
 3. 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.
- C. All Manufactured (mobile) Home 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:
1. Over-the-top ties shall be provided at each of the four (4) corners of the Manufactured (mobile) Home with two (2) additional ties per side at intermediate locations for units fifty (50) feet or less in length, and four (4) additional ties per side for units more than fifty (50) feet in length.
 2. Frame ties shall be provided at each corner of the Manufactured (mobile) Home, 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.
 3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

Section 2703 Variances

- A. Variances granted from these regulations by the Zoning Hearing Board shall be as a minimum remedy to afford relief under the provisions of Article 20 and Article 24.

Section 2704 Advice from the Borough Engineer

- A. In performance of their duties hereunder, the Borough Floodplain Administrator and Zoning Officer is hereby authorized to consult with and rely upon the advice and recommendation of the Borough Engineer.

Section 2705 Legislative Intent

- A. The degree of flood and/ or mudslide protection required by the provisions of this Ordinance shall be that minimum considered reasonable for regulating purposes.
- B. Because the conditions, which may result in flood or mudslide damage, are in many instances unpredictable or may be increased by human activity or natural causes, it is not intended, nor should it be assumed, that any area will be free from flooding and/ or mudslide and damage including:
1. Any areas outside of identified flood-prone and/ or mudslide-prone areas.
 2. Any area where land uses are permitted within identified flood-prone and/ or mudslide-prone areas.
- C. 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 28 RESOURCE EXTRACTION and REFINING**Section 2800 Uses and Purpose**

- A. Unless otherwise stated, the term Resource Extraction shall apply to all activities involving mining, resource extraction, and refining to include:
1. Mining, extraction and/ or removal of surface or sub-surface resources, minerals, or other commodities of value;
 2. Refining, modification, enhancement, purification, or other changes to said raw resources.
 3. Well and pipeline location assessment operations, including seismic operations and related activities.
 4. Extracted resources brought into the Borough to be further refined, modified, enhanced, purified or otherwise changed from their raw form.
- B. All uses enumerated above shall be Industrial uses and shall meet all Borough standards, regulations, and requirements that are applicable to such uses, unless State law prescribes a less stringent standard.
- C. Removal of minerals or other commodities encountered during the routine grading of a site in conjunction with an approved land development plan or for the construction of public improvements shall be excluded from these regulations, except as noted, and the requirement to obtain approval of a conditional use application provided that:
1. The unearthing of the minerals or commodities was not anticipated;

- a. See Section 2804.h for planned extraction during development.
 2. A development plan and/ or Land Development has been approved;
 3. The resource extraction activity is secondary to the approved development plan;
 4. Such removal shall be limited to extraction only and conducted entirely within the limits of the development plan;
 - a. Refining, modification, enhancement, purification, or other changes to said raw resources is prohibited.
 5. Evidence is presented to the Borough that all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP) shall be met;
 6. In addition to any development plan approvals, all road use and setback requirements required in this Article are maintained, (see subsection 2804.h).
 - a. Where there is a difference in requirements, the more restrictive requirement shall apply.
- D. The purpose of this Article is to:
1. Protect, preserve, or conserve open land, natural resources, forests, waterways, watersheds, and woodlands within the Borough.
 2. Allow resource extraction in accordance with applicable Federal and State requirements.
 3. Allow for the reasonable development of oil and gas resources.
 4. Protect the viability, property values, and quality of agricultural residential and commercial districts by guiding resource extraction activities.
 5. Protect the rights of adjoining property owners.
 6. Provide standards to ensure that:
 - a. Public health and safety are addressed;
 - b. Potential damage to adjacent properties from inappropriate land use are avoided through careful practices and the application of proper engineering.
 7. Establish standards for the maintenance and management of areas of resource extraction.
 8. Promote resource extraction as a sound and economically viable use of land and harvesting of resources within the Borough.
- E. Uses prescribed by State Law as Permitted, Conditional Use or Special Exception as enumerated in Section 2801 below shall follow the maximum restriction permitted by:
1. State Law;
 2. This Ordinance.
 - a. In cases of conflict, the requirements of State Law, including maximum permitted enforcement by this Ordinance shall apply.

Section 2801 Resource Extraction Use Permissions as Prescribed by State Law

- A. The following uses have been prescribed by State Law. Applicable requirements, as permitted, are enumerated by use in this Article.
1. ***Impoundment Areas*** used for oil and gas operations shall be:
 - a. A Permitted use with Special Regulations in all Zoning Districts.
 2. ***Natural Gas Compressor Stations*** shall be:

- a. A Permitted use with Special Regulations in agricultural (R-1) and industrial (I) zoning districts.
 - b. A Conditional Use in all other zoning districts.
3. **Natural Gas Processing Plant** shall be:
- a. A Permitted use with Special Regulations in the industrial (I) zoning district.
 - b. A Conditional Use in the agricultural zoning district (R-1).

Section 2802 **All Resource Extraction Uses**

- A. All Resource Extraction uses, that are not otherwise prescribed by State Law, shall be designated by this Ordinance:
 1. As a Conditional Use and subject to Conditional Use requirements and approval.
 2. As a Special Exception and subject to Special Exception requirements and approvals.
 3. Any other Use determined to be a Resource Extraction use shall be subject to Conditional Use Approval.
- B. All Resource Extraction uses, that are not otherwise prescribed by State Law, shall be restricted to:
 1. Agricultural (R-1) and Industrial (I) zoning districts by Conditional Use;
- C. All Resource Extraction uses, which are not otherwise prescribed by State Law, shall not be permitted in any residential zoning district (R-2 and MUN) or Highway Commercial District (C-2).
- D. Requirements included within this Article, Article 20 and Article 22 shall be the basis of approval for conditional use.
- E. Requirements included within this Article, Article 20 and Article 23 shall be the basis of approval for special exception.

Section 2803 **Resource Extraction Restrictions and Regulation of Use**

- A. Resource Extraction uses and activities that have been prescribed by State Law, shall meet the maximum requirements enumerated therein.
- B. Resource Extraction uses and activities that have not been prescribed by State Law, shall meet the requirements of this Ordinance.
- C. Resource Extraction activities and uses are not permitted, unless explicitly permitted by State Law, in areas that:
 1. May be unsuitable for all or certain types of Resource Extraction operations if the resource extraction will:
 - a. Be incompatible with existing Commonwealth, County or local land use plans or programs.

- b. Affect fragile or historic lands in which the resource extraction operations could result in significant damage to important historic, cultural, scientific or esthetic values or natural systems.
 - c. Affect the land and properties where renewable resources are present and the resource extraction operations could result in a substantial loss or reduction of long-range productivity of such resources including water supply or agricultural products.
 - d. Affect areas in which the resource extraction operations could substantially endanger life and property to include areas subject to frequent flooding and areas of unstable geology.
- D. Resource Extraction activities and uses are not permitted, unless explicitly permitted by State Law to be placed or operate upon any:
- 1. Publicly owned park;
 - 2. Place included in the National Register of Historic Sites:
 - a. Unless approved by the governmental agency with jurisdiction over the park or historic site.
- E. Resource Extraction activities and uses shall meet the requirements related to special conditions, unless explicitly permitted by State Law, in any areas with special conditions as enumerated in Article 15, Article 16 and Article 17.
- F. Resource Extraction activities and uses shall comply with the following:
- 1. Clear cutting shall be limited to the area of development and extraction.
 - 2. All roads and access routes shall be cut horizontally across slopes.
 - 3. At the conclusion of resource extraction all surface areas must be repaired and/or properly treated to prevent soil erosion, sedimentation migration, or pooling of stormwater, wastewater or drainage.
 - a. A plan for remediation shall be included in the resource extraction plan.
 - b. A plan for water retention shall be included in the resource extraction plan.
 - 4. All soil or debris washed or otherwise deposited onto a public street or road within the Borough shall be cleaned as soon as possible, but not later than the sun-down of the day the resource extraction operation activity caused such deposit to occur on any said public street or road.

Section 2804**Resource Extraction Location and Setbacks**

- A. Unless explicitly exempted, modified, or restricted by State Law the requirements of this Article and Ordinance apply to all Resource Extraction uses and activities.
- B. All activities pertaining resource extraction must occur within the areas defined and approved by the conditional use or special exception application.
 - 1. Ingress and egress routes to the areas must be shown on the resource extraction plan.
 - a. These routes may be outside the resource extraction area.
- C. Resource extraction uses are permitted in:

1. Rural Residential (R-1) district and Industrial (I) district by Conditional Use.
 - a. If additional areas are required by the Pennsylvania Municipal Code, to permit resource extraction, they shall be approved as a Conditional Use.
- D. Resource extraction operations shall be setback a minimum of five hundred (500) feet from the property line of any residential use, public building, school, place of worship, community or institutional building, residential/ commercial building, public park, public trail, or private recreational area.
- E. Resource extraction operations shall be setback a minimum of two hundred (200) feet from any other institutional, commercial, or industrial use.
- F. No resource extraction shall be conducted within one hundred (100) feet of the right-of-way line of any public road, except where access roads or haulage roads join the right-of-way line.
- G. No resource extraction shall be conducted within one hundred (100) feet of a cemetery.
- H. In conjunction with an **approved development plan**, restricted resource extraction plan may be approved by Borough Council as a separate conditional use providing:
 1. Restricted resource extraction shall be subject to all requirements including setbacks of this Article and Ordinance.
 2. Such removal shall be limited to extraction only and conducted entirely within the limits of the development plan;
 - a. Refining, modification, enhancement, purification, or other changes to said raw resources is prohibited.
 3. A Surety Bond shall be posted for any removal from any current or proposed location with a public right of way for any streets or infrastructure insuring the proper installation of the public improvements.
 4. All removal is conducted prior to the preparation of foundations, roadway sub-bases, final grading, infrastructure preparation/ installation, or preparation/ Installation of any other structures.
 5. There shall be no removal of minerals or vegetative cover within one hundred (100) feet of any riparian area, stream bank, natural watercourse, or other body of water as enumerated in Article 15 and/ or identified on maps prepared by the United States Geologic Survey (USGS).
 6. Resource Extraction shall be prohibited in watersheds of rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a "wilderness trout stream," by the Pennsylvania Department of Environmental Protection as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.
- I. Deep mine openings ventilating and above-ground structures shall be located so as to comply with the performance standards regarding noise, as outlined in this Ordinance, and to minimize noise impacts on adjoining property.
 1. All such structures shall be setback as provided for in this Section.

Section 2805 Resource Extraction Review, Submissions, and Approval

- A. All standards and requirements in this Article shall be reviewed for compliance and approved by the Zoning Officer and/ or the Borough Engineer.
- B. The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State or Federal permits, including proof of insurability, before initiating any work and of maintaining the required permits throughout the duration of all operations.
 1. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and / or enforcement of the penalty provisions of this Ordinance.
- C. An plan for resource extraction shall be submitted to include:
 1. A site plan or sketch drawn to scale of one inch equals fifty feet (1" = 50') or less, showing:
 - a. The parcel or parcels of land or portions thereof upon which the resource extraction is to be conducted;
 - i. The proposed area for resource extraction shall not be less than ten (10) acres and shall not exceed twenty-five (25) acres.
 - ii. If the area of the resource extraction involves more than twenty-five (25) acres, the proposed schedule for such resource extraction on the lands exceeding said twenty-five (25) acres must be marked on such plan drawings, including a proposed timeline for operations in the additional area(s) of operation.
 - a. Said extension shall only be permitted if the requirements of this Article are met at the time the additional resource extraction is scheduled to commence.
 - b. A location map showing and identifying all lots within one-thousand (1000) 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 Assessment/ Tax Claim Office;
 - c. The lot area and distances to all residential and commercial uses;
 - d. Ingress and egress routes;
 - e. Property line locations and length thereof, with North arrow;
 - f. Graphic scale setting forth scale in which the drawing is prepared;
 - g. Vicinity or location map or other suitable data to sufficiently designate or identify the location of the proposed resource extraction site;
 - h. Identification of abutting property owners, streets, or roads;
 - i. The zoning district or districts in which the proposed resource extraction is to occur;
 - j. The present use of the land and existing structures thereon, if any.
 2. Documentation from a licensed professional that the areas to be used for resource extraction is neither landslide prone nor flood prone as no resource extraction shall take place in areas known or determined to be landslide-prone or flood-prone.

3. An Erosion and Sedimentation Control Plan as required by PA Title 25 Chapter 102 and as approved by the Borough Engineer;
 4. Documentation of the developer's legal right to conduct the resource extraction activity at its' proposed location by the surface owner of the land or other grantor of such right.
 5. The total acreage of land to be disturbed by the development and conducting of the resource extraction, including but not limited to:
 - a. Adjacent parking area facilities,
 - b. Area or areas to be developed for loading and/ or transferring resources onto trucks, pipelines, or other means of transit for removal from the resource extraction site.
 6. Any other Permits or approved plans that may be required by any other Borough Ordinance, including but not limited to:
 - a. Hauling overweight on any posted weight limit road;
 - b. Any Commonwealth of Pennsylvania laws or regulations, including but not limited to, the Clean Streams Law.
- D. Supplementary Data required by other agencies shall be included with the Resource Extraction Plan including documentation such as:
1. Copies of all planning data submitted to the Pennsylvania Department of Environmental Protection and / or the Beaver County Conservation District;
 2. Control Plan for Erosion and Sedimentation as and when required per the provisions of the Pennsylvania Clean Streams Law or Chapter 102, Erosion Control, or otherwise required by the Rules and Regulations of the Pennsylvania Department of Environmental Protection;
 3. The landowner or developer shall provide a certified true and correct copy of said Erosion and Sedimentation Control Plan and documentation to the Borough that the Erosion and Sedimentation Plan has been submitted to, reviewed and approved by the Borough Engineer or the appropriate office or division of the Pennsylvania Department of Environmental Protection.
- E. When applicable, a certified true and correct copy of any Permits required and issued by other governmental entities, including but not limited to, the Permit requirements applicable to certain Regulated Earth Disturbance Activities, including those Permit requirements involved as to:
1. Permit issued, if applicable, by the DEP for development and operation of a resource extraction use.
 2. All Regulated Earth Disturbance Activities subject to permit requirement by the DEP.
 3. Work or development activity within natural drainage ways and water storage subject to permit by the DEP.
 4. Any stormwater management facility or device that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by the DEP.
 5. The applicant or developer shall provide such additional information as may be required by the Borough Council, Planning Committee, Borough Engineer, or Zoning Officer relative to any facet of the proposed resource extraction activity in

order for same to more fully evaluate the proposed resource extraction operation and its effect on adjacent properties or the Borough as a whole.

- F. The applicant shall present professional reports to demonstrate that the proposed resource extraction operation will not adversely affect any of the following:
 - 1. Lawful existing or permitted use of adjacent properties.
 - 2. The quality of adequacy of any public or private water supply source.
 - 3. Any flood-prone or landslide prone areas within the Borough.

- G. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County, and Borough roads and shall design the hauling routes for the resource extraction operation to minimize the impact on local roads with the Borough.
 - 1. The Applicant shall also show evidence satisfactory to the Borough Engineer that the intersections along proposed hauling routes provide a sufficient turning radius for trucks to be utilized for hauling, such that all turns can be safely made without damage to vehicles, sidewalks, or curbs.

- H. Portions of the site where resource extraction operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.

- I. The applicant shall provide reclamation plans for the site, which demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the district in which the site is located.
 - 1. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.

- J. The operator shall post a bond:
 - 1. In favor of the Borough and in a form acceptable to the Borough prior to beginning operations in an amount determined by the Borough for the site to cover the cost of construction of the reclamation plans.
 - 2. In favor of the Borough and in a form acceptable to the Borough prior to beginning operations in an amount determined by the Borough for each mile of Borough Road or portion thereof proposed to be traversed for removing minerals from the site.
 - 3. Said bonds shall:
 - a. Begin on the date the zoning certificate is issued.
 - b. Be returned to the operator upon completion of all reclamation operations, any backfilling, and reconstruction of the site.
 - c. Be forfeited for any failure to complete the reclamation reconstruction required by this Ordinance.
 - 4. Those portions of the sites that have been disturbed or damaged shall be determined by inspection of the Borough Engineer and shall be reconstructed to

current Borough Specifications for the zoning district within which the resource extraction occurred.

- K. Zoning Permit may be issued for resource extraction for a maximum of twenty-five (25) acres at one time, and may be extended to permit resource extraction on a contiguous area of up to an additional twenty-five (25) acres by Borough Council if the Zoning Officer or other Borough authority finds or determines that the resource extraction operations have complied with all Borough of Big Beaver Ordinances, laws or regulations of the Commonwealth of Pennsylvania and its agencies, and / or of the United States Government or its agencies relative to the initial tract of land for which the Zoning Permit was issued.
- L. All requirements and standards of this Article shall be reflected in drawings, designs, and submittals.
 - 1. The Planning Committee shall review and make recommendation for conditional use approval or disapproval to Borough Council of all uses pertaining to this Article.
 - 2. Borough Council shall have final approval of all conditional use requests for resource extraction.
 - a. Such approval shall be in accordance with the Pennsylvania Municipal Code and shall not be unreasonably restrictive.

Section 2806 Resource Extraction Permitting

- A. A Zoning Permit is required when resource extraction is conducted as a commercial activity on any parcel of land.
- B. An application for a Zoning Permit for resource extraction shall be submitted to the Borough Secretary on a Big Beaver Borough Zoning Permit Application for Resource Extraction, together with the required fee, as set by Resolution of the Borough Council, at least thirty (30) days prior to the desired date of commencement of resource extraction activities.
 - 1. The Application must be signed by the owner of the property and by the entity extracting or refining the resources.
 - 2. A Zoning Permit must be issued prior to any resource extraction activity being commenced.
- C. All Zoning Permits for such resource extraction shall be valid for a minimum period of one (1) year from the commencement of operations to a maximum period of five (5) years.
 - 1. No resource extraction can be commenced prior to the Permit being issued.
 - 2. Such permits may be extended by Borough Council in up to five (5) year increments if all requirements of this Article and Ordinance are met during the approved period of operations.
 - a. Borough Council may require additional information, at the owner/ operators expense, to evaluate the request for extension.

Section 2807 Resource Extraction Operations

- A. Unless explicitly exempted, modified, or restricted by State Law, Resource Extraction operations:
 - 1. May only operate during the following hours:
 - a. Monday through Saturday 6:00 a.m. to 9 p.m. daily.
 - b. No activity on Sundays or Federal Holidays.
- B. All sound emitting from resource extraction operations shall not exceed sixty (60) decibels at the property line.
- C. During the resource extraction operation, the Borough Engineer may inspect the site at the request of the Borough to determine continuing compliance with these standards and criteria and any conditions of approval.
 - 1. The cost of inspection by the Borough Engineer shall be borne by the operator.

Section 2808 Extension of Permitted Resource Extraction Activity

- A. Following approval of the requirements in this Article a Zoning Permit may be issued for resource extraction harvesting for a maximum of twenty-five (25) acres at one time.
- B. The area resource extraction may be extended to permit operations on a contiguous area of up to an additional twenty-five (25) acres upon:
 - 1. The landowner, notifying the Zoning Officer in writing at least three (3) months in advance that they will be completing resource extraction on the initial permitted area and requesting a permit extension to continue resource extraction on any additional contiguous area containing up to twenty-five (25) acres.
 - 2. Determination by the Zoning Officer that the operation has complied with all Borough of Big Beaver Ordinances, laws or regulations of the Commonwealth of Pennsylvania and its agencies, and / or of the United States Government or its agencies relative to the initial tract of land for which the Zoning Permit was issued;
 - 3. An application by the landowner to the Borough for said extension;
 - 4. Approval by the Borough Council.
 - a. Borough Council may solicit the opinion of the Borough Engineer, Zoning Officer, and/ or Planning Committee prior to rendering a decision.
 - b. Pre-approval for this extension may be given per Section &2803.C.1.a.ii, provided the conditions in Sub-section B above are met.

Section 2809 Permitted Uses with Special Regulations (R1) and Conditional Use (all other Districts)

- A. Use Requirements
 - 1. **Natural Gas Compressor Station
Natural Gas Processing Plant**
 - a. For Conditional Use, the requirements of section 2207 shall apply.
 - b. Submit a Plan for Resource Extraction as outlined in Section 2805.C.

- c. The minimum site area required for a natural gas compressor station shall be ten (10) acres.
- d. Meet the maximum setback requirements permitted by State Law.
- e. All compressor stations must be enclosed by a building.
- f. Noise generated by the site shall not exceed sixty (60) dB at the nearest property line.
- g. A security fence at least six (6) feet in height equipped with lockable gates shall be provided around the perimeter of the site.
 - i. Warning signs shall be placed on the fencing surrounding the compressor station providing notice of the potential dangers and the contact information in case of an emergency.
- h. Emergency responders shall be given means to access the compressor station in case of an emergency.
 - i. The natural surroundings shall be considered, and attempts made to preserve existing trees and other native vegetation.
 - j. All off street parking, loading and service areas shall be setback a minimum of twenty five (25) feet from any property line or right-of-way.
- k. Newly established private easements/ roadways constructed on the parcel containing the facility shall be located at least fifty (50) feet from any property line unless written consent is obtained from the adjoining property owner(s).
- l. The access road to the facility, beginning with its intersection with a municipal road, shall be paved for the first fifty (50) feet and be stabilized with limestone in a manner that would reasonably minimize water, sediment, or debris carried onto any public road. This shall be in place prior to the commencement of any facility operations.
- m. All roads and access ways shall be constructed and maintained to prevent the intrusion of dust and mud from the surrounding area.
- n. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, Sulfur water, or water in mixture with any type of hydrocarbon be used for dust abatement.
- o. Prior to development, the applicant shall provide to the Borough Fire Department and Borough Engineer a copy of its emergency response plan. Also, the applicant/operator shall, at its sole cost and expense, provide to Emergency Services appropriate site orientation with adequate information and ongoing training on dealing with any potentially dangerous conditions that may result from development activities.
- p. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created.
- q. All applicable development plans, permits, and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed, unless during times of egress.
- r. Compressors and other power-driven equipment shall utilize spark-less electric motors, when practicable, as an alternative to internal-combustion engines, unless the applicant can demonstrate that the

- alternative engines are not inconsistent with the objectives of any Borough ordinance. All electrical installations and equipment shall conform to Borough ordinances and the applicable national codes.
- s. A secured entrance gate on the access road shall be required; all gates are to be kept locked when the operator or employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain-link fence.
 - t. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or residential zoning district shall be reduced to at least half of the maximum permitted foot-candles between 11 p.m. and 6 a.m., prevailing time. As part of its decision, the Borough Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
 - u. The operator shall post a bond in favor of the Borough and in a form acceptable to the Borough prior to beginning operations in an amount determined by the Borough for each mile of Borough Road or portion thereof proposed to be traversed for removing minerals from the site.
 - i. The term of the bond shall begin on the date the zoning certificate is issued.
 - ii. The bond shall be returned to the operator upon completion of all operations,
 - iii. The operator shall be responsible for any backfilling and reconstruction of a damaged roadway due to excess weight in excess of the posted weight for the road.
 - a. Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Borough roads that have been damaged shall be determined by inspection of the Borough Engineer and shall be reconstructed to current Borough Specifications for Street Construction.
 - v. When needed, the Borough Council may approve the use of third-party vendors and engineers to verify operational requirements.
 - i. The cost of review/ inspection and verification by third parties shall be borne by the operator/ applicant.

Section 2810**Oil & Gas Activities and Operations/ Oil & Gas Well Pads**

- A. Oil and gas activities and operations shall be a conditional use subject to the following additional minimum standards and criteria:
 - 1. The requirements of section 2207 shall also apply.
 - 2. All requirements for resource extraction in this Article.
 - 3. Oil and gas activities and operations shall be conducted in accordance with the Oil and Gas Act.

4. The applicant shall have obtained all applicable Federal, State, and local permits and approvals for the proposed use. In the event that such permits and approvals have not been issued at the time conditional use or special exception approval is requested, the conditional use approval of the Borough shall be expressly conditioned on the granting of all permits and approvals required by Federal, State, County, and local laws, statutes, ordinances and regulations.
 - a. Revocation of any federal, state, municipal, or other permit or approval shall constitute an immediate automatic revocation of the Borough's zoning/development permit.
 5. No hearing shall be scheduled until all of the information required by the application and permitting process has been received by the Borough.
 6. Well operator contact information including emergency contact information.
 7. Approved E&S Plan
- B. The operator shall post a bond in favor of the Borough and in a form acceptable to the Borough prior to beginning operations in an amount determined by the Borough for each mile of Borough Road or portion thereof proposed to be traversed for removing minerals from the site.
1. The term of the bond shall begin on the date the zoning certificate is issued.
 2. The bond shall be returned to the operator upon completion of all operations.
 3. The operator shall be responsible for any backfilling and reconstruction of a damaged roadway due to excess weight in excess of the posted weight for the road.
 - a. Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Borough roads that have been damaged shall be determined by inspection of the Borough Engineer and shall be reconstructed to current Borough Specifications for Street Construction.
- C. The Well Operator shall maintain a copy of the approved conditional use application on-site at all times and shall make such application available to the Borough or its agent upon request.
- D. Setbacks for all structures, use, and operations shall follow Section 2804, herein, unless otherwise stated.
- E. The site shall consist of a minimum of five (5) acres.
- F. The well pad and physical wellhead location, shall be:
1. Located at least two hundred (200) feet from any natural water resource.
 2. Screened by a security fence at least six (6) feet in height equipped with lockable gates.
- G. Operator shall take the necessary safeguards to ensure that the Borough roads utilized shall remain free of dirt, mud, and debris resulting from development activities and/ or shall ensure such roads are promptly swept or cleaned if dirt, mud, and debris occur.

- H. The operator shall not clear brush or trees by way of burning and shall chip, grind, or remove all tree stumps from properties it clears for development purposes. However, the operator shall be permitted to, consistent with Borough's relevant outdoor burning ordinance(s), burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties where the operator is engaging in development.
- I. Before drilling, the Borough shall ascertain whether the Borough's first responders have secured adequate information to deal with any potentially dangerous conditions that may result due to development activities.
1. First responders shall have on-site orientation and be provided adequate awareness information.
 2. Upon request from the Borough, the operator will, prior to drilling of an oil and gas well, make available with at least thirty (30) days' notice, at its sole cost and expense, an appropriate site orientation for first responders.
 3. Such site orientation shall be made available at least annually during the period when the operator anticipates drilling activities in the Borough.
 4. In addition, at the operator's expense, the operator shall facilitate training of the Borough's first responders by a company that solely performs said function on a daily basis during its course and scope of business.
- J. The operator shall take the necessary safeguards to ensure appropriate dust-control measures are in place.
- K. Except in an emergency, no bullhorns should be used as a means of communication on the drill site.
- L. Recognizing that the specific location of equipment and facilities is an important and integral part of oil and gas development, as part of the planning process the operator shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Borough residents' enjoyment of their property and future Borough development activities as authorized by the Borough's subdivision and land development and zoning ordinances.
- M. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the development of oil and gas, the operator shall take steps, to the extent practicable, to direct site lighting downward and inward toward the drill site, wellhead, or other area being developed so as to attempt to minimize glare on public roads and adjacent buildings within five hundred (500) feet of the drill site, wellhead, or other area being developed.
- N. Prior to drilling an oil and gas well or multiple oil and gas wells at a location, but no later than two (2) weeks beforehand, the operator shall provide the following information to each resident within one thousand (1,000) feet of the planned surface location of the well(s):
1. A copy of the well survey plat showing the location(s) of the planned well(s);
 2. A general description of the planned operations at the planned well(s) and

- associated equipment used in the development of the well(s);
3. The contact information for the operator; and
 4. The availability of the operator to hold a meeting with such residents to present operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to well site construction.
- O. The operator/ applicant of a filed application shall submit a preparedness, prevention, and contingency ("PPC") plan at time of filing such application. The site plan shall be prepared by a licensed engineer of the Commonwealth and shall be provided to establish compliance with all applicable regulations. The site plan shall include, but not be limited to, drilling and production operations, including derricks, vacuum pumps, storage tanks, vehicle parking structures, machinery, on-site trailers, offices, temporary housing, ancillary equipment, and facilities, as part of the conditional use application.
- P. Right of entry. Any authorized Borough official may enter the premises or structure during normal business hours to verify or enforce provisions of this Ordinance. If premises or structure is unmanned, access shall be granted within twenty-four (24) hours of notification to the operator/applicant or if there is reasonable cause to believe a condition exists on the premises which violates the ordinance, constituting an unsafe condition.
- Q. In the event an emergency, including but not limited to, product loss (liquid, gaseous, or solid), regardless of quantity; equipment malfunction; fire or explosion; incident resulting in injury, fatalities, property damage; or any other significant incident, the operator/applicant shall immediately notify the Beaver County 911 Center.
- R. Additional requirements:
1. Installation of bird netting over frack water impoundments.
 2. Install warning signs providing notice of the potential dangers at the well site.
 3. Provide at least one security guard 24/7 at all times when a drilling rig or hydraulic fracturing equipment is on the well site.
 4. Provide warning signs and post contact information at the entrance to the site.
- S. If a freshwater or frack water impoundment is not located on the drill site but will be utilized and located as a centralized impoundment, the company seeking the centralized impoundment will need to make a separate application for conditional use or special exception approval with the Borough.
- T. Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or well site shall be performed during the hours of 10:00 p.m. to 6:00 a.m.
- U. Borough recognizes and acknowledges that oil and gas development is accompanied by inherent noise. However, the operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the development:
1. Prior to drilling of an oil and gas well, the operator shall establish a continuous seventy-two (72) hour ambient noise level at the nearest protected structure property line or one hundred (100) feet from the nearest protected structure (as

measured to the closest exterior point of the building), whichever is closer to the protected structure, or alternatively, and in lieu of establishing the above seventy-two (72) hour ambient noise level, the operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of fifty five (55) dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

2. The operator shall provide documentation of any established seventy-two (72) hour evaluation relied upon to establish an ambient noise level greater than 65 dBA to the Borough's Zoning Officer within three (3) business days of such a request from the Zoning Officer.
 3. Ambient noise level.
 - a. The noise generated during drilling and hydraulic fracturing activities when measured at the nearest protected structure property line or one hundred (100) feet from the nearest protected structure (as measured to the closest exterior point of the building), whichever is closer to the protected structure, shall not exceed the average ambient noise level (as determined by the seventy-two {72} hour evaluation) or default level, whichever is higher:
 - i. During drilling activities by more than seven (7) decibels during the hours of 6:00 a.m. to 10:00 p.m.;
 - ii. During drilling activities by more than five (5) decibels during the hours of 10:00 p.m. to 6:00 a.m.; or
 - iii. By more than ten (10) decibels during hydraulic fracturing operations.
 - b. If the operator engages in any noise testing as required by this section, it will provide preliminary data to the Borough no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, the operator will meet with Borough representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.
- V. Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in development shall not be discharged into the open air unless it is equipped with an exhaust muffler or an exhaust box. The exhaust muffler or exhaust box shall be constructed of noncombustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.
- W. All work-over operations shall be restricted to the hours of 6:00 a.m. to 10:00 p.m., except in the extent of an emergency, as reasonably determined by the operator. "Work-over operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.

- X. To the extent condensate tanks are utilized at or around the drill site, operator shall install the best technology available to eliminate, capture or destroy, any and all emissions emanating from these tanks. Said means shall include the installation of vapor destruction and/ or vapor recovery units.
- Y. An operator shall notify the Borough Zoning Officer no later than three (3) days before fracking or flaring activities are set to begin at the well site. An operator will notify 911 of both fracking and flaring activities pursuant to the same time frame.
- Z. If a spill, fire, or other violation of any federal, state, or local law occurs at the drill site or in the Borough by the operator or its subcontractors, the operator will notify the Borough immediately, in all circumstances not later than twenty four (24) hours after the incident occurred or, if the incident is ongoing, not later than twenty four (24) hours after it began.
- AA. Bunk housing of site workers is not permitted at any well location or anywhere within the Borough. In addition, bunk housing of site workers is not permitted by the Borough subdivision and land development or zoning ordinances. The Borough acknowledges that certain supervisory personnel (generally not to exceed six (6) to seven (7) individuals at any one time) are required for reasons of safety to be present at the multi-well drilling pad to which this conditional use approval relates on a continuous basis during certain operations, and resting accommodations for such supervisory personnel are not affected by the foregoing condition. Prior to utilizing any such accommodations, the operator shall provide to the Borough a list of the job titles which constitute supervisory personnel.
- BB. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or residential zoning district shall be reduced to at least half of the maximum permitted foot-candles between 11 p.m. and 6 a.m., prevailing time. As part of its decision, the Borough Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- CC. Expiration of Approval. Approval shall expire automatically without written notice to the applicant if no application for a grading permit, building permit, or zoning certificate to undertake the construction or authorize the occupancy described in the application is submitted within twelve (12) months of said approval, unless the Borough Council, in their sole discretion, extends approval upon written request of the applicant received prior to its expiration.
 - 1. The maximum extension permitted shall be a twelve (12) month extension.

ARTICLE 29 SALVAGE YARD

Section 2900 Purpose and Definition

- A. This Article:
 - 1. Provides standards and regulations related to salvage yard including Conditional Use provisions;

- 2. Is intended 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

- B. A salvage yard is any area of more than one hundred (100) square feet of a lot, including enclosed areas used for the collection, storage, processing, and/ or sale of scrap metal, scrapped, abandoned, or junked motor vehicles, materials recovered from junked vehicles, machinery, equipment, wastepaper, cardboard, and other discarded materials from any source including but not limited to:
 - 1. Automobiles, trucks, motorcycles, motor homes, trailers, and any other type of vehicle, or parts thereof;
 - 2. Construction equipment, vehicles, materials, and scrap or parts thereof;
 - 3. Machinery or parts thereof;
 - 4. Any other materials not usable for their intended purpose accumulated and stored on the site.

- C. For purposes of this Ordinance, salvage yard includes automobile and motor vehicles graveyards and shall be included in the term salvage yard.

- D. The following uses are excluded from this definition so long as they are located in an approved zoning district.
 - 1. Active construction laydown yards and vehicle storage yards.
 - 2. Refuse or garbage kept in a proper container for prompt disposal shall not be regarded as a junkyard.

Section 2901 Permitted Districts

- A. Salvage yards as defined in this Ordinance shall only be permitted,
 - 1. As a Conditional Use in the Rural Residential (R-1) and Industrial (I) Districts.
 - a. Conditional Use approval shall follow the provisions of Article 20 and Article 22.

- B. Salvage yards are not permitted in Special Condition Areas as defined and enumerated in:
 - 1. Article 15, Natural Environmental Conditions;
 - 2. Article 16, Earth Disturbance Areas;
 - 3. Article 17, Conservation Areas.

- C. Salvage yards shall not be permitted in any other zoning district.

Section 2902 Lot Area and Lot Width Requirements

- A. Minimum Lot Area Requirement:
 - 1. Three (3) acres

- B. Minimum Lot Width Requirements:
 - 1. Two (200) feet.
 - 2. Corner lot widths shall be increased by ten (10) percent.

Section 2903 **Yard Requirements**

- A. Junk and Salvaged materials.
1. Junk, and salvaged materials stored on the lot(s) shall be:
 - a. At least three hundred (300) feet in any direction from any:
 - i. Residential use.
 - ii. Property located within the R-2, or MU Zoning Districts.
 - a. including such or similar uses and zoning districts in adjacent municipalities;
 - b. At least fifty (50) feet in any direction from any other zoning district.
- B. All other structures.
1. Minimum Front Yard Requirements/ Building Line setbacks:
 - a. Rural Residential District:
 - i. Fifty (50) feet.
 - ii. A minimum of a ten (10) foot landscaped planting strip, facing the main roadway or roadways, shall be maintained.
 - iii. Corner lots shall be maintained with a ten (10) foot landscaped planting strip on all sides facing roadways.
 - iv. Customer parking areas are permitted in the Front Yard area with a minimum of a twenty-five (25) foot setback.
 - v. Parking areas in front yard areas shall:
 - a. Be for customer use;
 - b. Be paved;
 - c. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.
 - d. Shall not be used for the storage of any vehicles or materials.
 - b. Industrial District:
 - i. Forty (40) feet.
 - ii. A minimum of a ten (10) foot landscaped planting strip, facing the main roadway or roadways, shall be maintained.
 - iii. Corner lots shall be maintained with a ten (10) foot landscaped planting strip on all sides facing roadways.
 - iv. Customer parking areas are permitted in the Front Yard area with a minimum of a twenty-five (25) foot setback.
 - v. Parking areas in front yard areas shall:
 - a. Be for customer use;
 - b. Be paved;
 - c. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between the parking area and any adjoining lot or roadway.
 - d. Shall not be used for the storage of any vehicles or materials.
- C. Minimum Side Yard Requirements:
1. All principal, accessory and parking uses abutting any R-1, R-2, MUN, C-1, or C-2 use or district.
 - a. Twenty-five (25) feet.

- i. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between any adjoining lot or roadway.
 - 2. All principal and accessory and parking uses abutting any Industrial (I) use or district.
 - a. Fifteen (15) feet.
- D. Minimum Rear Yard Requirements:
 - 1. All principal, accessory and parking uses abutting any R-1, R-2, MUN, C-1 or C-2 use or district.
 - a. Thirty (30) feet.
 - i. In addition to any setback requirements, have a minimum ten (10) foot bufferyard between any adjoining lot or roadway.
 - 2. All principal and accessory and parking uses abutting any Industrial (I) use or district.
 - a. Fifteen (15) feet.

Section 2904 Lot Coverage Requirements

- A. The total of all impervious surfaces including all structures and paved areas shall not exceed a lot coverage of more than fifty (50) percent.

Section 2905 Height Requirements

- A. Height Requirements shall be in accordance with Section 608, Height Requirements.

Section 2906 Conditional Use Requirements

- A. Use Requirements:
 - 1. Meet the requirements of Section 2207 of this Ordinance.
 - 2. The use shall not be a Collection & Recycling or Transfer and Resource Recovery Facility.
 - 3. All activities and functions requiring the handling, storage, and/ or disposal of petroleum products, hazardous materials, or potentially hazardous materials shall conform to all applicable Federal, State, County, and Borough laws, statutes, regulations, and resolutions.
 - a. No garbage, petroleum products, or hazardous materials shall be burned, buried, or disposed of on the site.
 - 4. Operations shall be regulated and controlled by the operator so that visual blight, noise, odors, vibrations, accumulation (ponding) of water, blowing debris, and dust shall not be created.
 - a. The operator shall be responsible for correcting any litter problems that occur within one-half (1/2) mile of the facility that are attributable to the facility and related operations.
 - 5. Materials shall be stored in such a manner as to discourage the presence of rodents and other disease-carrying animals.
 - a. If the Borough Zoning Officer determines that a vermin problem exists, the operator of the facility shall be responsible for taking necessary measures to rid the premises of said nuisances.
 - 6. All activities pertaining to a salvage yard business, except customer parking, shall be conducted entirely within the confines of an enclosed fence so that

activities and storage shall not be visible from adjoining properties or public roadways.

- a. The entire facility shall have an opaque fence of at least eight (8) feet that creates a visual barrier around all stored materials and activity areas.
 - i. Such fencing must adhere to all building code requirements.
- 7. All setback areas shall be kept free of weeds and scrub-growth unless the adjoining property is wooded.
- 8. All storage and operational areas shall be secured during nonbusiness hours.
- 9. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- 10. The applicant shall submit a report describing the BMP's that will be used on the site and notify the Borough whenever a change is made to those BMP's.
 - a. Whenever a change is made to the BMPs used on the site, the owner and operator shall certify that the new BMPs provide equal or greater pollution prevention protection than the former management practice.
- 11. No salvage yard business shall be:
 - a. Open from 9:00 p.m. to 6:00 a.m. daily.
- 12. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, customers, visitors.
- 13. No salvage yard business shall utilize a local road for access to, or egress from the site.
- 14. Ingress, egress, and internal traffic circulation shall allow for emergency access by firefighting equipment.
 - a. Aisles of a minimum width of twenty five (25) feet shall be maintained.

Section 2907 Compliance and Non-Conforming Use

- A. Existing salvage yards that have maintained a permit (license) for a minimum of five (5) years prior to the adoption of this Ordinance shall be permitted.
- B. All other existing salvage yards or areas used to store materials as enumerated in Section 2900 above shall comply with, or show a plan to comply with, the provisions and requirements of this Ordinance within one (1) year of its' enactment.

ARTICLE 30 RESERVED

ARTICLE 31 RESERVED

ARTICLE 32 RESERVED

ARTICLE 33 RESERVED

ARTICLE 34 BUFFERYARDS

Section 3400 Purpose and Definition

- A. This Article provides standards and regulations related to Bufferyards, Landscape Strips, Landscape Barriers, Screening, and related infrastructure and support structures.

1. Unless otherwise stated the term Bufferyard in this Article shall apply to Bufferyards, Landscape Strips, Planting Strips, Landscape Barriers, Screening, and other such applications used to achieve the purposes set forth in Sub-section 3400.B, (below).

- B. This Article provides definition and guidance in the application of standards and requirements for Bufferyards as set forth in this Ordinance and other Ordinances adopted by the Borough including:
 1. General Borough Standards;
 2. Permitted uses with Special Regulations;
 3. Conditional Uses;
 4. Special Exceptions.
 - a. Where use requirements or standards vary, in all cases the more restrictive requirements shall be applied.

- C. The purpose of Bufferyards is to:
 1. Provide a visual, safety, and/ or acoustic screening;
 2. Protect the surrounding neighborhood from inappropriate light and other disturbances;
 3. Provide for separation between dissimilar zoning districts;
 4. Provide for separation between dissimilar uses;
 5. Regulate vehicle access along roadways to approved ingress and egress points;
 6. Reduce the visual impact of service and storage areas;
 7. Create separation between roadways and uses;
 8. Enhance the aesthetic appeal of the Borough;
 9. Reduce negative impacts of more intense uses relative to less intense adjacent uses.

Section 3401 Bufferyard Requirements

- A. Bufferyards shall be required in conjunction with the development of any lot or use, as prescribed in this Ordinance.

- B. All bufferyards shall be installed and maintained in good order using best management practices where applicable.

- C. Where the intent of the bufferyard is to prevent light and noise disturbance, plant varieties that provide a four (4) season screen shall be used.
 1. Earth mounding may be constructed in the bufferyard to provide a year-round visual screen capable of acting as a barrier to light and noise disturbance.

Section 3402 Materials and Methods

- A. Bufferyards may consist of planted material, mounded earth, fencing, screens, and/ or other landscape materials as prescribed or permitted in this Ordinance.
 1. Fencing and screens for service structures are prohibited in landscape and planting strips along roadways unless otherwise permitted in this Ordinance.

- B. When a bufferyard is required, a plan showing the proposed installation shall be presented for approval as part of the submission process.

C. Planting Material

- 1. Planting material shall include trees, shrubs, ground covers, vines, grasses, and any other material that grows and propagates.
- 2. All planting materials shall be spaced based on their anticipated size at maturity.
 - a. Mature heights shall not obstruct visibility:
 - i. Of traffic entering or leaving lots;
 - ii. Along public streets and right-of-ways;
- 3. The use of any planting material that has been banned, found to be invasive, or noxious by any Federal, State, or Local agency is prohibited.
 - a. Any planting material deemed to be invasive by PA DCNR for use on state lands shall be prohibited for use in the Borough.
- 4. Use of native varieties in landscaping is highly desirable.

D. Earth Mounding

- 1. Earth mounding may be constructed in the bufferyard to provide a year-round visual screen capable of acting as a barrier to light and noise disturbance.
- 2. Earth mounding shall not obstruct visibility for traffic entering or leaving the lot or traveling on public streets or right-of-ways.
- 3. Earthen mounds shall be landscaped and maintained.
 - a. At a minimum, earth mounds shall have a year-round ground cover that prevents erosion.

E. Fencing and Screens

- 1. Fencing and screens may be constructed in the bufferyard to provide a year-round visual screen capable of acting as a barrier to light and noise disturbance.
 - a. Fencing and screens shall not obstruct visibility for traffic entering or leaving the lot or traveling on public streets.
 - b. The plan for and type of Fencing and Screening to be employed must be approved by the Zoning Officer or other Borough authority for compliance with applicable regulations.

F. Decorative Materials and Other Landscape Components

- 1. Use of decorative materials and other landscape components in bufferyards is permitted provided that:
 - a. The intent of the bufferyard is met;
 - b. Such installation shall not obstruct visibility for traffic entering or leaving the lot or traveling on public streets.
- 2. Decorative materials and other landscape components may include rock-scapes, rock gardens, tall grasses, decorative artwork, stylized fencing, and manicured gardens.
 - a. Decorative materials, decorative artwork, stylized fencing, etc. shall not be or resemble signage any type of advertising or logo.

Section 3403 Roadway Planting/ Landscape Strips

- A. A planting strip at least ten (10) feet wide shall be provided between the edge of a roadway Right of Way (ROW) and any parking area authorized in any yard which fronts on a street or roadway.
 - 1. Borough Council may at their sole discretion require a visual barrier in said planting strips to address safety issues.

- B. Planting strips between the ROW and the parking area shall be suitably landscaped and maintained with ground cover, shrubbery, trees, or other landscape or decorative materials across the entire frontage of the lot in order to prohibit vehicular access, except at approved ingress and egress points.
- C. Planting strips shall not be used for the display of any materials, commodities, goods, or equipment.
- D. Landscaping materials at mature heights shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.

Section 3404 Review and Approval

- A. All requirements and standards of this section shall be reflected in drawings, designs, and submittals.
- B. All standards and requirements in this section shall be reviewed and approved by the Zoning Officer for compliance.
- C. Permitting may be denied or delayed for non-performance of this section.

ARTICLE 35 OFF-STREET PARKING and LOADING

Section 3500 Purpose

- A. The purpose of this Article is to provide for regulation of parking, loading, and unloading areas, use specific vehicle and equipment storage and related circulation spaces to allow for the normal, safe movement vehicular and pedestrian traffic.
 - 1. Unless otherwise stated or enumerated the term 'Parking' as used in this Article shall include all parking spaces, loading berths, loading, and unloading areas, use specific vehicle storage spaces and associated circulation areas, access drives.
 - a. Storage areas for vehicles and equipment associated with the use shall be in addition to the minimum parking requirements or totals, herein and in Appendix D.
- B. This Article provides definition and guidance in the application of standards and requirements for Parking as set forth in this Ordinance and other Ordinances adopted by the Borough including:
 - a. General Borough Standards;
 - b. Permitted uses with special regulations;
 - c. Conditional uses;
 - d. Special Exceptions.
 - e. Where use requirements or standards vary, in all cases the more restrictive requirements shall be applied.
- C. Parking regulations, controls, and provisions are also intended to:
 - 1. Aid in traffic control and traffic safety;
 - 2. Lessen and prevent congestion on roadways and right-of-ways;
 - 3. Regulate vehicle access along roadways to approved ingress and egress points;

4. Guard against unregulated parking which could impair, distract, and endanger traffic safety and traffic flow;
5. Protect the surrounding neighborhoods from inappropriate parking related disturbances;
6. Establish reasonable standards for residential and non-residential parking needs;
7. Provide standards to prohibit, limit, and/ or enforce parking regulations in a manner consistent with the zoning district;
8. Provide a visual, safety, and/ or acoustic screening;

Section 3501 General Regulations

- A. Off-street Parking shall be provided in accordance with the specifications in this Article in all districts whenever:
 1. Any new use is established.
 2. An existing use is altered, modified, or enlarged.

- B. All parking requirements shall be located on:
 1. The same lot or parcel for the use specified.
 2. An immediately adjacent lot or parcel provided:
 - a. A written agreement between the owners and lessees is executed in perpetuity.
 - i. Should the lease expire or otherwise terminate the use for which the off-site parking was provided, it shall be considered in violation of its zoning approval and shall be subject to revocation.
 - ii. Continuation or expansion of a use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.
 3. A shared parking area(s) provided for two (2) or more uses on a site where the off-street parking and use requirements may be met if all of the following conditions are met:
 - a. The off-site, off-street parking facilities are located on adjacent parcels and/ or are located within three hundred (300) feet of the proposed uses.
 - b. The parking demands of the individual uses, as recommended by the Zoning Officer for Borough Council approval, are such that the total parking demand of all the uses at any one (1) time is less than the total parking stalls required.
 - i. If requested by the Zoning Officer, Borough Engineer, or Borough Council, the applicant shall provide:
 - a. A plan showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common.
 - b. Calculations that demonstrate the individual and combined parking demands for the proposed shared parking uses shall be met.
 - c. A written agreement between the owners and lessees is executed in perpetuity.
 - i. Should the lease expire or otherwise terminate the use for which the off-site parking was provided, it shall be considered in violation of its zoning approval and shall be subject to revocation.

4. When the posted speed limit is greater than thirty-five (35) miles per hour, the sight distance in either direction along the public thoroughfare shall be a minimum of five-hundred (500) feet.
 - a. An access driveway shall not be permitted upon the public right of way if the required sight distance cannot be met.
5. 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.
 - a. An access driveway shall not be permitted upon the public right of way if the required sight distance cannot be met.
6. Where an existing lot does not adjoin a public or private street, alley, or easement of access, an access drive shall be provided leading to the parking areas.
7. Joint access to abutting parcels shall be provided wherever practical. This will result in the development of shared parking areas at vehicular access points.
8. Access to off-street parking areas shall be limited to well-defined locations.
 - a. In no case shall there be unrestricted access along the length of a street.
9. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every four hundred (400) feet of street frontage.
10. Except on corner lots, access drives shall be located at least two hundred (200) feet from the intersection of any two (2) street ROW lines.
 - a. Where a lot has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical.
11. Access drives entering State highways, County roads, or municipal streets shall secure all required permits and approvals.
 - a. Where applicable such permits are required prior to construction.
12. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street.
13. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.
14. All off-street parking lots with greater than two hundred (200) parking spaces shall include a separate internal driveway system which connects individual aisles to a public ROW.
15. All parking spaces, entrances, exits, shall be clearly marked and delineated by painted lines or markers.
 - a. Handicapped parking shall be appropriately marked with signage and other markings.

H. Driveways Serving Nonresidential Uses

1. Single lane and access drives that provide access to lots and parking areas shall be a minimum of ten (10) feet wide and a maximum of twelve (12) feet wide.
2. Two (2) lane and access drives shall be a minimum of twenty (20) feet wide and a maximum of twenty-four (24) feet wide.
3. If parking spaces are aligned at less than ninety (90) degrees, driveways shall be restricted to one-way traffic and head-in parking only.
4. There shall be at least fifteen (15) feet between driveways at the street line and at least five (5) feet between a driveway and a fire hydrant, catch basin, or lot line.
5. There shall be at least forty (40) feet between a driveway and the ROW line of an intersecting street.

6. Adequate sight distance shall be provided, subject to review and approval by the Borough Engineer.
 7. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street ROW line.
 8. Each parking space shall have access directly to a driveway.
- I. Lighting.
1. Commercial, Institutional, and industrial parking areas shall be adequately illuminated if designed for use by more than ten (10) cars or accepting deliveries after dusk.
 2. All lighting used to illuminate off-street parking areas shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.
 3. Lighting intensity at the property line shall not exceed 0.5-foot candle.
 4. The spacing of lighting shall be determined based upon a plan of photometrics submitted by the owner/ developer and approved by the Borough Engineer.
 5. The lighting system shall furnish an average minimum of two (2) foot-candles during typical hours of operation.
- J. Screening
1. See district requirements, individual use requirements and Article 34, Bufferyards.
- K. Maintenance
1. All Parking areas shall be installed and maintained in good order using best management practices where applicable.
- L. Accessibility
1. A landowner and/ or developer shall adhere to all Federal, State, and County accessibility requirements for off-street parking requirements.
- M. Parking Areas Serving low density residences.
1. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls.
 - a. If separated from the principal building, the garage shall conform to all accessory building requirements.
 - b. The garage may be constructed under a yard or court.
 2. Required parking for single-family dwellings may be stacked and do not require separate access to each required space from the roadway.
- N. Parking for moderate and high-density residences shall be provided.

Section 3503 Required Parking, Loading, and Unloading Facilities

- A. In all Zoning Districts, every use which requires parking, shall provide off-street parking areas as enumerated in Table D-2, Required Parking Spaces by Use or as a specific use requirement for SR, CU, or SE.
1. Table D-2, Required Parking Spaces by Use can be found in Appendix D.
- B. The Planning Committee shall determine and recommend to Borough Council the parking requirements for uses that are not included in Appendix D.

1. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:
 - a. Type of uses.
 - b. Number of employees.
 - c. Building design capacity.
 - d. Building occupancy load.
 - e. Square feet of sales area and service area.
 - f. Parking spaces proposed on site.
 - g. Number of accessible parking spaces.
 - h. Parking spaces provided elsewhere.
 - i. Hours of operation.

- C. In all Zoning Districts, every use which is in regular receipt or distribution of materials by box truck, tractor-trailer, or other delivery means shall provide off-street loading areas/berths in accordance with Table D-3, Required Loading Facilities by Use, or as a specific use requirement for SR, CU or SE.
 1. Table D-3, Required Loading Facilities by Use can be found in Appendix D.

- D. The Planning Committee shall determine and recommend to Borough Council the loading requirements for uses that are not included in Appendix D.
 1. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:
 - a. Type of uses.
 - b. Type and frequency of deliveries.
 - c. Type of delivery vehicles.
 - d. Building design and orientation.
 - e. Square feet of sales, storage and service areas.
 - f. Parking spaces proposed on site.
 - g. Hours of operation.

- E. At a minimum, all non-low density residential buildings or uses in any district shall provide adequate off-street areas for deliveries, loading, and unloading of vehicles.
 1. Access to Parking shall not be inhibited during deliveries, loading, and unloading of vehicles.

Section 3504 Parking and Loading Area Setbacks and Buffers

- A. A parking area containing more than five (5) parking spaces shall:
 1. Not encroach upon any setback area unless otherwise permitted in this Ordinance.
 2. Be located a minimum of ten (10) feet from any adjoining lot line.
 - a. Except as permitted in Section 3501 of this Article.

- B. Parking authorized in front yards areas shall be located at least ten (10) feet from the street ROW line.

- C. 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.

- 1. Such planting strips may not be used for vehicle or equipment storage or display of any kind.

Section 3505 Parking Needs Analysis

- A. For uses with widely varying parking demands, or where there is disagreement on the number or manner of Parking requirements, the minimum vehicle spaces and other related Parking requirements will be determined based on a parking needs analysis.
- B. The number of off-street parking spaces and loading spaces required by this Ordinance may be reduced if a parking needs analysis demonstrates that the Parking requirements of this Ordinance exceed the total parking demand of all uses on the subject lot at any one time.
- C. The Parking Needs Analysis Requirements
 - 1. The cost of such analysis shall be borne by the owner, developer, and/ or applicant.
 - 2. The parking needs analysis shall be signed and sealed by a qualified engineer.
 - 3. The parking needs analysis, in narrative form supported with such tables as needed shall include the following:
 - a. A site plan of the subject lot identifying where the proposed project is located, all existing uses/ tenant spaces, and existing parking spaces.
 - b. A list of all existing/ proposed uses.
 - c. The square footage of any proposed structure, listed by type of use.
 - d. A list of seating counts for all restaurant, bar, and coffee shop uses.
 - e. A list of total office space in square feet and anticipated occupancy.
 - f. The difference (if any) between the total the number of parking spaces required and the number of parking spaces existing on-site.
 - g. Additional information as determined by the Zoning Officer, Borough Engineer, or Borough Council.
 - 4. The Parking Needs Analysis, along with the Zoning Officer and Borough Engineer recommendations, shall be submitted to the Borough Council for review and approval or rejection.
 - a. Any rejected Parking Needs Analysis may be appealed to the Zoning Hearing Board.

Section 3506 Exceptions

- A. Off-street parking associated with housing demolition and reconstruction will be determined necessary on a case-by-case basis due to existing site conditions and restraints.

ARTICLE 36 SIGN REGULATIONS and STANDARDS

Section 3600 Purpose

- A. This Article:
 - 1. Provides standards, requirements, and regulations related to Signs, Signage, and their related infrastructure, as a means for identification, information dissemination, advertising, and other such uses of signage.

- 2. Sets forth Conditional Use requirements.
 - a. All Conditional uses as set forth in this Article and in Appendix B shall adhere to the requirements of Article 20, Article 22, and this Article 36 of this Ordinance.
 - b. Signage as enumerated in this Article shall require Conditional Use approval.
 - c. Where use requirements vary, in all cases the more restrictive requirements shall be applied.
- 3. Sets forth Permitted use and Permitted use with Special Regulation requirements.
 - a. All Permitted use with Special Regulation, as set forth in this Article and in Appendix B, shall adhere to the requirements of Article 20, Article 21, and this Article 36 of this Ordinance.
 - b. Signage as enumerated in this Article shall be Permitted or Permitted with Special Regulations.
 - c. Where use requirements vary, in all cases the more restrictive requirements shall be applied.
- 4. Sets standards for the use of signs to:
 - a. Maintain and enhance the aesthetic character, and public safety of the community.
 - b. Regulate the concentration of and uncontrolled proliferation of signs.
 - c. Provide separation between signage and residential uses.
 - d. Preserve lot values.
 - e. Aid in traffic control and traffic safety.
 - f. Provide for the use of permanent subsidiary signs.
 - g. Provide for the use of temporary signs.

B. Unless otherwise stated the terms Sign and Signage apply to all forms of display for identification, information dissemination, advertising, and other commercial use.

C. The requirements of this Article shall govern and control the erection, alteration, operation, maintenance, and removal of signage.

- 1. The requirements of this Article shall be in addition to the provisions of the Building Code and any other Federal, State, or local laws or regulations pertaining to such facilities.

Section 3601 Sign Classifications and Types

- A. Signs, as specified in this Article, in all zoning districts shall be used to:
 - 1. Identify an entity, use, function, purpose, or advertising for goods and services on the lot where the activity occurs.
 - 2. Display information to the general public that may or may not be on the lot where the use, function, or purpose occurs.
- B. Types of signs shall include:
 - 1. Arcade/ Projecting sign.
 - 2. Billboard.

3. Bulletin.
 4. Changeable copy (lettered) sign.
 5. Digital sign.
 6. Ground sign.
 7. Municipal/ Governmental/ Traffic signage.
 8. Pole sign.
 9. Post sign (directional).
 10. Signboard.
 11. Wall sign.
 12. Window sign.
- C. Permanent Sign
1. An on-lot sign identifying an entity, use, function, or purpose that is intended to remain in place as long as the use, function, or purpose remains on the lot;
 2. Any sign displaying information to the general public that is not on the lot where the use, function, or purpose occurs that is intended to remain in place as long as the use, function, or purpose remains.
- D. Temporary Sign
1. Intended to remain in place for a limited time to advertise, announce, or display specific information.
- E. Primary Sign
1. A sign that is integral or in direct support of the use, function, or purpose that it represents.
- F. Subsidiary Sign
1. A sign that provides information or direction that is not directly related to the use, purpose or function occurring on the lot or site.

Section 3602 Conditional Uses

- A. The following permanent signs are permitted as a Conditional Use as follows (See the relevant Section(s) of this Article for specific requirements.):
1. Billboards along arterial roadways in the C-1, C-2, and Industrial districts as set forth in this Article.
 - a. Where the arterial roadway bisects two zoning districts, billboards are not permitted directly opposite an R2 district.
 2. Billboards constructed along and facing Interstate highways in R-1, MUN, C-1, C-2, and Industrial districts as set forth in this Article.
 3. Ground signs identifying housing developments, business parks, industrial parks, and other such concentrated, planned developments, in all Zoning Districts.
 - a. The ground sign may be submitted and approved as part of the overall site development plan.
 - b. The requirement for the location map for such Ground Signs shall be reduced to showing and identifying all lots within two hundred-fifty (250) 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 Assessment/ Tax Claim Office;
4. Permanent signs used for identification and direction in housing developments, business parks, industrial parks, and other such concentrated, planned developments, (sign package), in all districts where said uses are allowed.
 - a. The sign package may be submitted and approved as part of the overall site development plan.

Section 3603 Permitted Use with Special Regulations

- A. The following permanent signs are permitted as a Permitted use with Special Regulations as follows:
 - a. See the relevant Section(s) of this Article for specific requirements.
 1. Signboards along arterial roadways in the R-1, MUN, C-1, C-2, and Industrial districts as set forth in this Article.
 - a. Where the arterial roadway bisects two zoning districts, signboards are not permitted directly opposite an R2 district.
 2. Wall signs identifying an entity, use, purpose or function in the MUN, C-1, C-2, and Industrial districts.
 - a. Including wall signs with changeable copy.
 3. Arcade/ Projecting signs identifying an entity, use, purpose, or function, in the MUN, C-1, C-2, and Industrial districts.
 4. Window signs identifying an entity, use, purpose, function, and advertising in the MUN, C-1, C-2, and Industrial districts.
 5. Pole signs identifying an entity, use, purpose, or function and advertising in the MUN, C-1, C-2, and Industrial districts.
 - a. Including pole mounted changeable copy.
 6. Post signs identifying or providing direction to an entity, use, purpose, or function in R-1, MUN, C-1, C-2, and Industrial districts.
 - a. The following uses in R2:
 - i. Place of Worship; School/ Educational Institution; Bed & Breakfast.
 7. Digital signs identifying an entity, use, purpose, function, or advertising in the C-1, C-2, and Industrial districts.
 8. Ground signs identifying:
 - a. A single residential entity in the R-1, R-2, MUN districts.
 - b. A single institutional or commercial entity, use, purpose, or function in the R-1, MUN, C-1, C-2, and Industrial districts.
 - i. Including ground mounted changeable copy signs.
 9. Temporary signs in all districts.

Section 3604 Permitted Uses

- A. The following permanent signs are a Permitted use and do not require permits:
 1. Municipal, governmental, and traffic signs in all districts.
 2. Emergency, evacuation, and public safety.
 3. Address numbers on any building, structure, or entrance used for identification, safety response, or to provide direction.

4. Decorative components including plaques, pillars, stones, and other devices that identify the address, family, or occupants of a residential unit provided that:
 - a. The face containing lettering or numbering does not exceed four (4) square feet.
 - b. The overall component does not exceed thirty-two (32) cubic feet.
 - c. Such devices shall not be located in the roadway right-of-way or inhibit traffic visibility in any way.

Section 3605 Signage Requirements – All Uses

- A. Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.
- B. A Permit shall be required to erect, install, relocate, modify, or change location or construction of all signs authorized within this Article, unless specifically excluded in this Article.
 1. Changeable copy on a sign does not require an additional permit.
- C. Signage requiring Conditional use approval shall not require a separate Conditional use approval if included with the Conditional use approval for the lot or use.
 1. Alterations, additions, and changes, except as noted in this Article shall require a separate Conditional use approval.
 2. Repairs, replacement in kind, replacement due to damages shall not require a separate Conditional use approval.
 3. Changes limited to business name, services offered, logo changes, etc. that do not change the size or character of a sign shall not require a separate Conditional use approval.
- D. Traffic Safety
 1. Where such signs are erected within the street right-of-way, the required sight distances shall be maintained.
 2. No sign shall be placed in such a position that it will cause danger on a street by obscuring view and, in no case, except traffic signs, shall signs be placed within the required clear sight triangle.
 3. No sign shall be placed where it obscures a motorist's view of traffic signals or traffic signs or interferes with vehicular traffic or pedestrian safety.
 4. No moving, flashing, or rotating signs which may be placed that may distract motorists.
- E. Prohibitions
 1. Signage, other than Permitted uses above, shall not be permitted on or affixed to any low density housing unit or accessory building.
 2. Signage, other than address numbers, building number, and/ or building name used for identification, safety response or to provide direction, shall not be permitted on or affixed to any moderate or high density housing unit or accessory building.

3. No sign which emits smoke, visible vapors, particles, sound, or odor shall be permitted.
4. No sign shall be erected containing information which states or implies that a property may be used for any purpose other than the use or uses permitted for the property on which the sign is located.
5. No sign shall be erected to advertise a business or merchandise for sale other than on the same premises, except for billboards and signboards where permitted.

F. Construction, Installation

1. All signs must be constructed of a durable material, maintained in good condition, and otherwise comply with the Borough's Property Maintenance Code and any State Regulations.
2. Wall-mounted, arcade and projecting signs shall not exceed 80% of the width of the front of the building or storefront on which it is located and shall not extend (project) from the structure more than twelve (12) inches from the facade on which the sign is mounted.
 - a. Wall-mounted and arcade signs may be backlit per requirements of this Article.
3. Wall-mounted and building identification signs 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.
 - a. Illuminated signs may not face any adjacent residential property.
4. Ground signs shall be installed perpendicular to a street may be double faced with the allowable square footage on each face.
 - a. Signs, including double-faced signs that are angled or curvilinear may be permitted by Borough Council as a Conditional use.
 - b. If submitted as a Component of Conditional use for a development, the orientation of a ground sign may be modified, subject to the approval of Borough Council, to face the roadway or be curvilinear and may be constructed with architectural and aesthetic features.
5. No sign shall exceed the height of the building or structure or the maximum height allowed for in the Zoning District unless otherwise permitted in this Article.
6. Roof-mounted signs are not permitted.
7. 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. A non-illuminated sign placed on an awning shall be measured as if placed on any other architectural element.
8. Signage shall not be lettered or painted directly upon the wall or any other part of a building or structure except for windows as set forth in this Article.

G. Distances

1. All distances provided for in this article shall be measured along straight lines between signs from their near edge to the near edge of another sign, signage or structure.

- a. This shall apply in all cases, including locating new signs in relationship to current and current nonconforming signs.

H. Multiple Street Frontage

1. In all permitted zoning districts, lots fronting on more than one (1) street shall be permitted to have one (1) additional sign as set forth in this Article.

I. Movement and Oscillation

1. Moving or oscillating signs are not permitted.
2. Banners, fluttering appurtenances, and balloons or other special devices are permitted as temporary signs provided:
 - a. They are secured,
 - b. Are not waving or fluttering in a manner that interferes with vehicular or pedestrian movement,
 - c. Comply with the maximum sign size permitted.
 - d. National, State, or municipal flags shall not be considered a banner.
3. No electronic scrolling images or metallic movement shall be incorporated into a changeable copy sign.

J. Removal of Signs

1. Whenever any business, entity, use, purpose or function, or activity on a lot is discontinued, vacated, or no longer present, all signs relating to the discontinued or vacated use shall be removed within 30 (thirty) days of the vacation or discontinuance of the business or activity.
2. If the landowner and/ or developer fail(s) to remove the signage by the forty-sixth (46) day from the discontinued or vacated use, the Borough shall be permitted to remove the signage at the owner's expense.

Section 3606 Use Requirements, Permanent Signs - Primary

- A. The following types of signs are considered primary and shall meet the use requirements herein.
- B. Development/ residential plan identification signs identify a specific development or residential plan and shall meet the following requirements:
 1. Meet Conditional use requirements of Section 2205 of this Ordinance.
 2. One (1) ground sign is permitted at each entrance to the development or plan.
 - a. Sites with multiple roadway entrances may have one (1) additional sign at each roadway entrance.
 - i. Such additional signs be separated by a minimum two-hundred (200) feet if along the same roadway.
 3. The maximum allowable gross surface area shall be fifty (50) square feet per sign and:
 - a. Have no more than two (2) sign faces.
 - b. May be placed back-to-back or in a V-shaped configuration having an interior angle of ninety (90) degrees or less.
 - c. Shall be a maximum of ten (10) feet above grade.

- C. Business/ occupation identification signs identify a specific business or use and shall meet the following requirements:
1. The maximum allowable gross surface area shall be fifty (50) square feet per sign.
 2. May have one (1) of the following types of signs:
 - a. Ground sign;
 - i. Have no more than two (2) sign faces
 - ii. Shall be perpendicular to the roadway, if applicable.
 - iii. Shall be a maximum of five (5) feet above grade.
 - b. Wall (building mounted) sign;
 - i. Shall be on the front side or entrance side of the business or use.
 - c. Pole sign;
 - i. Have no more than two (2) sign faces
 - ii. Shall be perpendicular to the roadway, if applicable.
 - iii. Shall be a maximum of twenty-five (25) feet above grade.
 - d. Arcade/ Projecting arcade sign;
 - i. The top edge of the sign shall not exceed the top edge of the building.
 - ii. Shall be on the front side or entrance side of the business or use.
 3. Business and uses with multiple entrances may have one (1) additional sign at each entrance.
 - a. Such additional signs be separated by a minimum two-hundred (200) feet if along the same roadway.
- D. Building identification signs identify a specific building by name or by business name and shall meet the following requirements:
1. The maximum allowable gross surface area shall be fifty (50) square feet.
 2. May have one (1) of the following types of signs:
 - a. Ground sign;
 - i. Have no more than two (2) sign faces
 - ii. Shall be perpendicular to the roadway, if applicable.
 - iii. Shall be a maximum of five (5) feet above grade.
 - b. Wall (building mounted) sign;
 - i. The top edge of the sign shall not exceed the top edge of the building.
 - a. Roof mounted signs are not permitted.
 - c. Pole sign;
 - i. Have no more than two (2) sign faces
 - ii. Shall be perpendicular to the roadway, if applicable.
 - iii. Shall be a maximum of twenty-five (25) feet above grade.
- E. Directional, (on-premises) signs are used to provide vehicular and pedestrian direction with a development, a plan, or a campus and shall be included in the site development plan or Conditional use plan.
1. If not submitted as part of the development plan it shall be submitted to the Fire Chief for review.

- F. Directional, (off-premises) signs shall be used as a supplement to traffic control sign to direct specific traffic to a specific business, use, or site and shall meet the following requirements:
1. If not submitted as part of the development plan it shall be submitted to the Fire Chief for review.
 2. May be included in the site development plan.
 3. Shall be a ground sign that provides directional and contact information only.
 - a. Have no more than two (2) sign faces
 - b. Shall be perpendicular to the roadway, if applicable.
 - c. Shall be a maximum of ten (10) feet above grade.
- G. Advertising signs are used to provide information on businesses, products, public services, community messaging, organizational outreach, and other information intended for general audiences.
1. Billboard standards and requirements are specified in Section 3609 below.
 2. Signboard standards and requirements are specified in Section 3610 below.

Section 3607 Use Requirements, Permanent Signs - Subsidiary

- A. The following types of signs are considered subsidiary and are permitted for all land uses and within all zoning districts of the Borough without conditional use approval but subject to additional Special Regulation requirements herein.
- B. Notification 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.
1. 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. A surface area of not exceeding two (2) square feet per sign.
 2. Notification signs do not require a permit.
- C. Memorial/ Historical Plaques celebrate and honor an historic events, buildings, structures, objects, sites, landscapes, or archaeological artifacts and are permitted in all zoning districts provided that they have are:
1. Authorized by the Borough Council;
 2. Authorized by another relevant County, State, or Federal agency;
 3. The size and dimensions of the marker shall be in accordance with the Pennsylvania Historical Commission standards.
 4. A permit is required prior to installation.
- D. Governmental Signs erected by a governmental agency, including street identification signs and official traffic signs are permitted in all zoning districts.
1. A permit is not required for governmental signs.

Section 3608 Use Requirements, Temporary Signs

- A. The following types of signs are considered temporary and are permitted for all land uses and within all zoning districts of the Borough without conditional use approval or permit. Such signs are subject to the following Special Regulations.
- B. Real Estate Sign used as a notice of sale or rental of the property on which it is located.
1. One (1) non-illuminated temporary real estate sign shall be permitted on each lot provided that:
 - a. The surface area of the sign shall not exceed twelve (12) square feet when located on a lot with any residential use or a lot being sold for residential use.
 - b. The sign shall not exceed thirty-two (32) square feet when located on a lot with any non-residential use or a lot being sold for non-residential use(s),
 - c. Such sign shall be removed within thirty (30) days of the sale or rental of the lot on which it is located.
- C. Development Site Sign is used for residential and non-residential real estate development sites while under construction, build-out or initial sales and rentals.
1. One (1) non-illuminated temporary development sign shall be permitted at the entrance or on each development site provided that:
 - a. The surface area of the sign shall not exceed thirty-two (32) square feet in surface area.
 - b. The sign shall not exceed six (6) feet in height when located on a lot with any residential use or planned residential development.
 - c. The sign shall not exceed ten (10) feet in height on any lot with a non-residential use or planned development.
 - d. Such sign shall be removed within thirty (30) days of the sale or rental of the last lot or completion of the proposed construction in the development.
 - e. Sites with multiple entrances may have one (1) additional sign at one (1) additional entrance.
 - i. Such additional signs be separated by a minimum two-hundred (200) feet if along the same roadway.
- D. Construction Sign is used to indicate the names of contractors, mechanics, or artisans engaged in performing work on the premises.
1. Two (2) non-illuminated temporary construction shall be permitted on a lot or at the entrance to a development provided that:
 - a. Each sign shall not exceed thirty-two (32) square feet in area.
 - b. The signs shall be removed within thirty (30) days of the completion of the work.
- E. Political Signs may be erected during a political campaign provided that:
1. Signage is located on the lot with the owner's permission.
 2. They are not of a type of signage otherwise restricted by this Article.

3. They shall not be erected more than forty-five (45) days prior to the election in which the candidate is pursuing office and shall be removed within five (5) days after the election for which it was erected.
 4. Non-illuminated temporary political signs may be erected in the public right-of-way provided that:
 - a. A surface area of each sign shall not exceed two (2) square feet.
- F. A-frame or Sandwich Board Sign is located in the on the perimeter of a business or use.
1. One (1) non-illuminated A-frame sign may be placed on the perimeter of a business or use provided that:
 - a. Each sign shall have a maximum area of seven (7) square feet per sign face.
 - b. Signs shall have a maximum height of three and one-half (3.5) feet.
 - c. Signs shall be placed indoors during inclement weather, overnight, or whenever the business is closed, so as to reduce hazards to pedestrians and others.
 - d. Signs located on a public or private sidewalk, must maintain a minimum of forty-eight (48) inches of unobstructed sidewalk clearance between the sign and any building or any other obstruction.
 - e. The sign must be located on the premises, and within twelve (12) feet of the primary public entrance, of the establishment it advertises.
 - i. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.
 - f. Signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.
- G. Temporary Event or Display Sign is used to announce or advertise special events and shall not be used for general notice and advertising.
1. Non-illuminated temporary event signs erected prior to or during an event shall be permitted on premises and in public rights-of-way, provided that:
 - a. One (1) non-illuminated temporary event sign shall be permitted to be erected on the face of the lot's principal structure provided that:
 - i. Signage/ display is located on the lot where the event will take place.
 - ii. The area of the sign shall not exceed forty (40) square feet.
 - iii. The top edge of the sign shall not exceed the top edge of the principal building.
 - a. Roof mounted signs are not permitted.
 - iv. The sign is displayed for a period no longer than thirty (30) days prior to the event and is removed within five (5) days following the event that it is erected to promote.
 - v. In lieu of sign placement on the principal building, a sign may be placed on an accessory building or structure provided that:
 - a. The area of the sign shall not exceed twenty-five (25) square feet;
 - b. The top edge of the sign shall not exceed the top edge of the accessory building.

- c. Roof mounted signs are not permitted.
- d. The sign is displayed for a period no longer than thirty (30) days prior to the event and is removed within five (5) days following the event that it is erected to promote.
- b. Non-illuminated temporary event signs shall be permitted to be erected in the public right-of-way provided that:
 - i. Signage is located on the lot where the event will take place.
 - ii. A surface area of each sign shall not exceed two (2) square feet.
 - iii. One (1) sign is permitted at each property boundary.
 - iv. One (1) sign is permitted for and spaced every thirty (30) feet of road frontage.
 - v. Signage is displayed for a period no longer than ten (10) days prior to the event and is removed within five (5) days following the event.
- c. Non-illuminated temporary event signs/ displays that are free standing shall be permitted to be erected provided that:
 - i. Signage/ display is located on the lot where the event will take place.
 - ii. Signage is setback a minimum of ten (10) feet from the roadway right-of-way.
 - iii. A surface area of each sign shall not exceed twenty (20) square feet.
 - iv. One (1) sign/ display is permitted for and spaced every fifty (50) feet of road frontage.
 - v. Signage/ display is displayed for a period no longer than ten (10) days prior to the event and is removed within five (5) days following the event.

¹
Section 3609 Use Requirements, Billboards

- A. Billboards shall meet the Conditional use requirements of Section 2206 of this Ordinance.
- B. Location:
 - 1. Billboards shall not be permitted along collector or local roads.
 - 2. Billboards shall not be permitted along or facing arterial, collector, or local roads:
 - a. In the R-1, R-2, and MUN Zoning Districts.
 - b. Within five hundred (500) feet of any:
 - i. R-1, R-2, or MUN district.
 - 3. Billboards constructed along and facing Interstate highways are permitted in R1, MUN, C-1, C-2, and Industrial districts.
 - a. Such Interstate facing billboards shall not, except incidentally, face arterial, collector or local roads.
 - b. Such Interstate facing billboards may not be located on or along arterial, collector or local roads.
 - i. A minimum distance from any such roadway of one hundred (100) feet is required.

4. The requirement for the location map for such Interstate facing Billboards shall be reduced to showing and identifying all lots within two hundred-fifty (250) 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 Assessment/ Tax Claim Office;
5. Billboards shall maintain a lateral minimum spacing of one-thousand (1,000) feet between any existing or proposed billboard structures.
6. No billboard shall be erected in such a manner as to block the view of:
 - a. Roadway or street, driveway, or entrance.
 - b. Any existing business identification sign.
 - c. Any residential or nonresidential structure.
7. No billboard 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.
 - a. Billboards constructed along and facing Interstate may be attached to barns so long as they meet all other criteria of this Article.

C. Size and Height:

1. A billboard shall have a maximum allowable gross surface area of Seven-hundred and fifty (750) square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:
 - a. A billboard shall have no more than two (2) sign faces per billboard structure which may be placed back-to-back or in a V-shaped configuration having an interior angle of ninety (90) degrees or less.
 - b. A billboard structure shall have a maximum height of forty (40) feet above the curb of the arterial roadway on which it is located.
 - c. A billboard structure intended to display toward an interstate shall have a maximum height of one hundred (100) feet above ground level.

D. Construction Method:

1. Billboards shall be constructed in accordance with applicable codes and shall meet all of the following additional requirements:
 - a. 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 three (3) feet. The shrubbery and/ or ornamental grasses shall be placed in such a manner as to screen the foundation of the structure.
 - i. Landscaping, as required by this Zoning Ordinance shall be maintained by the billboard structure owner in an attractive and healthy manner.
 - b. No bare cuts shall be permitted.
 - i. All cuts or fills shall be permanently seeded or planted.

E. Lighting:

1. 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 one (1) foot-candle upon the adjoining lot.

2. No display lighting shall cause distractions, confusion, nuisance, or hazard to traffic, aircraft, or other lots.

F. Image Projection:

1. No billboard structure, sign face, or display lighting shall cause distractions, confusion, nuisance, or hazards to traffic, aircraft or other lots.
2. No sign face image shall contain parts that move, scroll, flash, glitter, or emit noise.
3. A sign face that scrolls to display separate sign face images or changeable copy shall be permitted providing that each image is displayed for at least two (2) consecutive minutes every time it is shown.
 - a. Split sign faces that display more than one image with scrolling or changeable copy are not permitted.

G. Maintenance:

1. Any damaged sign shall be repaired within sixty (60) days.
2. Any sign which has been damaged to such extent that it may pose an imminent hazard to passersby, as determined by the Zoning Officer, shall be repaired or removed immediately.
3. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain non-illuminated until repaired.
4. A billboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material.
5. Every ten (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.
6. The Borough reserves the right to perform annual inspections of the billboard to determine compliance with this Section.
 - a. Billboards found to be in violation of this Section shall be brought into compliance or removed within thirty (30) days upon proper notification by the Borough.
7. 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 fourteen (14) days from when fraying begins.
8. Failure to comply with these sign maintenance requirements shall constitute a violation of this Section.

H. Liability Insurance:

1. 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.
 - a. The amount of insurance to be maintained may be determined and adjusted from time to time by resolution of the Borough Council.

- b. A Signboard structure shall have a maximum height of fifteen (15) feet above the curb of the arterial roadway on which it is located.

D. Construction Method:

1. Signboards shall be constructed in accordance with applicable codes and shall meet all of the following additional requirements:
2. The entire base of the Signboard structure parallel to the sign face shall be permanently landscaped and maintained by the property owner/ operator with:
 - a. Suitable shrubbery and/ or ornamental grasses of a minimum height of three (3) feet or permanently seeded or planted with ground cover.
 - i. No bare cuts shall be permitted.

E. Image Projection:

1. All Signboard messaging and imagery shall be static and shall not contain parts that move, scroll, flash, glitter, or emit noise.
2. Illumination of Signboards is not permitted.
3. No Signboard structure, sign face, or display shall cause distractions, confusion, nuisance, or hazards to traffic, aircraft, or other lots.

F. Maintenance:

1. Any damaged sign shall be repaired within sixty (60) days.
2. Any sign which has been damaged to such extent that it may pose an imminent hazard to passersby, as determined by the Zoning Officer, shall be repaired or removed immediately.
3. A Signboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material.
4. The Borough reserves the right to perform annual inspections of the Signboard to determine compliance with this Section.
 - a. Signboards found to be in violation of this Section shall be brought into compliance or removed within thirty (30) days upon proper notification by the Borough.
5. Signboards 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 fourteen (14) days from when fraying begins.
6. Failure to comply with these sign maintenance requirements shall constitute a violation of this Section.

G. Permits:

1. In addition to the provisions of the sub-section on Permits, prior to submission of submit with the application any applicable County, State, Federal approvals and permits that may also be required.

H. Application Fees:

1. The Signboard 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.

Section 3611 Use Requirements, Illuminated Signs

- A. Illuminated signs are permitted in conjunction with any sign type and are:
1. A permanent sign.
 2. Allowable as a Permitted use with Special Regulations in the C-1, C-2, and Industrial zoning districts.
 3. Allowable as a Public use in any district as a Permitted use with Special Regulations.
 - a. Public uses shall include governmental, quasi-governmental, and school uses.
- B. Illuminated signs as a Permitted use with Special Regulations shall comply with and the following regulations:
1. Signs shall be illuminated with steady, stationary, shielded light sources directed solely onto the signs without causing glare.
 2. Illumination shall be from a backlit source or be directed upon the sign face with no light spillage or infiltration onto adjoining lots or streets.
 3. There shall be no illumination of a flashing or intermittent type.
 - a. Except as permitted for electronic changing message (digital) signs as set forth by this Article 36.
 4. Lighting of signs shall not shine directly upon adjacent properties nor within the normal line of vision of pedestrians or motorists using streets or sidewalks within public rights-of-way.
 - a. 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.
 5. Lighting shall be shielded so that the source of light shall not be visible from any point off the lot on which the sign is located, except for digital signs as permitted by this section.
 6. Internally illuminated signs shall be permitted through the use of either translucent materials or backlighting so long as the source of the lighting complies with all other requirements of this Article.
 7. The sign shall be equipped with automatic day/ night dimming to reduce the illumination intensity of the sign from one (1) hour after sunrise to one (1) hour prior to sunset.

Section 3612 Use Requirements, Window Signs

- A. Window signs identifying an entity, use, purpose, function, and advertising are a Permitted Use with Special Regulations in the MUN, C-1, C-2, and Industrial districts.
1. Window signs shall include all signs placed inside a window facing the exterior of the building.
 - a. Window signs shall not exceed a size of sixteen (16) square feet.
 - i. Any sign exceeding this size shall be deemed a building sign subject to the requirements in this Article.
 - ii. Multiple window signs not exceeding sixteen (16) square feet are permitted.

- b. A permit is not required for window signs with coverage of less than sixteen (16) square feet.
 - c. Window signs shall not be placed above the ground floor of the building and/ or more than ten (10) feet above grade level of the building.
- B. Illuminated Window signs are a Permitted Use with Special Regulations in the C-1, C-2, and Industrial zoning districts.
 - 1. Illuminated window signs shall include lit signs placed inside a window facing the exterior of the building.
 - a. Illuminated window signs shall not exceed a size of sixteen (16) square feet.
 - i. Any sign exceeding this size shall be deemed a building sign subject to the requirements in this Article.
 - ii. Multiple illuminated window signs not exceeding sixteen (16) square feet are permitted.
 - b. A permit shall not be required for illuminated window signs less than six (6) square feet.
 - c. Illuminated window signs shall not be placed above the ground floor of the building and/ or more than ten (10) feet above grade level of the building.

Section 3613 Use Requirements, Digital Signs

- A. Digital signs are:
 - 1. Allowable as a Permitted use with Special Regulations Use in the C-1, C-2, and Industrial zoning districts.
 - 2. Allowable as a Public use in any district as a Permitted use with Special Regulations.
 - a. Public uses shall include governmental, quasi-governmental, and school uses.
- B. Digital signs by as a Permitted use with Special Regulations shall comply with and the following regulations:
 - 1. Shall only be permitted for non-residential uses.
 - 2. Displayed messages shall be visible for a minimum of ten (10) seconds.
 - 3. A change in displayed message shall occur within one (1) second.
 - 4. No visual scrolling, movement, fading, or dissolving is permitted and messages shall not overlap.
 - 5. The sign shall be equipped with automatic day/ night dimming to reduce the illumination intensity of the sign from one (1) hour after sunset to one (1) hour prior to sunrise.
 - 6. The sign shall be equipped with an automatic shutoff in case of failure or error that would result in the sign projecting a full-intensity all-white image for an extended period of time.
 - 7. Neon window signs may be permitted in cases where they are custom designed to be compatible with the building's historic and/ or architectural character and exterior color.

Section 3614 Prohibited Signs

- A. The following signs shall not be permitted within the Borough of Big Beaver:
1. Signs on trees located on public property, utility poles, or official traffic control devices, poles, standards, or signs.
 2. Signs that imitate traffic control signs or devices.
 3. Signs painted or affixed to vehicles and/ or trailers which:
 - a. Are parked on or along a public right-of-way;
 - b. Are parked in a public lot or private lot along a public right of where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby lot.
 4. 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.
 5. Any sign that obstructs free ingress to and egress from a fire escape, door, window, or other required exit way.
 6. 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.
 7. Signs stating, implying, or providing misleading information that a lot may be used for any purpose not permitted under the provisions of the Big Beaver Zoning Ordinance.

Section 3615 Permits

- A. A permit is required to erect, install, relocate, or modify a sign/ signage except as specifically waived in this Article.
1. A change of messaging or advertising on the face of a sign does not require an additional permit.
 2. A sign change reflecting a change in a business or name that does not otherwise change the nature of the sign shall not require an additional permit.
- B. 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.
 5. If applicable, evidence of Conditional use approval.
- C. The application for a permit shall be signed by the landowner and/ or developer of the lot.

1. The tenant of the lot, if not the landowner and/ or developer, shall be permitted to sign the permit application if they can present notarized evidence that the tenant has permission to act on the landowner and /or developer behalf.
- D. 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.
- E. The Borough Zoning Officer and/ or Borough Building Inspector shall review all sign packages for completeness.
 1. Any application determined to be incomplete shall be returned to the applicant with a description of missing and/ or incomplete items.
- F. Permits may be revoked for:
 1. Failure to conform to the requirements and conditions of this Ordinance.
 2. Failure to meet any conditions and/ or stipulations attached to the permit.
 3. Failure to erect, install, relocate or modify a sign/ signage within six (6) months of issuance.
 - a. The landowner and/ or developer may request up to a six (6) month extension of the permit due to mitigating circumstances.

Section 3616 Sign Packages for Development

- A. All proposed developments shall be required to submit a sign package to the Borough for its approval prior to any sign permits being issued.
 1. The sign package shall include:
 - a. A description of the development
 - b. Type, size, and location of all signs for each unit within the development including any ground sign.
- B. 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.
- C. The Borough Zoning Officer and/ or Borough Building Inspector shall review all sign packages for completeness.
 1. Any application determined to be incomplete shall be returned to the applicant with a description of missing and/ or incomplete items.
- D. The sign package may be submitted for approval with the overall development plan.

Section 3617 Nonconforming Signs

- A. Any non-conforming sign or signage shall:
 1. Not be enlarged or moved.
 2. Be rebuilt in accordance with this Ordinance if:
 - a. Voluntarily demolished by the owner/ operator.
 - b. Damaged or destroyed by more than fifty one (51) percent of its replacement value at the time of damage or destruction.

- B. Any nonconforming sign or signage which has discontinued use for three (3) months shall not be resumed.
 - 1. Any structure associated with the sign/ signage shall be removed by the owner/ operator within thirty (30) days of discontinued use or notification from the Borough Zoning Officer.

Section 3618 Enforcement

- B. The Borough Council shall appoint, name, or otherwise authorize the Borough Zoning Officer or such other individual(s) or agency, known as the enforcement officer, to review, monitor, and enforce the provisions of this Article.
- C. Enforcement Officer
 - 1. May review, inspect, and order corrective action for any signage use or application.
 - 2. The Enforcement Officer shall have the authority to:
 - a. Require corrective action based on this Ordinance;
 - b. Issue citations and orders for remediation;
 - c. Verify corrective action has been taken;
- D. Enforcement and Penalties.
 - 1. Any owner or operator may be cited and fined for:
 - a. Not adhering to any provision of this Ordinance;
 - b. Failure to take steps to remediate violations identified by the enforcement officer;
 - c. Failure to comply with a notice of violation or suspension;
 - d. Refusing to allow the enforcement officer access to the site.
 - 2. Such notice shall specify a date by which corrective action must be taken.
 - 3. The enforcement officer may order the immediate demolition and/ or removal of any signage deemed to be:
 - a. Unlawful,
 - b. Unsafe,
 - c. Immediately detrimental to the environment.
 - 4. Citations shall be a summary offense.
 - a. Each day of continued violation of any written citation shall constitute a separate offense.
 - 5. Upon conviction the landowner or operator shall be subject to a fine of:
 - a. Not less than one hundred (\$100) nor more than three hundred (\$300), plus costs, for each separate offense.
- E. Appeals
 - 1. The landowner or the operator may appeal an order or decision of an enforcement officer within thirty (30) days of issuance to the Zoning Hearing Board.

- F. Landowners, users, and/ or developers found violating the provisions set forth within this Article may, at the sole discretion of Borough Council, forfeit their right to be issued a sign permit for a period of one (1) year commencing from the date said violation is found to have occurred.

ARTICLE 37 RESERVED

ARTICLE 38 RESERVED

ARTICLE 39 ADMINISTRATION and ENFORCEMENT

Section 3900 Zoning Officer

- A. This Ordinance shall be administered by the Zoning Officer.
1. Borough Council shall appoint a Zoning Officer who shall not hold any elective office of the Borough.
 2. The Borough Zoning Officer shall meet the qualifications established by the Borough and be able to demonstrate, to the satisfaction of the Borough, a working knowledge of Municipal Zoning.
- B. Powers and Duties:
1. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and have the power to restrict any construction or any use or change of use which does not conform to the requirements of this Ordinance.
 2. Within this power, the Zoning Officer shall have duties as follows:
 - a. Administer and enforce the provisions of this Ordinance.
 - b. In conjunction with the appointed Building Code Official, 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.
 - c. Identify and register nonconforming uses and nonconforming structures and submit their findings to the Borough's Planning Committee and Borough Council.
 - d. Make all the required inspections or they may, subject to the approval of Borough Council, engage such expert opinion as they may deem necessary to report upon unusual technical issues that may arise.
 - e. At least annually, submit to Borough Council a written statement of all issued zoning permits, sign permits, certificates of use and occupancy, notices, and orders.
 - f. Keep an official record 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.

Section 3901 Zoning Permits

- A. It shall be unlawful for any person to commence work for the erection or alteration of any building and/ or structure or for a change in land use, until a permit has been duly issued except as specified in Section 3901.B.2.

B. Zoning Permit Requirements and Restrictions

1. A zoning permit shall be required prior to:
 - a. The erection, addition, or alteration of any building and/ or structure or portion thereof;
 - b. The use or change in use of a building, land, or water body;
 - c. The changes or extension of a nonconforming use;
 - d. Remodeling or improvement occurring within a floodplain/ flood-prone area, or mudslide-prone area.
 - e. Interior remodeling or improvement of existing buildings and/ or structures as required by the PA UCC.
2. A Zoning Permit shall not be required for the following:
 - a. Normal maintenance activities and alterations which do not structurally change a building.
 - b. Remodeling or improvement of existing low-density buildings which do not alter the basic structure, create additional lot area coverage, or change the use of the parcel or building provided:
 - i. The estimated cost of such activities does not exceed fifty (50) percent of the fair market value.
 - ii. Such remodeling or improvement does not occur within a floodplain/flood-prone area, or mudslide-prone area.

C. Application Process for Zoning Permits

1. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, show and provide:
 - a. The shape and dimensions of the lot to be built upon;
 - b. The exact size, shown in square feet, and location of all buildings to be erected.
 - c. All property line setbacks;
 - d. Height of building including elevation of the lowest floor and basement.
 - e. Lot Coverage of all buildings and structures;
 - f. Proof of contractor insurance or Affidavit of Exemption or release;
 - i. Copies of all required Municipal, State, County, Federal Permits as approved by the appropriate agency,
 - g. A statement of the use as intended of the building;
 - h. Such other information as may be necessary to determine and provide for the enforcement of this Ordinance.
2. 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.
3. No building shall be erected, remodeled, added to, or structurally altered until a permit has been issued.
 - a. All applications for zoning permits shall be in accordance with the requirements of this Ordinance; 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 would be in violation of any of the provisions of this Ordinance.

D. Issuance of the Zoning Permit

1. A Zoning Permit shall be issued when the Zoning Officer has completed the following steps:
 - a. Inspected the application for such permit and certified that the proposed building or alterations comply with the provisions of this Ordinance;
 - b. Inspected the application for such permit to determine that all necessary Municipal, County, State, and Federal permits have been obtained.
2. It shall be the duty of the Zoning Officer to reject the application, request more information, or approve the application within thirty (30) days from its receipt.
3. 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.
4. Upon approval by the Zoning Officer and payment of a fee(s) as predetermined in the fee schedule adopted by Borough Council the applicant shall receive:
 - a. The zoning permit
 - b. One (1) copy of the submitted plan.

E. Inspection Procedures

1. It shall be the duty of the Zoning Officer, or their 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.
2. At the beginning of construction.
 - a. 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.
 - b. If the actual construction does not conform to the application, a written notice of a violation shall be issued by the Zoning Officer, which may include a notice to cease construction.
 - i. Upon proper correction of the violation and receipt of written notice from the Zoning Officer construction may proceed.
3. At the completion of construction
 - a. 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.

Section 3902 **Occupancy Permit**

- A. An Occupancy Permit showing Conformance to Uniform Construction Code, as well as any other legally mandated building and use requirements is required for:
 1. Occupancy of a new building.
 2. Occupancy and/ or use of unimproved or vacant land.
 3. Occupancy and/ or use of a building that has been altered or moved requiring a zoning permit.
 4. Change in the use of an existing building, structure, or area within a building or structure to a use other than to a use of the same type.
 5. Change in the use of land except to another use of the same type.
 6. Any change in use from a nonconforming use to a conforming use.
 7. Occupancy of any vacant, public, commercial, or industrial building.
- B. Such Occupancy permits shall state that:
 1. The building or the proposed use of a building or land complies with all:

- a. Provisions of applicable codes and law;
- 2. The uses applied for are authorized for both initial and continued occupancy and use of the building and land so long as the building or land use is in full conformity with the provisions of law and all required codes.
- C. No occupancy permit shall be issued until all applicable fees have been paid and the Zoning Officer and/ or qualified Agent appointed by the Borough has inspected and determined the use is compliant with the provisions of law, codes, and this Ordinance.
- D. Permits shall be issued by the Borough and/ or their Agent.

Section 3903 Sign Permit

- A. No permanent or temporary sign requiring a permit as described in this Ordinance shall be erected until such permit has been issued by the Zoning Officer.
- B. An application to erect a sign shall be submitted to the Borough prior to sign installation.
- C. The application shall include all required information outlined in Article 36 but at a minimum include the size and nature of the sign and that it is in conformity with the provisions of this Ordinance, and all other effective and applicable ordinances.
- D. The Zoning Officer shall process said permit within thirty (30) days upon receipt of the application.
 - 1. The Permit shall not be issued until the payment of a fee is made in accordance with the fee schedule adopted by Borough Council
- E. Denial of an application for a sign permit shall include a written statement to the applicant containing the reasons for denial.
- F. 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 40 REMEDIES

Section 4000 Actions in The Name of the Borough

- A. In the case that any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, 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.
 - 1. The cost of all remedies shall be borne by the landowner.

ARTICLE 41 PENALTIES**Section 4100 Liable Parties**

- A. Any person, partnership, or corporation or other entity which shall violate the provisions of this Ordinance enacted under the Municipal Planning Code (MPC), as amended, shall, upon conviction thereof in a summary proceeding be the maximum amount allowed.
- B. In default of payment of said fine, such person, the members of such partnership, or other officers of such corporation shall be liable and subject to the rules of civil procedure.
- C. Each day that a violation is continued shall constitute a single and separate offense.
- D. All fines collected for the violation of this Ordinance shall be paid to the Borough Council and deposited into the General Fund.

ARTICLE 42 ZONING HEARING BOARD**Section 4200 Board Membership and Organization**

- A. 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.
 - 1. 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 forty five (45) days after hearing or continued hearing, in accordance with the requirements as outlined in Act 247 of 1968, the "Pennsylvania Municipalities Planning Code", as amended.
 - 2. A fee shall be charged for any appeal or proceeding filed with the Borough Zoning Hearing Board in accordance with the Borough Fee Schedule.
- B. The membership of the Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by the Borough Council.
 - 1. The term of office shall be three (3) years.
 - a. Such terms shall be staggered so that the term of office of one (1) member shall expire each year.
 - 2. The Zoning Hearing Board shall promptly notify Borough Council of any vacancies which occur.
 - 3. Appointment to fill vacancies shall be only for the unexpired portion of the term.
 - 4. Members of the Zoning Hearing Board shall hold no other office in the Borough.
- C. Alternate Members. The Borough Council may appoint at least one (1), but not more than three (3), residents of the Borough to serve as alternative members of the Zoning Hearing Board.
 - 1. The term of office of an alternate member shall be three (3) years.
 - 2. 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.

- a. If a quorum is not reached and more than one (1) alternate is present, the alternate member with the longest tenure on the Board shall be given the option to participate.
- D. The Zoning Hearing Board shall secure Legal Counsel to provide assistance in the deliberation, adjudication, and documenting of actions brought to the Board.
1. Should the position of Legal Counsel become vacant, the Zoning Hearing Board may secure interim Legal Counsel.
 2. The Legal Counsel for the Zoning Hearing Board shall not hold any elected or appointed office in the Borough.

Section 4201 Removal of Members

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

Section 4202 Organization of Zoning Hearing Board

- A. The Zoning Hearing Board shall elect from its own membership a chairperson, who shall serve annual terms as such and may succeed themselves.
- B. 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 9, Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- C. 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.
- D. The Zoning Hearing Board shall keep full public records of its business and submit a report of its activities to the Borough Council once a year.

Section 4203 Powers and Duties

- 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.
- D. The Borough Zoning Hearing Board shall have the power to authorize variances from this Ordinance and may attach such reasonable conditions and safeguards as it may deem necessary to:
1. Implement the purposes of this Ordinance
 2. Protect the public health, safety, and welfare of the community.
 3. Assure compliance with the purposes of this Ordinance.
- E. The Zoning Hearing Board may grant a variance provided the following findings are made, where relevant in a given case.
1. 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 this Ordinance in the neighborhood or district in which the property is located.
 2. 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 Ordinance and that the authorization of a variance is thereof necessary to enable the reasonable use of the property.
 3. Such unnecessary hardship has not been created by the appellant.
 4. 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(s), nor be detrimental to the public welfare.
 5. 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.
 - a. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.
- F. 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 23 and/ or other Articles that outline specific use standards.
1. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in Article 23 and/ or other Articles that outline specific use standards of the Ordinance, as it may deem necessary to implement the purposes of the Ordinance.
- G. 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 shall make a record or transcript, which may serve as the basis for further action by Borough Council or the landowner.

1. 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 4204 Procedures

- A. Application for a Variance:
 1. See Article 24.
- B. Application for a Use by Special Exception:
 1. See Article 23.

Section 4205 Mediation Option

- A. Parties to proceedings authorized in this Section may utilize mediation as an aid in completing such proceedings.
 1. 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.
 2. 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(s) as appropriate, develop terms and conditions for:
 1. Funding the mediation;
 2. Selecting a mediator or mediators 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 4206 Time Limitations for Appeals

- A. Any person aggrieved by the rendering of a decision by Borough Council or 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 4207 Appeals

- A. 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 43 RESERVED**ARTICLE 44 AMENDMENTS****Section 4400 Authority**

- A. 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 Committee, the Zoning Officer, or any person having proprietary interest in the land under question.

Section 4401 Zoning Amendments

- A. Before voting on the enactment of an amendment proposed by the Planning Committee or Borough Council, the Borough Council shall hold a public hearing with public notice of such hearing as prescribed in the Pennsylvania Municipalities Planning Code.
1. Thirty (30) days prior to the public hearing held by Borough Council, the Planning Committee shall submit the proposed amendment to the Beaver County Planning Committee for recommendations.
 2. Furthermore, Borough Council shall not approve said amendment until the Beaver County Planning Committee report is received or until the expiration of thirty (30) days from the date the amendment request was forwarded to the County.
- B. Amendments prepared by an entity other than the Planning Committee, or the Borough Council shall be submitted to the Planning Committee for recommendations, at least thirty (30) days prior to the public hearing.
1. Borough Council may grant the Planning Committee up to sixty (60) additional days to review and make comments on such amendment.
- C. If, after any public hearing held regarding 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.

Section 4402 Curative Amendments

- A. 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 they have an interest may submit a curative amendment to Borough Council with a written request that their 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:
1. Procedure for filing for a curative amendment:
 - a. The landowner shall make a written request to Borough Council that it hold a hearing on their 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.
 - b. 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.
 - i. In such case that the landowner elects to make the request to Borough Council and the request is timely, the time within which they 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 their request for a curative amendment.
 - c. 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.
 - i. Borough Council may require additional information, at the applicants' sole expense, as is needed to determine the validity of the curative amendment.
- 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 Committee 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.
 - i. All of these materials shall be made available for review to any party at cost.
- C. Borough Council shall not:
 - 1. Communicate, directly or indirectly, with any party or their representatives in connection with any issue involved with a proposed curative amendment except upon notice and opportunity for all parties to participate;
 - 2. Take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed;
 - 3. Inspect the site or its surroundings after the commencement of hearings with any party or their representatives unless all parties are given an opportunity to be present.
- D. The hearing may be postponed or continued at the request of the landowner or by mutual consent of the parties.
- E. Procedure for rendering a decision.
 - 1. Upon completion of the hearing, Borough Council shall render a decision and communicate said decision to all parties within thirty (30) days.
 - 2. Approval of the amendment shall be granted by formal affirmative vote at a regular or special meeting of Borough Council.
 - 3. The landowner's request shall be considered denied when:
 - a. Borough Council notifies the landowner that it will not adopt the amendment.
 - b. 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.
- F. Appeal.
 - 1. 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 45 VALIDITY

Section 4500 Separate Liability

- A. 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 46 REPEALER

Section 4600 Repeal of inconsistent Ordinances

- A. All existing ordinance or parts of ordinances, that are contrary to or conflict with the provisions of this Zoning Ordinance, are hereby repealed to the extent necessary to give

this Ordinance full force and effect. In the event that any ordinance or parts of ordinances conflict with the terms and provisions of this Ordinance, then the ordinance containing the stricter provisions and requirements will prevail and govern.

ARTICLE 47 ENACTMENT

This ORDINANCE is enacted and ordained by Borough Council of the Borough of Big Beaver this 16th day of September, 2025.

ATTEST:


PASSED:

BOROUGH OF BIG BEAVER


Secretary – Jennifer Gasser


President of Council – Kimberly Wagner


Solicitor – Shannon Steele


Mayor – Michelle Joy

AMENDMENT(S)

Ordinance No. 243 Date: July 15, 2025

General Description: Article 30 Timber Harvesting/Logging was rescinded from the Zoning Ordinance. Please reference standalone Ordinance #242 Timber Harvesting/Logging Ordinance

Ordinance No. 245 Date: September 16, 2025

General Description:

- 1) Section 301.A.97 (**Added**) – Pages 15-16
- 2) Section 301.A.150 (**Amended**) – Page 21
- 3) Section 608 (**Amended**) – Pages 48-49
- 4) Article 10 (**Removed**) – Pages 67-71
- 5) Article 12 (**Amended**) – Pages 75-80
- 6) Article 13 (**Amended**) – Pages 81-84
- 7) Article 15 (**Amended**) – Pages 101-102
- 8) Article 16 (**Amended**) – Pages 110-111
- 9) Section 1904.A, Section 1904.B (**Removed**) – Page 123
- 10) Section 2106.A.9 (**Added**) – Pages 136-137
- 11) Section 2209.A.44 (**Amended**) – Pages 180-181
- 12) Appendix B (**Amended**) – Attached
- 13) Appendix D – Table D-2 (**Amended**), Table D-3 (**Added**) - Attached
- 14) Zoning Map (**Amended**) – Attached

APPENDIX B - USE TABLE

<p>1. Rural Residential (R-1) - The purpose of the R-1 Rural Residential District, is to provide areas in the Borough for rural living environments, agricultural or farming activities, farming related activities, rural retreat areas, and seasonal campgrounds. In addition, the District allows for planned residential development that preserves the natural features and rural identity of the area.</p>
<p>2. Suburban Residential District (R-2) - The purpose of the R-2 Suburban Residential District, is to provide low-density residential areas and neighborhoods where public infrastructure exists or is planned in the future.</p>
<p>3. Mixed Use Neighborhood District (MUN) - The purpose of the Multi-Use Neighborhood District is to encourage the development of residential districts with compatible commercial activities including integrated residential/ commercial developments and home based businesses.</p>
<p>5. Commercial District (C-1) - The purpose of the C-1 Commercial District, is to permit commercial retail and service activities which serve the needs of the general community and are located in existing high volume controlled traffic corridors with access to adequate infrastructure.</p>
<p>6. Interstate Commercial District (C-2) - The purpose of C-2 Interstate Commercial District, is to promote the orderly and efficient development of areas within the Borough where public infrastructure currently exists or where expansion is encouraged. This district is strategically located to leverage access to interstate highways and major transportation corridors while fostering innovative and integrated land use patterns that reflect a vibrant urban-like character.</p>
<p>7. Industrial District (I) - The purpose of I, Industrial District, is to allow for industrial uses, including manufacturing processes, intensive outdoor recreation, and resource refining in locations that have the appropriate infrastructure and access to the regional transportation network and in appropriate locations where the public health, safety, and welfare of the surrounding neighborhoods are protected and the environmental impacts of the uses will not have adverse effects on the local community.</p>

<p>1. The letter "P" denotes a permitted use by right, subject to the requirements specified by this Ordinance.</p>
<p>2. The letters "SR" denote a permitted use with special regulations specified by this Ordinance in accordance with Articles 20 and 21 of this Ordinance.</p>
<p>3. The letter "C" denotes a use that is conditional, subject to the requirements specified by this Ordinance and provided that the Borough Council grants the conditional use pursuant to Articles 20 and 22 of this Ordinance.</p>
<p>4. The letters "SE" denote a use that is a special exception subject to the requirements specified by this Ordinance and provided that the Zoning Hearing Board grants the special exception, along with any other requirements they deem prudent pursuant to Articles 20 and 23 of this Ordinance.</p>

USE DESCRIPTION	R1	R2	MUN	C1	C2	I
1.00 AGRICULTURAL USES						
Agricultural Operation	P		SR			
Concentrated Animal Feeding Operation (CAFO)	SR					
Concentrated Animal Feeding Operation (CAO)	SE					
Medical Marijuana Grower/ Producer	C					
Vineyard	P		SR			

USE DESCRIPTION	R1	R2	MUN	C1	C2	I
2.00 RESIDENTIAL USES						
Manufactured (Mobile) Home Park	C					
Low Density: Single-Family Residence; Manufactured Home (mobile); Industrialized (Modular) Housing.	P	P	P		P	P
Moderate Density: Single story apartments, Duplex, Patio/ Carriage Homes, Townhouses, Triplex and Quadraplex dwellings.	SR	SR	SR		C	
Higher Density: Low Rise Apartment Buildings, High Rise Apartment Buildings, Condominiums, Garden Apartments, Multiplex Dwellings, and Conversion Units/ Apartments,			C	C	C	
Planned Mixed Commercial/ Residential Developments	C	C	C	C	C	
Planned Residential Development	C	C	C	C	C	

USE DESCRIPTION	R1	R2	MUN	C1	C2	I
3.00 INSTITUTIONAL/ GOVERNMENTAL USES						
Assisted Living Facility	C		C	C		
Assisted Living/ Group Care Residence	SR	SR	SR			
Cemetery	C					
Charitable/ Non-Profit Recreation Facility	SR		SR			
Clinic, Medical/ Alcohol/ Drug/ Rehabilitation			C	C		
Comprehensive Personal Care Home/ Skilled Nursing Facilities	C		C	C	C	
Continuing Care/ Long Term Care/ Retirement Communities	C		C	C	C	
Country Club/ Golf Course	C		C		C	
Day Care Center/Nursery School (commercial based business)	SR		SR	SR		
Day Care Home (home based business)	SR	SR	SR		SR	
Emergency Services Private	C		C	C	C	
Emergency Services Public	P	P	P	P	P	P
Essential Public Services & Facilities	P	P	P	P	P	P
Fraternal Organizations/ Private Clubs	C		C	C		
Hospital					P	P
Municipal/ Public Uses & Facilities	P	P	P	P	P	P
Park(s)	P	P	P	P		
Place of Worship	C	C	C	C	C	
School/Educational Institution, Private or Public	C	C	C	C	C	C
University, College, Postsecondary Facility	C		C	C		
Water Storage	C	C	C	C	C	C
Water/ WasteWater Treatment Plant	C					C

USE DESCRIPTION	R1	R2	MUN	C1	C2	I
4.00 COMMERCIAL USES						
Adult and Sexually Oriented Business				C		
Agrivoltaics Solar Generation/ Transmission Facility	C					
Animal Grooming Facility			P	P		
Animal Hospitals/ Veterinary Clinics			SR	SR		
Auto Body Repair Shops			SR	P	P	
Automotive Detailing			P	P	P	
Bank/ Financial Institution			SR	P	P	SR
Bar/ Night Club				C	C	
Bed and Breakfast	SR	SR	SR	SR		
Business Office (not home based)			P	P	P	
Business Services/ Business Center			P	P		P
Car Wash				P	P	P
Container/ Boxed Storage Facility				C	C	C
Convenience Store			P	P	P	
Drive In/ Drive Through/Retail Uses			SE	C	C	
Entertainment Center, Indoor			C	P	P	
Factory Outlet				C	C	
Funeral Home/ Crematoriums			SR	SR		
Gaming Enterprise				C	C	
Gas Station			C	C	C	C
Health/ Fitness/ Gym/ Yoga Studios			P	P	P	P
Horse Boarding Stable, Riding Academy, Riding Stable	SE		SE			
Integrated Business Centers/ Shopping Centers			P	P	P	
Landscape Service Center, Retail; Wholesale; Garden and Landscaping Center			P	P	P	P
Laundromat			P	P		P
Medical Marijuana Dispensary				C	C	C
Medical Marijuana Production Facility	SE					SE
Medical Office			P	P	P	
Microbrewery/ Brew Pub			C	C	C	
Mixed-Use Building			C	C	C	
Motel and Hotel				P	P	
Outdoor Recreation, General			P	P		P
Personal Services			P	P	P	
Pet Boarding/ Kennel	SE		SE	SE		
Pharmacy			P	P	P	
Professional Offices			P	P	P	P
Recreation, Commercial Outdoor	SR			SR		
Recreation, Commercial Mixed	SR			SR		
Recreation, Commercial Municipal (Public)	P	P	P	P	P	P
Recreation, Private				SR		
Restaurant/ Delicatessen			P	P	P	P
Retail Business/ Retail Store/ Retail Center			C	P	C	C
Self Storage Facility				C	C	C
Shooting Range (Indoor)	C			C		
Shooting Range (Outdoor) Public or Private	C					
Short Term Rental	SR	SR	SR		SR	
Skilled Games Center				C	C	
Theater/ Cinema			P	P		
Truck Terminal/ Service Plaza					C	C
Vehicle Sales and Service			P	P	P	P
Warehouse & Distribution - Commercial Use				C	P	P
Warehouse Storage/ Services				C	C	C
Warehousing and Product Distribution Activities				C	C	C
Wholesale Uses, Activities, Buildings, and Structures				C	C	C
Winery	C				C	

USE DESCRIPTION	R1	R2	MUN	C1	C2	I
5.00 INDUSTRIAL						
Collection & Recycling Facility						C
Communication Tower	C			C	C	C
Contractor Offices/ Equipment & Material Storage				P	P	P
Data Centers						SR
Heavy Manufacturing and Heavy Industrial Activities						C
Industrial Machine Sales and Services				P	P	P
Industrial Commercial Mixed-use Building (Industrial Park only)						C
Infrastructure Intensive Enterprises						SE
Light Manufacturing				P	P	P
Natural Gas Compressor Station	SR	C	C	C	C	SR
Natural Gas Processing Plant	C					SR
Oil & Gas Activities and Operations						C
Oil & Gas Well and Pads	C			C	C	C
Outdoor Recreation, Intensive	C			C		C
Parking Structure, Commercial				C	C	C
Power Generation/ Transmission Facility						SE
Research and Development Activities	C		C	C	C	P
Resource Conversion/ Refining Facility						SE
Resource Extraction	C					C
Salvage Yard (Junk Yard)	C					C
Sanitary Landfill	SE					
Sawmills/ Planing Mills	P					P
Self-contained, Unoccupied Structures						C
Solar Generation/ Production Facility/ Transmission Facility						C
Storage yard, principal				SR	SR	SR
Supply Yard				P	P	P
Transfer Facility/ Resource Recovery						C

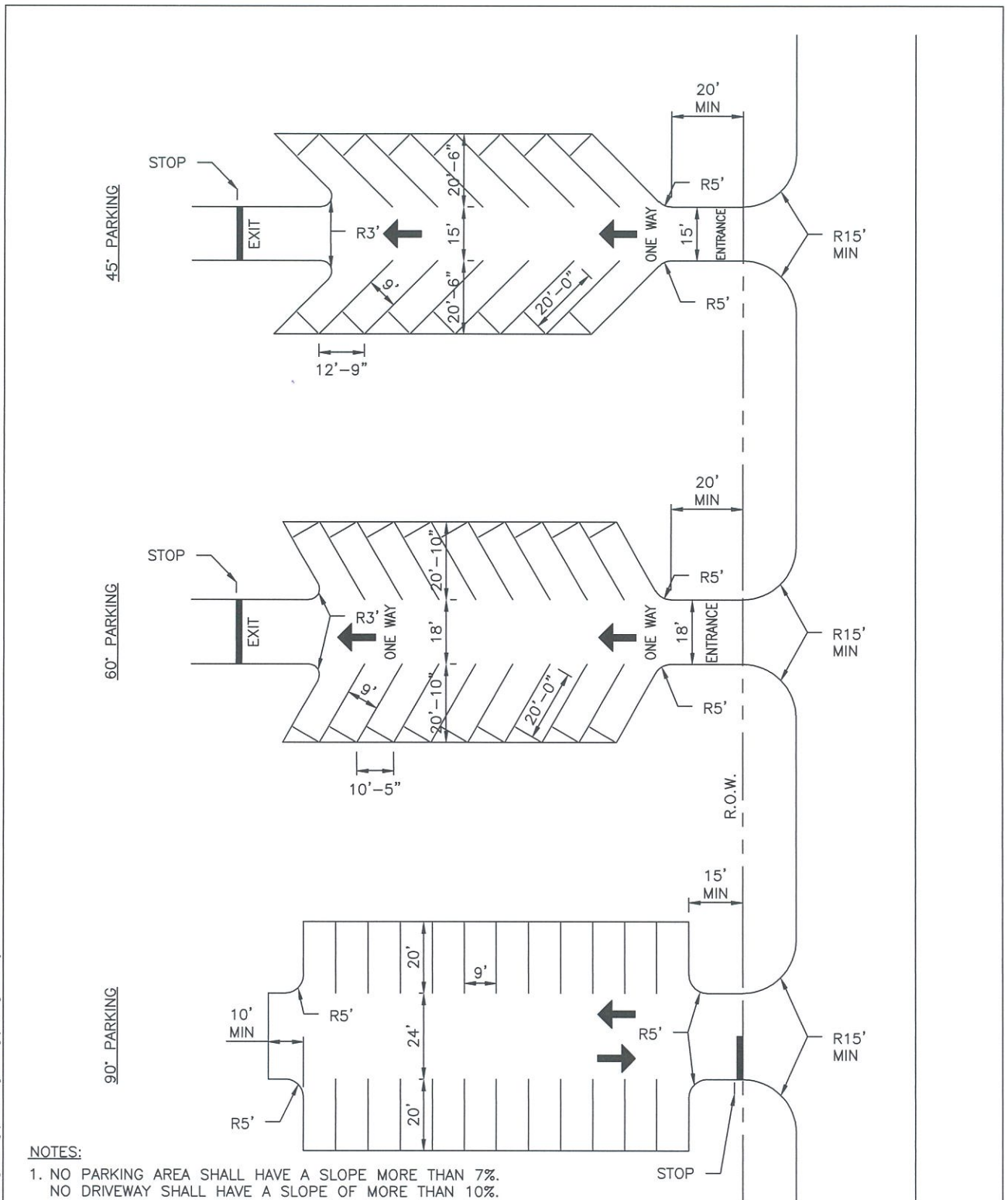
USE DESCRIPTION	R1	R2	MUN	C1	C2	I
ACCESSORY USES						
Home Occupation/Home Office	SR	SR	SR			
No Impact Home Based Business	P	P	P		P	P
Private Use Antennas	SR	SR	SR	SR	SR	SR
Private Use Activity Building, No Impact	SR	SR	SR			
Private Use Small Cell Devices	SR	SR	SR	SR	SR	SR
Private Use Storage Building, No Impact	SR	SR	SR			
Private Use Vehicle Storage Building, No Impact	SR	SR	SR			
Shed	P	P	P			
Solar Energy System, Accessory	SR	SR	SR	SR	SR	SR
Storage Box/ Container - Temporary	SR	SR	SR	SR	SR	SR
Storage Yard, Accessory	SR			SR	SR	SR

USE DESCRIPTION	R1	R2	MUN	C1	C2	I
MISCELLANEOUS USES						
Accessory Use Preceding Principal Use	C	C	C			
Campground/ Recreational Vehicle Trailer Camp/ Trailer Camp	C					
Skilled Games, Accessory Use			SR	SR	SR	SR
Small Cell Devices/ Mini-Antennas	SR	SR	SR	SR	SR	SR
Storage Box/ Container - Permanent				C	C	C

USE DESCRIPTION	R1	R2	MUN	C1	C2	I
SIGNAGE						
Arcade Projecting Sign			SR	SR	SR	SR
Billboard - Interstate Highway Facing	C		C	C	C	C
Billboard - Arterial Roadways				C	C	C
Changing Copy Sign - Ground Mounted				SR	SR	SR
Changing Copy Sign - Pole Mounted			SR	SR	SR	SR
Digital Sign				SR	SR	SR
Ground Sign Concentrated Development	C	C	C	C	C	C
Ground Sign Single Use	SR	SR	SR	SR	SR	SR
Municipal Signage	P	P	P	P	P	P
Pole Sign			SR	SR	SR	SR
Post Sign	SR		SR	SR	SR	SR
Signboard	SR		SR	SR	SR	SR
Temporary Signs	SR	SR	SR	SR	SR	SR
Wall Sign			SR	SR	SR	SR
Window Sign			SR	SR	SR	SR

USE DESCRIPTION	R1	R2	MUN	C1	C2	I
Ag Uses not specifically listed	C					
Residential Uses not specifically listed	SE	SE	C	C		
Mixed Uses not specifically listed			C		C	
Commercial Uses not specifically listed			SE	SE	C	
Industrial Uses not specifically listed					SE	C

APPENDIX D PARKING LAYOUT D-1



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.

SCALE: N.T.S.

PATH: J:\MUNICIPAL\Big Beaver\General Engineering\2024 Engineering\Parking Lot Layout



**BIG BEAVER
BOROUGH**
114 Forest Dr
Darlington, Pennsylvania 16115
Ph: 724-827-8962

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INTERNATIONAL**
100 Airside Drive
Moon Township, PA 15108
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BOROUGH STANDARD DETAIL
**APPENDIX PARKING
CONFIGURATIONS**
JUNE 2024

APPENDIX D - REQUIRED PARKING SPACES BY USE D-2

USE DESCRIPTION	
1.00 AGRICULTURAL USES	Minimum Vehicle Parking Spaces
Agricultural Operation	None; except one (1) per two hundred (200) GSF of floor area used for sale of products produced on premises.
Concentrated Animal Feeding Operation (CAFO)	PSPS.
Concentrated Animal Feeding Operation (CAO)	PSPS.
Medical Marijuana Grower/ Producer	PSPS.
Vineyard	PSPS; One (1) per each one hundred fifty (150) GFT of tasting room/ sales area space. If food and beverages are provided other than for tastings, parking requirements shall follow restaurant requirements.

USE DESCRIPTION	
2.00 RESIDENTIAL USES	Minimum Vehicle Parking Spaces
Manufactured/Mobile Home Park	PSPS if there is an on site office/ maintenance facility; two (2) spaces per unit; one (1) visitor space for every two (2) units.
Low Density: Single-Family Residence; Manufactured Home (mobile); Modular Home; Industrialized Housing.	Two (2) spaces per unit.
Moderate Density: Single story apartments, Duplex, Patio/ Carriage Homes, Townhouses, Triplex and Quadraplex dwellings.	PSPS if there is an on site office/ maintenance facility; one point five (1.5) spaces per unit; one (1) visitor space for every two (2) units.
Higher Density: Low Rise Apartment Buildings, High Rise Apartment Buildings, Condominiums, Garden Apartments, Multiplex Dwellings, and Conversion Units/ Apartments,	PSPS if there is an on site office/ maintenance facility; one point five (1.5) spaces per unit; one (1) visitor space for every two (2) units.
Planned Mixed Commercial/ Residential Developments	Determined per Parking Needs Analysis.
Planned Residential Development	Determined per Parking Needs Analysis.

USE DESCRIPTION	
3.00 INSTITUTIONAL/ GOVERNMENTAL USES	Minimum Vehicle Parking Spaces
Assisted Living Facility	PSPS; One (1) per every three (3) rooms.
Assisted Living/ Group Care Residence	PSPS; One (1) per every three (3) beds.
Cemetery	None. Except at shared mausoleums there shall be one (1) per each twenty-five (25) vaults.
Charitable/ Non-Profit Recreation Facility	PSPS: One (1) per three participants/ users at maximum utilization; parking for busses or other large vehicles at maximum utilization.

Clinic, Medical/ Alcohol/ Drug/ Rehabilitation	PSPS; One (1) per every four (4) beds or exam rooms.
Comprehensive Personal Care Home/ Skilled Nursing Facilities	PSPS; One (1) per every four (4) beds.
Continuing Care/ Long Term Care/ Retirement Communities	PSPS; One (1) per every room or apartment.
Country Club/ Golf Course	PSPS; Four (4) for every golf hole; one (1) for every two hundred (200) GSF of club house space; two (2) for every outdoor court; one (1) for every two hundred (200) GSF of swimming pool surface. For on premises restaurants parking requirements shall follow restaurant requirements and be in addition to the other requirements herein stated.
Day Care Center/Nursery School (commercial based business)	PSPS; One per six (6) persons based on regulated capacity.
Day Care Home (home based business)	PSPS; One(1) per three hundred seventy-five (375) GSF; Must provide adequate parking for drop off and pick up so that no vehicles are parked or queued on the street.
Emergency Services Private	PSPS.
Emergency Services Public	PSPS.
Essential Public Services & Facilities	PSPS; Two (2) visitor spaces.
Hospital	PSPS; One point five (1.5) per bed; one (1) per two hundred (200) GSF of office & clinic space.
Municipal/ Public Uses & Facilities	PSPS; Six (6) visitor spaces. If there is a confernece room or public metting space, one (1) per every one hundred fifty (150) GSF of meeting space.
Park	As determined by Borough Council.
Place of Worship	PSPS; One (1) per every four (4) seats of main assembly area.
Private Clubs/ Fraternal Organizations	PSPS; One (1) per every five (5) members.
School/Educational Institution, Private or Public	As determined by Parking Needs Analysis.
University, College, Postsecondary Facility	As determined by Parking Needs Analysis.
Water/ WasteWater Treatment Plant	PSPS.

USE DESCRIPTION	Minimum Vehicle Parking Spaces
4.00 COMMERCIAL USES	
Adult and Sexually Oriented Business	PSPS; One (1) per two hundred (200) of GSF of floor area.
Agrivoltaics Solar Generation/ Transmission Facility	PSPS; Minimum of two (2) spaces.
Animal Grooming Facility	PSPS; Two (2) per grooming station.
Animal Hospitals/ Veterinary Clinics	PSPS; Two (2) per exam room.
Auto Body Repair Shops	PSPS; Eight (8) for each service bay.
Automotive Detailing	PSPS; Three (3) for each service bay
Bank/ Financial Institution	PSPS; One (1) per three hundred (300) GSF; two (2) per drive-through lane or ATM.

	PSPS or One (1) per permanent resident(s); one (1) per guest room.
Bed and Breakfast	
Business Office (not home based)	PSPS; One (1) per five hundred (500) GSF.
Business Services/ Business Center	PSPS; One (1) per one hundred (100) GSF.
Car Wash	PSPS; One (1) per three hundred seventy-five (375) GSF to include service bays, wash tunnels and retail areas.
Container/ Boxed Storage Facility	PSPS; One (1) per hundred (100) storage units.
Convenience Store	PSPS; One (1) per three hundred (300) GSF.
Drive In/ Drive Through/Retail Uses	PSPS; Five (5) stacking spaces per drive-in window.
Entertainment Center, Indoor	PSPS: One (1) per three (3) participants/ users at maximum utilization; parking for busses or other large vehicles at maximum utilization.
Factory Outlet	PSPS: One (1) per three hundred (300) GSF; parking for busses or other large vehicles at maximum utilization.
Funeral Home/ Crematoriums	PSPS; One (1) per two hundred (200) GSF.
Gaming Enterprise	As determined by Borough Council after a Parking Needs Analysis has been submitted for review.
Gas Station	PSPS; One (1) per three hundred seventy-five (375) GSF to include service bays, wash tunnels and retail areas.
Health/ Fitness/ Gym/ Yoga Studios	PSPS; One (1) per every four hundred (400) GSF.
Horse Boarding Stable, Riding Academy, Riding Stable	PSPS; One (1) per four (4) stables.
Integrated Business Centers/ Shopping Centers	PSPS; One (1) per one hundred (100) GSF.
Landscape Service Center, Retail; Wholesale; Garden and Landscaping Center	PSPS; One (1) per three hundred (300) GSF (indoor) and one (1) per five hundred (500) GSF outdoor sales area. Wholesale operations shall have PSPS and one (1) space per acre of production area.
Laundromat	PSPS; One (1) per three hundred (300) GSF.
Medical Marijuana Dispensary	PSPS; One (1) per five hundred (500) GSF.
Medical Marijuana Production Facility	PSPS.
Medical Office	PSPS; Three (3) per exam room.
Microbrewery/ Brew Pub	PSPS; One (1) per seventy-five (75) GSF.
Mixed-Use Building	As determined by Parking Needs Analysis.
Motel and Hotel	PSPS; One (1) per sleeping unit. For on premises restaurants parking requirements shall follow restaurant requirements and be in addition to the other requirements herein stated. Parking for busses or other large vehicles shall be provided for periods of maximum utilization.
Outdoor Recreation, General	PSPS; One (1) per each participant in activities; one (1) per four (4) viewing/ observation/ seating areas; one (1) for each bay, garage and/ or storage unit on site. For on premises restaurants parking requirements shall follow restaurant requirements and be in addition to the other requirements herein stated.
Personal Services	PSPS; One (1) per five hundred (500) GSF.
Pet Boarding/ Kennel	PSPS; One (1) per six hundred (600) GSF.
Pharmacy	PSPS; One (1) per two hundred (200) GSF.
Professional Offices	PSPS; One(1) per five hundred (500) GSF.
Recreation, Commercial Outdoor	PSPS; One (1) per two (2) customers based on maximum use.

Recreation, Commercial Mixed	PSPS; One (1) per two (2) customers based on maximum use.
Recreation, Commercial Municipal (Public)	As determined by Borough Council after a Parking Needs Analysis has been submitted for review.
Recreation, Private	PSPS; One (1) per two (2) customers based on maximum use.
Restaurant, Full-Service With or Without Drive-Thru/Delicatess	PSPS; One (1) per seventy-five (75) GSF.
Retail Business/ Retail Store/ Retail Center	PSPS; One (1) per GSF of floor service area.
Self Storage Facility	PSPS; One (1) per ten (10) storage units.
Shooting Range (Indoor)	PSPS; One (1) per each shooting bay.
Shooting Range (Outdoor) Public or Private	PSPS; One (1) per each shooting bay.
Short Term Rental	One (1) space per bedroom
Skilled Games Center	As determined by Borough Council after a Parking Needs Analysis has been submitted for review.
Theater/ Cinema	PSPS; One (1) per three (3) seats.
Truck Terminal/ Service Plaza	As determined by a Parking Needs Analysis.
Vehicle Sales and Service	PSPS; One (1) per four hundred (400) GSF of showroom and office space. Three (3) per repair or service bay.
Warehouse & Distribution - Commercial Use	PSPS; Greater of one (1) per company operated vehicle at the facility or one (1) per one thousand (1000) GSF.
Warehouse Storage/ Services	PSPS; One (1) per one hundred (100) storage units.
Warehousing and Product Distribution Activities	PSPS; One (1) per one thousand (1000) GSF.
Wholesale Uses, Activities, Buildings, and Structures	PSPS; One (1) per one thousand (1000) GSF.
Winery	PSPS; One (1) per one hundred fifty (150) GSF of tasting room; if prepared food is provided parking shall follow restaurant requirements.

USE DESCRIPTION	
5.00 INDUSTRIAL, RESOURCE EXTRACTION, CONVERSION & REMOVAL USES	Minimum Vehicle Parking Spaces
Collection & Recycling Facility	PSPS; One (1) space for each drop off recepticle.
Communication Tower	PSPS; Minimum of two (2) spaces.
Contractor Offices/ Equipment & Material Storage	PSPS; One (1) space two hundred fifty (250) GSF.
Data Centers	One (1) per eight thousand (8,000) square feet of floor area of the portion(s) of a data center building designed and intended to be accessible regularly by employees, or one (1) space for every one (1) employee, based upon the maximum number of employees onsite during the largest shift, whichever is lesser.
Heavy Manufacturing and Heavy Industrial Activities	PSPS; One (1) space one thousand (1000) GSF.
Industrial/ Machine Sales and Services	PSPS; One (1) space seven hundred fifty (750) GSF.
Infrastructure Intensive Enterprises	PSPS; One (1) space for every five hundred (500) GSF of indoor and outdoor operations space.
Light Manufacturing	PSPS; One (1) space seven hundred fifty (750) GSF.
Natural Gas Compressor Station	PSPS; One (1) space for every five hundred (500) GSF of indoor and outdoor operations space.
Natural Gas Processing Plant	PSPS; One (1) space for every five hundred (500) GSF of indoor and outdoor operations space.

Oil & Gas Activities and Operations	One (1) space for every five hundred (500) GSF of indoor and outdoor operations space.
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Oil & Gas Well and Pads	PSPS; One (1) space for every five hundred (500) GSF of indoor and outdoor operations space.
Outdoor Recreation, Intensive	PSPS; One (1) per each participant in activities; one (1) per four (4) viewing/ observation/ seating areas; one (1) for each bay, garage and/ or storage unit on site. For on premises restaurants parking requirements shall follow restaurant requirements and be in addition to the other requirements herein stated. ~or~ as determined by a Parking Needs Analysis.
Parking Structure, Commercial	PSPS; As per parking design.
Power Generation/ Transmission Facility	PSPS; One (1) space seven hundred fifty (750) GSF.
Research and Development Activities	As determined by a Parking Needs Analysis.
Resource Conversion/ Refining Facility	PSPS; One (1) space for every five hundred (500) GSF of indoor and outdoor operations space.
Resource Extraction Facility	PSPS; One (1) space for every five hundred (500) GSF of indoor and outdoor operations space.
Salvage Yard (Junk Yard)	PSPS; Five (5) visitors spaces.
Sanitary Landfill	PSPS.
Sawmills/ Planing Mills	PSPS; One (1) space per three hundred (300) GSF.
Self-contained, Unoccupied Structures	Two (2) spaces for service vehicles.
Solar Generation/ Production Facility/ Transmission Facility	PSPS; Minimum of two (2) spaces.
Storage yard, principal	PSPS; One (1) space for every five hundred (500) GSF of indoor and outdoor operations space.
Supply Yard	PSPS; One (1) per one thousand (1,000) square feet of GSF and outdoor storage area.
Transfer Facility/ Resource Recovery	PSPS; One (1) space for every five hundred (500) GSF of indoor and outdoor operations space.

USE DESCRIPTION	
MISCELLANEOUS USES	Minimum Vehicle Parking Spaces
Campground/ Recreational Vehicle Trailer Camp/ Trailer Camp	PSPS; One (1) at each camp/ trailer site.
Storage Yard, Accessory	Principal use requirement plus two (2) additional spaces.

USE DESCRIPTION	Minimum Vehicle Parking Spaces
Ag Uses not specifically listed	As determined by a Parking Needs Analysis.
Residential Uses not specifically listed	As determined by a Parking Needs Analysis.
Mixed Uses not specifically listed	As determined by a Parking Needs Analysis.
Commercial Uses not specifically listed	As determined by a Parking Needs Analysis.
Industrial Uses not specifically listed	As determined by a Parking Needs Analysis.

NOTES:

1) PSPS shall be one (1) parking space for each employee at peak shift.

2) GSF = Gross Square Feet of Floor Space.

3) Parking spaces enumerated herein shall not be used for the storage of vehicles and equipment related to the use, such as delivery vehicles, maintenance vehicles, service vehicles, etc.

4) All fractional totals shall be rounded up.

TABLE D-3.

D-3 (a) Berths Required for CAO, CAFO and Medical Marijuana Grower/ Producer

Gross Operation Area	Number of Berths Required
Under 100 acres	None
101 to 1500 acres	1
1501 to 2500 acres	2
For each additional 2500 acres	1 additional

D-3 (b) Berths required for Higher Density Residential and Mixed Commercial/ Residential

Gross Floor Area (GSF)	Number of Berths Required
Under 10,000	None
10,000 to 20,000	1
20,001 to 40,000	2
40,001 to 65,000	3
For each additional 25,000	1 additional

D-3 (c) Berths Required for Institutional Uses, excluding cemeteries, parks and water storage.

- A campus or complex that receives all deliveries at one location may reduce their requirement as enumerated below.

Gross Floor/ Operations Area (GSF)	Number of Berths Required for Facility	Number of Berths Required for Campus/ Complex
Under 10,000	None	None
10,000 to 30,000	1	1
30,001 to 60,000	2	1
60,001 to 100,000	3	1
For each additional 25,000	1 additional	1 for each additional 100,000

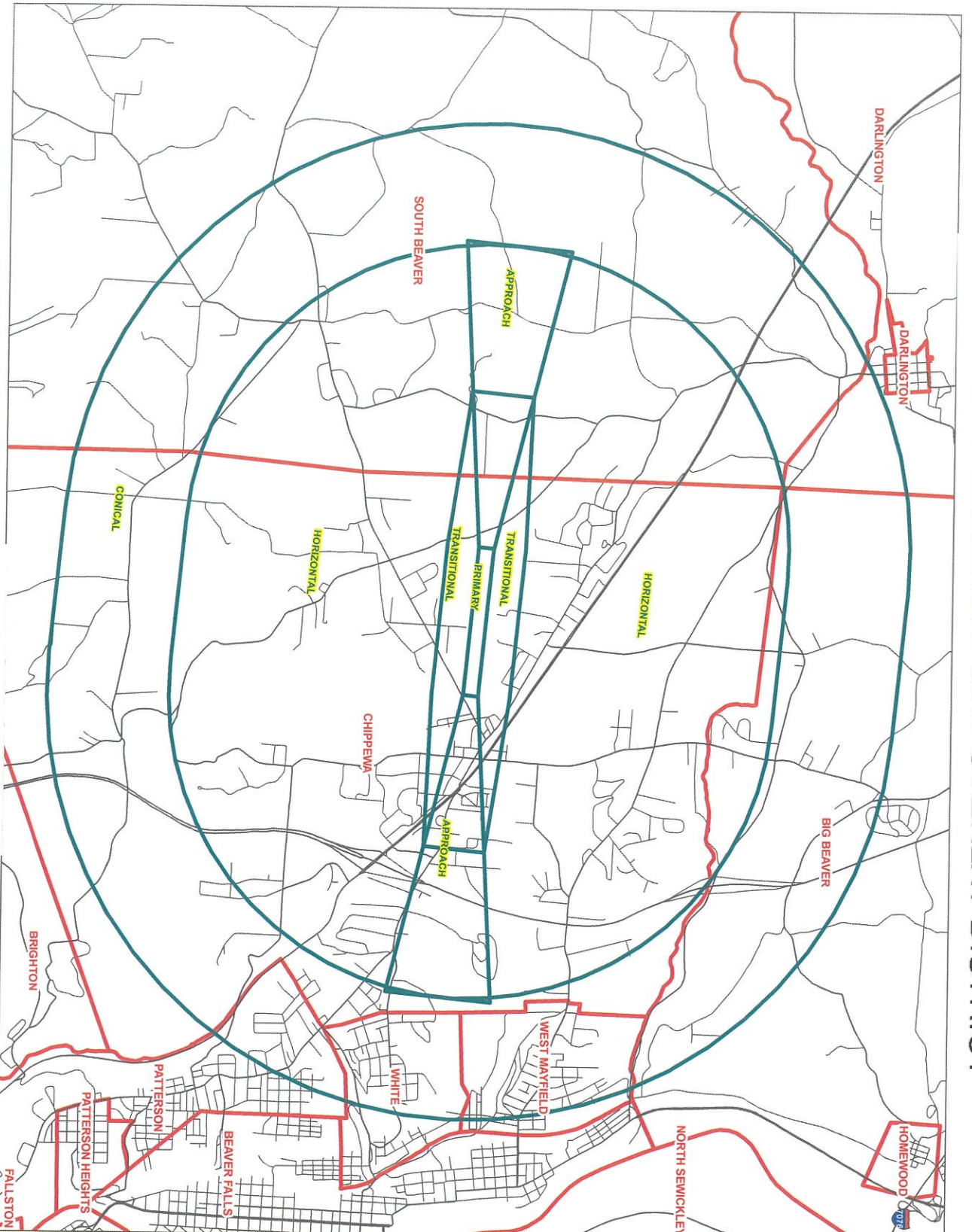
D-3 (d) Berths Required for Commercial Uses

The total number of loading areas/berths for Commercial Uses, as enumerated in Appendix B, requiring regular receipt and/or distribution of materials by any means of delivery shall be circumstantially determined under the provisions of Section 3505 (Parking Needs Analysis) during Land Development review or, where such review is not required, during zoning permit review.

D-3 (e) Berths Required for Industrial Uses.

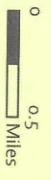
The total number of loading areas/berths for Industrial Uses, as enumerated in Appendix B, requiring regular receipt and/or distribution of materials by any means of delivery shall be circumstantially determined under the provisions of Section 3505 (Parking Needs Analysis) during Land Development review or, where such review is not required, during zoning permit review.

APPENDIX E AIRPORT OVERLAY DISTRICT

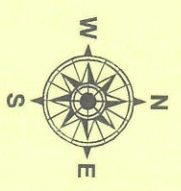


Beaver County Airport Surface Areas

- Legend**
- Part 77 Surfaces
 - Municipal Boundary
 - County Boundary
 - Road



1 in = 0.6 miles



Draft: Preliminary Use Only

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