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ZONING ORDINANCE OF BEAVER TOWNSHIP

ORDINANCE NO. 1 of 1981

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR BEAVER TOWNSHIP, CRAWFORD COUNTY, PENNSYLVANIA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968 AND ITS AMENDMENTS; AND FOR THE REPEAL OF ALL ORDINANCES THAT MAY BE IN CONFLICT HEREWITH.

WHEREAS ARTICLE VI OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, empowers Beaver Township to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS BEAVER TOWNSHIP deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the Township to enact such an ordinance; and

WHEREAS the Board of Township Supervisors of Beaver Township pursuant to Article II of the Pennsylvania Municipalities Planning Code has appointed a Planning Commission which has studied the Township and fashioned a comprehensive plan for all Township lands which contains mapped, descriptive and statistical information about the Township, which articulates development objectives for the Township and which establishes a land use and facilities plan for the Township;

WHEREAS the Planning Commission has studied zoning regulations for the Township, divided Township lands into districts and prepared regulations for said districts in general accordance with the comprehensive plan and in such a way as to guide development into areas that are suitable to handling it, as to prevent overcrowding of the land, as to conserve lands suitable for productive agriculture, as to protect property values based on existing uses and patterns of settlement and established development character, and to promote the health and general welfare of the Township; and

WHEREAS the Planning Commission has held public meetings thereon and submitted its final report to the Board of Township Supervisors; and

WHEREAS the Board of Township Supervisors has given due public notice of a public hearing relating to zoning districts and regulations and has held such a public hearing; and

WHEREAS all requirements of the Pennsylvania Municipalities Planning Code with regard to the preparation of a comprehensive plan and zoning regulations have been met;

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE BOARD OF TOWNSHIP SUPERVISORS OF BEAVER TOWNSHIP, CRAWFORD COUNTY, PENNSYLVANIA AS FOLLOWS:

ARTICLE 1.

GENERAL PROVISIONS

Section 100 Title

This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of Beaver Township."

Section 102 Provisions Of Ordinance Declared To Be Minimum Requirements

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance or resolutions, the most restrictive, or those imposing the higher standards, shall govern.

Section 104 Separability

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 106 Repeal Of Conflicting Ordinances; Effective Date

All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall take effect five days after its enactment by the Board of Township Supervisors. Building construction begun prior to the effective date of this ordinance may continue unaffected by the provisions of this ordinance as established in Section 701.

ARTICLE 2.

OBJECTIVES

Section 200 Community Development Objectives

The following community development objectives established through the Township's comprehensive planning process and set forth in the Township's Comprehensive Plan as adopted by the Board of Township Supervisors and as amended by the Board from time to time are the basis for the provisions of this ordinance.

- 200.1 To insure balanced growth in locations consistent with the predominant existing uses of land and in a manner consistent with natural constraints to development.
- 200.2 To encourage existing agricultural activities to remain in the Township and to promote their expansion.
- 200.3 To permit a variety of uses in the Township realizing that the use of land for agriculture, while possible through the use of conservation techniques and careful land management, is not easily profitable; and further realizing that the agricultural economy of the Township has not demonstrated continuing strength nor pronounced trends of expansion.
- 200.4 To maintain low density development throughout all areas of the Township except for the Beaver Center area where higher density uses shall be encouraged.
- 200.5 To encourage further settlement in the village of Beaver Center promoting this village as the center of services for Township residents.
- 200.6 To prevent building development from occurring in areas subject to the hazards of flooding.
- 200.7 To insure that building development takes place on lots of adequate size in order that sewage pollution will not cause health and nuisance problems for neighboring uses nor cause contamination of drinking water supplies; to insure there is adequate separation between uses to permit proper treatment of sewage and safe procurement of water in areas where on-lot systems are utilized.
- 200.8 To guide development into locations and patterns which are compatible with adjacent uses and which will not be destructive to property values.
- 200.9 To protect property values and prevent the infiltration of incompatible uses in areas where clusters of rural housing have been constructed through land subdivision and development.
- 200.10 To provide for the location of commercial and industrial uses, which, among other things will strengthen the Township economy, providing employment and increased property taxes.
- 200.11 To protect the existing highway system from indiscriminantly placed

access points and from poorly sited structures along the rights-of way, insuring that these highways can continue to carry traffic safely and efficiently and be improved without causing harm to adjacent structures.

- 200.12 To encourage housing of all types and cost ranges consistent with public health standards and without jeopardizing property values.
- 200.13 To allow citizens maximum opportunities to develop their land consistent with the other objectives of this ordinance.
- 200.14 To protect and promote the public health, safety, morals, and the general welfare of the residents of the Township.

ARTICLE 3.

DEFINITIONS

Section 300 Interpretation Of Words

For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

1. The word "shall" is always mandatory;
2. The word "may" is permissive;
3. The word "should" is a preferred requirement;
4. Words used in the present tense shall include the future;
5. Words used in the singular shall include the plural;
6. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Section 302 Meaning Of Words

It is not intended that this Article include only words used or referred to in this ordinance. Meanings of words are included in order to facilitate the interpretation of the ordinance for administrative purposes and to aid in the carrying out of municipal duties and responsibilities. Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage:

Accelerated Erosion. The removal of the surface of the land through the combined action of man's activities and the natural processes at a rate greater than would occur because of the natural process alone.

Accessory Use or Structure. A use or structure customarily incidental and subordinate to the principal use or structure and which contributes to the comfort, convenience and necessities of occupants of the principal use or structure and which is located on the same lot with the principal use or structure.

Alterations. As applied to a building or structure means a physical change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. A zoning permit may or may not be required.

Amendment. Any change in the language of this ordinance including a change in use in any district which includes either a revision to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the municipal governing body.

Applicant. One who seeks permission or authorization under the provisions of this ordinance to engage in an activity governed in whole or in part by this ordinance. The applicant may be a person, partnership, business or corporation.

Basement. A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Board of Township Supervisors. The governing body of Beaver Township, sometimes referred to as "Board" or "Township Supervisors" or "Supervisors."

Boarding House or Rooming House. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, goods or property.

Building, Height. 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 the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line. A line fixed normally parallel to the lot line and beyond which a building cannot extend under the terms of this ordinance. It is equivalent to the setback or yard line.

Building, Principal. The building (structure) in which is conducted the main or principal use on a premises.

Bulk Regulations. The combination of controls which may establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls with respect to lot lines; building coverage; yard requirements; and amount of lot area provided per dwelling unit. Their purpose is to assure sufficient light, air and open space, and to prevent an overcrowding of the land.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those in need of medical, dental or surgical attention but who are not provided with room or board or kept overnight on the premises.

Club. A building or portion thereof or premises owned or operated for a social, literary, political, educational, and/or recreational purpose primarily for the exclusive use of members and their guests.

Cluster Development. An area of land, controlled in initial planning phase by one landowner or development group, which is to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in terms of, bulk regulations, type of dwelling, density and required open space to the regulations established in any one residential district created from time to time under the provisions of a zoning ordinance.

Common Area. Any space designed for joint use of residents of a mobile home park, a travel trailer park, a campground or other residential development. Such area is intended for development for recreation and open space use and shall not include areas devoted to vehicular circulation.

Comprehensive Plan. A plan or any portion thereof, adopted by a planning commission and/or the legislative authority of a municipality showing the general location and extent of present and proposed land uses and physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. The plan establishes the goals, objectives, and policies of a community.

Conversion Unit. The remodeling of a single family dwelling into one or more additional dwelling units.

Density. A unit of measure; the number of dwelling units per acre of land. Where a density figure is given, the allowable number of dwelling units permitted based on this figure is determined by multiplying the density by the acreage under consideration (gross or net whichever is applicable).

- a. Gross Density - the number of dwelling units per acre of the total land to be developed.
- b. Net Density - the number of dwelling units per acre of land where the acreage involved includes only the land devoted to residential uses and common or publically available park and recreation areas and does not include the area devoted to public or private streets.

Dump. A lot or parcel of land, or part thereof, used primarily for the non-permitted, uncontrolled, illegal disposal, dumping, burial and/or burning of garbage, sewage, refuse and/or junk.

Dwelling. A building, or portion thereof, used for residential occupancy, including single family and multi family dwellings, but not including hotels, apartment hotels, rooming and boarding houses, mobile homes, modular homes, or travel trailers.

Dwelling Unit. One or more rooms in a dwelling which are used as living quarters for occupancy by one family, and which unit contains permanently installed bathroom and kitchen facilities reserved for the occupants of such rooms.

Dwelling, Attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls. This includes townhouses.

Dwelling, Detached. A dwelling which is surrounded on all sides by yards on the same lot.

Dwelling, Semi-Detached. A dwelling which is joined to another dwelling at only one side by a party wall and which is otherwise surrounded by yards on the same lot.

Dwelling, Single Family. A dwelling or building containing one dwelling unit.

Dwelling, Two Family. A dwelling or building containing two dwelling units which may be attached side by side, located one above the other, or arranged in some other manner.

Dwelling, Multi Family. A dwelling or building containing three or more dwelling units, including condominiums and cooperatives, with varying arrangements of entrances and party walls.

Dwelling, Seasonal (Cottage). A single family detached dwelling intended for resort purposes and occupied on a seasonal or short-term basis.

Earthmoving Activity. Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

Erosion. The natural process by which the surface of the land is worn away by the action of water, wind or chemical action.

Family. An individual; two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit, mobile home or modular home; or a group of not more than 4 persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, mobile home or modular home; plus, in all cases where applicable the usual domestic servants.

Flood, 100-Year. The highest level of flooding that, on the average, is likely to occur every 100 years, that is, that has a 1% chance of occurring each year.

Flood Plain. The 100-year floodway and that maximum area of land that is likely to be flooded by a 100-year flood as shown on the flood plain maps provided by the Federal Emergency Management Agency (FEMA) and as delineated in the Flood Hazard District of this ordinance.

Floodway. The portion of the 100-year flood plain, including the watercourse itself and any adjacent land area, that must be kept open in order to carry the water of a 100-year flood. At a minimum, any floodway must be large enough to carry the water of a 100-year flood without causing an increase of more than one foot in the elevation of the existing 100-year flood.

Flood Area of a Residential Building. The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the areas of roofed porches, and roof terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area of a Non-Residential Building. The sum of the gross horizontal area of the several floors of a non-residential building excluding, where applicable, stair, elevator and maintenance shafts, and display windows. All dimensions shall be measured between exterior faces of walls.

Garage, Private. A detached accessory building or portion of a principal building used for the parking or storage of automobiles, travel trailers, boats, other vehicles and/or other miscellaneous material of the occupants of the premises.

Garbage. Solid waste resulting from animal, grain, fruit or vegetable matter used or intended for use as food.

Group Home. The coming together of more than 4 persons not related by blood, marriage or adoption in a single housekeeping unit which provides the physical and social needs normal to a residence and whose management is under the direction of a public or semi-public institution operating in pursuit of its objectives.

Health Care Facilities. Buildings or portions thereof from which health care is dispensed including but not limited to medical and dental offices and clinics, hospitals and nursing and convalescent homes.

Home Occupation. A secondary use of a dwelling unit and/or building accessory thereto for gainful employment, involving the manufacture, provision, or sale of goods and/or services.

Junk. Any discarded material or articles including but not limited to scrap metal, abandoned vehicles and machinery, paper or glass. Junk materials shall not include garbage kept in containers for periodic disposal which is regulated by the Pennsylvania Department of Environmental Resources.

Junk Buildings, Junk Yards, Junk Shops. Any land, property, structure, building, or combination of the same, on or in which junk is stored, processed, or sold and which is operated as a business.

Kennel. A structure and/or lot where 4 or more domesticated animals more than 4 months old are kept for board or propagation or treatment with the object of earning income.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries from vehicles and accessible to such vehicles when existing and/or required off-street parking spaces are filled. All off-street loading spaces shall be located totally outside of any street, or alley right-of-way.

Lot. Land occupied or to be occupied by a building and its accessory buildings, if any, together with yard spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance and having its principal frontage on a public road or street or on such means of access as may be determined adequate in accordance with the provisions of this ordinance.

Lot, Frontage. The front of a lot is the portion of the lot nearest the major abutting street. For the purpose of determining yard requirements on corner lots and through lots, all sides adjacent to streets may be considered frontage and yards shall be provided as indicated under Yards in this Article.

Lot, Interior. A lot other than a corner lot.

Lot, Through. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Lot, Corner. A lot located at the intersection of two or more streets.

Lot, Reverse Frontage. A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.

Mobile Home. A transportable, single family dwelling which exceeds either 8 feet in width and/or 32 feet in length, built on a chassis, used with or without a permanent foundation, intended for permanent occupancy, office or place of assembly which normally arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. The term mobile home in this ordinance shall be construed to include the double wide, the triple wide and the expandable mobile home.

Mobile Home, Double or Triple Wide. A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single building while retaining its individual chassis for possible future transport.

Mobile Home, Expandable. A mobile home with one or more sections that folds, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

Mobile Home Lot. A designated portion of a mobile home development designed for the accommodation of one mobile home and its accessory structure.

Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

Mobile home Stand. That area of a mobile home lot which has been reserved for the placement of a mobile home.

Modular Home (Wheelless Modular). A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into one structure, normally requiring prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements to be incorporated into the structure at the site.

Nonconforming Structure. A structure or part of a structure not complying with the applicable provisions in this zoning ordinance, which structure lawfully existed prior to the enactment of this ordinance.

Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in this zoning ordinance which use was lawfully in existence prior to the enactment of this ordinance.

Nuisance. Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Nursing or Convalescent Home. Any building containing sleeping rooms where persons are housed and furnished with meals and nursing care for hire.

Openpit Mining. Openpit mining shall include all activity which removes from the surface of the land some material, mineral, resource, natural resource or other element of economic value by means of mechanical excavation including activities which may be necessary to separate desired material from undesirable material; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Openpit mining includes but is not limited to the excavation necessary to the extraction of sand, gravel, top soil, limestone, sandstone, coal, clay, shale, and iron ore.

Public Notice. A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days or less than 14 days from the date of the hearing.

Refuse. All materials which are discarded as useless.

Right-of-Way. A strip of land taken or dedicated for use as a public way. In addition to the roadway it normally incorporates curbs, lawn strips, sidewalks, lighting and drainage facilities.

Sediment. Soils or other surficial materials transported by surface water as a product of erosion.

Service Station. A site including the structures thereon that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for the repair, polishing, greasing, washing, spraying, cleaning or general servicing of such motor vehicles.

Setback Line. A line established by this ordinance generally parallel with and measured from the lot line conterminus with the street right-of-way; no structure may be located above ground between the street right-of-way and this line except as may be provided under the provisions of this ordinance. This line is also referred to as a building line.

Sign. Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency or of any civic, charitable, religious, patriotic, fraternal or similar organization.

Solid Waste. Garbage, refuse and other discarded material including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities.

Special Exception. A development approval granted by the Zoning Hearing Board through procedures established in this ordinance.

Story. The part of a building between the surface of a floor and the ceiling immediately above.

Structure. Any man-made object constructed or erected, which requires a fixed location on the ground or an attachment to something having a fixed location on the ground including, but not limited to, buildings, billboards, signs, carports, porches, swimming pools, wellhead casings, fences, walls and other building features but not including sidewalks, drives, and patios.

Thoroughfare, Street or Road. The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

Arterial Road. A general term denoting a highway primarily for through traffic. Arterial roads are always continuous and are of intermunicipal importance.

Collector Road. Roads that are continuous and that serve primarily as connections between the arterial roads and local streets and which terminate, on either end, at arterial or other collector roads.

Cul-De-Sac. A local street usually of short length with one end connecting to another street and the other end terminating in a vehicular turnaround.

Dead-End Street. A street temporarily having only one outlet for traffic and intended to be extended or continued in the future.

Local Street. A street not having significant continuity and used primarily for providing access to abutting property.

Marginal Access Street. A local or collector street parallel and adjacent to an arterial or collector road, providing access to abutting properties, and providing periodic access to the adjacent arterial or collector road.

Travel Trailer. A vehicular portable structure, mounted on a chassis, and designed as a temporary dwelling for travel, recreation and vacation uses and which is: (1) identified by the manufacturer as a travel trailer, (2) no more than 8 feet in width, and (3) is of any weight and normally having a body length not exceeding 32 feet.

Travel Trailer Park. A parcel of land under single ownership which has been planned and improved for the placement of travel trailers for transient use consisting of two or more travel trailer stands or lots.

Use, Permitted. A use which is or may be lawfully established in a particular district, provided it conforms with all requirements for the district in which such use is located.

Use, Principal. The main use on a premises as distinguished from an accessory use.

Variance. Legal permission by the Zoning Hearing Board to use a property for a permitted use in a particular zoning district, but to do so with some modification in the regulations applicable to that district. A variance applies only to that particular piece of property for which it is granted. A variance action does not, in most circumstances, involve modifications of the permitted uses within the zoning district.

Yard. The open space on a lot which is unoccupied and unobstructed from the lowest level to the sky except for the permitted obstructions listed in this ordinance.

Yard, Front. A yard extending along the full length of a front lot line and back to a line drawn parallel with such front lot line at a distance therefrom equal to the required front yard.

Yard, Interior Side. A side yard which adjoins another lot or an alley separating such yard from another lot.

Yard, Rear. A yard extending along the full length of a rear lot line and back to a line drawn parallel with such rear lot line at a distance therefrom equal to the required rear yard.

Yard, Side. A yard extending along the side lot line drawn parallel with such side lot line at a distance therefrom equal to the required side yard.

Yard, Street Corner Side. A side yard which adjoins a street.

Zoning Hearing Board. A board appointed by the Board of Township Supervisors of Beaver Township in order to provide for the administrative requirements as set forth in this ordinance; also referred to as the Board.

ARTICLE 4.

THE OFFICIAL ZONING MAP

Section 400 The Official Zoning Map

The districts established in Article 5. of this ordinance are shown on the Official Zoning Map and which, together with all explanatory matter thereon, is hereby adopted as part of this ordinance. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Supervisors, and attested by the Township Secretary.

Section 401 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules apply:

1. District boundaries indicated as approximately following the center lines of streets, highways, alleys, or streams shall be construed to follow such lines.
2. District boundaries indicated as approximately following platted lot or property parcel lines shall be construed as following such lot and parcel lines.
3. District boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits.
4. District boundaries indicated graphically as parallel to the center lines of streets, highways or streams shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such distances shall be determined by the use of the map scale as shown on the Official Zoning Map.
5. Where the Zoning Officer cannot definitely determine the location of a district boundary by the rules 1 to 4 as listed above, he shall refer the matter in the Zoning Hearing Board which shall be responsible for interpreting the district boundary.

tenance and operation by public utilities, municipal governments or authorities of underground, surface, or overhead gas, electrical, storm sewer or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities, municipal governments or authorities for the public health or general welfare, - all shall be permitted as a matter of right, subject, of course, to other pertinent regulations in this ordinance, i.e. yard requirements; providing, however, major public utility structures and buildings, other than such buildings as are primarily enclosures of the above essential service equipment, shall be regulated as in Section 502.3 following.

- 502.3 Major Public Utility Structures. Public utility structures including but not limited to storage tank farms, electric substation and power generation plants, sewage treatment plants and major cross country transmission lines shall be permitted as a matter of right in the A-1 and RD-1 Districts and shall be permitted as conditional uses in the RR-1 and V-1 Districts.
- 502.4 Property Owned, Leased Or Operated By Public Agencies. Property owned, leased, or operated by the Commonwealth of Pennsylvania, the United States or Beaver Township or any other public or governmental body created by the Township shall be subject to the requirements of this ordinance as follows:
- a. Where such public or governmental uses are specifically listed in this ordinance, they shall be regulated as indicated.
 - b. Where such public or governmental uses are not specifically listed in this ordinance, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature, - otherwise they shall not be permitted.
 - c. Property owned or leased by the Commonwealth of Pennsylvania or the United States shall be exempt from the provisions of this ordinance only to the extent that said property may not be constitutionally regulated by the Township.
- 502.5 Lots of Record. Any lot or parcel of record in separate ownership existing at the effective date of this ordinance may be used for the erection and construction of a structure conforming to the use regulations of the district in which it is located even though its area and width are less than the minimum requirements of this ordinance.
- 502.6 On-Lot Sewage Treatment Requirement. Where on-lot sewage treatment is utilized the minimum lot size shall not be less than required by the regulations promulgated and enforced by the Pennsylvania Department of Environmental Resources (PennDER) and the Township Supervisors. In no case shall the minimum lot size or the density provisions of this ordinance take precedence over the regulations promulgated by PennDER where PennDER regulations are more strict.

ARTICLE 5.

ESTABLISHMENT, PURPOSE AND REGULATIONS OF
ZONING DISTRICTS

Section 500 Establishment of Zoning Districts

In order to carry out the purposes of this ordinance Beaver Township is hereby divided into the following zoning districts.

- A-1 Agricultural District
- RD-1 Rural Development District
- RR-1 Rural Residential District
- V-1 Village Development District
- F Flood Plain District

Section 501 Compliance With District Regulations

The regulations for each district set forth in this ordinance shall be minimum regulations and shall apply as hereinafter provided. No land shall be used or occupied and no structure or part thereof shall be constructed, reconstructed, moved, structurally altered or occupied except in conformity with the regulations specified for the district in which it is located, and except as regulated in applicable sections of this ordinance.

- 501.1 No lot or yard existing at the time of the adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in this ordinance. Yards or lots created after the adoption of this ordinance shall meet, at least, the minimum requirements of this ordinance.

Section 502 General Regulations

The regulations set forth in this Section shall be applicable in all zoning districts, or, where so stated, to a specific group of zoning districts.

- 502.1 Prevention of Accelerated Erosion And Resulting Sedimentation. All earth moving activities shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation. To accomplish this any person or applicant engaged in earthmoving activities shall develop, implement and maintain erosion and sediment control measures which effectively minimize accelerated erosion and sedimentation; this shall be done in accordance with the Pennsylvania Department of Environmental Resources (PennDER) requirements as established in Title 25, Part I. Subpart C. Article II, Chapter 102 Erosion and Sediment Control. The Township, depending on the scope of earthmoving activities, may require the applicant to possess an erosion and sediment control plan which has been recommended for approval by the Crawford Conservation District; said plans shall be designed based on the guidelines established in the Crawford County Erosion and Sediment Control Handbook dated June 1972 and as amended.
- 502.2 Essential Services. The erection, construction, alteration or main-

Permitted Structural Projections and Obstructions Into Required Yard. Except for the specified projections and obstructions listed below, every part of the required yard, with respect to structures, shall be open and unobstructed to the sky. In the following listing projections into yards are permitted, and the yards into which the projections are permitted are indicated by "F" for the yard adjacent to the main abutting street, "S" for the side yards including a street corner side yard, "R" for the rear yard. Where no number is given the projection is unlimited.

- | | |
|---|---------|
| a. Arbors or trellises attached to the principal structure, - not more than 3 feet | F, S, R |
| b. Arbors or trellises, free standing | S, R |
| c. Air conditioning units, - not less than 3 feet from any lot line | F, S, R |
| d. Awnings or canopies for a window, porch, or door - not more than 4 feet | F, S, R |
| e. Balconies, open - not more than 4 feet | F, S, R |
| f. Chimneys - not more than 2 feet | F, S, R |
| g. Cornices, eaves, belt courses, sills, one-story bay windows, and other similar architectural features - not more than 3 feet | F, S, R |
| h. Fences and walls | F, S, R |
| i. Fire escapes open or enclosed - not more than 6 feet | R |
| j. Flag Poles | F, S, R |
| k. Garages, detached | R |
| l. Lawn furniture such as benches, sundials, birdbaths | F, S, R |
| m. Open off-street parking and loading spaces | F, S, R |
| n. Ornamental light standards | F, S, R |
| o. Playground and laundry-drying equipment | R |
| p. Playhouses and outdoor fireplaces | R |
| q. Porches, open, with or without roof, and not more than one-story in height - not more than 8 feet | F, R |
| r. Signs and nameplates as regulated in this ordinance | F, S, R |
| s. Steps, open | F, S, R |

- t. Swimming pools and tennis courts R
- u. Terraces and patios, open F,S,R
- v. Toolhouses and other similar structures
for the storage of accessory supplies R

502.8 Height Regulations. No structure shall exceed 3 stories in height providing however that this requirement shall be waived for the following: belfries, chimneys, cupolas, domes, flagpoles, flues, stacks, monuments, spires, steeples, water towers and tanks, wind generators, cooling towers, elevator enclosures, skylights, stage towers, air conditioning units, all buildings accessory to agricultural operations, grain elevators, utility poles, parapet walls provided such walls shall not exceed such height as necessary to screen mechanical equipment, television and radio towers. Where a building floor level is so constructed as to permit a direct entrance to the building at, or nearly at, outside grade level either into the front or rear yard such building level shall be considered a story for the purpose of interpreting this ordinance.

502.9 Uses Not Listed. Where an applicant proposes to develop a use which is not designated in this ordinance or which cannot reasonably be interpreted as being implied or included under a type or category of use listed in this ordinance then such use shall not be permitted. Where a use is not permitted or does not appear to be permitted the applicant may request, through the Zoning Officer, a hearing before the Zoning Hearing Board wherein a full explanation of the applicant's development proposal shall be heard by the Board and an accurate record made thereof. As required in this ordinance, the Board shall render a written decision and/or findings on the matter of the applicant's request which shall be transmitted to the Zoning Officer, the Planning Commission, and the Board of Township Supervisors. The Zoning Hearing Board's decision may indicate that the proposed use is implied as permitted based on the provisions of this ordinance, or it may recommend that the Township consider amending the ordinance to permit the use. Amendments to this ordinance may be initiated as set forth in Section 813.

502.10 No single family detached dwelling - as distinguished from a seasonal dwelling - shall have a floor area of less than 720 square feet. Basements shall not be included in this accounting.

502.11 Access Drives and Off-Street Parking Areas. Access drives and off-street parking areas shall be planned and constructed in a manner so that vehicles preparing to leave a site may conveniently turn around on the site. Vehicles shall re-enter the public right-of-way from a forward position. This requirement is applicable to access drives from all public roads which have continuity and are classified as collector or arterial roads in the Township's Comprehensive Plan dated June 1979.

502.12 Recovery Of Subsurface Gas And Oil Deposits. All activities associated with the recovery of subsurface gas and oil deposits are permitted in all zoning districts subject to the following requirements.

- a. All structures shall comply with the yard requirements established for the zoning district in which they are located.

- b. The gas and/or oil well casing shall be a minimum of 100 feet from any habitable building.
- c. Pits shall be constructed at the well site in order to contain the brine, drilling mud and any other refuse resulting from the drilling operation. Said materials shall be disposed of (1) in a manner which is not destructive of the environmental quality of the Township and (2) in compliance with PennDER regulations.
- d. Where pits are left unattended by well drilling operatives at any time of the day, and as long as said pits are in existence, fencing a minimum of four feet in height, shall completely encircle the outer perimeter of the pit at some convenient location. The fencing shall have a relatively solid mass of material throughout its length and, at the minimum shall be of a character similar to what commonly is referred to as snow fencing.
- e. Access road construction material shall be readily compactible; in locations where soils have a seasonally high water table it is recommended that the applicant consider using construction fabric in the construction of the access road.

502.13 Mobile Home Requirements. Mobile homes where they are permitted in the zoning districts established in this article shall comply with the following site standards:

- a. Stable Foundation. Each mobile home shall be securely fastened to a frost free foundation structure. Foundation structures may be of slab type, continuous wall, cross wall or pier type construction.
- b. Skirting. An enclosure of a compatible material and design shall be installed on all sides of the mobile home in a manner so as to provide continuous facades from the ground level upwards. Such enclosure shall provide sufficient ventilation to prevent deterioration.

502.14 Private Swimming Pools. The private swimming pool shall be permitted as an accessory use in all districts.

Section 510 Agricultural District, A-1

Purpose: The Agricultural District is intended to protect and encourage the continuing use of lands for agriculture where land is suitable for and/or is currently being used for agricultural and related activities including forestry. The protection envisioned in this ordinance is primarily that of discouraging housing concentrations and service commercial uses as distinguished from basic or wealth generating uses. Areas designated in this District include locations where Class III soils predominate and where established agricultural operations exist. The delineation of this District is also based on the principle that there must be significant size and continuity for agricultural areas even though all of the land is not suited for high-yield tillage and/or farm management. The Township is conscious of the gradual reduction in the amount of land in active agriculture both in Crawford County and the whole of Pennsylvania. Accordingly the district regulations are framed so as to permit reasonable alternatives to active farming use, allowing for possible future transitions in sections of this District to activities not based on active, self-sustaining agricultural operations.

510.1 Restriction On New Roads. All lots or parcels which stand alone in one separate, unconnected ownership and which are intended to be used by the applicant for any of the uses permitted in this District, if they are subdivided after the effective date of this ordinance, shall have the lot or parcel width as established herein abutting or fronting on an existing public road from which access is obtainable. No new public road proposed by an applicant other than the State, County or Township governments shall be constructed in this District.

510.2 Permitted Uses.

- a. Agricultural and related activities including but not limited to farming, dairying, pasturage, gardening, animal and poultry husbandry, butchery, forestry, horticulture, floriculture and nursery operations.
- b. Single family and two family detached dwellings, mobile homes, modular homes, seasonal dwellings including hunting cabins, boarding and rooming houses;
- c. Travel trailers used for occasional living quarters (not more than 14 consecutive days of occupancy) where not part of a travel trailer park; see Section 602.1;
- d. Keeping of kennels;
- e. Livestock sales and exhibition facilities; horse stables and riding academies;
- f. The selling at either retail or wholesale of agricultural produce;
- g. Cheese manufacture;
- h. Openpit mining including soil borrow pits, sand and gravel quarrying including where applicable stone washing, screening and crushing;
- i. Sawmill operations including but not limited to millworking, barking, edging, chipping, washing and shredding processes;
- j. Production of wood containers and pallets; furniture
- k. Private recreational establishments including but not limited to archery and skeet ranges, gun clubs, golf courses, country clubs;
- l. Veterinary clinic;
- m. Municipal, state, federal and public utility outdoor service/storage areas;
- n. Contract tool and die shops and establishments engaged in manufacturing special toolings, fixtures and molds which are used for die casting, foundry casting and plastic working;
- o. Warehousing and wholesale establishments;

- p. Establishments for the sales and service of machinery used in agricultural production and for the storage and sale of feed, seed, fertilizer and other products essential to agricultural production;
- q. General automotive repair shops; welding shops
- r. Contractor and construction shops and supply yards;
- s. Lumber yards and uses incidental thereto;
- t. Grain milling and/or storage;
- u. Cemetery;
- v. Truck terminal;
- w. Airport, providing there is no structure used for human occupancy within 300 feet of the property boundary of the airport facility;
- x. Home occupation. See requirements in Article 6.; and
- y. Accessory uses and structure.

510.3 Conditional Uses. The following uses may be permitted subject to the provisions of Article 8. of this ordinance and subject to any applicable supplementary regulations and standards established in Article 6. of this ordinance. In addition, in reviewing conditional use applications the public officials shall be guided in their deliberations by the principle that the development should be located on land least suitable for agricultural production as established in the Township Comprehensive Plan dated June 1979, and adopted by the Township Supervisors September 12, 1979.

- a. Junk yard. See requirements in Article 6.
- b. Processing and disposal area for solid wastes. See requirements in Article 6.
- c. Establishments engaged in the fabrication of metal products of all types except as listed in Section 510.2n.

510.5 Bulk Regulations.

- a. Lot Area -- For each principal use there shall be a minimum of 5 acres; providing however, that on any lot 2 acres or greater where an existing residential, commercial, industrial or institutional building is located, additional principal residential uses, such as dwellings or mobile homes or modular homes may be located without regard to this minimum area, where the uses are not (and are not intended to be) income producing and where (1) no new lot of record is established, (2) on-lot sewage permits are obtained from appropriate authorities, (3) the minimum setback from the public road is 75 feet, and (4) the minimum distance between buildings is 20 feet.
- b. Front Yard -- Minimum of 60 feet from the center line of the abutting road.

- c. Side Yard -- Minimum of 20 feet where the principal use is residential and a minimum of 50 feet for all other uses.
- d. Width of Lot Measured At the Public Right-Of-Way -- Minimum of 350 feet.

Section 512 Rural Development District, RD-1

Purpose: The Rural Development District is intended to allow all uses permitted in the Agriculture District and to allow the possibility of these uses to develop in some depth by permitting new roads to be built by private developers. Development should preserve the basic rural character of the Township. Service commercial establishments, as distinguished from basic or wealth generating uses, which do not include accompanying residency uses, shall be discouraged. Also uses involving housing concentration such as apartment buildings and mobile home parks are discouraged.

512.1 Permitted Uses.

- a. All uses listed as permitted in the Agricultural District, A-1.
- b. Uses commonly associated with State Game Land operations.

512.2 Conditional Uses. The following uses may be permitted subject to the provisions of Article 8. of this ordinance and subject to any applicable supplementary regulations and standards established in Article 6. of this ordinance.

- a. Junk Yard.
- b. Processing and disposal area for solid wastes.
- c. Establishments engaged in the fabrication of metal products of all types except as listed in Section 510.2n.

512.3 Bulk Regulations. Same as required in the Agricultural District.

Section 514 Rural Residential District, RR-1

Purpose: The Rural Residential District is intended to reflect situations where residential uses have tended to cluster in agricultural and rural residential areas and to protect these residential uses from incompatible activities such as business and industrial activities. Also this District is intended to promote similar types of residential uses so that investments in conventional housing are not eroded by the inclusion of housing forms, such as the mobile home, which are very dissimilar.

514.1 Permitted Uses.

- a. Single family and two family detached dwellings, modular homes.
- b. Double wide, triple wide and expandable mobile homes providing that in addition to the general requirements established in Section 502.13 of this ordinance the following requirements are met

- (1) The main portion of the mobile home as viewed from the

front road shall have a length not exceeding 4 times the width.

(2) A minimum of 70% of the total roof area of the mobile home shall have a sloping surface at a gradient no less than 1 foot of fall in 10 feet.

- c. Agricultural and related activities; providing however that, (1) buildings or stables used to house livestock, poultry, etc., exclusive of grazing or penned areas, shall be a minimum of 200 feet from the nearest building used for human occupancy and (2) pig pens or grazing areas shall be a minimum of 300 feet from the nearest building used for human occupancy.
- d. Home occupation. See requirements in Article 6.
- e. Accessory uses and structures.

514.2 Bulk Regulations.

- a. Lot Areas -- For each principal use there shall be a minimum of 3 acres.
- b. Front Yard -- Minimum of 60 feet from the center line of the abutting road.
- c. Side Yard -- Minimum of 20 feet.
- d. Width Of Lot Measured At The Public Right-Of-Way -- 250 feet.

Section 516 Village Development District, V-1

Purpose: The Village Development District is intended to provide for the "central place" activities necessary in order to make living in the Township convenient for the residents. This District includes only the Beaver Center area which has been the primary site for the clustering of public, semi public and commercial activities serving the Township. The Beaver Center area is located centrally with respect to the Township's boundaries. Beaver Center, in addition to providing for common service needs of the residents, is the one location in the Township which should accommodate higher development densities, particularly housing. Lot sizes of 10,000 square feet and upwards including multi-family housing and townhouses should be accommodated if demands for residential and related growth are pressed upon the Township. Of course higher density housing and commercial uses in this District will require the installation of public sewer and water systems which will be rather costly because of the environmental constraints existing in Beaver Center and throughout the Township.

516.1 Permitted Uses.

- ✓ a. Single family and two family detached dwellings; single family semi detached and attached dwellings; multi-family dwellings; modular homes; boarding and rooming houses
- b. Retail stores and personal service shops
- c. Restaurants

- ✓ d. Offices including municipal, State and Federal administrative and service buildings; providing, however, that outdoor equipment and storage areas shall be screened to a height of 6 feet from ground level at the property line with neighboring uses and at road right-of-way by a wall, fencing, planting and/or terrain features in a manner that is perceived immediately throughout all seasons of the year.
- ✓ e. Public and semi-public buildings of the following types: libraries, museums, post offices, churches and facilities normally incidental thereto, philanthropic and institutional buildings, clubs and lodges
- ✓ f. Public and private schools, including day care and nursery schools
- ✓ g. Health care facilities
- h. Public and private parks and recreation facilities including bowling alleys
- ✓ i. Funeral homes and nursing homes
- j. Service stations and uses normally ancillary thereto; general automotive repair shops; welding shops
- ✓ k. Motels and tourist homes
- l. Artisan shops; printing establishments
- m. Laundromats
- ✓ n. Agricultural and related activities; providing however that (1) buildings and pens for livestock, poultry, etc., exclusive of grazing areas, shall be a minimum of 150 feet from the nearest neighboring residence, business or industrial building, and (2) pig pens and sheds shall be a minimum of 250 feet from the nearest neighboring residence, business or industrial building.
- o. Contract tool and die shops and establishments engaged in manufacturing special toolings, fixtures and molds which are used for die casting, foundry casting and plastic working; providing, however, that outdoor service and storage areas shall be screened to a height of 6 feet, from ground level, at the property line with neighboring uses and at road rights-of-way, by a wall, fencing, planting and/or terrain features in a manner that is immediately perceived throughout all seasons of the year.
- p. General automotive repair shops and welding shops; providing, however, that outdoor service and storage areas shall be screened to a height of 6 feet from ground level, at the property line with neighboring uses and at road rights-of-way, by a wall, fencing, planting and/or terrain features in a manner that is immediately perceived throughout all seasons of the year.
- q. Warehousing and wholesale establishments
- r. Establishments for the sales and service of machinery used in

agricultural production and for the storage and sale of feed, seed, fertilizer and other products essential to agricultural production

- s. Cemetery
- t. The selling at either retail or wholesale of agricultural produce
- u. Veterinary clinic providing all facilities are situated within a building except for outdoor kennel runs which shall be a minimum of 300 feet from any building used for human occupancy; and providing no incinerator is installed.
- v. Home occupation. See requirements in Article 6.
- w. Accessory uses and structure.

516.2 Conditional Uses. The following uses may be permitted subject to the provisions of Article 8. of this ordinance and subject to applicable regulations established in Article 12. and 13. of this ordinance.

- a. Mobile home parks
- b. Travel trailer parks
- c. Cluster developments
- d. Contractor and construction shops and supply yards
- e. Truck terminals
- f. Gasoline and fuel storage
- g. Processing, packing and/or canning of food products
- h. Lumber yards and uses incidental thereto
- i. Taverns
- j. Establishments engaged in the fabrication of metal products of all types except as listed in Section 516.10.

516.3 Bulk Regulations.

- a. Lot Area --

Type of Use	No Public Water or Sewer	Public Sewer Only	Public Water and Sewer
Multi-family dwellings	Not Permitted	6,000 sq. ft. per unit	4,000 sq. ft. per unit
Single famliy semi-detached	Not Permitted	7,500 sq. ft. per unit	6,000 sq. ft. per unit
Single family attached (Townhouse)	Not Permitted	4,000 sq. ft. per unit	3,000 sq. ft. per unit
Two family detached	25,000 sq. ft. per bldg.	16,000 sq. ft. per bldg.	12,000 sq. ft. per bldg.
All other permitted uses except public park and recreation uses which have no lot area requirements	20,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft. per bldg.

- b. Front Yard -- Minimum of 55 feet from the center line of the abutting road.
- c. Side Yards -- Minimum of 10 feet where the principal use is residential and a minimum of 25 feet for all other uses.
- d. Rear Yards -- Minimum of 20 feet.

Section 518 Flood Hazard District, F

Purpose: The intent of the Flood Hazard District is to prevent structural development in areas subject to flooding where the results of periodic inundation are loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, This District is also intended to preserve natural drainage ways keeping them free from structural encroachments which impair their usefulness in channeling and conducting water flow.

518.1 Delineation of District. The Flood Plain District was delineated from soils information obtained from the official soil survey of Crawford County and from interpretations provided by the U. S. Soil Conservation Service; also this District includes the area of the 100 year flood as shown on the flood plain maps provided by the Federal Emergency Management Agency (FEMA). Land located within this District shall be considered subject to flooding hazards and shall be regulated as established in this ordinance. To delineate accurately land subject to flooding is very difficult and where specific building proposals are advanced in areas near or in the Flood Hazard District adjustments may have to be made to relate the district line more realistically to topographic conditions. Where it is believed that certain lands should not be in this District amendment proceedings should be initiated and flooding information, including, but not limited to, observations on the elevation of highwaters in previous floods, watershed runoff surveys, calculations on the floodway capacity, and more detailed topography shall be presented and evaluated.

518.2 Permitted Uses.

- a. Agricultural uses such as general farming, pasturing, forestry and nursery maangement.
- b. Industrial-commercial uses confined only to loading and vehicle parking
- c. Private and public recreation
- d. Residential uses such as lawns, gardens and parking areas.

518.3 Prohibited Uses. Through analyses of flooding experiences throughout Pennsylvania it has been determined that certain activities and developments present a special hazard to the health and safety of the general public, or may result in significant pollution, increased flood levels or flows, or debris endangering life and property. Accordingly the following list of activities and development shall be prohibited from locating within the Flood Hazard District and where these activities and developments exist as of the date of adoption of this ordinance they are prohibited from expanding on the lot upon which they exist should it be in the Flood Hazard District and into any land located within this District.

- a. Hospitals - public or private
- b. Nursing homes - public or private
- c. Jails
- d. New mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and subdivisions
- e. Facilities necessary for emergency response such as fire, ambulance, police stations, civil defense preparedness buildings and facilities, emergency communications facilities, evacuation
- f. Structures which will be used for the production or storage of any material or substance listed below, or which will be used for any activity requiring the maintenance of a supply - more than 550 gallons or other comparable volume - of any of the listed materials or substances on the premises:
 - (1) acetone
 - (2) ammonia
 - (3) benzene
 - (4) calcium carbide
 - (5) carbon disulfide
 - (6) celluloid

- (7) Chlorine
- (8) hydrochloric acid
- (9) hydrocyanic acid
- (10) magnesium
- (11) nitric acid and oxides or nitrogen
- (12) petroleum products - gasoline, fuel oil, and the like
- (13) phosphorous
- (14) potassium
- (15) sodium
- (16) sulphur and sulphur products

518.4 Special Exception Uses. Should an applicant feel that the permitted uses in the District are too restrictive he may request a special exception permit, which may involve the following activities: (1) the use of fill, (2) the construction of structures, or (3) the storage of materials; however, in no instance shall activities or developments be permitted as special exception uses which are prohibited in Section 518.3 aforementioned. The use which the applicant may seek for this property shall be as permitted in the adjacent zoning district. The adjacent district shall be interpreted to include only the land on the same side of the stream or drainageway as the property in question. Should the identification of an adjacent district not be obvious, or should a reasonable interpretation of the pattern of district boundaries, based upon the general purpose of this ordinance and the regulations established therein, cause the Zoning Officer to be unclear in this identification of the adjacent district, he shall request that the Zoning Hearing Board consider this matter.. As required in this ordinance the Board shall render a written decision and/or findings on the matter.

518.5 Procedures For Special Exception Permits. In addition to the information required in Article 11. of this ordinance, when making application for a zoning permit in this district the following information shall be supplied to the Zoning Hearing Board.

- a. The location of the proposed development in relation to the flood hazard area as identified by the Flood Hazard District boundary; and
- b. A statement, certified by a registered professional engineer or architect, indicating that the new construction or substantial improvements (including prefabricated buildings or mobile homes) is designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structures; shall be constructed with materials and utility equipment resistant to flood damage; and shall be constructed by methods and practices that minimize flood damage. The plans for the development of the site shall comply with the requirements listed in the following Section 518.6.

Specific Requirements. In the identified flood plain, and subject to the prohibitions listed in Section 518.3, developments and/or uses to land beyond those listed in Section 518.2 may be permitted providing the developments and/or uses comply with the following requirements:

- a. The first floor level (including basement) in residential structures as well as substantial improvements to residential structures shall be constructed at an elevation of at least $1\frac{1}{2}$ feet above the established, or agreed upon, flood elevation; the term substantial improvement shall be defined as any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of fifty percent or more of its market value calculated before the improvement is started.
- b. Non-residential structures, or parts thereof may be constructed below the established flood elevation provided these structures are designed to preclude and/or withstand inundation to an elevation of, at least $1\frac{1}{2}$ feet above the established flood elevation.
- c. Where fill material is used it shall extend laterally 15 feet beyond the building perimeter from all points.
- d. Fill material shall consist of soil and/or small rock materials only. The fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring or settling. Where fill is utilized slopes shall be not steeper than one vertical unit to two horizontal units and such fill shall not adversely affect adjacent properties.
- e. Structures shall be anchored to prevent movement or collapse. All air ducts, large pipes and storage tanks located at or below the established flood elevation shall be firmly anchored to prevent flotation.
- f. Fences, except two-wire fences, and other structures which may impede, retard or change the direction of the flow of water or that will catch or collect debris carried by such water shall not be placed in the flood hazard area.
- g. All water heaters, furnaces and other critical electrical and mechanical installations shall be prohibited below an elevation of $1\frac{1}{2}$ -feet above the established flood elevation. Electrical distribution panels shall be placed at least 3 feet above the established flood elevation, and separate electrical circuits serving areas below the established flood elevation shall be dropped from above.
- h. No part of any on-site sewage disposal system shall be allowed within the flood hazard area unless the system is designed to function and is installed a minimum of $1\frac{1}{2}$ feet above, the established flood elevation.
- i. Water supply, sanitary sewage, gas and oil supply systems shall be designed to preclude the infiltration of flood waters into such systems and the discharges from such systems into flood waters. All utilities including electric and telephone systems

being placed in the flood hazard area should be located, elevated (where possible) and constructed to minimize impairment during a flood.

- j. Storm drainage facilities where constructed shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- k. The finished elevation of proposed new streets shall be no more than one foot below the regulatory flood elevation.
- l. No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation.
- m. Special Requirements for Mobile Homes
 - (a) All mobile homes and 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 following:
 - (1) Over-the-top ties shall be provided at each of the 4 corners of the mobile home with 2 additional ties per side at intermediate locations for units 50 feet or more in length, and 1 additional tie per side for units less than 50 feet in length.
 - (2) Frame ties shall be provided at each corner of the mobile home, with 5 additional ties per side at intermediate locations for units 50 feet or more in length, and 4 additional ties per side for units less than 50 feet in length.
 - (3) All components of the anchoring system shall be capable of carrying a force of 4800 pounds.
 - (b) All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:
 - (1) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at an elevation of at least 1½ feet above the established or agreed upon flood elevation.
 - (2) Adequate surface drainage is provided.
 - (3) Adequate access for a hauler is provided.
 - (4) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; reinforcement shall be provided for pilings that will extend for 6 feet

or more above the ground level.

- (c) An evacuation plan which includes alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks and mobile home subdivisions.

518.7 Other Permit Issuance Requirements.

- a. Prior to any proposed alteration or relocation of any stream or any watercourse, etc. within the municipality, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dam Safety, Obstructions, and Storm Water Management, as specified in the Water Obstruction Act of 1913 as amended. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Emergency Management Agency and the State Department of Community Affairs.

Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

- b. Prior to the issuance of any building permit, the Township shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, and the Federal Water Pollution Control Act Amendment of 1972, Section 404, 33 U.S.C. 1334. No permit shall be issued until this determination has been made.
- c. A copy of all applications and plans for any proposed construction or development in any identified flood-prone area to be considered for approval shall be submitted by the Township to the Crawford County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Township for possible incorporation into the proposed plan.
- d. A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval may be submitted by the Township to any other appropriate agencies and/or individuals for review and comment.

ARTICLE 6.

SUPPLEMENTARY DISTRICT REGULATIONS

Section 600 General

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas of community development where problems are frequently encountered. These regulations further qualify and supplement the district regulations established in this ordinance.

Section 601 Home Occupation

The home occupation is a permitted use as a matter of right in all Districts except in The Flood Plain District. This use provides a great deal of flexibility in the zoning regulations and permits residents an opportunity for gainful employment on their residential premises. The home occupation allows opportunities for the establishment of economic activities with low overhead, a condition which is especially desirable in the beginning years of an enterprise. The zoning officer in granting a zoning clearance for a home occupation shall ascertain that the applicant is in compliance with the following requirements in connection with a home occupation proposal:

- a. There is no sign or display on the property larger than 5 square feet in area advertising the activity. Only one such sign or display shall be permitted.
- b. There are not more than a total of 3 persons engaged at one time in the home occupation activity in addition to family members living on the premises who participate in whole or in part in the home occupation activity.
- c. There will be no electrical disturbance that would create audible interference in radio or television receivers off the premises.
- d. There are sufficient off-street parking spaces to accommodate one space for each person engaged in the home occupation plus 2 additional spaces. Off-street parking requirements, except for members of the family occupying the residence, shall be met in an area other than the required front yard.
- e. Outdoor work, service and storage areas, if any, shall be screened from view at the public roads adjacent to the property and from views at the property lines of adjacent residences, if any. Screening shall be accomplished by walls, fencing, plantings and/or terrain or landscape features and shall be fully in effect when the use is occupied.
- f. Where a new building or structure is proposed for construction on a premises for purposes of use in a home occupation activity the new building or structure shall comply with the requirements listed above, shall be subordinate to the dwelling on the premises, and shall be compatible with the residential character of the premises.

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Section 602 Temporary Structures

Temporary structures including mobile homes and construction trailers may be permitted in any district during the period construction work is covered under a valid zoning permit issued by the Zoning Officer. Such temporary structures may be used as offices and construction headquarters but may not be used for living quarters.

- 602.1 In the Agricultural and Rural Development Districts, except for periods of time of up to and including 14 consecutive days, parked or stored camping and recreational equipment including travel trailers shall not be occupied or used for living quarters outside of private or public campground sites approved by the Pennsylvania Department of Environmental Resources and, after the effective date of this ordinance, permitted under the provisions of this ordinance as established in Article 13.; providing, however, a longer period of time may be permitted in the Agricultural and Rural Development Districts under the special exception process if the applicant can establish that he has adequate facilities on the property, including sufficient on-lot sewage capacities, to accommodate the additional residents based on the various regulations established to promote the general health, safety and welfare of the Township.

Section 603 Dumping, Depositing And/Or Storage Of Solid Waste

- 603.1 Open dumping or depositing of solid waste on the surface of the ground, into the ground, or into the waters of the Township (establishing or perpetuating a dump) without having obtained a permit as under the regulations established in Section 608 of this ordinance shall not be permitted in any zoning district; providing, however, this requirement shall not prohibit:

- a. The use of solid wastes in normal farming operations or in the processing or manufacture of other products in a manner that will not create a public nuisance or adversely affect the public.
- b. The depositing by individuals of solid waste resulting from their own residential activities on to the surface of the ground or into the ground owned or leased by them when such wastes are managed with proper soil cover and/or compaction and do not thereby constitute a dump as defined in this ordinance or create a public nuisance or adversely affect the public health.

- 603.2 The storage of solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances.

Section 604 Signs

No flashing, rotating or oscillating sign shall be permitted in any zoning district. There shall be no regulations on any signs smaller than 100 square feet except as established in the preceding sentence and as specifically established in other sections of this ordinance or any other Township ordinance. Free standing advertising signs and billboards larger than 100 square feet in area shall be permitted in the A-1 and RD-1 Districts, providing; (1) no sign shall be located closer than 20 feet from a lot line of the lot on which the sign is constructed, and (2) no such sign shall be located within 400 feet of a residential, public or institutional use.

Section 605 Accommodation Of Roomers

The accommodation of not more than 2 non-transient roomers in a single family dwelling shall be permitted in all districts providing one off-street parking space is provided for each roomer lodged on the premises.

Section 606 Building Setback Modification

Where one or more existing structures are located on adjacent lots and on the same side of the road within 150 feet in either direction of a proposed structure, the setback of the proposed structure may conform with the average of the setbacks of these applicable existing structures if such "average setback" is less than that required in the District. Where additions are proposed to an existing building the setback of the addition need not be any greater than that of the existing building.

Section 607 Access To Lots

No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot; such open space shall be at least 12 feet wide and shall extend from the dwelling to a public street or highway or to a private street constructed and maintained that vehicles of all kinds may readily pass over it in all seasons of the year.

Section 608 Processing And/Or Disposal Facilities For Solid Waste

Processing and/or disposal facilities may be permitted as a conditional use in the applicable districts of this ordinance providing they meet the general criteria established in Section 802; and providing they comply with all the regulations and permit requirements of the Pennsylvania Environmental Resources; and providing the following more specific requirements are met:

- a. The disposal and/or processing area on the site shall be (1) a minimum of 250 feet from the nearest residence, and the nearest commercial, semi-public, public or industrial establishment, (2) a minimum of 100 feet from the nearest stream with year-round or nearly year-round flow, and (3) the view to the disposal and/or processing area, access drives and off-street parking and unloading areas shall be completely screened from surrounding land uses by walls, fences, plantings and/or terrain or landscape features such that this visual screening shall be perceived immediately throughout all seasons of the year.
- b. The main access to the site to the facility operations area within the site shall be from one or more of the following highways: State Route 198, L.R. 20039, L.R. 20041, L.R. 20122.

Section 609 Junk Yards

Junk yards are permitted as a conditional use in the A-1 and RD-1 Districts providing they meet the general criteria established in Section 802, providing they comply with all other Township ordinances and providing they comply with the following requirements. When the provisions applicable to the junk yard use in this ordinance are more restrictive then the requirements established in the Township's

Junk Yard Ordinance the requirements of the Zoning Ordinance shall be observed.

- a. The operations area of the junk yard shall be a minimum of 60 feet from every property line bounding the parcel of land on which the junk yard is located. For purposes of this ordinance the operations area shall be the area in which activities normal to a junk yard use are carried on exclusive of buffer areas.
- b. Views into junk yard operations area from surrounding properties and from adjacent public roads shall be completely obscured throughout all seasons of the year by either fencing, walls, landscape plantings, terrain or topographic features, or a combination of these techniques. The screening of views into the junk yard operations area shall be in effect when this use commences activities.
- c. Sufficient off-street parking spaces shall be provided to accommodate a minimum of 5 vehicles and the necessary aisle and maneuvering area to service these spaces.

ARTICLE 7.

NONCONFORMITIES

Section 700 Intent

Within the districts established by this ordinance or amendments that may be later adopted there exist lots, structures, uses of land, uses of structures, and characteristics of use which were lawful before this ordinance was adopted and amended, but which are or would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments to this ordinance. These uses of structure and/or land may exist, and may be sold, leased, or otherwise legally transferred and the new owner may continue such lawful nonconforming uses. It is the intent of this ordinance to permit these nonconformities to continue until they might be removed and, under certain conditions as set forth in this Article, to permit these structures and uses of land to expand to a limited degree.

Section 701 Avoidance Of Hardship Where Construction Or Use Has Begun

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of the adoption of this ordinance, or the adoption of an amendment to this ordinance, and upon which actual building construction has been carried on diligently.

Section 702 Single, Separate, Nonconforming Lots Of Record

In any district any lot or parcel of record existing at the effective date of this ordinance, which lot or parcel is held in separate ownership and not part of a continuous ownership with other adjacent lots or parcels, may be used for the erection of a structure conforming to the use regulations of the district in which it is to be located, even though area and lot width requirements, or both, are less than the minimum required in this ordinance. Variance of other yard requirements shall be obtained only through action of the Zoning Hearing Board.

Section 703 Multiple And Contiguous Nonconforming Lots Of Record

If two or more lots or parcels or a combination of lots and portions of lots or parcels are contiguous and in single ownership and are of record on the effective date of this ordinance, or amendments thereto, and if all or part of the lots or parcels with no buildings thereon do not meet the requirements established for lot width and area, the lands involved shall be considered to be a single undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

Section 704 Nonconforming Uses Of Land

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance the uses may be continued and shall be subject to the following additional provisions:

- 704.1 A nonconforming use of land may be enlarged or extended to occupy an area which is greater by 50% than the area occupied at the effective date of adoption of this ordinance or an amendment thereto, providing such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.
- 704.2 A nonconforming use of land may be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this ordinance or amendment thereto providing that such use shall not be enlarged or extended except as permitted in Section 704.1, and providing such move is permitted as a special exception by the Zoning Hearing Board.
- 704.3 In the event a nonconforming use of land ceases or is abandoned, for whatever reason, for a period of more than 18 months, any subsequent use of the land shall conform to the regulations specified by this ordinance for this district in which such land is located.

Section 705 Nonconforming Uses Of Structures Or Of Structures And Premises In Combination

Where at the time of adoption of this ordinance a lawful use of structure or of structures and premises in combination exists which would not be permitted by the regulations imposed by this ordinance the use may be continued and shall be subject to the following additional provisions:

- 705.1 A nonconforming use of part of a building may be extended throughout the building if no exterior structural changes are made and no additional floor area is added to the building.
- 705.2 A nonconforming use of a whole building may be enlarged or extended to occupy additional building area which is greater by 50% than the area occupied at the effective date of adoption of this ordinance or amendment thereto, providing such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.
- 705.3 A nonconforming use may be changed to another nonconforming use providing this change is permitted as a special exception by the Zoning Hearing Board. In considering such an action the Zoning Hearing Board shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
- 705.4 Where a nonconforming use is superseded by a permitted use, the permitted use shall thereafter conform to the district regulations and the nonconforming use may not thereafter be resumed.
- 705.5 A nonconforming use which has been damaged or destroyed by fire, wind-storm, explosion or similar cause, which was no fault of the owner, may be rebuilt on the same foundation providing, however, the rebuilding is initiated no later than one year after the event of the destruction.
- 705.6 In the event a nonconforming use of building or building and premises in combination ceases or is abandoned, for whatever reason, for a period of more than 18 months such nonconforming uses, building or build-

ing and premises in combination, shall not be reconstituted and any future use shall be in conformity to the district regulations.

Section 706 Repairs And Maintenance

On any nonconforming structures and premises work may be done on ordinary repairs, maintenance of all walls and support elements, replacement of heating systems, wiring, or plumbing, providing that the cubic content of the nonconformity shall not be increased except as provided herein. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official charged with protecting the public health and safety.

Section 707

Where an existing use of premises, or of a building, or of premises and building in combination is permitted under this ordinance as a conditional use such use shall in no way be considered nonconforming, and it may be expanded, without special review, in conformance to the bulk regulations and other applicable regulations in this ordinance.

ARTICLE 8.

CONDITIONAL USES AND AMENDMENTS

Section 800 Conditional Uses

There are times when decisions as to what particular uses shall or shall not be allowed to locate in a district should be based upon special facts and characteristics peculiar to the specific application. A sample listing of permitted or prohibited uses may be too inflexible to accommodate basically sound development proposals. Where uses are generally consistent with a particular zoning district they should be permitted of right; where uses are generally inconsistent with a particular zoning district they should be prohibited; but a number of decisions on uses fall between these two "extreme" situations. The conditional use is designed to provide some flexibility in locating uses in particular districts; it provides a middle ground between the extremities of "permitted" and "prohibited" uses. The conditional use is much like the special exception use explained in Article 10. except that it is permitted or denied by the Board of Township Supervisors; the Planning Commission has an opportunity to review and make recommendations on conditional use applications. Conditional use proposals may be permitted based upon a review of the particular characteristics they are represented to possess including their size, physical design, method of operation, vehicular circulation requirements, and general impact on community facilities.

Section 801 Application For Conditional Use

An application for a conditional use permit shall be filed with the Zoning Officer. At a minimum the application shall contain the following information:

1. Name, address and phone number of applicant
2. Legal description of property
3. Description of existing use
4. Present zoning district
5. Description of proposed use
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscape treatment on all surfaces, refuse and service areas, utility services, signs, yard areas and such other information as the Supervisors may require to determine if the proposed use meets the requirements of this ordinance.
7. A narrative statement: (a) evaluating the effect of such elements as noise, glare, odor, fumes, and vibrations on adjoining property; (b) discussing the general compatibility with other properties in the district; and (c) explaining the relationship of the proposed use to the Township's Comprehensive Plan.
8. Any such other materials as may explain how the proposed use will comply with the requirements established in Section 802 of this ordinance.

Section 802 Standards Applicable To All Conditional Uses

In addition to specific requirements for conditional uses as specified elsewhere in this ordinance the Township shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall permit said use after finding adequate evidence showing that such use at the proposed location:

- 802.1 Will be in accordance with the community development objectives set forth in Article 2.;
- 802.2 Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located:
- 802.3 Will not be hazardous or disturbing to existing or future neighboring uses;
- 802.4 Will be served adequately by public facilities and services such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated in relation to the proposed use;
- 802.5 Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 802.6 Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, vibrations, smoke, dust, fumes, glare or odors; and more specifically the uses shall meet the following standards
 - a. There shall be no undue pollution of the air by dust, dirt, fumes, smoke or odor which will cause damage to human health or to animals, vegetation or other property or which will soil property and be perceptible beyond the boundary or lot line of the proposed use.
 - b. There shall be no direct or reflected glare or heat perceptible by the average person beyond the boundary or lot line of the proposed use.
 - c. There shall be no discernable vibration perceptible without instruments beyond the boundary or lot lines of the proposed use.
 - d. There shall be no activity permitted which produces radioactivity.
 - e. There shall be no electrical disturbances adversely affecting the operation of equipment, such as radio and television apparatus, at any point beyond a line 10 feet outside of the boundary or lot lines of the proposed use.

- f. There shall be no noise which is normal to the use and which is considered objectionable, because of its volume, frequency or beat, to the average persons sense of hearing perceptible at any point beyond a line 10 feet outside of the boundary or lot lines of the proposed use.
- g. There shall be no emissions and/or discharges into the air or water which do not meet the standards established by the Pennsylvania Department of Environmental Resources.

In its review of the application the Board of Township Supervisors may seek the opinion of specialists in the Pennsylvania Department of Environmental Resources or other qualified experts of their choice to advise them regarding compliances with the above listed standards. Any expense associated with obtaining expert advice from such specialists or experts may be charged to the applicant.

- 802.7 Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance and significance.
- 802.8 Will, - when the character of outdoor service, storage, operational and parking activities are such that unsightly views shall be exposed to adjacent uses in such a way as to cause, in the judgement of the reviewing officials, property devaluation, - provide through, screening by wall, fence, plantings and/or terrain or landscape features an effective barrier which blocks said unsightly views to a height of 6 feet, from ground level at the property line with adjacent uses and at road rights-of-way, at the time of occupancy of the use and throughout its future operations.

Section 803 Supplementary Requirements For Conditional Uses

Supplementary standards may be established for specific conditional uses as established in the appropriate sections of this ordinance. In granting a conditional use the Board of Township Supervisors may prescribe additional requirements and safeguards providing they are in harmony with the community development objectives set forth in Article 2. Violations of such additional requirements, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 1114.

Section 804 Procedure For Approval Of Conditional Uses

Three copies of the complete application shall be filed with the Zoning Officer. An application fee shall be paid in the amount set by the Board of Township Supervisors. The Zoning Officer shall refer immediately one application to the Planning Commission and one application to the Board of Township Supervisors. The Planning Commission may request the Zoning Officer and the applicant to be present at its meeting in order to obtain more complete information concerning the proposal. The Planning Commission shall forward its recommendation within 45 days of the date the application was accepted by the Zoning Officer as complete; failure to act within this allotted time shall be considered a favorable recommendation.

Within 50 days of the date of the application was accepted by the Zoning Officer as complete the Board of Township Supervisors, after giving public notice, shall con-

sider the proposal. The Supervisors within 30 days after the termination of the hearing before their Board shall render a decision. The decision shall be accompanied by findings of fact and conclusions.

Upon approval by the Board of Township Supervisors the application shall be signed by the Supervisors and all development and construction and use shall be in accordance with the approved application and accompanying plan unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this ordinance.

Section 805 Expiration Of Conditional Uses Permit

A conditional use permit shall be considered to authorize only one particular use as approved by the Board of Township Supervisors and said permit shall automatically expire if, for any reason, the conditional use shall cease for 2 years or longer. To reinstate a conditional use a new application shall be filed and approved under the terms of this ordinance.

Section 810 Zoning Ordinance Amendments

Whenever the public necessity and convenience, or the general welfare, or good zoning practices require it the Board of Township Supervisors may, subject to the procedures and requirements set forth herein, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property established in this ordinance.

Section 811 Initiation Of Zoning Amendments

Amendments to this ordinance may be initiated through proper application in the following ways:

1. By resolution of the Board of Township Supervisors;
2. By resolution of the Township Planning Commission; or
3. By a landowner who desired to challenge on substantive grounds the validity of this ordinance claiming that the provisions of this ordinance prohibit or restrict the use or development of land in which he has an interest. An amendment proposed in this manner shall be known as a curative amendment and shall be heard and decided upon as provided for in this ordinance and in Sections 609.1, 609.2 and 1004 of the Pennsylvania Municipalities Code, Act 247, as amended.

Section 812 Contents Of Zoning Amendment Application

The application for an amendment shall contain at a minimum the following:

1. Name, address and phone number of applicant.
2. Specific language of proposed amendment to the text, and/or the legal description of any district or boundary change.
3. The present use and zoning district.
4. The proposed use and zoning district.

5. An accurate map at a reasonable scale showing property lines, streets, existing and proposed zoning and other items that may clarify the application and/or may be required by the Zoning Officer.
6. A listing of all property owners within, contiguous to, and directly across the road from the parcel proposed to be rezoned. Also all other property owners that may have a substantial interest in the proposed amendment shall be listed.
7. A statement on how the proposed amendment relates to the Township's comprehensive plan.
8. A fee as may be established by the Board of Township Supervisors.

Section 813 Procedure For Zoning Amendments

- 813.1 In the instance of the initiation of a zoning amendment by a landowner the application shall be filed with the Zoning Officer. Before a proposed amendment may be voted on by the Board of Township Supervisors opportunities shall be offered the Township Planning Commission to review the amendment. The Township Supervisors shall hold a public hearing on the proposed amendment pursuant to public notice before taking action. The Township Supervisors may initiate a zoning amendment.
- 813.2 The Township Planning Commission and the Crawford County Planning Commission shall have a maximum of 45 days from the date of their receipt of a proposed amendment during which time they shall review the amendment and transmit their comments and recommendations to the Supervisors. Action by the Supervisors on the amendment need not be delayed beyond the 45 day limit set for the reviewing organizations.
- 813.3 If, after a public hearing is held on an amendment, the proposed amendment is revised to include land previously not affected by the proposal, or, if substantial alterations are made in the text of the ordinance, the Supervisors shall hold another public hearing, pursuant to public notice, and shall provide for reviews as established in Section 813.2 before proceeding to a decision on the amendment.
- 813.4 Content of Public Notice - Public notices of proposed zoning amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place in the municipality where copies of the proposed amendment may be examined. The time and place of the hearing also shall be indicated.
- 813.5 Publication after Enactment - After enactment, if the advertisement of a zoning amendment is required by other laws respecting the advertisement of ordinances the advertisement may consist solely of a reference to the place within the municipality where copies of such ordinance or amendment may be obtained for a charge not greater than cost, or a reference to the place where the ordinance is available for examination without charge.

ARTICLE 9.

OFF-STREET PARKING REGULATIONS

Section 900 General Requirements

- 900.1 No structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance.
- 900.2 The provisions of this Article, except where there is a change of use, shall not apply to any existing structure. Where a change of use occurs after the effective date of this ordinance and involves no building additions or enlargement, off-street parking for the new use shall be provided based upon the requirements of this ordinance.
- 900.3 Whenever a structure constructed after the effective date of this ordinance is changed or enlarged to create a need for an increase in the number of parking and loading spaces, additional parking and loading spaces shall be provided on the basis of the area of the enlargement or change. If a structure was erected prior to the effective date of this ordinance new or additional off-street parking and loading spaces shall be provided based only on the additional building area added.

Section 902 Size And Number Of Parking And Loading Spaces

An off-street parking shall be a minimum of 9 feet in width and 20 feet in length. A loading space shall be a minimum of 14 feet in width and be adequate in length to accommodate the largest vehicle expected to service the establishment which may be a length up to 60 feet. These dimensions are exclusive of required driveway and aisle (approach) space. Loading spaces in particular shall be positioned so as to provide a convenient vehicular approach. The number of required off-street loading spaces is not fixed in this ordinance. Where loading spaces are a consideration they vary depending on the type and size of the use; normally one off-street loading space is sufficient to serve the average establishment.

Section 904 Paving, Drainage And Maintenance

The required number of parking and loading spaces together with driveways and aisles shall be planned in a manner which insures safe and convenient vehicular movement into and throughout the parking and loading area. The parking and loading area shall be improved with a durable, dust-free surface such as gravel, concrete, or bituminous concrete. Storm water drainage shall be handled so that water previously not concentrated in defined channels is not collected and directed in new channels onto adjacent property. The parking and loading area shall be maintained in good condition without hazardous holes and shall be free of dust, trash and other debris.

Section 906 Location Of Parking Spaces

Parking spaces for all detached and semi-detached residences shall be located on the same lot as the uses which they are intended to serve. Parking spaces for

apartments, single family attached residences and similar residential uses may be located on the same lot or a different lot but not more than 200 feet from the principal use. Parking spaces for commercial, industrial or institutional uses may be located on the same lot or on an adjacent lot in which case they shall be located no more than 300 feet from the principal use they serve.

Section 908 Parking Space Requirements

For purposes of this ordinance the following minimum parking space requirements shall apply. Parking space requirements for other permitted or conditional uses not listed herein shall be determined by the Zoning Hearing Board based on a comparative evaluation of the requirements listed below. Where fractional numbers result from off-street parking requirement calculations the required number of spaces shall be increased or decreased to the nearest whole number. In the listing below, unit means dwelling unit; floor area shall be construed to mean the sum of the several floors of a structure including the basement; measurements shall be from the outside faces of the exterior walls.

<u>Type Of Use</u>	<u>Minimum Parking Spaces Required</u>
Residential	
Single family detached dwelling . . . . .	.Two per unit
Two family detached dwelling (2 units)	Three per building
Mobile and modular home . . . . .	.Two per unit
Seasonal dwelling . . . . .	.Two per unit
Single family semi detached dwelling . . . . .	.Two per unit
Single family attached dwelling . . . . .	.One per unit
Multi family detached dwellings (apartments) . . . . .	.One and one-half per unit
Boarding and rooming houses . . . . .	.One per sleeping room
Group homes . . . . .	.One for each supervising staffer and one for every four persons that can be served in the home
Commercial	
Automotive service station	One for each gasoline pump and two for each service bay
Agricultural produce sales from farm or production center	Five spaces
Bowling alleys	Five for each alley
Golf course . . . . .	.Two for each hole
Golf driving range	One for each driving tee
Laundromat	One for each three machines on the premises
Motel and hotel . . . . .	.One for each rental unit and one for each two employees
Office buildings, including muni- cipal, State and Federal offices, professional services establish- ments and banks	One for each 200 square feet of floor area

Repair shops of all types	Three for each full and part-time employee
Restaurants, taverns and nightclubs	One for each 100 square feet of floor area
Retail stores and service shops	One for each 200 square feet of floor area
All other commercial uses permitted	One for each 300 square feet of floor area
Churches, theaters and other places of assembly	One for each three seats
Clubs, lodges, philanthropic and charitable institutions, and funeral parlors	One for each 200 square feet of floor area
Convalescent and nursing homes	One for each three beds
Day nurseries and day care centers	One and one-half for each employee
Private schools	One for each teacher and staff member plus one for each six seats in the auditorium
Health care facilities and veterinary clinic	Four for each professional health care staffer
All other public and semi-public buildings	One for each 300 square feet of floor area
Industrial	
Manufacturing; warehouse storage and wholesale uses; printing establishments; upholstering shops; artisans' shops and similar uses	One for every two employees plus one for each motor vehicle used in the business
Truck terminals	One for every two employees and one for each motor vehicle maintained on premises

ARTICLE 10.

ADMINISTRATION

Section 1000 Zoning Officer

A Zoning Officer shall be appointed by the Board of Township Supervisors. The Zoning Officer shall administer this ordinance; he may not hold any elective office in the Township.

Section 1002 Duties Of The Zoning Officer

The Zoning Officer shall have the following duties:

1. Receive applications for zoning permits including sign permits and issue same; he shall administer the zoning ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this ordinance;
2. Identify and register all nonconforming uses and structures existing in the Township at the effective date of this ordinance;
3. Issue certificates of occupancy;
4. Maintain a permanent file of all applications for zoning permits, certificates of occupancy and all other actions as he is required to perform under this ordinance;
5. Inspect premises as may be necessary;
6. Order the action necessary to correct any violation of this ordinance where violations are found to exist;
7. Order discontinuance of illegal uses of land, buildings or structures; removal of illegal structures; discontinuance of any illegal work; and
8. Utilize proceedings before district magistrates to enforce the provisions of this ordinance.

Section 1004 Duties Of The Planning Commission

The Beaver Township Planning Commission shall have the following duties:

1. Review all proposed amendments to this ordinance and make recommendations to the Board of Township Supervisors thereon;
2. From time to time as needs arise, propose to the Board of Township Supervisors amendments to this ordinance;
3. Conduct other reviews and make recommendations as required by the provisions of this ordinance.

Section 1006 Zoning Hearing Board

Creation and Appointment - A Zoning Hearing Board shall be created by the Board of

Township Supervisors. The Board shall consist of three members appointed by the Township Supervisors. Each member shall be a resident of the Township. The term of office of the members shall be three years and shall be so fixed that the terms of office of one member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, except that no more than one member of the Board may also be a member of the Planning Commission.

Section 1008 Organization Of Zoning Hearing Board

The Board shall elect from its own membership a Chairman and a Secretary who shall serve annual terms at such and may succeed themselves. The Board may make and alter rules and forms for its procedures, consistent with laws of the Township and the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Township Supervisors once a year. For the conduct of any hearing and the taking of action, a quorum shall be not less than a majority of all members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Board. Within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract for a secretary, a clerk, and legal counsel.

Section 1010 Functions Of Zoning Hearing Board

- 1010.1 The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the administration of this ordinance.
- 1010.2 The Board shall hear challenges to the validity of the zoning ordinance and/or map and any parts thereof; except it may not hear challenges pertaining to the process of enactment or adoption of the ordinance and map. At the conclusion of the hearing the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.
- 1010.3 The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance, strictly applied, inflict unnecessary hardship upon the applicant; public notice shall be given for such hearings. The Board may vary the application of any requirements of this ordinance wherein strict enforcement would result in practical difficulty or unnecessary hardship which would deprive the applicant of a reasonable use of his land or building. A variance may be granted provided the following findings are made by the Board;
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and shape, or exceptional topographic or other physical conditions peculiar to the property and that the unnecessary hardship is due to these conditions and not due to circumstances or conditions generally created by the provisions of the zoning ordinance.
 - b. That because of such physical circumstances there is no possibility that the property can be developed in strict conformity

with the provisions of this ordinance;

- c. That such unnecessary hardship has not been created by the applicant;
- d. That the variance, if authorized will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use of adjacent property nor be detrimental to the public welfare;
- e. 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.

Furthermore in considering requests for variances the following principles shall apply:

- f. Nonconforming uses of neighboring lands, or certain types of structures in the same district and permitted or nonconforming uses of land or structures in other districts shall not be considered grounds for the issuance of variances.
- g. The Board shall not permit variances which allow a use not permissible under the terms of this ordinance in the district involved unless the Board finds that the applicant cannot make a reasonable use of his land.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this ordinance and punishable under Section 1114.

1010.4 The Board shall issue special exception permits for any of the uses requiring such permits under the terms of this ordinance. The Board shall hear and decide requests in accordance with the established standards and criteria; public notice shall be given for such hearings. In granting special exception permits the Board shall prescribe the basis upon which the permit was issued and the conditions deemed necessary or desirable for the protection of public interests. No special exception permits shall be granted by the Board unless it finds that the use for which such permit is sought will not be injurious to the neighborhood, not be inconsistent with the objectives of this ordinance as established in Section 200, not be inconsistent with the character of the surrounding neighborhood or otherwise detrimental to the public health and welfare, and that the use will not substantially impair an adequate supply of light and air to adjacent properties or overcrowd the land, or create undue concentration of population or substantially increase congestion in the streets, or create hazardous traffic conditions or increase the danger of fire.

Application for special exceptions may be subject to additional more specific standards and criteria as established in other sections of this ordinance.

- 1010.5 Where the Board has jurisdiction over matters pursuant to the above subsections the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any other municipal ordinance or requirement pertaining to the same development. In any such case, the Board shall have no power to pass upon nonzoning issues but shall take evidence and make a record thereon as provided in this ordinance. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.

Section 1012 Zoning Hearing Board Procedures

The hearing procedure of the Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Planning Code (Act 247) of 1968 as amended and such rules, not inconsistent therewith, as the Board may adopt. The Board shall conduct the hearings and make decisions in accordance with the following requirements:

- 1012.1 Any appeal for a variance from the strict requirements of the zoning ordinance or an appeal from an order, decision or interpretation of the Zoning Officer shall be taken by filing a notice of appeal with the Zoning Officer who shall transmit immediately said notice of appeal to the Zoning Hearing Board. The Zoning Officer shall transmit to the Board all of the documentary material constituting the record upon which the action for appeal was taken.
- 1012.2 The appellant shall, at the time of filing his appeal, pay the Zoning Officer a fee as determined by the Township Supervisors to defray or help defray the cost of the appeal, including advertising.
- 1012.3 Each appeal shall be tried on its merits at a public hearing. Public notice of such appeal shall be given. The Board also shall give notice to the applicant, the Zoning Officer and such other persons as the Township Supervisors may designate by ordinance. Notices shall be given at such time and in such manner as shall be prescribed by ordinance, or, in the absence of ordinance provisions, by rules of the Board. The Board may adjourn any hearing for the purpose of giving further notice.
- 1012.4 The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.
- 1012.5 The Chairman of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers.
- 1012.6 The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- 1012.7 The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings, and copies of graphic or written mater-

ial received in evidence shall be made available to any party at cost. Proceedings may be taped.

- 1012.8 The Board shall hold the required hearing within 60 days from the date of the applicant's request for the hearing. The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.
- 1012.9 Where the Board fails to hold the required hearing within the time limit required and/or where the Board fails to render a decision within the time period required the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.
- 1012.10 A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed not later than one day following the date of the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- 1012.11 No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development has been approved by an appropriate municipal official, agency, or body if such procedure is designed to secure the reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

Section 1014 Relationships: Zoning Officer, Zoning Hearing Board, And Board Of Township Supervisors

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Officer and that such questions shall be presented to the Zoning Hearing Board only on appeal from the decision of the Zoning Officer, and that recourse from the decisions of the Zoning Hearing Board shall be in the courts as provided by law. It is further the intent of this ordinance that the duties of the Township Superivisors shall not include hearing and deciding questions of interpretation and enforcement that may arise.

ARTICLE 11.

ENFORCEMENT

Section 1100 Actions Requiring Zoning Permits

No structure, as defined in Article 2. of this ordinance, shall be constructed, erected, moved, added to, or altered; nor shall any structure, or land use be established or changed in use, except that a zoning permit is lawfully obtained in full compliance with the provisions of this ordinance; providing, however, that, (1) accessory buildings, fences, and walls incidental to agricultural operations shall not require a zoning permit, although such accessory buildings incidental to agricultural operations, except for silos, shall require a building permit, (2) structures such as sidewalks, steps, driveways, terraces, patios, flagpoles, doghouses, and lawn furniture such as benches, birdbaths, and sundials shall not require a zoning permit, and (3) alterations to building interiors not affecting the external form and size of a building, and alterations involving shingling and siding where no substantial change is made to the building form or size shall not require a zoning permit although such alterations, where the value of the improvement exceeds \$1,000, shall require a building permit.

Section 1102 Zoning Permit Application Requirements

The application for the zoning permit shall be signed by the owner, or applicant, or his authorized agent attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire, and may be revoked if the work has not begun within one year of issuance. At a minimum the application shall contain the following information:

1. Name, address and phone number of applicant
2. Legal description of property
3. Existing use of property
4. Proposed use of property
5. Description of work contemplated
6. Zoning District
7. Plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact size and location of an existing building on the lot, if any; the location and dimensions of the proposed building(s) or alterations; and the location of drives and drive entrances.
8. Building heights
9. Number and location of off-street parking spaces, and loading spaces where applicable.
10. Number of dwelling units where applicable.
11. Estimated time for completion

12. Estimated cost

13. Such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

Section 1104 Approval Of Zoning Permit

Within 15 days after receipt of an application the Zoning Officer shall either approve or disapprove the application. One copy of the plans shall be returned to the applicant by the Zoning Officer, after he shall have marked such copy either approved or disapproved and attested to same by his signature. One copy of the plans, similarly marked shall be retained by the Zoning Officer. The Zoning Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use, structure or alteration is in conformance with the provisions of this ordinance.

Section 1106 Expiration Of Zoning Permit

If the work described in the zoning permit application has not begun within one year from date of issuance, the permit shall expire. It shall be revoked by the Zoning Officer, and written notice thereof shall be given to the applicant. If the work described in any zoning permit has not been substantially completed within 2½ years of the date of issuance said permit shall expire and be revoked by the Zoning Officer, and written notice thereof shall be given to the applicant, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

Section 1108 Certificate Of Occupancy

Completion of activity authorized by zoning permit under the provisions of this ordinance as set forth in the Sections immediately preceeding shall not be considered to allow occupancy until a certificate of occupancy has been issued by the Zoning Officer. Written request to the Zoning Officer for a certificate of occupancy shall be processed within one week of receipt of the request. The certificate of occupancy indicates that the building and/or proposed use is in compliance with the zoning permit as issued and the provisions of this ordinance. Refusal by the Zoning Officer to issue a certificate of occupancy shall be accompanied by a written statement to the applicant containing the reasons for the denial. The Zoning Officer shall maintain a record of all certificates of occupancy.

1108.1 Temporary Certificate of Occupancy: A temporary certificate of occupancy may be issued by the Zoning Officer for occupancy of a building undergoing construction or alteration pending final completion of the construction and/or alteration work.

Section 1110 Construction And Use To Be As Provided In Applications, Plans, Permits, And Certificates

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Officer authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance.

Section 1112 Compliers Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Zoning Officer who shall investigate the matter and take action thereon as provided by this ordinance.

Section 1114 Penalties For Violation

Any person, partnership or corporation who or which shall violate the provisions of this ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than 500 dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than 60 days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of this ordinance shall be paid over to the Board of Township Supervisors. Nothing herein shall prevent the Township from taking such other lawful action as is necessary to prevent, restrain, remedy, or abate any violations.

Section 1116 Fees

The Township may establish a schedule of fees for zoning permits, certificates of occupancy, appeals, amendments and other matters pertaining to this ordinance. Until all applicable fees, charges, and expenses have been paid no action need to be taken on any application or appeal.

Section 1118 Municipal Liability

The granting of a Zoning Permit for the erection and/or use of a building or lot shall not constitute a representation, guarantee, or warranty of any kind or nature by the municipality, or an official or employee thereof, of the safety of any structure or use and shall create no liability upon, or a course of action against, such public official or employee for any damage that may result pursuant thereto.

ARTICLE 12.

CLUSTER DEVELOPMENTS

Section 1200 Purpose

This ordinance provides for cluster developments in order:

- a. To encourage innovations in residential development and to foster greater variety in the type, design and siting of dwellings;
- b. To provide a creative alternative to the conventional development which occurs on a lot by lot basis subject to traditional zoning regulations; and
- c. To provide residents with greater access to common open space and recreation facilities than would be possible under the more conventional land development process.

The cluster development provides a technique and a process which accommodates building proposals not readily adaptable to zoning district regulations which are geared to the conventional subdivision method of development. Lot size and yard requirements, use restrictions and normal methods for the provision of street, park and utility maintenance may be set aside where the identical ends sought through conventional regulations can be achieved under cluster developments through the establishment special arrangements for community organization and management which fixes additional responsibilities on residents for maintenance of common areas and community services and utilities.

Section 1202 Relationship To Other Articles Of This Ordinance And To The Crawford County Subdivision Regulations

Because of the special characteristics of cluster developments a different process and different requirements shall govern development. Whenever there is a conflict between the provisions of this article and other articles of this ordinance, or between the provisions of this article and the Crawford County subdivision regulations, the provisions of this article shall prevail.

Section 1204 General Requirements

The following general requirements shall be met in order to process a development under the provisions of this article.

- 1204.1 Ownership. Throughout the planning and approval process land to be developed under the provisions of this article shall be in single ownership, or in the case of multiple ownership, satisfactory evidence shall be presented indicating that the development will have a single, responsible administrative organization which can act for the multiple ownership. Upon approval of the development dwellings may be sold in fee simple or through a cooperative or condominium arrangement; or the dwellings may be managed as rental properties. In any event a satisfactory structure shall be established by the developer to maintain common areas designated in the development plan and improvements or utilities that are not accepted for public maintenance.
- 1204.2 The tract of land shall be located in a zoning district which permits the cluster development.

Section 1206 Permitted Uses

A cluster development may include all housing types and uses normally ancillary thereto, recreation uses serving the development, and non-residential uses supportive to residences. More specifically the following uses are among those permitted: single family dwellings in detached, semi-detached and attached forms; two-family detached dwellings; seasonal dwellings; multi family dwellings including multi-story apartments and townhouse apartments; prefabricated homes including mobile homes in the double wide, stacked and expandable forms; churches, schools, non-profit or philanthropic institutions, commercial uses, including offices, if such uses are ancillary and supportive to the residential uses in the cluster development; and facilities necessary for providing the public utilities serving the development.

Section 1208 Minimum Size And Density Of Development

Cluster developments permitted as a conditional use in the V-1 District shall have a minimum gross area of 2 contiguous acres. Using the cluster development technique the applicant may increase the residential density of the development by 20% over what would normally be allowed based upon the bulk regulation established in the applicable districts.

Section 1210 Processing Procedures

Applications shall be processed in 2 steps: (1) preliminary plan review and (2) final plan review. Prior to submission of the preliminary plan an optional step, the pre-application conference, is encouraged.

1210.1 Pre-Application Conference. At the pre-application conference the applicant discusses all aspects of the proposed development, including rough sketches of site and building plans, with members of the Planning Commission and the Board of Township Supervisors. This conference enables the developer to obtain the views of the Township officials before more expensive engineering and architectural work is begun. Scheduling a pre-application conference is handled through the Zoning Officer.

1210.2 Administrative Responsibilities, The Preliminary Plan. The preliminary plan shall be filed with the Zoning Officer. Within 60 days of the acceptance of the plans as complete by the Zoning Officer: (1) the Planning Commission shall review the application, (2) the Board of Township Supervisors, after public notice is given, shall hold a public hearing on the application, (3) the application shall be sent to the Crawford County Planning Commission which shall have 45 days in which to review and make recommendations on the proposal as required in the Pennsylvania Municipalities Planning Code. Within 30 days following the public hearing the Board shall notify the applicant by letter of its approval, denial, or approval subject to specific conditions. All pertinent review comments shall be included in this letter.

1210.3 Administrative Responsibilities, The Final Plan. Within 6 months of the date of preliminary plan approval, unless the developer requests and is granted a time extension, the developer shall submit the final plan application to the Zoning Officer. After the acceptance of the

final application as complete by the Zoning Officer the application shall be provided to the Planning Commission which shall have 30 days in which to review it. Within 45 days the application shall be acted upon by the Board. The Board shall notify the applicant by letter of its action on the proposal.

1210.4 Recording Of Final Plan. The original plan drawing(s), or reproducible and equally excellent copies thereof, shall be in the hands of the Board of Township Supervisors before its final action on these plans. Upon approval of these plans they shall be recorded in the office of the County Recorder at the applicant's expense.

1210.5 Cluster Development Involving Subdivision Plat. Where a subdivision plat is involved in the development it shall be processed as required in the Crawford County subdivision regulations and shall be given its final approval and recorded concurrent with the final plan as approved for the cluster development.

Section 1212 Plan Requirements

1212.1 Preliminary Plan Review. The following items of information shall be submitted to the Zoning Officer for preliminary plan review. Additional information may be submitted where appropriate. Plans shall be submitted by an engineer, landscape architect, and/or architect under appropriate seal.

- a. Information on all pertinent existing conditions.
- b. General site plan and various detailed plans as appropriate showing all proposed structures, uses, circulation systems, utility systems, and common open space.
- c. Architectural plans showing the intent of the development for typical buildings.
- d. Statement of intent regarding ownership and maintenance of required common open space and of the development's improvements including its utility systems.
- e. Schedule of stages of development where applicable.

1212.2 Final Plan Review. The following items of information shall be submitted to the Zoning Officer for final plan review. Additional information may be required where it is deemed essential to the public review. Plans shall be submitted by an engineer, landscape architect, and/or architect under appropriate seal.

- a. A general site plan legibly prepared on tracing film or equal material at a scale not smaller than one hundred feet to one inch showing boundaries (distances, bearings and monumentation), streets, walks, parking areas, all buildings and uses of lands, and common open space. Certification statements as required by the Township shall be fixed on the general site plan.

- b. Engineering plans detailing the construction of the required improvements as listed in Section 1216 following.
- c. All supportive material including information submitted at preliminary review including but not limited to plans, maps, sketches, elevations, cross sections, reports and narrative.
- d. Evidence of approvals by appropriate public authorities, or agencies where applicable.
- e. Evidence of the organizational structure of a resident's association where this form of management will be used to maintain common open space and other such private systems.

Section 1214 Design Standards

The developer should be free to create a more physically integrated, aesthetic and functional living environment using design skills and the latest achievements in building technology.

- 1214.1 Performance Requirements. The development plan shall indicate how adequate privacy, light, air and protection from noise shall be achieved through building design, street layout, screening, plantings and the special siting of buildings.
- 1214.2 Public and Private Streets. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or a residents' association. Private streets shall meet Township standards regarding subgrade preparation, base and surfacing construction. Off-street parking areas may be integrated with public street design and construction providing maintenance responsibilities are mutually agreed upon.
- 1214.3 Common Open Space. A minimum of 20% of the net acreage shall be reserved for common open space. Where staged construction is utilized, at no time shall the total area of dedicated open space be less than 20% of the area of the project approved for development.

Section 1216 Required Improvements

The developer shall make satisfactory provision for the community improvements necessary to the proper functioning of the development. These include, but are not limited to, survey and boundary monuments, streets, street signs, water supply, sewage disposal, storm water runoff structures, and open space improvements. All water supply and sewage disposal facilities shall be planned, designed, and approved in accordance with the requirements of the Pennsylvania Department of Environmental Resources.

- 1216.1 Common Open Space. Where areas of common open space are proposed for improvements they shall be improved by the developer. Unless the Township agrees to a public dedication of the open space and to its maintenance, the developer shall formulate an acceptable method for maintaining this land.
- 1216.2 Assurances. Before the final plan is approved by the Board of Town-

ship Supervisors required public improvements to be maintained by the developer or a residents' association shall be:

- a. Licensed under Public Utility Commission regulations and procedures, where applicable, and
- b. Constructed and approved as built by the Board, or
- c. Insured under a performance bond approved by the Board, or
- d. Covered under some agreement mutually satisfactory to both the developer and the Board, or
- e. Covered under any combination of the above methods as listed b. through d.

Section 1218 Amendments

Major revisions to the approved final plan, such as changes in land use, streets, major changes in the common open space system, major changes in building locations, shall be considered as amendments to the final plan and shall be processed as set forth in Sections 1210.2, 1210.3, and 1210.4 of this ordinance. All other changes to the approved plan shall be submitted to the Board of Township Supervisors and, with the Board's concurrence that such changes are minor in nature, shall be filed in the Township records as normal changes occurring through the "dynamics of living." All changes submitted to the Board should be delineated graphically on plans with accompanying text as needed.

ARTICLE 13.

MOBILE HOME PARK AND TRAVEL TRAILER PARK
DEVELOPMENTS

Section 1300 Conditional Use Permit Required

It shall be unlawful for an applicant to establish, construct, or extend a mobile home park or a travel trailer park (These two installations shall be referred to collectively in this Article as Developments.) unless such applicant obtains a valid permit issued by the Pennsylvania Department of Environmental Resources (PennDER) and in addition has had the proposed Developments approved as a conditional use under the provisions of this ordinance. The regulations herein apply to both of these Developments, mobile home parks and travel trailer parks, except as otherwise noted; in a number of instances certain requirements are applicable only to one of these Developments.

Section 1302 Referral To Crawford County Planning Commission

These Developments are classified as land developments based on the provisions of the Pennsylvania Municipalities Planning Code, Act 247, and shall be reviewed by the Crawford County Planning Commission. Two copies of the application for approval for these Developments shall be submitted to the Township Zoning Officer. The application shall contain the information as required in Section 801 of this ordinance as well as adequate plans, details and narrative to cover all the requirements listed in this Article. One complete application shall be submitted to the Crawford County Planning Commission which shall have 45 days to forward its review to the Township. The Township shall not make its final decision on the approval of these Developments until the 45 day review period provided the County Planning Commission has elapsed.

Section 1304 Minimum Area Requirement

The minimum gross area of the site shall be 3 contiguous acres of land.

Section 1306 Required Facilities

Each mobile home stand shall contain only a one family unit and shall be supplied with connections to sanitary, water and electrical systems. Common sewerage and water systems shall be provided subject to PennDER requirements. Each mobile home shall have a toilet, bathtub or shower, heating system, and kitchen in good working order. Each dependent travel trailer unit shall be located no more than 400 feet from a common service building containing water, toilet and bath facilities. The Developments shall make adequate provision for refuse handling and removal and for the storage and supply of fuel where applicable. The Development owner shall be responsible for maintaining the site in a clean and sanitary condition. An adequate system of storm water drainage shall be shown on development plans and shall be part of the required facilities.

Section 1308 Site Requirements

- 1308.1 The locations of mobile home and travel trailer stands shall be carefully related to the topography and shall be organized into a well conceived site plan, preserving as much as possible of the natural site.

- 1308.2 Mobile home lots within the park shall have a minimum of 6,000 square feet; travel trailer lots shall have a minimum of 1,500 square feet. Lots and areas shall be directly accessible to the internal street system. There shall be provided on each mobile home lot a patio area of at least 100 square feet with a least dimension of 10 feet. There shall be provided on all lots one off-street parking space which shall contain a minimum of 200 square feet with a least dimension of 10 feet. Driveways, parking spaces and patios shall be constructed with a permanent, stable, dust-free surface adequate for use during all seasons.
- 1308.3 There shall be a minimum of 1½ parking spaces for each mobile home stand in a mobile home park and a minimum of 1½ parking spaces for each travel trailer stand.
- 1308.4 Stands shall be constructed of an appropriate material, properly graded, placed, compacted and drained so as to be durable and provide an adequate foundation for the support of the anticipated loads. Mobile homes shall be either permanently fastened to a foundation slab or footings or tied down to secure against uplift, sliding or overturning. A gradient on the stands shall occur in only one direction perpendicular to an edge, and shall be a maximum of 4%.
- 1308.5 There shall be a minimum distance of 20 feet between each mobile home or travel trailer unit, including accessory structures attached thereto, and any portion of any other structure in the Development. There shall be a minimum distance of 15 feet between each mobile home or travel trailer unit and the boundary of the nearest abutting internal street or common area. There shall be a minimum distance of 50 feet between each mobile home or travel trailer unit and the Development's boundary lines.
- 1308.6 Walks shall be planned and constructed so as to provide safe and convenient access throughout the Development connecting individual stands to all facilities, and to each other. Connecting walks shall be at least 3 feet wide and walks on individual lots shall be a minimum of 1½ feet wide. Walks shall provide an all-weather walking surface, and be reasonably free from mud, dust, and standing water.
- 1308.7 A common area shall be provided to serve the residents of the Development. A minimum of 10% of the gross acreage shall be established and developed as a common area.
- 1308.8 Adequate storage facilities conveniently located to lots in the mobile home park shall be provided for storage of often used outdoor equipment, furniture and tools and such other material that is used only infrequently and which cannot be conveniently stored in the typical mobile home.

Section 1310 Access And Internal Road System

- 1310.1 The minimum width of the portion of the site used for vehicular access shall be 60 feet.
- 1310.2 The Development's internal street system shall be privately owned and maintained and shall be designed for safe and convenient access to all lots and common facilities. Streets shall provide a sound, all-weather, driving surface, be reasonably smooth and free from mud, dust and stand-

ing water. Street paved surfaces shall be a minimum width of 14 feet for one-way streets and 18 feet for two-way streets; where on-street parking is permitted 8 feet of road surface shall be added to each side of the street on which on-street parking is permitted. Road surface widths as required herein do not include the road cross-section devoted to storm water drainage, which shall be accommodated satisfactorily.

Section 1312 Skirting On Mobile Homes

All mobile homes shall be covered or skirted around the entire base of the unit in such a manner that continuous facades exist from the ground upwards. The material forming this enclosure shall be compatible with the remainder of the unit and provided sufficient ventilation to inhibit decay and deterioration of the structure.

Section 1314 Visual Relation To Surrounding Area

Either partial or full screening may be required at the boundaries of the Development depending on the nature of the site and its relation to the uses in the surrounding area; it may be required to be a type that is immediately effective. Such screening may consist of walls, fences, plantings or terrain features, or any combination of these devices. If open fencing such as chain link fence is used it should be installed within plantings so as not to be easily visible from inside or outside of the Development.

Section 1316 Signs

One free standing identification sign shall be permitted. The free standing sign shall have an area no greater than 35 square feet and a height no greater than 14 feet, and shall be positioned on the property no closer than 5 feet from the exterior property line of the Development.

Section 1318 Uses Other Than Residential

No commercial uses considered as auxiliary to the Developments shall be permitted. Service uses such as laundry and dry cleaning rooms and vending machines handling commonly needed supplies, however, shall be permitted as well as management offices.

ORDAINED and ENACTED this 8th day of April, 1981.

BOARD OF TOWNSHIP SUPERVISORS

Sidney H. Martin
Chairman

Don Mahoney

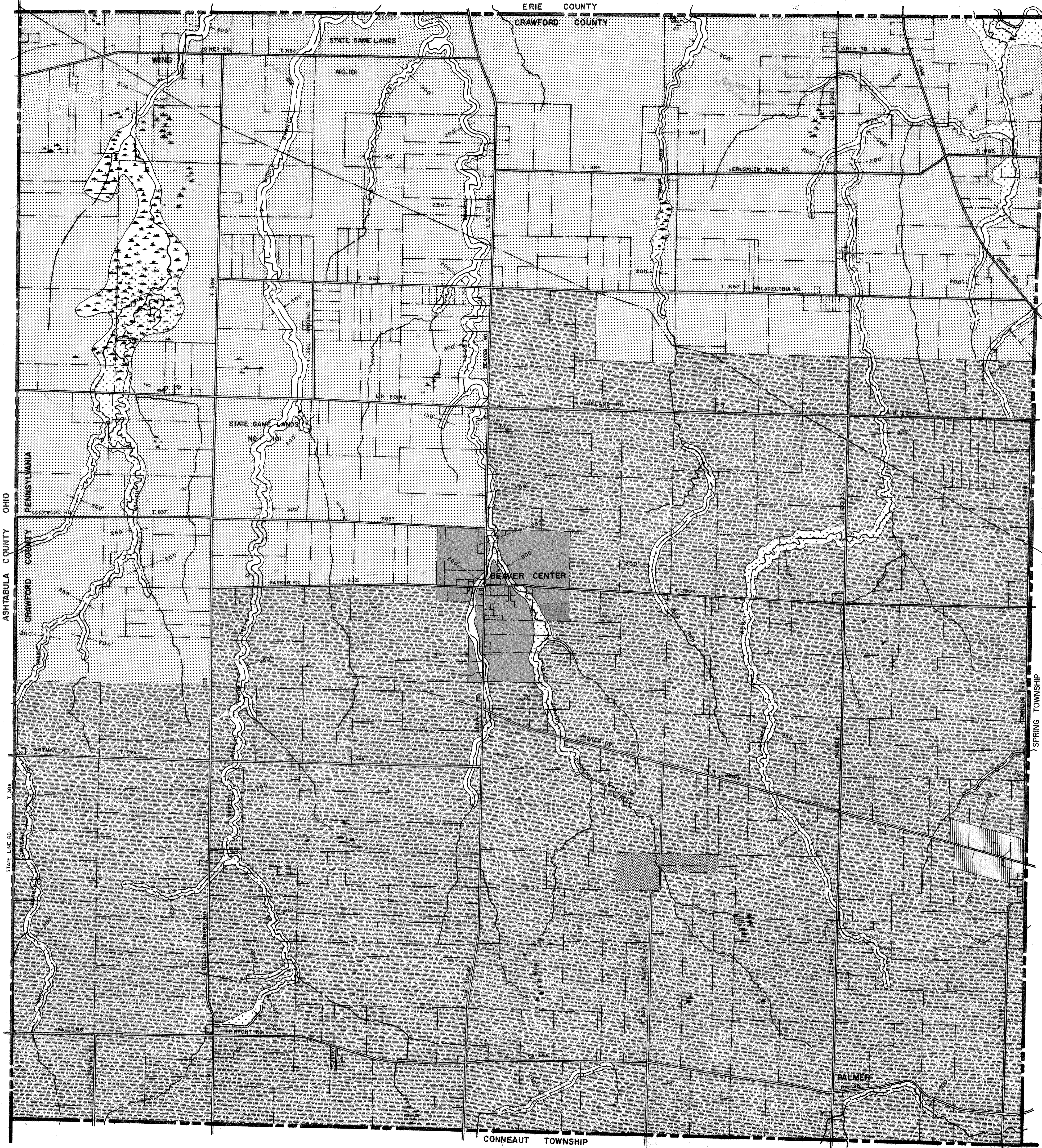
ATTEST:

Judy Martin
Secretary

CERTIFICATION

I hereby certify that the above and foregoing is a true and correct copy of an ordinance duly enacted by the Board of Supervisors of Beaver Township, Crawford County, at its meeting held on the 8th day of April, 1981, at which time a quorum was present.

Judy Martin
Secretary


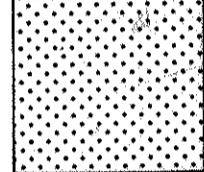
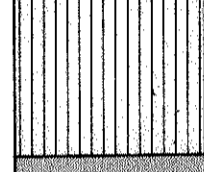
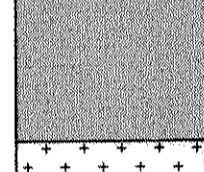
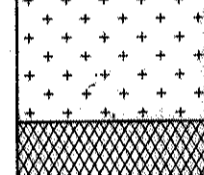
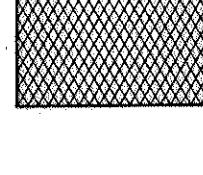


BEING PART OF ORDINANCE No. 1 of 1981
AS ENACTED APRIL 8, 1981

Sidney Martin
SIDNEY MARTIN, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST: *Judy Martin*
JUDY MARTIN, SECRETARY

ZONING DISTRICTS

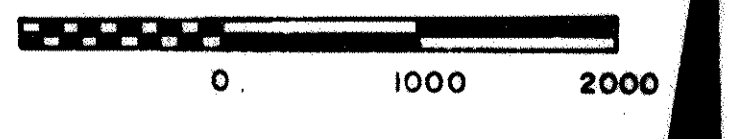
-  A-I AGRICULTURAL
-  RD-I RURAL DEVELOPMENT
-  RR-I RURAL RESIDENTIAL
-  V-I VILLAGE DEVELOPMENT
-  F FLOOD PLAIN
-  G-I GENERAL INDUSTRIAL

NOTE: PROPERTY LINE DELINEATIONS ARE BASED ON THE COUNTY ASSESSOR'S RECORDS AND REFLECT PARCELIZATION PATTERN TO DECEMBER 31, 1980

AMENDMENTS:
ORDINANCE AMENDMENT, JUNE 29, 1989
ORDINANCE AMENDMENT, OCTOBER 14, 1991

OFFICIAL ZONING MAP BEAVER TOWNSHIP CRAWFORD COUNTY, PENNSYLVANIA SCALE 1"=1000'

PREPARED BY THE
CRAWFORD COUNTY
PLANNING COMMISSION



July 8, 1982

Amendments To The Zoning Ordinance
Of Beaver Township
Crawford County, Pennsylvania

AS ADOPTED
JULY 14, 1982

Ordinance No. _____

An Ordinance amending the Zoning Ordinance of Beaver Township providing for the regulation of open air entertainment establishments; altering the requirement for fencing "brine" pits in favor of the use of signs; excluding gas and oil well drilling in designated flood hazard areas; fixing distance requirements on the location of gas and oil drilling sites; reducing the minimum lot size requirement in rural areas to 3 acres; and increasing the building setback line from the centerline of the public road in rural areas from 60 feet to 75 feet.

Now be it ordained by the Beaver Township Supervisors and it is hereby ordained and enacted by and with the authority of the same that the Zoning Ordinance of Beaver Township be amended as follows:

1. In Section 302 Meaning Of Words, following the Nursing or Convalescent Home definition add the following new definition:

"Open Air Entertainment Establishments. For-profit commercial ventures where a large number of customers (normally a minimum of 200 more or less) experience planned activities out-of-doors on a periodically scheduled basis, i.e. automobile or motorcycle racing, musical entertainments, etc."

2. After Section 502.9 Uses Not Listed. add a new Section as follows:

"502.9A. Open Air Entertainment Establishments. Open air entertainment establishments are not permitted in any district of the township. This prohibition is based on the stated objectives and district purpose statements as found in this ordinance and on the fact that the highway network in the township is not adequate to serve said uses. The Township's comprehensive plan documents that the highest category of highway within its boundaries is the major collector road (State Route 198), and this highway traverses only the Township's Agricultural District."

3. In Section 502.12, between the words "districts" and "subject" insert the following language:

", except the Floodplain District in which said activities are not permitted,"

4. In Section 502.12, Recovery Of Subsurface Gas And Oil Deposits, at the end of the first sentence add the following additional sentence:

"See Section 1102 for the application requirements for the necessary zoning permit."

5. In Section 502.12a. at the end of the first and only sentence add the following:

"See either Section 510.5b, 512.3, 514.2b, or 516.3b, depending on the district in which the construction is proposed."

6. Delete in its entirety the language of Section 502.12b. and insert in lieu thereof the following

"b. The gas and oil well casing and tank structures, normally used in drilling operations to recover these resources, shall be a minimum of 200 feet from any habitable building, whether a residence, a commercial or an institutional building; and shall be a minimum of 100 feet from the nearest property line, except in the instance of the property line at the road right-of-way in which case the front yard setback requirement shall prevail; and shall be a minimum of 100 feet from a stream with year-round flow. Waivers or variances may be granted from these distances by the Zoning Hearing Board through the process as established in this ordinance."

7. In Section 502.12d. delete the entire body of language and insert in lieu thereof the following:

"d. Where pits are left unattended by well drilling operatives at any time of the day, and as long as said pits are in existence, said pits shall be posted with 4 signs. Signs shall be securely planted in an upright position; the area of the "sign board" shall be a minimum of 3 square feet; the top of the sign board shall be a minimum of 4 feet above grade level; the signs shall be located near the perimeter of the operations area and shall be readily visible from all directions surrounding the operations area. The message on the sign shall state: DANGER DEEP WELL DRILLING AREA, or the equivalent of this message."

8. In Section 510.5b. delete the number "60" between the words "of" and "feet". and insert in lieu thereof the number "75".
9. In Section 514.2b. delete the number "60" between the words "of" and "feet", and insert in lieu thereof the number "75".
10. In Section 510.2e. add the following language at the end of the existing phrases:

"horse shows and country fair events".
11. In Section 510.5a. Lot Area, on the second line between the words "of" and "acres" delete the number "5" and insert in lieu thereof the number "3".

AMENDMENTS TO THE
ZONING ORDINANCE OF BEAVER TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA

ORDINANCE NO. 1989-1

An ordinance amending the Zoning Ordinance of Beaver Township providing for the addition of a General Industrial District in the ordinance and establishing said General Industrial District on the east and west sides of Maples Road beginning at Fisher Road and extending south approximately 3,800 feet.

NOW BE IT ORDAINED by the Board of Township Supervisors and it is hereby ordained and enacted by and with the authority of the same that the Zoning Ordinance of Beaver Township be amended as follows:

1. A new section, Section 511, shall be added to the ordinance:

Section 511 General Industrial District, GI

Purpose: Inasmuch as the Beaver Township recognizes that its farm economy has declined since the midcentury and that reasonable land use alternatives should be available to the owners of property in the Township; inasmuch as an objective of this ordinance is "to provide for the location of commercial and industrial uses, which, among other things will strengthen the Township economy, providing employment and increased property taxes." (Section 211.10), a General Industrial District is established where general manufacturing activities can be accommodated providing such activities will not cause the frequent occurrence of excessive smoke, fumes, noise, vibrations or obnoxious odors. It is the intent to establish the General Industrial District where there is an expectation that manufacturing activities will be developed, and that they can be served reasonably well by the existing and/or improved community facilities such as the roadway network, fire and police protection, sanitary sewage and water facilities.

511.1 Permitted Uses.

- a. All uses listed as permitted in the Agricultural District, A-1.
- b. Manufacturing (the process of making wares or products from raw materials) including the production, processing, cleaning, testing and distribution of materials, goods and products, but excluding those manufacturing activities which would cause the frequent occurrence of excessive smoke, fumes, noise, vibration or obnoxious odors - such evaluations being made in a manner typical of the judgement of normal, reasonable persons acting in a disinterested way.
- c. Service commercial uses which are established as auxiliary and supplementary to the manufacturing activities.

511.2 Bulk Regulations.

- a. Lot Area -- For each principal use there shall be a minimum of 3 acres, providing however, that on any lot 2 acres or greater where an existing residential, commercial or industrial building is located, additional principal industrial, commercial or residential uses such as dwellings or mobile homes, or manufactured homes or modular homes may be located without regard to this minimum area where (1) no new lot of record is established, (2) on-lot sewage facilities can accommodate increased loads as determined by appropriate authorities, (3) the minimum

setback from the centerline of the public road is 60 feet, and (4) the minimum distance between buildings is 20 feet.

- b. Front Yard -- Minimum of 60 feet from the centerline of the abutting road
- c. Side Yard -- Minimum of 30 feet
- d. Width Of Lot Measured At The Public Right-Of-Way -- Minimum of 250 feet.

2. An area of land on the east and west sides of Maples Road and extending from Fisher Road south approximately 3,800 feet shall be placed in the General Industrial District; this land is described more particularly on the attached map, Exhibit **B.**, Maples Road Rezoning, which map is hereby made a part of this ordinance.

ORDAINED AND ENACTED this 29th day of June, 1989.

BOARD OF SUPERVISORS

W. Glenn Braden
W. Glenn Braden, Chairman

Gerald L. Casbohm
Gerald L. Casbohm

Dan Mahoney
Dan Mahoney

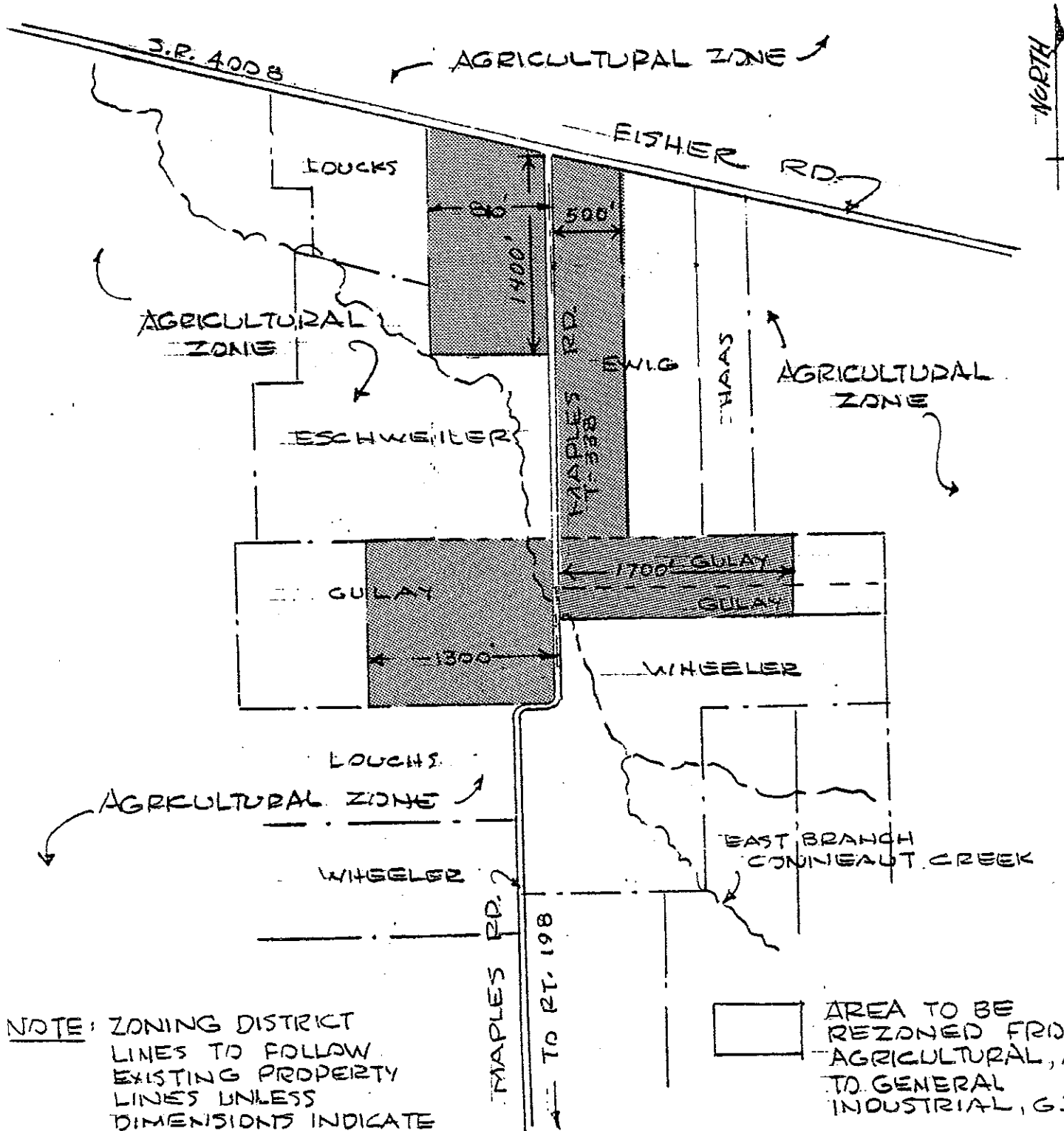
Attest:

Judy Martin
Judy Martin, Secretary

AMENDMENT TO THE BEAVER TOWNSHIP ZONING ORDINANCE

EXHIBIT B, MAPLES ROAD REZONING

SCALE 1"=1000' JUNE 1989



NOTE: ZONING DISTRICT LINES TO FOLLOW EXISTING PROPERTY LINES UNLESS DIMENSIONS INDICATE OTHERWISE

AREA TO BE REZONED FROM AGRICULTURAL, A-1 TO GENERAL INDUSTRIAL, GI

BEAVER TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA

ORDINANCE NO. 1994-1

An Ordinance Amending the Zoning Ordinance of Beaver Township by Adding Mobile Homes As A Permitted Use In the Village Development District V-1.

NOW BE IT ENACTED AND ORDAINED by the Beaver Township Supervisors, Crawford County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 516 Village Development district, V-I and Subsection 516.1, Permitted Uses. Shall be amended under Item a. to add at the end of these sections:

" ; mobile homes"

Ordained and Enacted into law by the Beaver Township Supervisors this 8th day of August, 1994.

Robert Thompson
Chairman

Sidney H Martin
Supervisor

Glenn Braden
Supervisor

Attest:

By Judy Martin
Secretary

10-21-94 10:21TONI A. 01 19415
CRAW CO PA \$0.00
ORDINANCE \$5.00
BARRETT \$0.00
3No
CHECK REC'D \$5.00

BEAVER TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023 - 02

AN ORDINANCE TO AMEND THE BEAVER TOWNSHIP
ZONING ORDINANCE TO PROVIDE FOR THE REGULATION
OF SOLAR ENERGY SYSTEMS

WHEREAS, the Beaver Township Board of Supervisors desires to provide for the reasonable regulation of Solar Energy Generation systems in the Township in order to protect the natural resources of the Township while providing for the use of renewable energy resources, and to protect the health, safety and welfare of Beaver Township residents; and accordingly, the Beaver Township Zoning Ordinance is hereby amended to add certain regulations for the use of Solar Energy Generation Systems within the Township.

Now, Therefore, Be it Ordained and Enacted by the Board of Supervisors of Beaver Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained by and with the authority thereof as follows:

Section 1. Purpose. These regulations are designed and intended to balance the interests of the residents of Beaver Township, solar energy producers and solar energy customers in the siting of solar energy systems within the Township so as to protect the welfare, safety, character and integrity of agricultural, residential, rural, environmental, natural and historic resources in the Township while providing for the appropriate location and development of solar energy facilities within the Township; to minimize adverse visual impacts of solar energy facilities through careful siting and landscape screening; to avoid potential harmful impacts on adjacent properties from solar energy operations; and to provide for the safe and proper removal of all solar energy facilities that are either abandoned or fail to meet the requirements set forth in these regulations.

Section 2. Amendment Of Section 300 of Article 3 Entitled "Definitions" to add Solar Energy Definitions. Section 300 of Article 3 of the Beaver Township Zoning Ordinance entitled "Definitions", is hereby amended to add the following definitions:

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Energy System: A system comprised of Solar Panels and other Solar Related Equipment used to capture solar energy and convert it into electrical energy or thermal power for use on or off the property where the system is located.

Solar Energy System, Accessory Use, or Accessory Solar Energy System or ASES: A Solar Energy System used to capture solar energy for use by residential, commercial, institutional, industrial or other uses of land located on the same property on which the Solar Energy System is located. This may include incidental sale of excess energy to an electrical utility. For purposes of this ordinance, a Solar Energy System that has a power rating of more than 15kW shall not be considered an Accessory Solar Energy system.

Solar Energy System, Principal Use, or Principal Solar Energy System, or "PSES": A Solar Energy System used principally to capture solar energy and convert it to electrical energy or thermal power for the commercial sale or supply of such electrical or thermal power to electrical utilities. Principal Solar Energy Systems may consist of one or more free standing ground or roof mounted solar collection devices and Solar Related Equipment, together with accessory structures and buildings including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines and other structures related to the operation of the System.

Solar Easement: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

Solar Panel: The part or portion of a solar energy system containing one 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 electricity.

Solar Related Equipment: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and structures used for or intended to be used for collection of solar energy.

a. **Solar Array:** A grouping of multiple solar modules with purpose of harvesting solar energy.

b. **Solar Cell:** The smallest basic solar electric device which generates electricity when exposed to light.

c. **Solar Module:** A grouping of solar cells with the purpose of harvesting solar energy.

Examples of these facilities is attached as an Exhibit entitled “Solar Energy Facilities”

Section 3. Amendment Of Sections 510 and 512 of Article 5 of Zoning Ordinance To Permit Principal Use Solar Energy Systems As Conditional Uses in the Agricultural and Rural Development Zoning Districts. Article 5 of the Beaver Township Zoning Ordinance entitled “Establishment, Purpose and Regulations of Zoning Districts” is hereby amended by (a) amending Section 510.3 entitled “Conditional Uses” to add “Principal Solar Energy Systems” as a Conditional Use in the Agricultural District, A-1, and (b) amending Section 512.2 entitled “Conditional Uses” to add “Principal Solar Energy Systems” as a Conditional Use in the Rural Development District, RD-1 Zoning District.

Section 4. Amendment Of Article 6 of Zoning Ordinance To Add Regulations for Solar Energy Systems when Permitted as Conditional Uses.

Article 6 of the Beaver Township Zoning Ordinance entitled "Supplementary District Regulations" is hereby amended by adding a new Section 610 to add regulations for Principal Solar Energy System land uses, when permitted, which shall read as follows:

Section 610. Solar Energy Systems as a Principal Use. Land uses referred to herein as Principal Solar Energy Systems or Principal Use Solar Energy Systems, or PSES, shall be permitted only in the Agricultural, A-1, Zoning District, or the Rural Development, RD-1 Zoning District, as Conditional Uses in accord with the following and other applicable regulations.

a. Location Limitations for PSEs.

Principal Use Solar Energy Systems shall not be permitted (a) in designated Floodplain Districts as determined by FEMA, (b) wetlands, or (c) within 200 feet of the banks of streams, lakes and watercourses.

Principal Use Solar Energy Systems shall not be permitted (a) in designated Agricultural Security Areas, and (b) on property with soils that meet the applicable regulatory designation of "Prime Farmland" or "Soils of Statewide Importance" or "Farmland of Statewide Importance" as determined by the U.S. Department of Agriculture, Natural Resources Conservation Service, or other Pennsylvania Governmental Agency.

b. Application Requirements for PSEs

An application for a PSES permit shall include mapping that identifies the lands proposed for the facility, the proposed layout for the facility and a sketch showing details about the location in reference to residences, streams, and other features of the land; and a Project narrative that shall include an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar-energy system including such things as substations, and battery storage units, and

means of connecting to public utility electrical systems. Representative soil samples may be required establish compliance with location requirements.

The Application must include information about the changes to the landscape including information about proposed changes to the grade, vegetation etc. The Application must include information regarding any materials that may be hazardous or pose a hazard to ground waters. The Application must include the results of a study of threatened and endangered species. The Application shall include an affidavit or similar evidence of agreement between the property owner(s) and the solar-energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a solar-energy facility. The Application shall provide information sufficient to establish that the property meets the location requirements as set forth in this ordinance.

c. Development Standards

Before construction may commence, plans for the development meeting the requirements of the Township Stormwater Management Ordinance, the Subdivision and Land Development Ordinance must be submitted to the Township for review and approval, and all construction and development must comply with approved plans.

No more than 5% (five percent) of all existing forested land on any given parcel shall be cleared to host a Solar Energy System by the Solar Company or landowner in preparation of the project.

In addition, all Principal Use Solar Energy Systems developments must comply with all applicable Federal, State and local regulations and have permits required by any governmental regulatory agency with jurisdiction over any aspect of the development. Such requirements shall include, but shall not be limited to, Soil Erosion and Sedimentation Plans, and NPDES Plans. No construction may commence without required permits and approvals, and except in accord with all such permits and approvals.

The layout, design, installation, and ongoing maintenance of all Principal Solar Energy Systems shall conform to applicable industry standards, and shall comply with the PA Uniform Construction Code as applicable, and with all other applicable fire and life safety requirements.

The owner of a PSES shall provide the township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and tentatively approved of such connection.

d. Operational Standards

Principal Solar Energy Systems must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, or being in an unsafe condition or condition detrimental to public health, safety or general welfare. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment in a manner consistent with industry standards as needed to keep the PSES safe, and in good repair and operating condition.

e. Security Standards.

All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum six (6) foot high fence with a locking gate, or as designated by the Township.

The ground mounted PSES shall not be artificially lighted except to the extent required for safety, or applicable federal, state, or local regulations.

No portion of the PSES shall contain or be used to display advertising. Signs to warn of electrical or other hazards shall be appropriately displayed to provide reasonable notice. Signage shall comply with the prevailing sign regulations.

f. Non-Interference Standards

All solar energy systems shall be designed and located to ensure solar access without reliance on and/or interference from or with adjacent properties unless access or reliance permissions are obtained from the owner of the adjacent property.

Unless specific permission is obtained from the holder of an easement or right-of-way, ground mounted PSES shall not be placed within any legal easement or right-of-way location where solar would impede the operation of the facilities occupying the easement or right-of-way, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

All PSES shall be situated to eliminate glare onto nearby structures and roadways.

Widespread use of herbicides to control ground cover growth is prohibited.

g. Provisions for Emergency Responses.

At all times, the PSES owner and/or operator shall keep the Township informed of persons to contact in the event of any hazard, danger, event that causes harm to the facility, or emergency. Such information shall include names, titles, addresses, phone numbers, and email information for the persons responsible for the public to contact with inquiries and complaints throughout the life of the project.

Access. At a minimum, a 25' wide access road must be provided from a state or township roadway into the site. At a minimum, a 15 foot wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles.

Annual training for responding fire departments and emergency responders will be required for all personnel that would be called upon to engage an emergency of the site for purposes of protecting such personnel. This training will be paid for and provided by the Solar Company. Any specialized equipment and/or gear will need to be provided for the use of such emergency personnel.

h. Setbacks & Screening Standards.

No Ground Mounted Principal Solar Energy System facilities shall be located within 100 feet of a property line or the right of way of a public roadway. This shall not preclude the location of driveways or fencing which shall be setback a minimum of 50 feet from property lines.

No Ground Mounted Principal Solar Energy System facilities shall be located within 300 feet of any residential building.

No Ground Mounted Principal Solar Energy System facilities shall exceed a height of 20 feet.

Screening for Principal Solar Energy Systems shall be provided and maintained in the following manner.

Ground mounted PSES shall be screened from public roadways. The screen shall be at least six feet (6') in height and shall consist of plant materials which provide a year round visual screen, and which shall be planted within the first year of operation adjacent to or outside of the road right-of-way, and between the road-right-of-way and the solar perimeter fence.

Screening shall also be required between Ground Mounted Principal Solar Energy System facilities and adjoining properties on which residential uses are located. This screening may consist of any of the following: (a) six feet high opaque decorative fencing, (b) double staggered row of evergreen trees at least four feet high planted and spaced to create a continuous hedge within 5 years, or (c) natural forested buffer least 25 feet in width.

The Township may require an increase in buffering or screening as a condition of approval in the case of land developments, or conditional uses. Screening and buffering does not replace any requirement for security fencing.

- i. **Regulations for Roof Mounted Solar Energy Systems Which Are Principal Use Solar Energy Systems.** All Principal Use Solar Energy Systems that are placed on existing buildings or structures shall comply with the following requirements:

For a Principal Solar Energy System mounted on the roof of a building or other existing structure, the owner shall provide evidence that the plans comply with the Uniform Construction Code, and shall provide evidence certified by an appropriately licensed professional that the roof and structure(s) are capable of holding the load imposed on the structure.

For a Principal Solar Energy System mounted on roofs of any building or other structures shall be subject to the maximum height regulations specified for buildings within the applicable zoning district.

- j. **Regulations for Removal or Decommissioning of Solar Energy Systems Which Are Principal Use Solar Energy Systems.** Upon termination of use of all Principal Use Solar Energy Systems, the owner and/or operator of the PSES shall comply with the following requirements:

No construction of the PSES shall be undertaken until the owner shall have provided the Township with a Bond or other financial security in the form and amount acceptable to the Township, to secure the estimated expense of dismantling and removing said PSES, and restoration of the land for agricultural or other reasonable use, based on a consideration of the former use of the lands, and current estimated costs for removal and disposal net salvage value, and estimated useful life of the system, and an inflation factor.

This security shall remain in effect, without interruption, for the so long as the solar energy system facilities shall remain on the premises where located, subject to renewals as needed.

The amount of the financial security shall be in the amount of 110% of the estimated costs as so determined. During the operation of the facility, a new

estimate of cost for decommissioning prepared by the PSES owner's Engineer shall be submitted every ten (10) years to the Township. Upon approval of the estimated costs by the Township, in consultation with its engineer, which shall not be unreasonably withheld, a revised surety shall be provided to the Township in the amount of one hundred percent (110%) of the new estimate.

No construction of the PSES shall be undertaken until an affidavit, or other acceptable evidence, signed by the property owner and the PSES facility owner, has been provided to the Township confirming that the lease agreement with the landowner(s) contains a decommissioning (or similar provision) that provides for the dismantling and removal of the PSES, including all solar related equipment or appurtenances related thereto, including but not limited to buildings, electrical components, and other associated facilities from the property upon termination of operation of the PSES, which shall be in effect for so long as the PSES shall remain on the property, and shall apply to Successors and Assigns.

The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) consecutive months and the owner has not initiated remedial actions to return the PSES to a generating site.

If the PSES owner fails to dismantle and/or remove the PSES within eighteen (18) months of cessation or abandonment, the Township may arrange for and complete the decommissioning at the expense of the owner and/or operator of the PSES, or in default, at the expense of the landowner, and recover the costs by use of the Bond or other security or by other legal remedies permitted by law.

If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be returned to an environmentally stable condition.

Section 5. Remainder of Zoning Ordinance Unchanged. All other provisions of the Beaver Township Zoning Ordinance, as amended, shall remain in full force and effect except as modified by these amendments.

Section 6. Repealer. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 7. Severability. Should any section, part or provision of this Ordinance be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, and of any Code of which this Ordinance may be or may be considered to be part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

Section 8. Effective Date. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED into law by the Board of Supervisors of Beaver Township this 10th day of October, 2023.

Beaver Township Board of Supervisors

By: Robert E. Thompson
Chairman

By: Anthony J. A.
Supervisor

By: Tony Braden
Supervisor

Attest:

Brenda Braden
Secretary