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October 21, 2026

S.O. 487-012

**VIA EMAIL and U.S. Mail**
**(sobeaver@comcast.net)**

Ms. Ashley N. Carr, Secretary
South Beaver Township
805 Blackhawk Road
Beaver Falls, Pennsylvania 15010

**Subject: South Beaver Township Zoning Ordinance**
**South Beaver Township, Beaver County, Pennsylvania**

Dear Ms. Carr:

Transmitted herewith, please find the Draft Zoning Ordinance, dated October 20, 2026, for review and consideration by the South Beaver Township Board of Supervisors. The Draft Ordinance includes several key updates and revisions for improved clarity, functionality, and alignment with current planning objectives. The proposed changes to the ordinance have been highlighted for clarity.

The document has been revised to address comments regarding the following sections, along with associated changes to Definitions & Terms (Article 2): the Permitted and Conditional Uses Table (3-1), and the General Requirements for Off-street Parking Table (7-1). The ordinance also includes the addition of Section 8.24 Data Centers in Supplemental Regulations (Article 8) and revisions to Standards and Criteria for Conditional Uses (Article 9). Adjustments to the Noise limits were made in Performance Standards (Article 10).

These updates collectively improve the document's clarity, usability, and ability to address the Township's zoning and development needs. The updated ordinance aligns with the community's planning objectives and applicable statutory requirements.

Should you have any questions, please contact the undersigned directly (Ext. 236).

Sincerely,

John Heyl, P.E., CPESC

JRH:jnr

Attachment

cc/att: Nathan Morgan, Solicitor (nathanmorgan@gmail.com)
Jack Mintier, Jr., Chairman – South Beaver Township (fredyjac@yahoo.com)
Tom Miller – South Beaver Township Board of Supervisors (tom@millercontractingandexcavation.com)
Jake Rosenberger – South Beaver Township Board of Supervisors (jarose33@msn.com)

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# ARTICLE I

# TITLE, PURPOSE, GOALS, AND STATEMENT OF COMMUNITY OBJECTIVES

## SECTION 1.1 - TITLE

This Ordinance shall be known and may be cited as the **"SOUTH BEAVER TOWNSHIP ZONING ORDINANCE,"** and the Zoning Map referred to herein and adopted as part of this Ordinance shall be known as the "South Beaver Township Zoning Map."

## SECTION 1.2 - STATEMENT OF COMMUNITY OBJECTIVES

The community objectives and purpose of the provisions and regulations of this Ordinance, and any and all other land use ordinances of the Township of South Beaver, and any amendments to this Ordinance, including but not limited to an ordinance that repeals any part or all of this Ordinance, are and shall be made for the purpose of, and in accordance to, the Comprehensive Plan of the Township of South Beaver as same now exists or as same may hereafter be modified, so as to accomplish the purposes detailed and set forth in the Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, as amended, including but not limited to Section 604 thereof. The specific objectives of this Ordinance are extracted from the South Beaver Township Comprehensive Plan, general factors and circumstances that are and have been applicable to the historical, social and economic development circumstances within and about the Township of South Beaver and community areas adjacent to the Township of South Beaver, and legislative enactments of the Commonwealth of Pennsylvania and the various rules and regulations duly promulgated by the various agencies of the said Commonwealth.

Specific purpose and community development objectives of this Ordinance, or any amendments hereto, are and shall be as follows:

A. Promote the health, safety and general welfare of the residents of South Beaver Township and the general public as a whole;

B. Secure the safety of person and property from adverse conditions arising from land use and development;

C. Secure safety from fire, panic, hazardous elements or conditions, environmental pollution, noise pollution, or other dangers to either person or property;

D. Secure adequate natural light, air and preservation of other natural environmental elements, resources and conditions;

E. Prevent overcrowding of land and harmful congestion of population in the occupying and use of lands; and

F. Set standards per the housing, agriculture, commercial and industrial needs of and within the Township of South Beaver, and the preservation of existing safe uses and developments of land and the prohibition of unsafe uses and developments of land, or the natural resources of such land.

## SECTION 1.3 - STATEMENT OF COMMUNITY GOALS

The goal, purpose, and intent for community development by and through the enactment of this Ordinance is to provide for the balancing of land uses against current and anticipated needs and to assure due and proper utilization of development procedures and the density thereof to:

A. Enhance amenities of residential, agricultural, commercial and industrial environments;

B. Preserve or improve community appearance in conjunction with providing for orderly and cohesive development patterns and trends, with proper safeguards for preservation of amenities of greenery, open spaces, water ways or bodies, wetlands, or other natural and historical features of and within South Beaver Township;

C. Facilitate good and proper location of private and public facilities, including but not limited to consideration of the amenities and functional abilities of already existing streets, roads, highways, public utility services, and / or location and nature of existing municipal or quasi-municipal accouterments, and to assure adequate and proper location and distribution of same per the future development needs of South Beaver Township;

D. Safeguard against the occurrence of blight and deterioration of, or waste and friction between, current and future development uses; and

E. Encourage the most appropriate use of land throughout the Township of South Beaver with a maximum return for the convenience, comfort, protection, and welfare of the residents and / or the landowners and minimal expenditure of tax revenues for the providing of public services by the Township of South Beaver and / or other applicable governmental agencies.

## SECTION 1.4 - PURSUIT OF NEW COMMUNITY DEVELOPMENT OBJECTIVES

In recognition of the provisions of the Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, as amended, that in the implementation of the community development objectives as aforesaid, and the changing and revolving needs of society generally, it is hereby acknowledged and declared that circumstances do and may hereafter arise which may neither require or allow opportunity for the making of, or completion of, a new Comprehensive Plan and / or the amendment of the existing Comprehensive Plan of the Township of South Beaver, but which circumstances have and do necessitate the setting of new or additional community development objectives for land use and development and / or the enactment of new zoning or other land use ordinances without the adoption of a formal amendment to the existing community Comprehensive Plan or the adoption of a new community Comprehensive Plan. Under such circumstances and the necessities thereof, the Board of Supervisors of South Beaver Township shall in their sole discretion exercise their government authority and implementation of ordinances, resolutions or regulations in accordance to the enabling powers of the Second Class Township Code, being the Act No. 60 of 1995, as amended, the said Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, as amended, and such other enabling legislation whether cited herein or not, as now or as may hereafter exist.

## SECTION 1.5 - STATEMENT OF CONSISTENCY

This Ordinance is enacted with consideration for the natural and manmade environment of the Township of South Beaver, its various parts and the suitability of the various parts for particular uses and structures. The purpose of the provisions and regulations of this Ordinance, and any and all other land use ordinances of the Township of South Beaver, and any amendments to this Ordinance hereafter, including but not limiting to an ordinance that repeals any part or all of this Ordinance, are and shall be made for the consistent purpose of, and in accordance to, the Comprehensive Plan of the Township of South Beaver as same now exists or as same may hereafter be modified, and the purposes and community objectives detailed aforesaid, so as to accomplish the purposes detailed and set forth herein and in the said Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, as amended, including but not limited to Section 604 thereof.

## SECTION 1.6 - STATEMENT OF AUTHORITY

This Ordinance is enacted and promulgated under and pursuant to the authority of the Second Class Township Code, being Act No. 60 of 1995, as amended, the Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, as amended, the Aviation Code, being Act No. 164 of 1984, the Stormwater Management Act, being Act No. 167 of 1978, as amended, the Flood Plain Management Act, being Act No. 166 of 1978, as amended, the Agricultural Security Area Law, being Act No. 43 of 1981, as amended by Act No. 149 of 1989, and related laws and regulations.

## SECTION 1.7 - CONFORMANCE AND PERMITS

After the effective date of this Ordinance no structure or building shall be erected, reconstructed, structurally altered, enlarged or moved, and no structure, building or land shall be used, occupied or designed to be used unless in conformity with the regulations specified herein, either as a permitted or

non-conforming use per this Ordinance, for the zoning district in which it is located, and provided further, that such erection, reconstruction, altering of structure, altering of use, etc., is in compliance with all other applicable provisions of this Ordinance, and if applicable, then only after applying for and securing all permits, licenses and approvals required by all laws, ordinances, resolutions, regulations, and codes as may impose supplemental requirements to the requirements of this Ordinance.

# ARTICLE II

# DEFINITIONS AND TERMS

## SECTION 2.1 - INTERPRETATION AND STRICT CONSTRUCTION

For the purposes of this Ordinance, terms and words used shall be interpreted under and pursuant to the following concepts:

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

B. Words used in the singular number shall include the plural, unless the context indicates clearly to the contrary.

C. Words used in the plural number shall include the singular, unless the context indicates clearly to the contrary.

D. The word "person" shall include a corporation, partnership, association, or other legal entity of any nature whatsoever, as well as an individual.

E. The word "lot" shall include "plot" or "parcel" and vice-versa.

F. The words "shall" and "will" are always mandatory.

G. The word "may" is permissive.

H. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied now or in the future.

## SECTION 2.2 - WORDS, TERMS AND DEFINITIONS

A. MEANING OF WORDS AND PHRASES: For the purposes of this Ordinance, certain words and phrases shall be interpreted or defined as follows:

1. Unless otherwise expressly stated and / or the context clearly indicates otherwise in this Ordinance, the use of words and phrases as set forth and defined in Section 106 of the Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, as amended, with exception of the words "appointing authority", "governing body", and / or "planning agency" shall have the same meaning and use in this Ordinance as given and stated as to said words and phrases in said Section of said Act. For the purpose of this Ordinance the aforesaid excepted words or phrases shall have the following meaning and use in this Ordinance unless the context clearly indicates otherwise, namely as follows:

a. APPOINTING AUTHORITY: The Board of Supervisors of South

Beaver Township.

b. GOVERNING BODY: The Board of Supervisors of South Beaver Township.

c. PLANNING AGENCY: The Planning Commission of South Beaver Township.

2. Unless otherwise expressly stated and / or the context clearly indicates otherwise in this Ordinance, the use of words and phrases as set forth and defined in Section 5102 of the Aviation Code, being Act No. 164 of 1984, with exception of the word "planning agency", shall have the same meaning and use in this Ordinance as given and stated as to said words and phrases in said Section of said Act. For the purpose of this Ordinance, the aforesaid excepted word or phrase shall have the following meaning and use in this Ordinance unless the context clearly indicates otherwise, namely as follows:

PLANNING AGENCY: The Planning Commission of South Beaver Township.

3. Unless otherwise expressly stated and / or the context clearly indicates otherwise in this Ordinance, the use of words and phrases as set forth and defined in Section 4 of the Stormwater Management Act, being Act No. 167 of 1978, as amended, shall have the same meaning and use in this Ordinance as given and stated as to said words and phrases in said Section of said Act.

4. Unless otherwise expressly stated and / or the context clearly indicates otherwise in this Ordinance, the use of words and phrases as set forth and defined in Section 104 of the Flood Plain Management Act, being Act No. 166 of 1978, as amended, shall have the same meaning and use in this Ordinance as given and stated as to said words and phrases in said Section of said Act.

5.. Unless otherwise expressly stated and / or the context clearly indicates otherwise in this Ordinance, the following specific words and phrases set forth hereinafter shall have the meaning and use in this Ordinance as hereinafter stated and provided:

ACCESSORY BUILDING: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

ACCESS DRIVE: The area between the traveled portion of a roadway and a parking lot used by motor vehicles for access to and from the parking lot, but does not include an aisle.
ACCESSORY USE: A use customarily incidental and subordinate to the principal use of the land located on the same lot as the principal use; and not occupying more than forty percent of the net floor area of any one floor in the principal structure or not more than forty percent of the rear lot area.

ADULT-ORIENTED BUSINESS: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theatre, adult theater, escort, nude model studio, and / or sexual encounter center.

AGRICULTURAL: Any use which is a use for gain or pleasure in the raising of farm products, grain products, livestock, poultry and / or dairy products. It includes the use of necessary appurtenant structures and the storage of equipment used. Agricultural uses exclude the raising of animals that are solely raised as fur-bearing animals, riding academies, livery or boarding stables and kennels.

AGRICULTURAL OPERATIONS: Those operations which include activity as defined as Agricultural herein, and which may include tilling and cultivation of soils, and which qualify as earthmoving activities pursuant to the Rules and Regulations of the PA Department of Environmental Protection presently set forth in Chapter 102 of the PA Code.

AGRI-TOURISM: The practice of attracting travelers or visitors to an area or areas used primarily for agricultural purposes, including, but not limited to, overnight stays (lodging and camping), special events and festivals, recreation activities and events, fresh products and value-added products, tourism-enhanced direct marketing, and / or education. Agri-tourism may serve as a supplementary, complimentary, or primary enterprise of the area(s).

AI TRAINING: (See Artificial Intelligence (AI) Training)

AIR BED AND BREAKFAST: See “short term rental”

AIRPORT ELEVATION: The highest of an airport's useable landing area measured in feet from sea level. Relative to the Beaver County Airport, such airport elevation at time of adoption of this Ordinance is one thousand two hundred fifty-two (1,252) feet above sea level.

AISLE: The area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access drive.

ALLEY: A right-of-way which provides secondary access for vehicles to the side or rear of abutting properties.

ALTERATIONS: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side, front or back or by increasing height, or the moving from one location or position to another.

AMENDMENT: An official change in use in any district which includes revisions to the Zoning Ordinance text and / or the official zoning map; and the authority for any amendment lies solely with the Township Board of Supervisors.

AMUSEMENT PARK: A tract of land or an area used principally as the location for permanent amusement structures or rides for the entertainment of and use by members of the general public. ·

ANIMAL GROOMING FACILITY: An establishment for the grooming and aesthetic enhancement of domestic animals that does not include medical or surgical treatment or overnight boarding facilities.

ANTENNA*:* any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an

omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Communications Towers as defined later in this Chapter.

APARTMENT, GARDEN: A multi-family residential building no more than three stories in height containing three or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

APARTMENT, HIGH RISE: A multi-family residential building containing at least four floors or four stories in height.

APPLICANT: Any person, corporation, partnership, association or legal entity having completed forms provided by the Township relative to this Ordinance, and having submitted such completed forms to the Township with required application fee. An Applicant also may include the legal heirs, successors or assigns of the original Applicant. An applicant shall be a legal property owner and/or an authorized agent of the legal property owner.

APPLICATION FOR DEVELOPMENT: Every application, whether designated as preliminary or final, required to be filed and approved prior to start of construction, development, excavating and / or use of land and / or structure, including but not limited to an application for a building and / or zoning permit per the terms of this Ordinance and / or an application for subdivision of land, and / or an application for the approval of a development plan per the terms of the South Beaver Township Subdivision and Land Development Ordinance.

APPOINTING AUTHORITY: The Board of Supervisors of South Beaver Township.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline of an airport landing / takeoff field, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 13.2 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

ARCHITECT: A professional architect licensed as such in the Commonwealth of Pennsylvania.

ARCHITECTURAL PROJECTION: A decorative attachment and / or non-bearing portion of a building or structure, the primary purpose of which is for aesthetic enhancement of a building or structure, but may include the soffit and fascia portion of a roof of such building or structure.

AREA (BUILDING): The total of areas taken on a horizontal plane at the main grade level of the principal building or buildings upon a parcel of land exclusive of porches, terraces, steps and carports but inclusive of attached garages.

AREA (LOT / PARCEL OF LAND): The total area within the boundary lines of a lot or parcel of land.

ARTIFICIAL INTELLIGENCE (AI) (Super Intelligence): Artificial intelligence (AI) is the capability of computational systems to perform tasks typically associated with human intelligence, such as learning, reasoning, problem-solving, perception, and decision-making. It is a field of research in engineering, mathematics, and computer science that develops and studies methods and software that enable machines to perceive their environment and use learning and intelligence to take actions that maximize their chances of achieving defined goals. [Wikipedia: Russell & Norvig (2021), pp. 1–4.]

ARTIFICIAL INTELLIGENCE (AI) TRAINING: AI training is the computational process of teaching a machine learning model to identify patterns, make predictions, or generate content by analyzing massive datasets. It involves feeding data into an algorithm to adjust internal parameters (weights), effectively enabling the AI to learn without being explicitly programmed for every outcome.

AUTHORITY: A body politic and corporate created pursuant to Act No. 64 of 1945, as amended, known as the "Municipal Authorities Act of 1945."

AUTOMOTIVE REPAIR GARAGE: A building or any structure, or any portions thereof, designed and arranged to be used for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including but not limited to collision repair service, painting and steam cleaning of vehicles, and / or mechanical work upon the engine, drive train and / or suspension system of a motor vehicle.

AUTOMOTIVE SALES AND SERVICE: A retail establishment which may include one or more of the following: an open area, other than a street, for the display and sale or rental of new or used automobiles and light duty trucks; buildings which may contain offices and showrooms; an area within a completely enclosed building where reconditioning, preparation, accessory installation, repairs and / or servicing of vehicles is performed.

AUTOMOTIVE SERVICE STATION: A building or any structure, or any portions thereof, designed and arranged to be used for the retail sale of gasoline, and / or the making of minor or major repairs, and / or the inspection of motor vehicles.

BAKERY: See FOOD AND GROCERY STORE.

BANK / FINANCIAL INSTITUTION: A bank, savings and loan association and / or other similar institution that lends money or is engaged in a finance-related business.

BAR / NIGHTCLUB: An establishment where the principal use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an accessory use.

BASE FLOOD: A base flood is a flood with a one (1%) percent chance of being equaled or exceeded in any given year.

BASEMENT: Any portion of a building that is partly or completely below ground or the adjacent ground level of the lot.

BATTERY ENERGY STORAGE SYSTEM (BESS): A type of energy storage solution that can provide backup power for microgrids and assist in load leveling and grid support. Battery Energy

Storage Systems are prohibited from using lithium or lithium-ion batteries. If hydrogen fuel cells are used, hydrogen production and/or storage is prohibited on site.

BEAVER COUNTY AIRPORT: The airport of the County of Beaver situated in Chippewa Township, Beaver County, Pennsylvania.

BED AND BREAKFAST: A detached dwelling which is the principal residence of the operator and in which a maximum of five (5) sleeping rooms are provided for overnight guests for a period of not more than fourteen (14) consecutive nights in a 30-day period, with or without breakfast meals, for compensation. This definition shall not include a boarding house, rooming house, group home, motel, or hotel.

BILLBOARD: See SIGN – BILLBOARD.

BLOCK: A unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of or to development.

BLOCK CHAIN:A distributed database of ledger of transactions, shared among a computer network's nodes that are peer-to-peer utilized linked, best known for their crucial role in cryptocurrency systems. Block chains are utilized for maintaining a secure and decentralized record of transactions that are not limited to cryptocurrency uses. Blockchains can be used to make virtual data in any industry immutable (unable to be modified, edited, or delated), meaning any changes or duplications are visible and traceable.

BOARD: The Zoning Hearing Board of South Beaver Township established by this Ordinance.

BOARD OF SUPERVISORS: The Board of Supervisors of the Township of South Beaver, Beaver County, Pennsylvania.

BOARDING STABLE: A structure designed for the feeding, housing, and exercising of horses not all owned by the owner of the premises. A "boarding stable" may be a stable at a Horse Racing Facility.

BREW PUB: A business for the manufacture, packaging, and storage of beer. A brew pub may have on-site sale and consumption of the manufactured beer, other alcohol, and / or food. A brew pub may also have wholesale and limited retail sale of manufactured beer for off-site consumption.

BREWERY: A facility for the production and packaging of beer and other malt beverages for distribution, retail, or wholesale, which does not provide for the consumption of alcoholic beverages on site.

BUFFERYARD: A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes, and / or other natural landscaping material or an existing natural or constructed natural barrier which duplicates the effect of the required bufferyard.

BUILDING: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, regardless of the combination of materials used to form same.

Included in the definition of "building" shall be all mobile homes, a/k/a as manufactured homes or manufactured housing, mobile trailers requiring special hauling permits, and / or modular homes or sectional homes, a/k/a industrial home or industrial housing, any of which are useable for human habitation, office area or storage purposes. Also included in the definition of "building" is that same may or can be an occupied structure with walls and roof within which a person may live or may customarily work.

BUILDING COVERAGE: The horizontal area measured within the outside of the exterior walls of the ground floor of the principal and / or accessory building upon a lot or parcel of ground.

BUILDING, FRONT LINE OF: The line of the face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps, patios, or architectural projections.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the foot of the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE: The line within a lot or parcel of land defining and establishing the required minimum distance between any enclosed structure and the adjacent street right-of-way or the property line of an adjacent lot or parcel of land. The building line as to a particular lot or parcel of land shall be located at the minimum yard line established and / or required in each Zoning District for principal and accessory structures or buildings, subject to the provisions of this Ordinance.

BUILDING PERMIT: Written permission issued by the proper official of the Township of South Beaver permitting the commencement and completion of the construction, repair, alteration or addition to a building or structure. Such permit may also be referred to as a "Building / Zoning Permit". A permit shall expire if construction work as to a building / use is not completed within three (3) years after the permit's issuance unless otherwise defined in this Ordinance.

BUILDING - PRINCIPAL: A building in which is conducted, or is intended to be conducted, the principal use of the lot or parcel on which it is located.

BUILDING - PUBLIC: Any structure owned or operated by a municipality, a school district, an authority, or an appointed agency of same.

BUSINESS AND PROFESSIONAL OFFICE: Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

CARPORT: An open space for the storage of one (1) or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one (1) or more walls may be the walls of the building or structure for which the carport is an accessory use.

CAR WASH: A structure or area used for the purpose of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles but not including an incidental one-bay washing facility in a gasoline service station where washing facilities are accessory to the operation of said service station. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be a car wash. No vehicle repairs or sale of petroleum, fuels or lubricants shall be performed in association with the car wash.

CASINO: A business establishment where the principal use is legal gambling activities and that may also include a restaurant or nightclub as an accessory use.

CEMETERY: An area of land that is reserved for the burying of the dead and that could contain mausoleums and columbaria but not crematoriums.

CERTIFICATE OF OCCUPANCY: A statement, based on an inspection, signed by the Zoning Officer, setting forth either that a building or structure, and / or that the use of land, complies with this Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for specified use or both. A "Certificate of Occupancy" issued by the Zoning Officer per this Zoning Ordinance is an additional permit to the "Construction Code Occupancy Permit" as required by the South Beaver Township Construction Code Ordinance.

CHICKEN: See "Fowl."

CHICKEN RUN OR PEN: A fenced or otherwise enclosed area that is mostly open to the elements, designed to allow chickens to leave the henhouse or coop while remaining in a predator-safe environment. A chicken run or pen is typically attached to the henhouse or chicken coop.

CHURCH: See PLACE OF WORSHIP.

CLEAR SIGHT TRIANGLE: That area between the intersecting lines of two streets, alleys or roadways (public or private), and at a minimum, a point seventy-five (75) lineal feet from that point of said intersecting lines. Where an urban collector or arterial street or roadway is one or both of the intersecting streets or roadways, the lineal distance from the point of intersection is extended to one hundred fifty (150) lineal feet.

COLLECTOR PIPELINE: See definition of GATHERING LINES.

CO-LOCATION: The mounting of one or more Wireless Communication Facilities (WCFs), including antennae, on an existing Communication Tower, or on any structure that already supports at least one Communication Antenna.

COMMERCIAL: Engaging in a business, enterprise, activity, or other undertaking for profit.

COMMON OPEN SPACE: A parcel or parcels of land and / or an area of water, or a combination of land and water within a development site, designed and intended for the common use of the residents of a planned residential development and / or other site development permitted and / or authorized per the provisions of this Ordinance, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATION ANTENNA: All non-tower Wireless Communications Facilities, including but not limited to, antennae and Related Equipment attached to the wireless support structure. Communication Antennas shall not include support structures for antennae or any Related Equipment that is mounted to the ground or at ground level.

COMMUNICATION TOWER: Any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. Distributed antenna system hub facilities are considered to be Communication Towers.

COMMUNITY CENTER: A facility developed privately or with public funding designed to provide meeting rooms, recreational activities, library or public service offices.

COMPREHENSIVE PLAN: The Comprehensive Plan of South Beaver Township.

CONDITIONAL USE: A use permitted in a particular zoning district, pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended.

CONDOMINIUM: A building or complex of buildings containing a number of individually owned apartments.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface, in this case a landing strip or runway of an airport, at a slope of twenty to one (20:1) for a horizontal distance of four-thousand (4,000) feet.

CONTRACTOR SUPPLY YARD: A lot or portion of a lot or parcel of land used to store equipment and / or materials used by the contractor, which may or may not include, office space for the contracting business.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, or parts thereof, including but not limited to the placement of mobile homes.

CONSTRUCTION CODE: The specifications applicable to the construction standards relative to the erection, construction or placement of any new structure or the remodeling or alternation of any existing structure per the Ordinance of South Beaver Township enacted pursuant to the authority of Sections 1517 and 1518 of the Second Class Township Code and the Pennsylvania Construction Code Act, which Ordinance is herein after referred to as the South Beaver Township Construction Code Ordinance, Ordinance No. 68, which became effective April 9, 2004. .

CONSTRUCTION CODE PERMIT: The permit required to be issued per the provisions and requirements of the South Beaver Township Construction Code Ordinance, Ordinance No. 68, which Construction Code Permit when required and applicable is an additional or supplemental permit required to be issued and obtained prior to the commencement of any construction or erection of a new structure, or the remodeling or alteration of any existing structure, in South Beaver Township. A Building/Zoning Permit issued pursuant to this Zoning Ordinance is not a Construction Code Permit.

CONSTRUCTION CODE OCCUPANCY PERMIT: The permit required to be issued per the provisions and requirements of the South Beaver Township Construction Code Ordinance, Ordinance No. 68, which Construction Code Permit when applicable is an additional or supplemental permit required to be issued and obtained prior any occupancy of any new structure or remodeled/altered existing structure in South Beaver Township. This permit is issued by the Construction Code Administrator and/or Construction Code Inspector/Processor. The Zoning Occupancy Permit issued pursuant to this Zoning Ordinance is not a Construction Code Occupancy Permit.

CONVENIENCE STORE: A retail establishment offering for sale food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 8,000 square feet.

COVERAGE, LOT: That portion or percentage of a parcel or lot of land covered by structures or buildings and other impervious surfaces, including but not limited to parking facilities.

CRYPTOCURRENCY: Digital or virtual currency used as an electronic medium of exchange that is not a representative of U.S. or foreign hard currency. Units of cryptocurrency are generally referred to as coins or tokens. Crypto currency utilizes cryptography to secure transactions that are digitally recorded on a distributed ledger, such as blockchain. Distributed ledger technology uses independent digital systems linked in a peer-to-peer network, share, and synchronize transactions, the details of which are recorded in multiple places at the same time with no central data store or administration functionality.

CRYPTOCURRENCY MINING: Cryptocurrency mining is a data-centered business involving the operation of specialized computer equipment for the purpose of "mining" one, or more blockchain-based cryptocurrencies, such as Bitcoin. This activity, which is also termed "proof of work," involves the solving of algorithms as part of the development and maintenance of a blockchain. Typical physical characteristics of cryptocurrency mining include specialized computer hardware and associated software. For mining operations, equipment to cool the hardware and space(s) to operate the hardware. For purposes of the associated regulations, cryptocurrency or any other type of virtual currency, nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers (blockchains).

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DAM: An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semi-fluid, or a refuse bank, fill or structure for any purpose, which does or may impound water or another fluid or semi-fluid.

DATA CENTER: A building, or buildings, and associated structures, equipment, facilities, and/or telecommunication equipment, where digital information is processed, transferred, and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building or other facility. This use shall also include

cryptocurrency mining, blockchain transaction processing, Artificial Intelligence (AI) training, and server farms.

1. RETAIL DATA CENTERS: lease space and equipment in the data center to multiple companies or to a single company with turnkey data center service. The data center operator provides day-to-day operational services.

2. WHOLESALE DATA CENTERS: also lease space in a data center building to multiple companies, or more commonly a single company, but provides only the space within the data center and power. The lessee provides, operates and maintains the computing infrastructure it needs.

3. HYPERSCALE DATA CENTERS: are large facilities built by a single company to meet their specific needs. They are primarily used for cloud storage, artificial intelligence, subscription-based software, and other processes that require massive computing capacity. They are designed to be scalable (up or down) to meet changing demand and workloads.

DATA CENTER ACCESSORY USE: Ancillary uses secondary to, and incidental to a Data Center use, including, but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; power supply systems including electrical substations, transformers, fuel cells, generators, peaking power plants, and similar systems and components; systems, equipment, facilities, and/or components used in the cooling of the data center and its components; telecommunication and "cloud communications," and mechanical or environmental control uses when employed in the support or enabling of a Data Center.

DATA CENTER EQUIPMENT ("DCE"): Ancillary structures secondary to, and incidental to a Data Center, including, but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures sources of electrical power, such as generators used to provide temporary power when the main source of power is interrupted or demanded (peaking power plants); systems, equipment, facilities, and/or components used in the cooling system including, but not limited to fans, blowers, water or other liquid cooling pumps; power supply systems, including electrical substations, transformers, fuel cells, generators, and similar systems and components; telecommunication(s), fiber optic, and/or "cloud" communications equipment, and mechanical or environmental controls when used in the support or enabling of a Data Center. All "DCE" shall be considered an Accessory Use.

DATA CENTER PARK (CAMPUS): a tract of land, developed as an integrated, planned development that is laid out exclusively for a group of three (3) or more Data Centers and their associated and accessory structures and uses, with no unrelated uses within the park, and having separate building sites and structures that are in accordance with the with, and complying with the requirements of Section 8.24 of the Zoning Ordinance, South Beaver Township Subdivision and Land Development Ordinance (SALDO), and other applicable ordinances of the South Beaver Township Code of Ordinances.

DATA CENTER ELECTRICAL SUBSTATION: A facility used for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically Data Center users on the same or adjacent site, or on a site immediately across a road right-of-way.

DATA CENTER OPERATOR: A person or entity responsible for the post-construction operation of a data center.

DATA MINING: The process of using computers and automation to search large sets of data for patterns and trends, turning those findings into business insights and predictions. Data mining goes beyond the search process, as it uses data to evaluate future possibilities, trends, future probabilities and develops actionable analyses. Data mining includes the process of cryptocurrency mining and AI model training.

DAY CARE CENTER: A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit, for the care during part of a 24-hour day of children under the age of 16, or people with disabilities or elderly persons.

DAY NURSERY SCHOOL: A facility, licensed by the Commonwealth of Pennsylvania, designed to provide daytime care and educational instruction for compensation to children who are not related to the operator.

DECK: A porch or other attachment to a residential building, without enclosure or roof overhead, but may include side or safety rails.

DENSITY, RESIDENTIAL: A measure of the number of dwelling units which occupy, or may occupy, an area of land. The ratio of the total number of dwelling units to the total acreage or area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way whether interior or exterior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc.

DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who proposes and / or makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN: Includes any and all provisions for development, including but not limited to planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and / or public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials of items referred to, and / or included, in this definition. A "development plan" shall portray and detail any proposed man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving of land surfaces, utilities, filling, grading, excavating, mining, dredging, or drilling operations. (See LAND DEVELOPMENT)

DISTILLERY: A distillery business containing a tasting room where spirits are manufactured, packaged, sold, and / or stored on the premises.

DISTRICT OR ZONING DISTRICT: An area constituted by or pursuant to this Ordinance and delineated by text and map as to location, extent, nature and contents.

DRILLING PAD: See definition of "Oil or Gas Drilling Pad".

DRIVEWAY: A minor vehicular way providing access between a street or road and a parking area or garage within a lot or parcel of ground.

DRUG STORE/PHARMACY: A retail store which does not generally exceed 5,000 square feet of gross floor area and which primarily sells prescription drugs, patient medicines, and surgical and sickroom supplies.

DWELLING: A structure or portion thereof which is used exclusively for human habitation. A "dwelling" may be of any of the following types:

SINGLE-FAMILY DETACHED DWELLING: A dwelling unit which is designed for accommodating and occupied by not more than one (1) family and having two (2) side yards, a front yard and rear yard.

TWO-FAMILY DWELLING: A building having two (2) dwelling units and containing provision for residing of two (2) families and may be either semi-detached with one (1) family living on either side of a common party wall, or with one (1) family living over the other, with each dwelling unit having its own exterior entrance door, and having one (1) side yard adjacent to each dwelling unit where applicable.

TRIPLEX DWELLING: A building having three (3) dwelling units and containing provision for residing of three (3) families and may be either semi-detached with families living on opposite sides of a common party wall, or with one (1) family living over two (2) families or two (2) families living over one (1) family, with each dwelling unit having its own exterior entrance door, and having minimum side, front and rear yards to the building as required within the district same is permitted.

QUADPLEX: A detached building designed for or occupied exclusively as a residence and where the building is divided by two common party walls into four distinct dwelling units where each dwelling unit has direct access to the outdoors.

MULTI-FAMILY DWELLING: A building having more than four (4) or more separate dwelling units and designed to be used or occupied as a residence by four or more families living independently of each other. The same may include:

1. An "Apartment Building", either “Garden” or “High Rise” as defined herein.

2. A "Townhouse", as defined herein.

DWELLING UNIT: Any building or portion thereof which is designed and used exclusively for residential purposes of and by one (1) family, and includes sleeping area with complete kitchen and bathroom facilities serving such unit.

EASEMENT: A grant of the specified use of a parcel of land or part thereof, to the public, a corporation or a certain person or persons.

ENERGY GENERATION FACILITY: Any structure or portion thereof which is designed and used exclusively for the large scale generation of electrical power for the use by either a single user or the general public.

ERECT OR ERECTED: Includes built, constructed, reconstructed, moved upon or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.

EROSION: The movement or removal of natural surface materials of land by the action of natural elements, including but not limited to the effect of rain or wind.

ESSENTIAL SERVICE INSTALLATIONS: The erection, construction, alteration or maintenance of public utilities, by municipal departments or commissions, of underground or overhead gas, electrical, telephone or communication transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities, or municipal departments, or commissions, relative to consumer land use within South Beaver Township, as necessary for the public health, safety or general welfare of persons within said Township.

EMERGENCY: A condition that:

1. Constitutes a clear and immediate danger to the health, welfare, or safety of the public, or
2. Has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

EVENT VENUE: A facility designed primarily for hosting private special events on a contractual basis, including but not limited to weddings, banquets, anniversaries, holiday gatherings, trade shows, corporate functions or meetings, and other similar functions. Event venues may sometimes include a catering use and may be a principal or accessory use where permitted by the underlying zoning.

EXCAVATION: Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

FAMILY: One (1) or more persons who live together in one (1) dwelling unit and maintain a common household. May consist of a single person or of no more than five (5) unrelated persons.

FARM: Any parcel of land which is used for gain or pleasure in the raising of agricultural products, livestock, poultry and / or dairy products. It includes necessary farm structures within the prescribed

limits and the storage of equipment used. It excludes the raising of animals that are solely raised as fur-bearing animals, riding academies, livery or boarding stables and kennels.

FARM, COMMUNAL OR COOPERATIVE: A farm where land and resources are collectively managed by a community, with or without profit-sharing. Or a farm where land is divided into individual plots rented to separate tenants, each responsible for managing and cultivating their plot. In no case shall an individual plot for lease be less than one acre.

FARM STAND: A booth or stall located on a farm from which produce and farm products of the farm are sold to the general public.

FCC: Federal Communications Commission.

FENCE: Any construction of wood, masonry, or metal or coated metal, or any other substance erected for the purpose of providing privacy, protection or aesthetic quality.

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

FLEX SPACE: A building or buildings that can be divided in use by one tenant or multiple tenants primarily for office, light manufacturing, pilot manufacturing, research and development, warehousing, and associated administrative space.

FLOOD: A temporary inundation of normally dry land areas from the overflow of rivers, streams, water courses, or other inland water.

FLOODPLAIN AREA, also called a FLOODPLAIN: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and / or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPLAIN REGULATIONS: All land developments must meet the requirements of the Township's adopted Flood Plain regulations included in Ordinance No. 82, adopted on August 10, 2015, as amended.

FLOWBACK IMPOUNDMENT POND OR CONTAINER: A pond, reservoir, tank or other method of storage of flowback water from the drilling and / or operation of an oil or gas well located at or in the immediate proximity of an oil and gas well, and only to exist upon being granted a Permit by the Commonwealth of Pennsylvania or its agencies.

FOOD & GROCERY STORE: Retail establishments that primarily sell food products including supermarkets, bakeries, dairies, or delicatessens; but not including convenience stores.

FOREST: Areas, groves or stands of mature or largely mature trees (i.e. greater than six inches [6"] caliper [diameter] at a height of fourteen inches [14"] above the ground) covering an area greater than one (1) acre; or groves of mature trees (greater than twelve inches [12"] caliper [diameter] at a height of fourteen [14] inches above ground) consisting of more than thirty (30) individual trees.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FOWL: Any domesticated species of bird raised primarily for agricultural or personal purposes, including the production of eggs, meat, feathers, or for ornamental purposes. This includes chickens, turkeys, ducks, quail, and geese.

FRACKING: The process of injection of water, customized fluids, sand, steam or other gaseous items into a gas or oil well, under pressure, for the purpose of extracting gas or oil from any strata beneath the surface of land.

FREIGHT AND TRUCK TERMINAL: A building and adjacent loading area where cargo is stored and where commercial vehicles load and unload cargo on a regular basis which may or may not include facilities for maintenance, fueling, storage or dispatching of the vehicles.

FRESHWATER IMPOUNDMENT POND: A facility used to store several hundred or thousand gallons of water to be used in the hydraulic fracturing process. A freshwater impoundment pond shall also include a flowback impoundment pond or container.

FRONTAGE: That side of a lot or parcel of land abutting on a street or road; the front lot line.

FUNERAL HOME: A building used for the embalming of the deceased for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE - PRIVATE: An accessory building designed as an enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident or non-occupier of the premises.

GARAGE: A building or structure where motor vehicles can be temporarily stored or parked.

GATHERING LINES: Any pipeline used to transport natural gas or other hydrocarbon substances for a gas or oil well production facility, e.g. a producing oil or gas well, to a transmission pipe line or main pipeline owned and operated by a Public Utility Corporation or other entity.

GOVERNING BODY: The Board of Supervisors of South Beaver Township.

GREENHOUSE HORTICULTURE FOR COMMERCIAL / RETAIL SALES: The production of horticultural crops within, under or sheltered by structures to provide modified growing conditions and / or protection from pests, diseases and adverse weather. In its broadest definition, greenhouse horticulture includes the use of greenhouses and glasshouses, shade houses, screen houses and crop top structures. These facilities typically include businesses primarily engaged in the processing, selling, and distributing of indoor and outdoor grown plants and landscaping materials.

GROSS FLOOR SPACE: The sum of the gross horizontal areas of several floors of a building, excluding unfinished basement floor areas, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between the exterior faces of walls.

GROUP CARE FACILITY: An establishment, including but not limited to, an assisted living facility, independent living facility, and personal care home, that provides room and board to persons who are residents by virtue of receiving supervised specialized services limited to health, social and / or rehabilitative services provided by governmental agencies, their licensed or certified agents, or any responsible non-profit corporation meeting the minimum requirements of the sponsoring agency. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency; however, no less than one responsible adult shall always be in the actual facility on a 24-hour basis. The number of residents shall not exceed 14 persons, excluding supervisory adults and the children of supervisory adults. This category shall not include correctional facilities or other facilities operated by or under the jurisdiction of any government bureau of corrections or similar institution.

GROUP RESIDENCE: A dwelling unit in a residential area where room and board are provided to six or fewer unrelated persons of any age who are permanent residents, who are people with mental or physical disabilities and who are in need of supervision and specialized services, including necessary staff who may or may not reside in the dwelling and who provide health, social and / or rehabilitative services to the residents; such services being provided by a governmental agency, its licensed or certified agents or any other responsible nonprofit corporation meeting the minimum requirements of the sponsoring agency. This category shall not include correctional facilities or other facilities operated by or under the jurisdiction of any government bureau of corrections or similar institution.

HASH RATE: The total combined computational power used to mine data and/or cryptocurrency/data and to process transactions.

HAZARDOUS MATERIALS OR SUBSTANCES: A substance or combination of substances, whether a product or waste, if not properly used or otherwise managed, treated, stored, transported, can or might create a threat to public health or safety though direct or indirect introduction into the atmosphere or into ground water resources and subsurface environment which includes the soil and all subsequent materials located below, are classified as hazardous materials, and include but are not limited to one or more of the following:

1. All such items included and identified as "Hazardous Substances" and as "Toxic Materials" in the Federal Clean Water Act.

2. All such items included and defined as "Hazardous Substances" in the federal Comprehensive Environmental Response, Compensation and Liability Act.

3. All such items included and identified in "Subpart Z - Extremely Hazardous Materials" of the federal Occupational Safety and Health Act, 29 CFR, Part 1910.

4. All such items included and defined as "Hazardous Waste" in the federal Resource Conservation and Recovery Act.

5. All such items included and identified in the latest edition of the Commonwealth of Pennsylvania Department of Labor and Industry's "Hazardous Substance List" or as being proposed for inclusion, or included, in the PA Oil and Gas Act.

6. All such items included and identified as "Hazardous Waste" in the Rules and Regulations of the PA Department of Environmental Protection presently set forth in Chapter 75 of the PA Code.

7. All such items included and / or identified or referred to in Section 902 B of the South Beaver Township Subdivision and Land Development Ordinance.

HEAVY MANUFACTURING: The mechanical or chemical transformation of raw materials or substances into new products or other raw materials or any manufacturing process not included in the definition of Light Manufacturing as defined in this Chapter.

HEIGHT OF A COMMUNICATION TOWER: The vertical distance measured from the ground level, including any base pad, to the highest point on a communications tower, including antennae mounted on the tower and any other appurtenances.

HEN: a female chicken, broadly: a female bird

HENHOUSE OR CHICKEN COOP: A fully enclosed structure designed to provide shelter for chickens or other fowl.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior of the principal structure is designed and constructed to maintain the appearance of a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein; including, but not limited to the following occupations: the professional practice of medicine, dentistry, architecture, law, engineering, surveying, or other similar personal service occupations, artists, beauticians, barbers and veterinarians, excluding stables or kennels; and does not permit the employment of more than two persons not living on the premises. A Home Occupation may also include a business or commercial activity as a “No-Impact Home-Based Business”.

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association which is organized in a development in which individual owners share common interests in the maintenance of open space or facilities.

HORIZONTAL SURFACE: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone. In reference to the Beaver County Airport, the AZD-5, Beaver County Airport Horizontal Overlay District, is such a horizontal zone.

HORSE RACING FACILITY: A thoroughbred and / or harness horse racing facilities duly licensed by the Pennsylvania Horse Racing and Harness Racing Commissions or any successor agency to said Commissions, which horse racing facilities shall include race track areas, grandstand areas, clubhouse structures, stable areas and barns, paddock, dormitory, cafeteria, administrative and maintenance facilities, and which facilities may include pari-mutual wagering operations, slot machine operations or other on-site gaming activities as permitted and licensed by the Commonwealth of Pennsylvania.

HORTICULTURE: The science and act of growing fruits, vegetables, flowers, or ornamental plants.

HOSPITAL: An establishment that provides diagnostic health services and extensive medical, surgical and / or psychiatric services and / or treatment either through inpatient care or on an emergency outpatient basis.

HOTEL: An establishment which provides transient lodging accommodations to the general public and which may provide such additional supporting services as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

HYDRAULIC FRACTURING: A stimulation treatment routinely performed on oil and gas wells in low-permeability reservoirs. Specially engineered fluids are pumped at high pressure and rate into the reservoir interval to be treated, causing a vertical fracture to open. The wings of the fracture extend away from the wellbore in opposing directions according to the natural stresses within the formation, such as grains of sand of a particular size, is mixed with the treatment fluid to keep the fracture open when the treatment is complete. Hydraulic fracturing creates high-conductivity communication with a large area of formation and bypasses any damage that may exist in the near-wellbore area.

IMPERVIOUS SURFACE: Impervious surfaces are those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any area in concrete and asphalt shall be considered impervious surface within this definition. In addition, other areas determined by a professional engineer selected by South Beaver Township to be impervious within the meaning of this definition will also be classified and governed as impervious surfaces.

IMPOUNDMENT POND: A natural or artificial basin, which contains or will contain water or other fluid or semi-fluid impounded therein, with or without construction of a dam. See also definitions of "Flowback Impoundment Pond or Container", "Reservoir", and “Freshwater Impoundment Pond”.

IMPROVEMENTS: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots or parcels of land.

INDEPENDENT POWER GENERATION: Microgrid power generation and/or storage for Data Center(s) and/or Data Center Park usage, including but not limited to: solar, wind, fossil fuel, nuclear energy generating systems, or other power generating system(s).

INDOOR RECREATION FACILITY: A use consisting of indoor facilities for the pursuit of sports, recreation and leisure activities including, but not limited to, tennis or racquet clubs, fitness clubs, swimming pools, bowling alleys and similar facilities.

INDUSTRIAL: The manufacturing, compounding, assembling, processing, packaging or treatment of raw material or other products.

INDUSTRIAL HOME, INDUSTRIAL HOUSING, MODULAR HOME and / or SECTIONAL HOME: A transportable (transported by auxiliary means or towed on separate running gear) single-family dwelling consisting of two or more constructed units assembled or built at a manufacturing facility to be transported to a building site to be combined or joined into one single, integral dwelling unit by incidental unpacking and assembly operations, which may be temporarily or permanently affixed to real estate with or without a permanent foundation, designed for use and to be used for non-transient residential purposes, and constructed with and connected to the same or similar electrical, plumbing and sanitary facilities as immobile housing, having a minimum of one thousand (1,000) square feet of habitable floor area. The terms "Industrial Home", "Industrial Housing", "Modular Home" and "Sectional Home" are used and to be recognized interchangeably in this Ordinance. The term does not include recreational vehicles or travel trailers, sometimes referred to as camping trailers, mobile homes or manufactured home, but does include the commonly used reference of "double-wides." The Certification of the Installer of such units required by legislation of the Commonwealth of Pennsylvania shall be placed in the Township's file relative to the Building / Zoning Permit issued for each such unit. An industrial home, modular or sectional home may be located within a mobile home park at the discretion of the owner of the mobile home park.

JUNK: Any worn, cast-off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage, recycling or conversion to some other use. The definition of junk includes motor vehicles not in running condition, stored in the open, not being restored to operation, and unlicensed without a current Pennsylvania State Inspection Sticker. Any such article or material which, without alteration, disassembly, unfastening, reconditioning or changing can be used for its original purpose as readily as when new, shall not be considered junk.

JUNK - AUTOMOBILE: A motor vehicle not in running condition, stored in the open, not being restored to operation, unlicensed and without a current Pennsylvania State inspection sticker.

JUNKYARD: The use of more than one hundred (100) square feet of the area of any lot for the storage, keeping or abandonment of junk, including scrap material from the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or equipment or parts thereto. A "junkyard" shall include an automobile graveyard or motor vehicle graveyard, and an automotive recycling facility.

KENNEL/ANIMAL RESCUE: A commercial establishment which includes the keeping of four (4) or more dogs or other domesticated animals that are more than six (6) months old and in which such animals are housed, groomed, bred, boarded, trained, or sold, most likely for a fee or other compensation. This definition also includes animal rescue facilities which house domesticated animals and may not operate for fee or compensation.

LAKES AND PONDS: Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such water bodies shall be measured from the maximum condition rather than permanent pool if there is any difference. Lakes are bodies of water two (2) or more acres in extent. Ponds are bodies of water less than two (2) acres in extent.

LAND DEVELOPMENT: Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

   a. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenants; or

   b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of street, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.

3. Development other than those activities specified as exclusions in Section 503 (1.1) of Article V of the Municipalities Planning Code, Act 247, as amended.

LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if the lessee is authorized under the lease to exercise the rights of the landowner, or other person, corporation or legal entity having a proprietary interest in the land.

LANDSCAPING SERVICE CENTER - RETAIL: A business primarily engaged in selling indoor or outdoor grown plants and landscaping materials to the general public.

LANDSCAPING SERVICE CENTER - WHOLESALE: A business primarily engaged in the processing, selling and distributing indoor or outdoor grown plants and landscaping materials to industrial, commercial, institutional or professional users or to other wholesalers.

LIFE CARE FACILITY: A facility for the transitional residency of elderly and / or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing-care nursing home facility.

LIGHT INDUSTRY: See LIGHT MANUFACTURING.

LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, air pollution, fire hazard, or noxious emissions which will disturb or endanger neighboring lots. Light manufacturing includes the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods and food products, but no animal slaughtering, curing nor rendering of fats.

LOADING SPACE OR UNIT: An off street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials and which abuts upon an alley, street or other appropriate means of access, and which is both wide and long enough to accommodate delivery trucks off the roadway so that deliveries do not impact the flow of traffic along the roadway on which the business receiving the delivery is located.

LOGGING: The act of cutting and removing trees and all activities related thereto, for cordwood, lumber, for pulp or for any commercial purpose, excepting therefrom a landowner cutting on his own property for his own use, the cultivation and harvesting of Christmas Trees, or the clearing for development of building sites of one acre or less. See also definition for Timber Harvesting; the terms "logging" and "timber harvesting" are used interchangeably.

LOT: A tract or parcel of land designated for conveyance, or transfer of ownership; improvement lease or sale, whether immediate or future, and / or a parcel of land, used, set aside and available for use as the site of one (1) or more buildings, structures, and / or any building accessory thereto or for any other purpose and not divided by a street or road, nor including any land within the right-of-way of a public or private street upon which said parcel of land abuts, even if the ownership to such right-of-way belongs to the owner of the lot. A lot for the purpose of this Ordinance may or may not coincide with a lot of record. A "lot" shall and may include a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA: The area of a lot or parcel of land within its property lines, provided that the area shall be measured to the public street right-of-way line only, and not including any part of a public or private street, alley or travel area way used in common with the owner or occupier of other lots.

LOT - CORNER: A lot or parcel of land, abutting two or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. A property or corner lot which abuts two (2) or more intersecting public streets must have a building line set back from each public street equal to the minimum building line set back that is the normal front yard distance for the Zoning District in which such property or lot is located.

LOT COVERAGE: That portion or percentage of a parcel or lot of land that is covered by structures or buildings and other impervious surfaces, including but not limited to parking facilities.

LOT DEPTH: The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth should be measured by drawing lines from the front to rear lot lines, at right angles to the front lot line, every ten (10) feet and averaging the length of these lines.

LOT - FLAG: A lot that has any portion of its front lot line or front yard abut the rear or side yard of any adjacent lot rather than a public road right-of-way and where access to the public road right-of-way would typically be by a narrow, private right-of-way or driveway. The said minimum width area serving the flag portion of the lot shall not be used in computing the minimum lot area required by this Ordinance. Lot width at the building line shall also comply with the requirements of this Ordinance.

LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line.

LOT - INTERIOR: A lot other than a corner lot.

LOT LINE - FRONT: The lot line separating a lot from a street right-of-way.

LOT LINE - REAR: The lot line opposite and generally most distant from the front lot line.

LOT LINE - SIDE: Any lot line other than a front or rear lot line.

LOT LINE: A line bounding a lot as defined.

LOT - MINIMUM AREA OF: The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular district.

LOT OF RECORD: An area of land designed as a lot on a plan of subdivision or described on and within a deed duly recorded or registered, pursuant to statue with the Recorder of Deeds of Beaver County.

LOT WIDTH: The straight line distance between the point of intersection of the front building line with the side lot lines.

MAINTENANCE BOND: Any financial security which may be accepted by the Township Board of Supervisors to ensure that improvements will be kept in good condition for a period of one (1) year after completion of construction and installation, including corporate bonds, escrow agreements and other similar collateral or surety agreements.

MANUFACTURED HOME, MANUFACTURED HOUSING and / or MOBILE HOME: A transportable (transported by auxiliary means or towed on its own running gear) single- family dwelling consisting of one single constructed unit which may be temporarily or permanently affixed to real estate with or without a permanent foundation, designed for use and to be used for non-transient residential purposes, and constructed with and connected to the same or similar electrical, plumbing and sanitary facilities as immobile housing, having a minimum of five hundred (500) square feet or maximum of one thousand one hundred twenty (1,120) square feet of habitable floor area. Such units shall be installed so as to comply with the requirements of the Pennsylvania Uniform Construction Code, all legislative enactments of Pennsylvania and this Ordinance and all other Ordinances of South Beaver Township. The Certification of the Installer of such units required by legislation of the Commonwealth of Pennsylvania shall be placed in the Township's file relative to the Building / Zoning Permit issued for each such unit. The terms "Manufactured Home", "Manufactured Housing", and "Mobile Home" are used and to be recognized interchangeably in this Ordinance. The said terms do not include recreational vehicles or travel trailers, sometimes referred to as camping trailers, or on-site construction trailers or similar structure units temporarily placed at a construction or development site.

MANUFACTURING: Any industrial processing involving the processing and fabrication of any article, substance or commodity, which is not obnoxious or offensive by reason of smoke, fumes, odor, gas, dust, glare, noise or vibration or which constitutes a public hazard by specific prohibition herein.

MASSAGE THERAPY ESTABLISHMENT: Any business or part thereof where massage services are provided by a person having graduated from a massage therapy training program approved by the Pennsylvania State Board of Private Licensed Schools, or equivalent agency if trained in another State, by a person certified through a massage therapy certification exam approved by the National Commission for Certifying Agencies, by a person certified through the National Certification Board for Therapeutic Massage and Bodywork, or by a person who is a practitioner or higher level member of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA).

MECHANICAL EQUIPMENT YARD: An area of land that is devoted, and dedicated to the housing of any mechanical operations equipment (i.e. cooling, power generation, air circulation, etc.) located outside an enclosed building, or surrounded by fencing or other such barrier, whether temporary or permanent, incidental to the primary use of the lot.

MEDIATION: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL CLINIC: An establishment, excluding a medical office and business or professional office, where two or more medical professionals licensed by the Pennsylvania Department of Health provide diagnostic health, medical, surgical, and / or psychiatric services and / or treatment to the general public, where patients are not provided with board or kept overnight, and shall include such uses as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, provided that all such uses have access only from the interior of the building or structure.

MEDICAL OFFICE: A building or a series of buildings or rooms where one or more licensed medical professionals provide diagnosis and treatment to the general public without overnight observation. A medical office shall include such uses as reception areas, offices, examination rooms and x-ray rooms, provided that all such uses have access only from the interior of the building. A medical office shall not include a pharmacy or surgical suites.

MICROGRID: A microgrid is a localized, small-scale power grid that operates within clearly defined boundaries to provide electricity to a specific area, such as a campus, military base, community, or business/industrial development. It integrated local energy generation (solar, wind, nuclear, and/or peaking power generators and energy storage systems (usually batteries), allowing the microgrid to connect to the main utility grid or operate independently in “island mode” during outages or other service disruptions.

MINERAL / RESOURCE EXTRACTION: Mineral extraction relative to this Ordinance shall include all activity directly related to the act of removal from the land surface by open pit mining, or from beneath the land surface other than by deep-shaft mining, some material mineral resource, or other solid element of economic value, by means of mechanical excavation or digging beneath the land surface, via any method necessary to separate the desired material from an existing undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position for profit. Open pit mining for mineral extraction includes but is not limited to,

the excavation necessary for the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale or iron ore.

MOBILE HOME: See definitions of "Manufactured Home", "Manufactured Housing", and "Mobile Home" supra; said terms are used and to be recognized interchangeably in this Ordinance.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection or placement thereon of a single mobile home or modular/sectional home.

MOBILE HOME PARK: A parcel or contiguous parcels of land under single ownership which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes or modular/sectional homes.
Note: The creation of a new Mobile Home Park, and the addition to or revision of lay-out of an existing Mobile Home Park is subject to the provisions of the Planned Residential Development (PRD) requirements of this Ordinance.

MODULAR HOME and / or SECTIONAL HOME: See definitions of “Manufactured Home", "Manufactured Housing", and "Mobile Home" supra; said terms are used and to be recognized interchangeably in this Ordinance.

MONOPOLE: A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances.

MOTEL: Any group of attached or detached buildings containing individual sleeping or housekeeping units designed for transients including an auto court, motor court, motor lodge or cabins.

MUNICIPAL SEWERS: Those sewer lines, treatment facilities and appurtenant structures of the Chippewa Township Sanitary Authority, also referred to as "public sanitary sewerage."

NATURAL GAS: A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as non-associated gas, coal beds, shale beds and other formations. The term does not include coal bed methane.

NATURAL GAS LIQUIDS: Hydrocarbons in natural gas which are separated from the gas as liquids through the process of absorption, condensation, adsorption or other methods in gas processing of cycling plants or equipment.

NATURAL GAS COMPRESSOR STATION: A facility designed and constructed to compress natural gas that originates from an oil or gas well or collection of such wells operating as a midstream facility for the delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant, or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT: A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow

such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed, constructed, or used primarily to remove water, water vapor, oil or other naturally occurring liquids or substances from natural gas.

NET BUILDABLE ACRE: An acre of land exclusive of public rights-of-way, flood plains, jurisdictional wetlands as determined by the Pennsylvania Department of Environmental Protection, slopes in excess of twenty-five (25%) percent and land on which stormwater detention facilities are located.

NET FLOOR AREA (As Applied to Off-Street Parking): The area used or intended for services to the public as customers, patrons, clients, or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. Floor areas may be excluded which are used exclusively for storage, housing of mechanical equipment integral with the building, for maintenance facilities or for those areas so restricted that customers, patients, clients, salesmen and the general public are denied access.

NET SITE AREA: The aggregate of net buildable acres, including all common open space, but exclusive of building lots within a planned residential development site.

NO-IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity must be compatible with the residential use of the property and surrounding residential uses.

2. The business shall employ no employees other than family members residing in the dwelling.

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) percent of the habitable floor area.

8. The business may not involve any illegal activity.

NON-CONFORMING LOT: A lot the area or dimension of which was lawful prior to the adoption or subsequent amendments of the Township's first zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NON-CONFORMING SIGN: Any sign lawfully existing on the effective date of this Ordinance, or an amendment thereto, which renders such sign non-conforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NON-CONFORMING STRUCTURE OR BUILDING: A structure or building or part of a structure or building manifestly not designed to comply with the applicable use or extent of use or location or placement provisions of the Township's first zoning ordinance or subsequent amendments, where such structure or building lawfully existed prior to the application of this ordinance or amendments to its location by reason of annexation. Such non-conforming structures or buildings include, but are not limited to, non-conforming signs.

NON-CONFORMING USE: A use, whether of land or of a structure, which does not comply with the applicable provisions in this zoning ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NURSING HOME: A facility licensed by the Commonwealth of Pennsylvania that is engaged in providing a patient nursing and health-related personal care, utilizing in whole or in part, licensed and / or registered nurses, excluding hospital services and excluding day-to-day personal care which is not health care by licensed or registered nurses.

OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height standard as set forth in Article XIII.

OFF-LOT SEWER SERVICE: A sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

OFF-LOT WATER SERVICE: A potable water distribution system in which water is carried to individual lots or dwelling units by a system of pipes from a central water source located beyond the limits of the lot being served which may be publicly or privately owned and operated.

OIL: Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA, also referred to as petroleum.

OIL AND GAS: Crude oil, natural gas, methane gas, coal bed methane gas, propane and / or other constituents or similar substances that are produced or extracted by drilling and operation of a gas or oil well.

OIL AND GAS DRILLING PAD: The area of surface operations surrounding the surface location of a well or wells created, worked or re-worked for the production of oil and gas from beneath the ground surface. Such area shall not or does not include a private access driveway or road to the drilling pad

or placement of other facilities relating to processing and / or transporting oil and gas from an operational oil or gas well. This term may be referred to at times in this Ordinance as a "Drilling Pad" or "Well Pad". Drilling Pads shall be developed/constructed, maintained and operated, and following cessation of active operations thereon, the area of same shall be restored all in accordance to specifications and regulations imposed via laws of the Commonwealth of Pennsylvania.

OIL AND GAS OPERATIONS, includes the following:

1. Well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing (also referred to as fracking), and site restoration associated with an oil or gas well of any depth;

2. Water and other fluid storage or impoundment areas used exclusively for oil and / or gas operations;

3. Construction, installation, use, maintenance and repair of:

    a. Oil and / or gas pipelines;

    b. Natural gas processing compressor stations or facilities performing equivalent functions; and

    c. Natural gas processing plants or facilities performing equivalent functions; and

4. Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in paragraph 3a, 3b, and 3c (above) of this definition, to the extent that:

    a. The equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and / or gas pipeline, natural gas compressor station or natural gas processing plant; and

    b. The activities are authorized and permitted under the authority of a Federal or Commonwealth Agency.

OIL AND GAS PROCESSING OR TRANSPORTING PAD: The area of surface operations for processing oil or gas after extracted at an oil or gas well site and transported to the pad site either on and at a well pad site, or by transporting such extracted oil or gas by a gathering or collector pipeline to the processing pad site, and which pad includes equipment necessary or used to separate, filter, dehydrate, properly treat or otherwise prepare oil or gas to be introduced into a public utility pipeline or other pipeline already in existence or to be developed/constructed, and which pad site has containment facilities for water or substances extracted from oil or gas for removal from the pad site by motor vehicle or otherwise to a disposal location. Such facility is sometimes referred to as a "gathering pad" or "central distribution point" by personnel of the oil and gas extraction entities. For the purpose of this Ordinance, this is a separate development or use from that of a "Oil or Gas Drilling Pad", a "Natural Gas Compressor Station" or a "Natural Gas Processing Plant".

OIL AND / OR GAS SUBSURFACE FACILITIES AND ACTIVITIES: Activities performed under the surface of the ground that are part of the operation of oil and gas drilling, as defined herein, located on properties within the unit for a particular drill site, but that are not included in the Well Site, including, but not limited to: horizontal drilling and hydraulic fracturing zones, underground gathering and transmission pipelines and similar underground facilities incidental to Oil and Gas Development.

OIL AND / OR GAS WELL: A pierced, dug or bored hole drilled or being drilled in the ground for the purpose of extracting or producing oil and / or gas and related hydrocarbon substances from underground strata, or that had been created for that purpose.

OIL AND / OR GAS WELL SITE DEVELOPMENT: The term includes the following: well location assessment, including seismic operations, well site preparation, construction, drilling, temporary water or fluid storage operations of a duration of less than six (6) months, hydraulic fracturing and site restoration associated with an oil and gas well of any depth.

ON-LOT SEWER SERVICE: A single system of piping, tanks, or other facilities approved by the Township, or the Pennsylvania Department of Environmental Protection, serving only a single lot or parcel of land and disposing of sewage in whole or in part into the soil or in other appropriate manner per applicable laws, regulations and ordinances.

ON-LOT WATER SERVICE: A single system of piping, tanks, or other facilities serving only a single lot and obtaining the water either in whole or in part from a primary source located within the limits of the lot being served.

ONE HUNDRED YEAR FLOOD: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one [1%] percent chance of occurring each year, although the flood may occur in any year).

OPEN SPACE: Any parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

OUTDOOR RECREATION FACILITY: Any activities conducted primarily for entertainment, amusement, or recreational purposes and occurring outside an enclosed structure, with ancillary services (such as restrooms, offices, electronic games, and refreshments) conducted within an enclosed building located on the same property. Outdoor recreational activities shall include, but not be limited to, miniature golf, go-cart tracks, amusement rides or devices, swimming pools, festivals, fairs, flea markets, concerts, athletic fields, or any other similar activities. Outdoor recreation facilities exclude rifle and small arms shooting ranges.

OUTDOOR STORAGE: The keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OWNER: The legal or beneficial owner or Owners of land including the holder of an option or contract of purchase (whether or not such options or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of a landowner or other person having proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

PARKING - PARKING AREA – PRIVATE: An open off-street area other than a private road or way (with adequate means of access), used exclusively for the storage of automobiles of occupants of the premises.

PARKING - PARKING AREA – PUBLIC: An open off-street area other than a driveway, private road or way (with adequate means of access), available to the general public for the storage of motor vehicles.

PARKING SPACE: An off-street space having an area of not less than one hundred eighty (180) square feet, whether inside or outside of a structure, for the temporary standing of automobile vehicles to be used exclusively as a parking stall for one (1) automobile vehicle plus one hundred fifty (150) square feet used exclusively for turning and access to the parking stall.

PATIO: An outside surfaced area having no roof and no more than three (3) sides walled or fenced, with paved or improved surface, being an at-grade open area of which no part shall be greater than three (3) feet above adjacent ground level.

PERCENT GRADE: The number of feet of rise per one hundred (100) feet in length, i.e. a twenty (20) foot rise in a one hundred (100) feet length is said to be a twenty (20%) percent grade.

PERFORMANCE BOND: Any financial security which may be accepted by the Township Board of Supervisors to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of a plat or development plan, including corporate bonds, escrow agreements, and other similar collateral and surety agreement.

PERMANENT FOUNDATION: An underlying prepared base or support of cemented concrete blocks or similar masonry placed upon a footer (the footer must be below the frost line) upon which a structure is placed and completely encloses the structure exclusive of half-windows, windows, or doors.

PERMITTED USE: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON: An individual human being, an association of individuals or other entities, a partnership of individuals or other entities, a corporation, or other legal entity created under the laws of any State or Commonwealth of the United States of America, a political subdivision of the Commonwealth of Pennsylvania or any Agency of the Commonwealth of Pennsylvania or the Federal Government of the United States of America.

PERSONAL CARE HOME: See definition of "NURSING HOME"

PERSONAL SERVICES: Any enterprise providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repair, barber shops, beauty parlors, tattoo parlors, body piercing establishments, and / or other related activities.

PILOT MANUFACTURING: An establishment or part thereof used to test concepts and ideas, determine physical layouts, material flows and processes, types of equipment required, costs and other information necessary prior to undertaking full-scale production.

PLACE OF ASSEMBLY: A public or private lot of land, building or structure that is designed for the assembly or collection of persons, for civic, political, religious, educational, social purposes and where recreation, amusement or dining occur as accessory activities.

PLACE OF WORSHIP: An institution of any denomination where people regularly observe, practice or participate in religious or spiritual services, meetings and / or activities.

PLANNED NON-RESIDENTIAL DEVELOPMENT (PNRD): An area of land or real estate to be developed that is controlled by a single landowner and developed as a single entity for a combination of non-residential uses, the plan for which does not necessarily correspond in lot area, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in this Ordinance but which complies with Article V herein.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): An area of land, controlled by a single landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Zoning Ordinance. The words "Planned Residential Development" is abbreviated and is identified or referred to within this Ordinance also with the letters "PRD".

PLANNING COMMISSION: The duly constituted Planning Commission of South Beaver Township, Beaver County, Pennsylvania.

PLAT: A map, plan or layout of a subdivision or land development, and / or the existence of any existing or proposed amenities located on or within a land area, including but not limited to natural features, manmade features including but not limited to any type of existing or proposed well, sewage system, building or other amenities, indicating thereon the location of all pertinent or required information, detailing boundaries of individual or multiple parcels of land, whether preliminary or final, accurately drawn to a stated scale. The word "plat" may also be referred to as a "plan".

PORCH: A roofed over structure projecting from the front, side or rear wall of a building. For the purpose of this Zoning Ordinance, a porch is considered a part of the principal building and is not permitted to extend into any required yards.

PREMISES: Any lot, parcel or tract of land and any building constructed thereon.

PRIVATE STREET: A private way used or intended to be used for passage by motor vehicles. See definition of "STREET - PRIVATE", in South Beaver Township Subdivision and Land Development Ordinance.

PROTECTED PRIVATE AND PUBLIC WATER SUPPLY WELL: Any water well within South Beaver Township used or intended to be used as:

1. A ground water supply source for an individual residence, agricultural activities, individual commercial, business or manufacturing establishment; or

2. A source of water by a protected public water supply well as identified in the Beaver County Water Supply Plan and Wellhead Protection Program, January 1997 or later edition.

PUBLIC BUILDING: Buildings or structures owned and operated by public entities including municipal buildings, libraries, community centers, and other similar establishments, including buildings owned and operated by South Beaver Township.

PUBLIC HEARING: A formal meeting open to the general public held pursuant to proper "public notice" by the Board of Supervisors of South Beaver Township, the South Beaver Township Planning Commission or the Zoning Hearing Board of South Beaver Township, intended to inform and obtain public comment and / or to receive data, information and / or evidence, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84) known as the Sunshine Act.

PUBLIC NOTICE: A notice published in a newspaper of general circulations pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC).

PUBLIC PARK: An area of public land specifically defined or set aside for use by and for the general public in both active and passive recreational uses and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings, and other structures that are consistent with the general purposes of public parkland, and whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park.

PUBLIC RIGHT-OF-WAY: Land reserved and / or developed for use as a road, street, alley, crosswalk, pedestrian way or other public purpose, dedicated and accepted by and as a public right-of-way of the Township of South Beaver.

PUBLIC UTILITY: Any entity that is classified as a public utility per the Pennsylvania "Public Utility Code".

PUBLIC UTILITY FACILITY: Any administrative or service building or structure constructed or operated by a public utility, or any transmission facility of a public utility that does not meet the definition of an "essential service installation".

RECREATIONAL CAMP: An open area, fields, or woodlands dedicated to the rental or granted permission of space for organized overnight sleeping and camping, including Trailer Camps as defined herein.

RELATED EQUIPMENT: Any piece of equipment related to, incidental to, or necessary for the operation of a Communications Tower or Communications Antenna. By way of illustration, not limitation, Related Equipment includes generators and base stations.

RESEARCH AND DEVELOPMENT: Any establishment which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include pilot manufacturing, as defined by this Chapter, as an accessory use.

RESERVOIR: A natural or artificial basin, which contains or will contain water or other fluid or semi-fluid impounded therein, with or without construction of a dam. See also definition of Impoundment Pond.

RESIDENTIAL OFF-STREET PARKING SPACE: A private parking space whether or not enclosed, located off the right-of-way of any public or private road, for residential occupancy use.

RESTAURANT - HIGH TURNOVER WITH OR WITHOUT DRIVE-THRU: A sit-down and / or carry-out eating establishment with turnover rates typically less than one hour in duration, where food is ordered at tableside and may or may not utilize drive- through facilities, that generates greater than 20 combined peak-hour weekday trips per 1,000 square feet of gross floor area, and that generally has a gross floor area open to the public >1,000 SF in size.

RESTAURANT - LOW TURNOVER: A sit-down type eating establishment, with turnover rates typically at more than 1 hour in duration, where food is ordered at tableside for eat-in only, that generates less than 20 combined (a.m. and p.m.) peak-hour weekday trips per 1,000 square feet of gross floor area that is open to public use, and where the gross floor area of space open to public use does not exceed 5,000 square feet.

RETAIL STORE: A business establishment located entirely within an enclosed building which sells goods, services or merchandise to the general public for personal, household or office consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for sale.

RIDING ACADEMY/BOARDING OF HORSES: The keeping of horses and / or ponies for either personal use or private use, including for profit making activities including the provision of horseback riding lessons and other similar instruction.

RIGHT-OF-WAY: See also definition of" Easement":

1. Right-of-Way: Land set aside for use as a street, alley or other means of travel, and / or for public or private utility lines above or below the ground surface, placement of any pipeline above or below the ground surface, a pole or tower line or other necessary service facilities as either approved by to be created by the Commonwealth of Pennsylvania, or by other governmental agencies or authorities, or individual property owners and / or companies, and such right-of-way areas are currently in existence.

2. Future Right-of-Way: A right-of-way to be created as deemed necessary as appropriate to provide adequate width for future public or private street, roadway or driveway, or the placement of any public or private utility line, or any pipeline, pole or tower line, or other necessary utility or service line, either above ground or below ground, whether

public or private, and yet to be created but to be created at some point of time in the future.

3. The existence or creation of a right-of-way or easement as to any parcel of land is and results in the division of land ownership rights into a Dominant Estate and a Servient Estate and is a subdivision of land relative to the application of this Ordinance.

ROAD: The entire right-of-way of a public or private street or highway or of a private road providing access to two (2) or more properties.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

RURAL CHARACTER: Rural townships in Western Pennsylvania possess distinct physical characteristics shaped by the region's unique Appalachian Plateau geography, industrial history, and historic agricultural patterns. These townships, such as South Beaver Township in Beaver County feature a highly fragmented, ruggedly scenic pattern with limited public infrastructure.

Rural character can be further defined by its topography and natural features including rolling hills, steep-sided valleys, and high-elevation ridges. The terrain often contains networks of cold-water streams, creeks and river tributaries. Also maintaining a strong presence are large tracts of deciduous woodlands, often second growth which are too steep for farming or other development.

The built environment of these areas often features productive landscapes, agricultural, mining, logging, and more traditional manufacturing footprints, with features unique to the vernacular of this area, such are stone foundations and timber frame construction. Development patterns are traditionally independently located, or in small clusters or hamlets, served by winding, narrow, or state roads supporting a more linear development pattern.

Land use and spatial patterns tend toward smaller farmsteads because of the rolling topography, often defined by woodlots and hedgerows.

The maintenance of rural character is often mentioned as a major goal of these townships.

SALES AREA: That area of a commercial structure or establishment used to display or show goods, products, merchandise, samples or displays of goods, products or merchandise, offered to customers for purchase by the customers, on either a retail or wholesale basis, including area where cash register or other equipment is maintained for consummation of the purchase transaction.

SANITARY LANDFILL: A parcel of land or part thereof used primarily for the disposal of garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities. The operation of a sanitary landfill normally consists of:

1. Depositing the discarded material in a planned controlled manner;

2. Compacting the discarded material in thin layers to reduce its volume;

3. Covering the discarded material with a layer of earth; and

4. Compacting the earth cover.

The location and operation of a sanitary landfill is subject to the approval and current requirements of the Pennsylvania Department of Environmental Protection.

SAWMILL: A place or a building in which timber is sawed into planks, boards, logs, etc.

SCHOOL - PUBLIC OR PRIVATE: A place of instruction operated by a public, private or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocational or post-secondary education.

SECURITY CHECKPOINT: A designated area where traffic access, either pedestrian, vehicular, drone or other conveyance, may be controlled, or stopped, for security reasons, to allow the screening, inspection, and registration of visitors to a facility, or to prevent unauthorized entry or surveillance to the site. A checkpoint may include the installation of structures or equipment, including but not limited to guard shelters, drive gates, security cameras, motion sensors, and/or other surveillance, scanning, or monitoring equipment.

SELF-STORAGE FACILITY: A building or group of buildings in a controlled access and fenced compound that contains various sizes of individualized, compartmentalized and controlled access stalls and / or lockers leased by the general public for a specified period of time for the dead storage of personal lot.

SENSITIVE RECEPTORS: People, places, or ecological areas with increased vulnerability to adverse effects from environmental pollution (air, noise, or hazardous materials) pollution. These include residential uses, schools, preschools, daycare centers, in-home daycares, long-term care facilities, retirement and nursing homes, rehabilitation facilities, community centers, public institutions and places of assembly, places of worship, parks (excluding trails), campgrounds, prisons, dormitories, and agricultural operations.

SERVER (DATA) FARM: A collective group of computer servers and other associated equipment that are housed in a single facility, or closely related facilities that engaging in the storage, management, processing, and/or transmission of digital data. Includes data centers, colocation (colo) centers, carrier hotels, and other similar uses. The terms “Server Farm” and “Data Center” are generally synonymous, however a server farm is often a “dark center” devoid of people, or attended by a limited number, or only periodic number of people.

SETBACK: The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps. See BUILDING LINE.

SETBACK LINE: That line that is the required minimum distance from the street right-of- way line or any other lot line that establishes the area within which the principal structure must be erected or placed. See "Building Line".

SEWER:

1. Public Sewer: A "public sanitary sewerage", namely a system of sewage disposal by any municipal or privately-owned system in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as an "off-lot" or "off-site" sewerage system, and must be duly approved by the Pennsylvania Department of Environmental Protection and / or the Township.

2. Private Sewer: An "on-lot" septic disposal system providing for disposal of effluent for one (1) building and its accessory building on a single lot or parcel of land.

SHORT TERM RENTAL: The rental of a dwelling unit, or any portion thereof, for a period of less than 30 days as a principal or accessory use. This term is inclusive of vacation rentals, transient rentals, short-term vacation rentals or resort dwelling units.

SIGN: Any object, surface, fabric, device or structure, or part thereof, whether situated inside or outside of a structure, bearing lettered, pictorial or sculptured matter intended, designed, or used to convey information visually and exposed to public view, which directs attention to an object, product, place, activity, person, institution, organization, or business. The term "sign" does not apply to a flag, emblem or insignia of a nation, political unit, school, athletic score boards, or the official announcements or signs of government for highway/traffic purposes or otherwise, including but not limited government activities of the Township of South Beaver.

SIGN - ANIMATED OR MOVING: Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

SIGN - ARCADE: A sign suspended beneath a ceiling of an arcade, a roof, or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof, or marquee to identify the location of establishments within a shopping center or similar building.

SIGN AREA: The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

SIGN, AWNING: A sign displayed on or attached flat against the surface or surfaces of an awning.

SIGN - BILLBOARD: A sign which directs attention to a business, organization, establishment, activity, commodity, person, product, service or entertainment conducted, sold, or offered at a location other than the premises on which the billboard is located.

SIGN - BULLETIN BOARD: A changeable sign, in the form of a freestanding ground sign, designed and used to announce events, such as those used by places of worship and schools.

SIGN - BUSINESS IDENTIFICATION: A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

SIGN - CHANGEABLE COPY: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign, including:

1. Electrically Activated Changeable Copy Sign: A changeable copy sign whose message copy or content can be changed by electronic or digital means on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices or it may be from an external light source designed to reflect off the changeable component display. Electronic message signs, animated signs, and digital signs shall be considered electrically activated changeable copy signs.

2. Manually Activated Changeable Copy Sign: A changeable sign whose message copy or content can be changed manually.

SIGN - CONSTRUCTION: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN - DEVELOPMENT: A temporary sign erected during the period of construction and / or development of a property by the contractor and developer or their agent.

SIGN - DIRECTIONAL: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

SIGN - ELECTRONIC MESSAGE: An electrically activated changeable copy sign whose variable message capability can be electronically programmed.

SIGN - FACE: The area or display surface of a sign, including the advertising surface and any framing, trim, or molding, used for the message on a single panel.

SIGN - FLASHING: Any directly or indirectly illuminated sign or device in which the artificial light is not maintained stationary and / or constant in intensity and color at all times.

SIGN - FREE-STANDING: A sign permanently affixed to the ground and not attached to any building or any other structure, including ground signs.

SIGN - GOVERNMENTAL: A sign erected and maintained pursuant to the discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

SIGN - GROSS SURFACE AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of such sign. All signs shall be limited to not more than two faces. All area limitations shall be computed in square feet. Each face of a double-face sign may equal the maximum size permitted for the particular type of sign. When individual letters are used separately on the surface of a building wall, the spaces between said letters shall be included in computing the area of the sign.

SIGN - GROUND: A sign that is affixed to the ground by means of a permanent foundation other than a freestanding frame or mast.

SIGN - HOME OCCUPATION: A sign containing only the name and occupation of a permitted home occupation:

SIGN - IDENTIFICATION: A sign used to identify only the name of the individual or organization occupying the premises, the profession of the occupant, the name of the building on which the sign is displayed, and the address of the property.

SIGN - INDIRECTLY ILLUMINATED: A sign which is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.

SIGN - INTERNALLY ILLUMINATED: A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

SIGN - MEMORIAL: A sign, tablet or plaque memorializing or commemorating a person, event, structure or site typically placed by a recognized agency of the Township, County, State, or Federal government.

SIGN - MENU BOARD: A freestanding sign oriented to the drive-through lane for a high-turnover restaurant that advertises the menu items available from the drive-through window of such restaurant.

SIGN - MOVING: Any sign or any part thereof located on said sign which oscillates, rotates or moves.

SIGN - NAME PLATE: ·A sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.

SIGN - NOTIFICATION: Signs bearing legal and / or property notices such as “no trespassing,” “private property,” “no turnaround,” “safety zone,” “no hunting,” and similar messages, and signs posted by a governmental agency for traffic control or the safety of the general public.

SIGN - POLE: A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is six (6) feet or more above ground. Pole signs are not permitted in South Beaver Township.

SIGN - POLITICAL: A temporary sign which indicates the name, cause, or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held.

SIGN - PORTABLE: A sign that is not attached to the ground or surface upon which it is located and which advertises the business conducted on the premises. This definition includes a wheeled sign.

SIGN - PRIVATE SALE OR EVENT: A temporary sign advertising private sales of personal property such as "house sales," "garage sales," "rummage sales," and the like or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, and Christmas tree sales.

SIGN - PROJECTING: A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.

SIGN - REAL ESTATE: A temporary sign advertising the sale or rental of a premise. The sign may also bear the words “sold,” “sale pending,” or “rented” across the sign face or attached.

SIGN - RESIDENTIAL PLAN: A permanent wall or free-standing ground sign containing only the name and address of a subdivision plan or a multi-family building or development.

SIGN - ROOF: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

SIGN - SANDWICH BOARD: A temporary sign which is placed in front of the entrance to the premises and advertises daily specials or other current matters related to the business conducted on the premises, and which is removed at the close of each business day.

SIGN - SELF-SUPPORTING: A sign mounted on its own self-supporting structure and constructed on a permanent base.

SIGN - WALL: A sign attached or affixed to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve (12) inches from such building or structure.

SIGN - WINDOW: A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

SITE: A parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one or more lots.

SITE AREA: All land area within the site as defined in the deed. Actual area shall be from actual site survey rather than deed description.

SLOPE: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Grade area expressed in a percentage based upon vertical distance in feet per one hundred (100) feet of horizontal distance.

SOLAR ENERGY PRODUCTION FACILITY, LARGE: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one (1) or more free-standing ground, or roof mounted solar collector devises, solar related equipment and other accessory structures and buildings including pv modules, racking, inverters, transformers, substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. A facility is considered large solar energy production facility if it is > 500 kwh and if it supplies electrical or thermal power primarily for off-site use.

SOLAR ENERGY SYSTEM, SMALL: A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment that is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use and is not utility scale, except that when a lot upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SPECIAL EXCEPTION: A use permitted in a particular zoning district, pursuant to Articles VI and IX of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended, as authorized in specific instances listed, and under the term, procedures and conditions prescribed herein.

STEALTH TECHNOLOGY: Camouflaging methods applied to WCFs which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STORAGE YARD: A lot or portion of a lot or parcel of ground used to temporarily store equipment and / or materials used by any contractor or developer relative to any development activity, which may or may not include, temporary office space relative to the storage yard activities, and to be actively used for a short term, temporary basis. A storage yard shall not be used as a permanent office space.
STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

1. Arterial Road / Street: A public street that serves large volumes of high speed and long-distance traffic. This includes State Route 51 (Constitution Boulevard).

2. Collector Road / Street: A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. This includes State Route 168 (Salem Church Road), State Route 251 (Blackhawk Road), State Route 4029 (Old Blackhawk Road), and State Route 4013 (Darlington Road).

STREET LINE: The dividing line between the street and the abutting lot or parcel of land. The street line shall be the same as the legal right-of-way, provided that where an existing or future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

STRUCTURE: Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, mobile homes, and other similar items.

SUBDIVISION: The division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including but not limited to changes in existing lot lines for the purpose of, whether immediate or future, for leasing a part of same, for partition by the Court for distribution to heirs or devisees, transfer of ownership, or for building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of or right- of-way for access, or involving any residential dwelling, shall be exempt.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the actual cash value of the structure either:

1. Before the improvement started; or

2. If the structure has been damaged and is being restored to the existing condition before the damage occurred.

Substantial improvement is initiated when the first alteration of any structural part of the building commences.

SUPPLY YARD: A commercial establishment storing, or offering for sale building supplies including light wood fabricating and woodworking, steel supplies, heavy equipment, feed and grain and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

SURVEYOR: A registered land surveyor licensed as such by the Commonwealth of Pennsylvania.

SWALE: A low lying stretch of land which gathers or carries surface water runoff.

SWIMMING POOL: Any receptacle of water having a depth at any point of greater than two feet and a surface area greater than 100 square feet, used or intended to be used, for swimming, bathing, and constructed, installed, or maintained, outside any building.

TIMBER HARVESTING: The act of cutting and removing trees and all activities related thereto, for cordwood, lumber, for pulp or for any commercial purpose, excepting therefrom a landowner cutting on his own property for his own use, the cultivation and harvesting of Christmas Trees, or the clearing for development of building sites of one acre or less. See also definition for LOGGING; the terms "logging" and "timber harvesting" are used interchangeably.

TOWNHOUSE: A multi-family residential building no more than two and one-half stories in height which contains no more than eight dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

TRAILER (Camping and Recreational Equipment): Shall include travel trailers, pickup coaches, motorized homes and recreational equipment as follows:

1. Travel Trailer: A portable structure built on a chassis, designed to be towed and used as a temporary dwelling for travel, recreational and vacation purposes, and permanently identified as a travel trailer by the manufacturer of the trailer.

2. Pickup Coach or Recreational Vehicle: A structure designed primarily to be mounted on a pickup or other truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling, travel, recreational and vacation purposes.

3. Motorized Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

4. Boat: A vessel designed to travel on water.

5. Boat Trailer: A trailer designed to haul a boat as defined above.

TRAILER CAMP: A tract, parcel or lot of land where for recreational camping purposes:

1. Two (2) or more trailers are parked; or

2. Same is used or held out for the purpose of supplying to the general public a parking space for two (2) or more trailers.

UNDERGROUND WASTE INJECTION WELL: A bored well, drilled or dug well for the emplacement of fluids or other waste substances into the ground. This definition does not apply to use of drilling muds and similar materials used in oil or gas well construction, or fracturing fluids used in "Marcellus Shale", "Utica Shale" or similar deep gas extraction well sites, nor an injection well designed and used for underground storage of natural gas after initially extracted/produced by an operating gas well).

USE: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

USE - ACCESSORY: A subordinate use which is clearly incidental and related to the main structure or building or main principal use of the land.

USE - MIXED: The occupancy of a building or structure and / or of a lot or parcel of land for more than one use, such as both a business and a residential use, or both an industrial use and a residential use, etc.

USE - PRINCIPAL: The primary use on a lot or parcel of land.

UTILITY: A service such as electricity, gas, water, community or public sewage, and / or cable television that have associated it with the provision and receipt of such services by way of physical implements of wires, poles and / or piping and related accouterments, provided by a public utility entity regulated by the Pennsylvania Public Utility Commission.

UTILITY SYSTEMS: Within the terms of this Ordinance, utility systems shall be defined as gas, electric, telephone, cable television and / or any such service whether or not regulated by the Pennsylvania Public Utility Commission.

VARIANCE: Relief granted by the South Beaver Township Zoning Hearing Board, pursuant to Articles VI and IX of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended, following a public hearing that has been properly advertised.

VETERINARY CLINIC: An establishment owned and operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals but excluding the boarding and grooming of animals not subjected to medical or surgical treatment.

WAREHOUSING OR DISTRIBUTION CENTER: A business primarily engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public which includes the warehousing of merchandise and which may include distribution of such merchandise on the site of the principal business.

WATERBODY / WATER: An area of water including, but not limited to, ponds, lakes, reservoirs, rivers, streams and creeks.

WATER SUPPLY AND DISTRIBUTION SYSTEM - PUBLIC: A system for treating and distributing water from a common source to dwellings and other buildings, and operated by a governmental agency, governmental authority, or a public utility company.

WETLANDS: Those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does support, a prevalence of vegetative or aquatic life requiring saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs and similar areas such as sloughs, potholes, wet meadows, river overflow, mudflats and natural ponds.

WIND ENERGY PRODUCTION FACILITY, LARGE: An area of land or other area used to house one or more wind turbines or associated transmission facilities or equipment for the production of electricity primarily for off-site use.

WIND ENERGY PRODUCTION FACILITY, SMALL: An area of land or other area used to house one or more wind turbines or associated transmission facilities or equipment for the production of electricity solely for on-site use.

WINERY: A facility specifically designed for the crushing, fermentation, and / or barrel aging of wine. A winery may include any of the following: a tasting room, barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are permissible accessory uses to a winery. These may include, but are not limited to, the following: bottling, case or goods storage, retail and / or wholesale sales of wine, tours, ancillary retail sales, picnic areas, and food service. Food service is not to include restaurants, unless restaurants are otherwise allowed in the zoning district.

WIRELESS COMMUNICATIONS FACILITY (WCF): The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS SUPPORT STRUCTURE: A freestanding structure, such as a Communications Tower or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township.

YARD: An open unoccupied space on the same lot or parcel of ground with a building or structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

YARD - FRONT: The open space extending the entire width of the lot between the front building line and the street right-of-way, and extending entire length of the street line. In the case of a corner lot that fronts on more than one (1) street, the yards extending along all streets are front yards.

YARD - REAR: The required open space extending from the rear of the main building along the rear lot line (not necessarily a street line) throughout the entire width of the lot.

YARD - SIDE: The required open space extending from the side of any building along the side lot line through the entire depth of the building. In the case of a lot or parcel of land having no street frontage, or a lot or parcel of land having an irregular shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

YARD - REQUIRED: The open space between the lot line and the buildable area within which no structure shall be located except as provided in this Zoning Ordinance.

ZONING: A legal and administrative process whereby a municipality divides its territory into Districts and applies to each District a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground built upon.
ZONING DISTRICT: A section for which uniform regulations governing the use, height, area, density and intensity of use of buildings and land and open space about buildings are herein established.

ZONING HEARING BOARD: The Zoning Hearing Board of South Beaver Township as duly constituted by and established pursuant to this Ordinance.

ZONING MAP: The boundaries of the said districts shall be those shown upon the map which is a part of this Ordinance and shall be designated "The South Beaver Township Zoning Map." The said

map, together with all notations, references and other things shown thereon, shall be as much a part of this Ordinance as if they were fully set forth.

ZONING OFFICER: The individual authorized by the Board of Supervisors to be the administrator of the daily application of the provisions contained in this Zoning Ordinance.

ZONING PERMIT: The document issued by the Zoning Officer authorizing the use of the land, building or structure, for which application has been made. Such permit may also be referred to as a "Building/Zoning Permit".

# ARTICLE III

# DESIGNATION OF ZONING DISTRICTS

## SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS

South Beaver Township is divided into a series of zoning districts and overlay districts stated in this Ordinance and as shown by the district boundaries on the Official Zoning Map and corresponding Overlay District Map.

**A. Zoning Districts**

1. AR - Agricultural Residential Zoning District
2. R-1 - Moderate Density Residential Zoning District
3. I - Industrial Zoning District
4. RC - Retail & Commercial Zoning District
5. NC - Neighborhood Commercial Zoning District
6. V - Village Zoning District

**B. Overlay Districts**

1. AZD-2 - Beaver County Airport Approach Overlay
2. AZD-4 - Beaver County Airport Transitional Overlay
3. AZD-5 - Beaver County Airport Horizontal Overlay
4. AZD-6 - Beaver County Airport Conical Overlay

## SECTION 3.2 - OFFICIAL ZONING MAP

The boundaries of the zoning districts hereby established are shown on the Official Zoning Map bearing the date of adoption of this Ordinance. This map, all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein.

The AZD-2, AZD-4, AZD-5 and AZD-6 are overlays and in addition to the zoning districts established by this Article. In addition to meeting all criteria applicable to the zoning districts established by this Article, such lands also within the AZD-2, AZD-4, AZD-5 and AZD-6 will be subject to the provisions of the Beaver County Airport Zoning District Regulations and restrictions of this Ordinance.

## SECTION 3.3 - SOUTH BEAVER TOWNSHIP ZONING DISTRICTS

The locations and boundaries of the areas classified within each of these zoning districts are set forth on the Township's Official Zoning Map attached hereto and made a part hereof by this reference, and adopted at the time of enactment of this Ordinance. All notation, references, explanatory matter and other information on the Zoning Map are adopted and incorporated herein by this reference. The Zoning Map shall be kept on file for public inspection in the Township Building. Upon approval of PRD's per the provisions of this Ordinance notation thereof as required by Article VII of the Pennsylvania Municipalities Planning Code shall be duly noted on said Zoning Map and noted otherwise as required in the Township's records.

## SECTION 3.4 - PURPOSE OF DISTRICTS

A. AR– Agricultural Residential

The purpose of the Agricultural Residential (AR) District is to preserve the Township's rural character and to provide uses that result in minimal adverse environmental impact, to provide for space for certain types of development which by their nature will not create an undue hardship on natural or municipal resources, and be complimentary to and for the primary agricultural and forested lands therein existing with their sensitive environmental features, along with proper development of residential properties.

B. R-1– Moderate Density Residential

The purpose of the Moderate Density Residential (R-1) District is to provide for residential areas and neighborhoods where public utilities are already available or where they may be available within the next several years.

C. I – Industrial

The purpose of the Industrial (I) District is to encourage the development of light and / or heavy industrial uses in appropriate locations where the public health, safety, and welfare of the surrounding neighborhoods is protected.

D. RC – Retail and Commercial

The purpose of the Retail and Commercial (RC) District is to provide for retail, commercial, and service establishments which serve the needs of the general community and which are located in higher volume traffic corridors to allow convenient access and to minimize traffic impact on neighborhoods and local roadways.

E. NC – Neighborhood Commercial

The purpose of the Neighborhood Commercial (NC) District is to provide for limited commercial services and activities in areas convenient to residential neighborhoods.

F. V – Village

The purpose of the Village (V) District is to preserve the rural character of the Blackhawk Road area and to provide for a compatible mixture of residential and smaller scale nonresidential business and commercial uses that serve the surrounding residential neighborhoods.

## SECTION 3.5 - INTERPRETATION OF ZONING DISTRICT BOUNDARIES

The map entitled The South Beaver Township Official Zoning Map is hereby adopted as part of this Ordinance. The Official Zoning Map shall designate the boundaries of each of the respective Zoning Districts. Where uncertainty exists as to the precise location or extent of any zoning district:

A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, ways, alleys, highways, railroad lines or streams, such center lines shall be construed to be such boundaries.

B. Where district boundaries are indicated as approximately coinciding with plotted lot lines, such lot lines shall be construed to be such boundaries, or where district boundaries are indicated as extensions of plotted lot lines or connections of the intersections of plotted lot lines, such lines shall be construed to be such boundaries.

C. Where district boundaries are indicated as approximately parallel to centerlines of streets, alleys, ways, highways, railroad lines or streams, lot lines or other physical features, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map, provided that distances not indicated specifically on the Zoning Map shall be determined by measurement according to the scale of the Zoning Map.

D. Where district boundaries are indicated as coinciding with municipal boundary lines, such municipal boundary lines shall be construed as such district boundaries.

E. Zoning District boundaries shall be interpreted by the Township Zoning Officer. Where physical or cultural features existing on the ground are at variance with the district boundaries as shown on the Zoning Map, or as interpreted pursuant to this
home Article, or the Zoning Officer defers interpretation, the Zoning Hearing Board, upon application, shall interpret the district boundaries.

## SECTION 3.6 - MODIFICATION, EXPANSION, REDUCTION, ENLARGEMENT OR ELIMINATION OF ZONING DISTRICTS

Such Zoning Districts, or additional Zoning Districts, as may hereafter be created and set, and the regulations applicable to each may be modified, expanded, reduced, enlarged, and / or eliminated, by subsequent enactment of an amending ordinance or adoption of a new zoning and land use ordinance by the Supervisors of South Beaver Township in accordance with applicable procedures set forth now

or hereafter in the aforesaid Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, as amended, or such other subsequent enabling legislation duly enacted.

## SECTION 3.7 - PERMITTED USES AND CONDITIONAL USES

The permitted uses, conditional uses, and uses by special exception for each Zoning District are set forth in the following table. As used in Table 3-1, the following applies:

A. The letter "P" denotes a permitted use by right, subject to the requirements specified by this Chapter and provided a zoning certificate has been issued in accordance with the provisions of this Ordinance.

B. The letter "C" denotes a use that is conditional, subject to the requirements specified by this Chapter and provided that the Township Board of Supervisors grants the conditional use pursuant to the provision of this Ordinance.

**TABLE 3-1**
**PERMITTED USES AND CONDITIONAL USES**

P Permitted Use
C Conditional Use
Not Permitted / Not Applicable

| | | AR | R-1 | I | RC | V | NC |
|---|---|---|---|---|---|---|---|
| | **Principal Use** | | | | | | |
| | **Residential** | | | | | | |
| | Apartment - Garden | | P | | C | | |
| | Apartment - High Rise | | P | | C | | |
| | Mobile Home | P | P | | | P | |
| | Planned Residential Development | P | P | | | | |
| | Quadplex / Triplex | | P | | | P | |
| | Single Family Detached Dwelling | P | P | | | P | |
| | Townhouse | | P | | | P | |
| | Two-Family Dwelling | | P | | | P | |
| | **Non-Residential** | | | | | | |
| | Adult-Oriented Business | | | C | | | |
| | Agri-Tourism | P | | | | | |
| | Air Bed & Breakfast | C | C | | C | C | C |
| | Amusement Parks | C | | | | | |
| | Animal Grooming Facility | | | | P | | P |
| | Automotive Recycling Facility/ Junkyard | | | P | | | |
| | Automotive Repair Garage | | | P | C | C | |
| | Automotive Sales and / or Service | | | | P | | |
| | Automotive Service Station | | | | P | C | P |
| | Bakery | | | | P | P | P |
| | Bank or Financial Institution | | | | P | P | P |
| | Bar / Nightclub | | | | P | | |
| | Bed & Breakfast | C | C | | | C | C |

| | | AR | R-1 | I | RC | V | NC |
|---|---|---|---|---|---|---|---|
| | **Principal Use** | | | | | | |
| | Brew Pub | | | P | P | | |
| | Brewery | | | P | P | | |
| | Business and Professional Office | | | P | P | | P |
| | Car Wash | | | P | P | | P |
| | Casino | | | P | P | C | C |
| | Cemetery | C | C | C | C | C | C |
| | Commercial Use Not Specifically Listed | | | C | C | | |
| | Communication Antenna | P | P | P | P | P | P |
| | Communication Tower | | | C | C | | |
| | Contractor's Supply Yard | C | C | P | P | | P |
| | Convenience Store | | | P | P | C | P |
| | Data Center (Server Farm) | | | C | | | |
| | Day Care Center | | | | P | P | P |
| | Day Nursery School | P | C | | | P | P |
| | Distillery | C | | | P | C | |
| | Drug Store/Pharmacy | | | | P | | |
| | Energy Generation Facility | | | C | | | |
| | Essential Service Installations | P | P | P | P | P | P |
| | Event Venue | C | | | C | | |
| | Farm or Agricultural Operation | P | P | C | C | C | C |
| | Farm, Communal or Cooperative | P | | | | | |
| | Flex Space | | | P | | | |
| | Food & Grocery Store | | | | P | P | P |
| | Forestry | P | | | | | |
| | Freight and Truck Terminal | | | P | | | |
| | Freshwater Impoundment Pond | C | | C | C | | C |
| | Funeral Home | | | | P | | P |

| | | AR | R-1 | I | RC | V | NC |
|---|---|---|---|---|---|---|---|
| | **Principal Use** | | | | | | |
| | Greenhouse Horticulture for Commercial / Retail Sales | P | | | | | |
| | Group Care Facility | | | | C | | C |
| | Group Residence | P | P | | | P | |
| | Heavy Manufacturing | | | P | | | |
| | Home Occupation other than No-Impact Homes Based Business | C | C | | | C | |
| | Horse Racing Facility | | | P | | | |
| | Hospital | | | C | C | | |
| | Hotel/Motel | | | | P | | |
| | Indoor Recreation Facility | | | C | P | | C |
| | Kennel/Animal Rescue | P | | | | | |
| | Landscaping Service Center, Retail | | | | P | | P |
| | Landscaping Service Center, Wholesale | | | P | | | |
| | Life Care Facility | | | | C | | |
| | Light Manufacturing | | | P | | | |
| | Massage Therapy Establishment | | | | C | | |
| | Medical Clinic | | | | P | | |
| | Medical Office | | | | P | | C |
| | Mineral/Resource Extraction | C | C | C | C | C | C |
| | Natural Gas Compressor Station | C | | C | | | |
| | Natural Gas Processing Plant | C | | C | | | |
| | No-Impact Home Based Business | P | P | P | P | P | P |
| | Nursing Home | | C | | P | | P |
| | Oil and Gas Development - Well Site/Drilling Pad/Processing Pad | C | C | C | C | C | C |
| | Outdoor Recreation Facility | C | | P | | | C |
| | Personal Services | | | | P | P | P |
| | Pilot Manufacturing | | | P | | | |
| | Place of Assembly | | | | P | C | C |

| | | AR | R-1 | I | RC | V | NC |
|---|---|---|---|---|---|---|---|
| | **Principal Use** | | | | | | |
| | Place of Worship | C | C | | C | C | C |
| | Placement, Operation, Use, or Repair of Oil and Gas Gathering Lines | P | P | P | P | P | P |
| | Planned Non-Residential Development | | | P | P | | |
| | Public and Non-Profit Parks Playground, or Athletic Field | P | P | | P | P | P |
| | Public Building | P | P | P | P | P | P |
| | Public Park | P | P | P | P | P | P |
| | Public Parking Lot or Garage | | | P | P | | |
| | Recreational Camp | C | | | | | |
| | Research and Development | | | P | | | |
| | Restaurant - High Turnover with Drive-Thru | | | | P | | |
| | Restaurant - High Turnover without Drive-Thru | | | | P | P | P |
| | Restaurant - Low Turnover | | | | P | | P |
| | Retail Store (< 5,000 sq. ft.) | | | | P | P | P |
| | Retail Store (5,000-20,000 sq. ft.) | | | | P | C | C |
| | Retail Store (>20,000 sq. ft.) | | | | P | | |
| | Riding Academy/Boarding of Horses | P | | | | | |
| | Sanitary Landfill | | | C | | | |
| | Sawmill | C | C | | | | |
| | School (Public or Private) | C | C | | | P | P |
| | Self Service Storage Facility | | | P | P | C | P |
| | Solar Energy Production Facility, Large | | | C | | | |
| | Supply Yard | | | P | | | |
| | Underground Waste Injection Well | | | C | | | |
| | Use Not Specifically Listed | | | C | | | |
| | Veterinary Clinic | | | | P | | P |
| | Warehousing/Distribution Center | | | P | | | |

| | | AR | R-1 | I | RC | V | NC |
|---|---|---|---|---|---|---|---|
| | **Principal Use** | | | | | | |
| | Wind Energy Production Facility, Large | | | C | | | |
| | Winery | C | | P | P | C | |

## SECTION 3.8 - LOT REQUIREMENTS BY ZONING DISTRICT

A. The minimum dimensional requirements for lots on each zoning district shall be provided as shown in Table 3-2 "Zoning District Area and Bulk Regulations."

B. Corner lots shall provide front yards on each street frontage. The remaining two yards shall be considered side yards.

C. Any lot of record existing at the effective date of this Ordinance may be used for the erection of a building or structure conforming to the use regulations of the district in which it is located, even if its area and / or width are less than the minimum requirements of the district in which it is can be met.

D. Any development of a lot shall conform to the dimensional requirements of the zoning district in which it is located as well as, if applicable to the lot, any additional overlay provisions as identified in this Ordinance.

E. Flag lots shall be strongly discouraged. In the event a flag lot is approved, a flag lot shall have a minimum 25 feet wide access ("the flag pole") connecting to a public or private road as defined herein.

## TABLE 3-2
## ZONING DISTRICT AND AREA AND BULK REGULATIONS

| Zoning District | | AR | R-1 | I | RC | V | NC |
|---|---|---|---|---|---|---|---|
| Minimum Lot Area with Individual Well and On-Lot Septic System (acres) | | 2.0[A]<br>1.5[B]<br>0.5[C] | 1.0[A]<br>0.5[D] | 0.75 | 0.75 | 0.50 | 0.75[A]<br>0.5[C] |
| Minimum Lot Width at Front of Building Setback Line (lineal feet) | | 150′ | 100′ [A]<br>90’ [B] | 100′ | 100′ | 80′ | 100′ (Single Family)<br>150′ (Other Uses) |
| Yard Dimensions (feet) | Front | 40′ | 40′ | 50′ | 40′ | 30′ | 40′ |
| | Side | 10′ | 10′ | 20′ | 20′ | 15′ | 15′ |
| | Side Accessory | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| | Rear | 50′ | 20′ | 40′ | 30′ | 20′ | 15′ |
| | Rear Accessory | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| Building Height (feet) | | 35′ | 35′ | 55' | 80′ | 35′ | 35′ |
| Building Height Accessory Uses (feet) | | | 21′ | 35' | | 21′ | 21′ |
| Lot Coverage – Maximum Percentage | | 25% | 20%[A]<br>40%[D] | 70% | 80% | 70% | 60% |
| Density – Maximum Permitted Residential Density Within District (unit per acre) | | 1 | 2 | | | | |
| Architectural Projections – Maximum Permitted into Any Required Yard (inches) | | 24″ | 36″ | 24″ | 24″ | 24″ | 24″ |

A: On-Lot Water and Sewer
B: Off-Lot Water and On-Lot Sewer
C: Off-Lot Water and Sewer
D: Off-Lot Water or Off-Lot Sewer

# ARTICLE IV

# BEAVER COUNTY AIRPORT OVERLAY DISTRICT REGULATION AND RESTRICTIONS

## SECTION 4.1 - PURPOSE

The purpose of the AZD-2, Beaver County Airport Approach Overlay, AZD-4, Beaver County Airport Transitional Overlay, AZD-5, Beaver County Airport Horizontal Overlay, and the AZD-6, Beaver County Airport Conical Overlay is to regulate and restrict the height of structures and objects of natural growth within the applicable areas of South Beaver Township in order to prevent hazards relative to aviation traffic to and from the Beaver County Airport in accordance with and as required by the Aviation Code, being Act No. 164 of 1984, as same now exists or may hereafter be amended. Such regulation and restrictions are necessary to prevent obstruction to aviation traffic which has a potential for endangering the lives and property of users of the Beaver County Airport, the property and lives of the occupants of land in the vicinity of said Beaver County Airport, including but not limited to the portions of South Beaver Township included in the AZD-2, AZD-4, AZD-5, and AZD-6 Beaver County Airport Overlay Districts, and to otherwise interfere with the proper and safe use of person and property, the intent and directive of this Article is restrictive, and not permissive.

## SECTION 4.2 - RESTRICTIVE BEAVER COUNTY AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise may be provided in this Article, no structure shall be erected, altered, or maintained, and no tree or other object of natural growth shall be planted or allowed to grow in the AZD-2, Beaver County Airport Approach Overlay, the AZD-4, Beaver County Airport Transitional Overlay, the AZD-5 Beaver County Airport Horizontal Overlay, and AZD-6, Beaver County Airport Conical Overlay, to a height in excess of the applicable height limit herein established for each such Beaver County Airport Overlay District. Such applicable height limitations are hereby established for each of said Beaver County Airport Overlay Districts as follows:

A. AZD-2, Beaver County Airport Approach Overlay: The height of any tree or other object of natural growth is limited and established at one thousand two hundred fifty-two (1,252) feet above mean sea level, which measurement of height limitation within such approach zone slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

B. AZD-4, Beaver County Airport Transitional Overlay: The height of any structure or any tree or other object of natural growth is limited and established at one hundred fifty (150) feet above the airport elevation of one thousand two hundred fifty-two (1,252) feet above mean sea level, which measurement of height limitation within said transitional zone slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the

same elevation as the AZD-2, Beaver County Airport Approach Overlay, and extending to where they intersect the AZD-6, Beaver County Airport Conical Overlay.

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

D. AZD-6, Beaver County Airport Conical Overlay: The height of any structure or any tree or other object of natural growth is limited and established to a measurement of height of not more than three hundred fifty (350) feet above the Beaver County Airport elevation or at a height of one thousand four hundred two (1,402) feet above mean sea level to a height of one thousand six hundred two (1,602) feet above mean sea level, which measurement of height limitation within said conical overlay slope two (2) feet outward for each foot upward beginning at the periphery of the AZD-5, Beaver County Airport Horizontal Overlay and at one hundred fifty (150) feet above the Beaver County Airport elevation and extending to a height of three hundred fifty (350) feet above the Beaver County Airport elevation.

## SECTION 4.3 - REGULATION OF AIRPORT ZONING OVERLAYS

Any new development, substantial improvement, construction, planting of trees, natural growth and / or any other uses or activities undertaken or allowed of any Airport Zoning Overlay, shall be undertaken in strict compliance with the provisions of this Article and all other applicable laws, codes, ordinance or regulations. In the event there is a conflict between the provisions of this Article and any other provisions of this Zoning Ordinance, the more restrictive provisions shall apply.

No development or substantial improvement, construction, and / or any other uses or activities that involve a height therefor in excess of thirty-five (35) feet in a non-industrial zoning district, and in excess of fifty-five (55) feet in an industrial district, or the planting of items of natural growth or trees which have the natural potential of growth in excess of seventy-five (75) feet , shall be commenced or undertaken within an Airport Overlay District until an Airport Overlay District Permit is issued therefor by the Zoning Officer. Such Airport Overlay District Permit shall be in addition to other required permits including those permits required by Article XIX of this Ordinance, or any other ordinance of the Township of South Beaver.

## SECTION 4.4 - APPLICATION FOR AN AIRPORT OVERLAY DISTRICT PERMIT

An application for an Airport Overlay District Permit shall be submitted to the Zoning Officer of South Beaver Township, in duplicate, together with a fee in accordance to a Fee Schedule adopted and set by Resolution of the Township Board of Supervisors from time to time. Such application for an Airport Overlay District Permit shall include and provide all necessary information in sufficient detail on a form provided by the Township to determine that the proposed development, substantial improvement, construction, planting of items of natural growth or tree, and / or other use or activity are consistent with the requirements of this Ordinance, and all other applicable, regulations and / or ordinances of the Commonwealth of Pennsylvania and / or the Township of South Beaver. Such application for an

Airport Overlay District Permit, in addition to the foregoing requirements of including pertinent data and information, shall include and contain the following information:

A. Name and address of the applicant.

B. Name and address of the owner of the land.

C. Brief description of the proposed development, substantial improvement, construction, planting of items of natural growth, including trees, and / or use or activity proposed and estimated cost thereof.

D. A location plan map that clearly identifies the entire project site in relation to the municipal boundaries of South Beaver Township and the applicable Airport Overlay District or Districts within which such project site exists.

E. A detailed set of plans of the entire project site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less and may be necessary to display the details hereinafter required, which set of plans shall show and include the following:

1. North arrow, scale and date of preparation.

2. Clearly identify the Airport Overlay District or Districts portion of the project site.

3. Topographic contour lines of the entire site at intervals of not less than twenty (20) feet in elevation.

F. The location of all existing structures, streets, drives, objects of natural growth, and / or other improvements on the project site, together with such necessary data marked thereon, or indicated by proper reference to table or other compilation of data, of the highest point thereof in relation to the elevation of the Beaver County Airport and to and above mean sea level.

G. The proposed location of any new structures, streets, drives or other access ways, development, substantial improvements, items of natural growth or trees to be planted, and / or other use or activity proposed on the project site, together with such necessary data marked thereon or indicated by proper reference to table or other compilation of data, of the highest point thereof in relation to the elevation of the Beaver County Airport and to and above mean sea level.

H. An informational report prepared by a qualified registered professional engineer and / or architect setting forth all data and calculations as to the elevation determinations required to be set forth in accordance to subparagraphs D. and E. of this Section, including an assurance and certification therein that the subject lands, together with its appurtenances, and proposed development thereof does not violate the height limitations applicable to the subject land pursuant to the Airport Overlay District or Districts within which the subject land exists.

I. An application for an Airport Zoning Overlay Permit shall be reviewed and approved or denied by the Zoning Officer within ninety (90) days after the occurrence of the first general public meeting of the Township Board of Supervisors after receipt of the application and required fee

by the Township of South Beaver. Unless such ninety (90) day period is extended by written consent of the applicant, failure of the Zoning Officer to act upon the application within said time limit, shall be construed as an approval of the application.

J. Upon the Zoning Officer's determination that approval of the application for an Airport Overlay Zoning Permit shall be granted, or in the event approval is deemed to have occurred by passage of the aforesaid ninety (90) day period, written notice of the approval of the application for an Airport Overlay Zoning Permit shall be given unto the Pennsylvania Department of Transportation by certified mail.

K. An Airport Overlay Zoning Permit shall become issued or be effective ten (10) business days following receipt of approval by the Pennsylvania Department of Transportation. This requirement is herein pursuant to Section 5919, Notice to Department, of the Aviation Code, Act No. 164 of 1984, as same now exists or as may hereafter be amended.

L. Any applicant aggrieved by the decision of the Zoning Officer, or denial of an application for an Airport Overlay Zoning District Permit by the Zoning Officer, may appeal such decision of the Zoning Officer within thirty (30) days to the Zoning Hearing Board, per Article XVII of this Ordinance. The Zoning Hearing Board of the Township of South Beaver as created under Article XVII of this Ordinance is hereby also designated as the "Board of Adjustment" within the meaning and requirements of the Aviation Code, Act No. 164 of 1984, and / or any subsequent amendments thereto.

# ARTICLE V

# PLANNED RESIDENTIAL DEVELOPMENT (PRD) REGULATIONS

## SECTION 5.1 - PLANNED RESIDENTIAL DEVELOPMENT

A. **Purpose:** The purpose of the Planned Residential Development (PRD) regulations is to permit residential development upon a tract of land in a manner to provide opportunity of flexibility as to minimum lot sizes, setbacks and layout of a residential development but yet to preserve general requirements concerning overall density, site design criteria, and site development standards and requirements. Further, the concept of any proposed PRD is and should be to promote a residential development which is sensitive to the existing attributes of a tract of land, including but not limited to attributes such as wooded areas, streams and topography of same, in a manner which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements but oriented to and in accordance with the community development objectives and goals of the Comprehensive Plan of South Beaver Township, including but not limited the goal to preserve natural and scenic qualities existing within the Township. Each PRD shall be planned as an entity which includes an acceptable unitary site plan, usable common open space, site related vehicular and pedestrian circulation systems and preservation of significant natural features. Further, the PRD "purpose" provisions of Section 701 of the Pennsylvania Municipalities Planning Code are hereby incorporated by reference as though fully set forth herein.

B. **Application:** A PRD may be permitted in the AR Agricultural/Residential or the R-1 Moderate Density Residential Zoning District subject to the standards, restrictions, qualifications, criteria, requirements, conditions, regulations and application processing procedures as enumerated and set forth and required in and by this Article. A developer shall obtain required approvals for a PRD by following the available three (3) step review process which shall consist of a Pre-Application Conference, an Application for Tentative Approval of a PRD, and an Application for Final Approval of a PRD.

## SECTION 5.2 - MINIMUM LAND AREA AND OWNERSHIP REQUIREMENTS

A. The minimum land area for a PRD, other than a Mobile Home Park, shall be twenty (20) contiguous acres. The minimum land area for a Mobile Home Park shall be ten (10) contiguous acres. Public easements or public or private roads shall not be construed as an interruption or division of a tract of land proposed for a PRD.

B. The developer of a proposed PRD shall provide evidence of full ownership interest in the land, which for purposes of this ordinance shall be either legal title or an executed binding sales agreement evidencing equitable title in the subject land. Any proposed PRD shall be in single legal, as well as equitable, ownership coincident with approval of the Final Development Plan for same.

C. Any expansion of an existing Mobile Home Park within the Township, or modification or alteration of the lay-out of such existing Mobile Home Park, shall be subject to the provisions and requirements of this Article, and the entire Mobile Home Park shall be processed and classified as a Mobile Home Park PRD, provided however, to the extent non-conforming standards being in existent within an existing Mobile Home Park area cannot be eliminated due to peculiarities existing as to the subject tract of land, such pre-existing nonconformity may be permitted to be continued as a non-conforming standard or requirement.

## SECTION 5.3 - ADMINISTRATION AND PROCEDURES

A. The PRD provisions of this Ordinance shall be reviewed by the Planning Commission of South Beaver Township and shall be applied and administered by the Board of Supervisors of South Beaver Township in accordance with the terms and provisions of Article VII of the Pennsylvania Municipalities Planning Code.

## SECTION 5.4 - PRE-APPLICATION CONFERENCE

A. **Pre-Application Conference:** Prior to the filing of an Application for Tentative Approval, a developer shall submit a set of seven (7) copies of the following data and plans to the Planning Commission by delivery of same to the Township Secretary not less than fifteen (15) days prior to the next scheduled regular meeting of the Planning Commission.

B. **General Information:** Either a single written statement or multiple written statements identifying and relating therein the following general information shall be submitted:

1. The site location and nature of the PRD to be proposed, together with the number and nature of residential units to be included, and whether same shall be proposed to be developed in a single-phase development or multiple phases of development;

2. A summary statement of the manner in which the proposed PRD shall be in accordance with the purposes of this Article as detailed herein, addressing sensitivity of the existing natural attributes of the tract of land;

3. Whether public water and / or sewage facilities are or will be made available to the proposed PRD, or whether individual water wells and septic systems, and / or other type of water supply and sewage treatment facilities will be involved.

4. The type and manner of making available to the proposed PRD other public utilities, such as but not limited to electric, natural gas, telephone, and / or cable TV lines; and

5. The type and nature of stormwater management facilities that will be required and incorporated into the overall design.

C. **Sketch Plan:** A sketch plan drawn at a scale of one (1) inch equals one hundred (100) feet or larger, with scale stated thereon, with North arrow, suitable to portray the proposed PRD layout

upon the tract of land involved, the general location of the natural amenities of the tract of land including but not limited to any significant stand of trees, rock out-crops, streams or wetlands, together with the PRD's proposed location or locations of ingress and egress to existing public roads and / or streets, with said existing public roads and / or streets being identified thereon.

D. **Topography Map:** A topography map (U.S.G.S. or equivalent) marked with location and boundaries of the tract of land upon which the PRD is being proposed to be developed.

E. The purpose of a Pre-Application Conference is solely to familiarize both the applicant and the Township officials with the concepts that will be involved as to the proposed PRD and discussion of and general administrative planning for processing the application steps hereinafter set forth.

## SECTION 5.5 - APPLICATION FOR TENTATIVE APPROVAL

A. **Application for Tentative Approval (Preliminary Development Plan):** An Application for Tentative Approval of a Planned Residential Development shall be filed by the applicant with the Secretary of the Township, together with payment of the required filing fee set by the Township Board of Supervisors by Resolution, not less than fifteen (15) days prior to the next regular meeting of the Planning Commission of South Beaver Township at which meeting of said Planning Commission the PRD shall be placed on the agenda.

At a minimum, fifteen (15) copies of a Preliminary Development Plan shall accompany the Application for Tentative Approval and be in sufficient detail to provide the Planning Commission and the Board of Supervisors with a major substantive review of the proposed PRD, which Preliminary Development Plan shall accompany the Application for Tentative Approval. An Application for Tentative Approval should be submitted within one hundred twenty (120) days following close of the Pre-Application Conference procedure. The following documentation shall be submitted in as part of the Preliminary Development Plan in support of the Application:

1. Written Documents, consisting of, at a minimum:

   a. A legal description of the total tract proposed for development, including a statement of present and proposed ownership, and whether the tract is subject to existing easements or will include the creation of easements for any purpose whatsoever.

   b. A statement of the planning objectives to be achieved by the PRD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its intended compliance with the purposes of a PRD as defined in this Article.

   c. Quantitative data for the following: total number and type of dwelling units, parcel size being allotted per dwelling unit, proposed lot coverage of buildings and structures, approximate gross and net residential densities, total amount of

open space (including a separate figure for common open space and usable open space), economic feasibility studies or market analyzes where reasonably necessary to substantiate the feasibility or need for single phase or multiple phase development.

d. With exception of a Mobile Home Park PRD, a statement indicating those units or buildings which will be retained by the applicant, his heirs or assigns, for use as rental units, rental spaces or rental properties of any nature. The real estate of a Mobile Home Park PRD shall remain under single ownership by the developer, the developer's heirs, successors or assigns, with the mobile home lots being made available for leasing to the owner of a mobile home.

e. Statement of all restrictive covenants and conditions to be applicable to the lands within the PRD and the method proposed for recording or otherwise making same legally applicable and enforceable to the PRD.

f. With exception of a Mobile Home Park PRD, a statement of the manner in which the applicant proposes to provide for ownership and maintenance of common open space or other common facilities including but not limited to water and sewage facilities to serve the PRD, and if to be by an homeowners association or other entity, copies of the document being proposed relative to such homeowners association or other entity detailing the provisions for ownership and maintenance of the common open space. The real estate of a Mobile Home Park PRD shall remain under single ownership by the developer, the developer's heirs, successors or assigns, with only the mobile home lots being made available for leasing to the owner of a mobile home.

2. **Location Map:** This map shall clearly show the location and area of the tract proposed for development with relation to all lands, buildings and structures within five hundred (500) feet of its boundaries, the location and distance to existing related highways, streets or roads and the names of owners of properties adjacent to the tract.

3. **Site Plan and Supporting Maps:** Unless required differently by the South Beaver Township Subdivision and Land Development Ordinance, a site plan and supporting maps shall be drafted at a scale no smaller than one-inch equals one hundred feet (1"=100'). In the event any major details of the proposed PRD necessitate a scale of one-inch equals fifty feet (1"= 50'), the applicant shall include same within the Site Plan and Supporting Maps data. Site Plan and Supporting Maps shall be prepared in such manner to facilitate cross-reference from one to the other for ease of comprehension of same, and in such format as required by the South Beaver Township Subdivision and Land Development Ordinance. The site plan and maps shall contain the following minimum information:

a. The existing site conditions including contours at minimum intervals of five (5) feet, watercourses, flood plains, forest cover, soils, and natural features considered significant by the Planning Commission.

b. Proposed lot lines and subdivision plan, if any. If a subdivision plan is included, such subdivision plan shall be prepared and submitted in a form that is in full compliance to the South Beaver Township Subdivision and Land Development Ordinance.

c. The location and size in acres or square feet of all areas to be developed with residential units, and with exception of a Mobile Home Park PRD whether to be conveyed or retained by the applicant. The real estate of a Mobile Home Park PRD shall remain under single ownership by the developer, the developer's heirs, successors or assigns, with the mobile home lots being made available for leasing to the owner of a mobile home.

d. The location and size in acres or square feet of all areas to retained, conveyed or reserved as common open space.

e. The type of residential units proposed to be included in the PRD.

f. The accurately dimensional location of all existing and proposed buildings and structures.

g. The existing and proposed vehicular circulation system of collector and local streets or roads, including off-street parking areas, service areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development).

h. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system and indicating proposed treatment of points of conflict.

i. The existing and proposed utilities systems, including but not limited to sanitary sewers, storm sewers, water, electric, gas, cable TV and telephone lines.

4. Profiles, cross sections and specifications for proposed highway, street, road or parking area improvements, which data shall be prepared in accordance with the requirements of the South Beaver Township Subdivision and Land Development Ordinance.

5. Profiles, cross sections and specifications for stormwater management facilities, which data shall be prepared in accordance with the requirements of the South Beaver Township Subdivision and Land Development Ordinance.

6. Profiles and specifications for placement of proposed residential use water and sanitary sewage lines and / or facilities, if either or both of such services are to be provided by a public water or sewage system, or by a private community or homeowners association facility system rather that individual wells and in-ground septic systems, which data shall be prepared in accordance with the requirements of the public entity that shall provide water or sewage service to the proposed PRD, or otherwise so as to be in compliance with the rules and regulations applicable per the laws and regulations of

the Commonwealth of Pennsylvania and / or the government of the United States of America.

7. A Landscape Development Plan, in accordance with the South Beaver Township Subdivision and Land Development Ordinance, which shall detail:

   a. All proposed grading to alter or affect the existing topography of the tract of land in any manner for any purpose;

   b. The proposed preservation or alteration/modification of the existing attributes of the tract of land, including but not limited to existing wooded and natural vegetation areas or other natural and scenic qualities of same, both within and about the proposed PRD, including but not limited to active and passive open space to be included in the PRD, and as to its perimeter;

   c. Any proposed planting of trees or other vegetation as to any disturbance of the exiting natural landscape features of the tract of land per the proposed PRD development, or for the providing of screening and / or privacy as to the placement of the proposed residential units as to each other, to lands adjacent to the proposed PRD, or any other development features of the proposed PRD development; and

   d. Survey or engineering drawings or plans showing existing and proposed contours in intervals of 2' and their relationship to proposed buildings, structures, highways, streets, roads, parking areas and walkways and to existing woodlands.

8. An Erosion and Sedimentation Control Plan specifically detailing and indicating all erosion and sedimentation control measures to be utilized on the proposed site during development. Such Erosion and Sedimentation Control Plan shall be prepared in accordance with the provisions and requirements of the South Beaver Township Subdivision and Land Development Ordinance.

9. Projected Scheduling of Stages: In the case of development plans which call for development over a period of years, a schedule showing such stages or phases of development of the PRD and proposed time frame for development of each shall be provided. Note, per the requirements of Section 707 (4)(ix) of the Pennsylvania Municipalities Planning Code, such schedule shall be reviewed annually by the applicant with the Planning Commission on the anniversary of date of tentative approval having been granted unto the proposed PRD. Such annual review shall be accomplished each year until the entire PRD is granted final approved, or any uncompleted stages thereof are abandoned or terminated as a proposed PRD development.

10. All necessary data and information relative to the form/method of posting of financial security to guarantee the applicants performance for completion of improvements of

the proposed PRD, which will be provided and placed in effect upon the occurrence of Final Approval to a PRD being granted.

11. All requirements of the Township Subdivision and Land Development Ordinance for application of a preliminary subdivision or land development plan shall be incorporated by reference herein.

B. Public Hearings and Tentative Approval, with or without Conditions, or Denial of Tentative Approval:

1. Within sixty (60) days following receipt of a completed Application for Tentative Approval of a PRD, with required documentation, a public hearing pursuant to public notice on such Application shall be held by the Board of Supervisors of South Beaver Township, with such public hearing being advertised as notice for consideration of the Application for Tentative Approval of a PRD. Said public hearing may be continued from time to time but shall be concluded no more than sixty (60) days after the date of the first public hearing.

2. The Board of Supervisors may offer mediation as an aid in the completing of proceedings authorized by this Article prior to final approval, which mediation if undertaken shall be conducted and participated within by appropriate parties in accordance with Section 908.1 of the Pennsylvania Municipalities Planning Code.

3. The Board of Supervisors of South Beaver Township within sixty (60) days following the conclusion of the public hearing shall by official written communication to the applicant, either:

   a. Grant tentative approval of the Preliminary Development as submitted;

   b. Grant tentative approval of the Preliminary Development Plan subject to specified conditions not included in the Preliminary Development Plan as submitted; or

   c. Deny tentative approval.

The original written communication required by this Section shall be filed by the Board of Supervisors of South Beaver Township with the Secretary of the Township, and said Secretary shall certify a copy thereof and mail same certified mail unto the applicant developer.

Failure to so act within such period of time by the Board of Supervisors of South Beaver Township shall be deemed to be a grant of tentative approval of the Preliminary Development Plan as submitted.

In the event, however, that tentative approval subject to specific conditions is granted subject to specified conditions, the applicant may within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors notify the South Beaver Township Board of Supervisors of the applicant's refusal to accept all such conditions, in which event

tentative approval of the Application for Tentative Approval and its accompanying Preliminary Development Plan is deemed to be denied. In the event the applicant does not within said thirty (30) day period notify the Board of Supervisors of applicant's refusal to accept all said conditions, tentative approval of the Application for Tentative Approval and its accompanying Preliminary Development Plan, with all said conditions, shall stand as granted.

d. The grant or denial of tentative approval by official written communication by the Board of Supervisors of South Beaver Township shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:

i. In those respects, in which the development is or is not consistent with the purposes of a PRD set forth in this Article and the Comprehensive Plan for the development of land within the Township;

ii. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, lot coverage and use, and the reasons why such departures are or are not deemed to be in the public interest;

iii. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposed manner of the developer for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the density and type of residential development;

iv. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

v. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood or general area of the Township in which it is proposed to be established;

vi. The determination or whether or not the proposed PRD will afford a greater degree of protection of natural amenities of the tract of land, including but not limited to natural watercourses, topsoil, trees and other features of the natural environment, in a manner to prevent erosion, landslides, siltation and flooding, than if subject to being developed in accordance with the non-PRD provisions of the Zoning Ordinance

applicable, or the non-PRD subdivision otherwise applicable to lands not being developed and subdivided as a PRD; and

vii. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan. If the sequence of construction of various portions of the PRD development is to occur in stages, then the common open space and / or recreational facilities shall be developed, or an adequate development commitment made thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction as approved. Furthermore, at no time during the construction of the PRD development shall the number of constructed dwelling units per acre of developed land exceed the overall density per acre established by the approved Final Development Plan.

e. In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the applicant, e.g. the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a PRD plan shall not be less than twelve (12) months.

C. Criteria for Tentative Approval: The Board of Supervisors of South Beaver Township may give tentative approval to an Application for Tentative Approval of a PRD and its Preliminary Development Plan, with or without conditions, if and only if, it is found to meet the following criteria:

1. The proposed Preliminary Development Plan complies with all standards, restrictions, qualifications, criteria, requirements, conditions, regulations, and procedures of this Ordinance and the Comprehensive Plan of the Township, preserves the Community Development Objectives of this Ordinance and said Comprehensive Plan and further complies with the South Beaver Township Subdivision and Land Development Ordinance and all other relevant County and Commonwealth laws and regulations.

2. Where the proposed Preliminary Development Plan provides standards varying from those in this Ordinance and the Township Subdivision and Land Development Ordinance otherwise applicable to the subject property, that such departure is determined and found to be in the public interest and promotes the conservation of the environment, health, safety and general welfare of the public.

3. The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of the Township and all applicable statutes of the Commonwealth, and the amount and extent of improvements of the remaining land are appropriate with respect to the purpose, use and type of the residential development proposed.

4. The physical design of the proposed Preliminary Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.

5. The total environment of the proposed Preliminary Development Plan, including lot layout and design, street configuration and preservation of natural amenities, is consistent with the neighborhood or area of the Township in which it is to be located.

6. The proposed Preliminary Development Plan will afford adequate protection of natural water courses, topsoil, trees, and other features of the natural environment and will prevent erosion, landslides, siltation and flooding.

7. In the case of a Preliminary Development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interest of the public and of the residents of the PRD in the integrity of the Final Development Plan.

8. The grant or denial of tentative approval shall include findings of fact relating to the proposed Preliminary Development as submitted for approval and reasons for such decisions shall be set forth with particularity, including but not limited to whether the proposed Preliminary Development Plan would or would not be in the public interest with respect to each of the above criteria.

D. **Status of Planned Residential Development after Tentative Approval.** Upon and after the Board of Supervisors of South Beaver Township having timely issued its written communication granting Tentative Approval to a proposed PRD, with or without conditions, or in the event such Tentative Approval results via default due to the failure of the Board of Supervisors of South Beaver Township to issue its written communication of Tentative Approval, with or without conditions, or denial of Tentative Approval, within sixty (60) days of the conclusion of the public hearing held as to the Application for Tentative Approval:

1. The Tentative Approval shall be deemed an amendment to the Zoning Map, to be effective only upon the PRD achieving Final Approval. The area of the PRD land achieving Tentative Approval shall be noted on the Zoning Map, and marked as a PRD with Tentative Approval.

2. The Tentative Approval status of a PRD shall not entitle or qualify any plat or subdivision plan included within the Development Plan to be recorded, nor entitle or qualify the proposed PRD to be an authorized development for which a building permit may be issued for any type of structure included in the proposed PRD.

3. A PRD development plan that has been granted Tentative Approval as submitted, or a PRD development plan that has been granted Tentative Approval with conditions and which conditions have been accepted by the applicant, provided that the applicant has not defaulted generally nor violated any of the conditions of the Tentative Approval, shall not be modified or revoked, nor otherwise impaired by action of the Township pending an Application for Final Approval without the consent of the applicant-developer, provided that an Application for Final Approval for the PRD or successive Applications for Final Approval for each proposed stage of development of the PRD are timely filed per the time schedule required and set forth by the Planning Commission of South Beaver Township in its written communication detailing the Tentative Approval granted. Absent the said Board of Supervisors setting a time schedule in a written communication, the Application for Final Approval for a single stage development of a PRD shall be submitted within three (3) months of the PRD achieving Tentative Approval, and a PRD that achieved Tentative Approval for development in stages, shall be required to have the initial Application for Final Approval for the first stage development within three (3) months of the PRD achieving Tentative Approval, and the Application for Tentative Approval of each successive stage until all stages have achieved Final Approval, shall be submitted not later than twelve (12) months following the previous stage of development of the PRD being granted Final Approval.

4. In the event a PRD that has achieved Tentative Approval status and the applicant, e.g. the landowner, shall elect to abandon said PRD and shall so notify the Township Secretary in writing of the decision to abandon same, or in the event the applicant, e.g. the landowner, shall fail to timely submit Application or Applications for Final Approval within the required period of time or times, as the case may be, the Tentative Approval shall be deemed to be revoked.

5. Upon the abandonment or revocation of a PRD, in whole or part as aforesaid, all or that portion of the area included in the PRD development plan for which Final Approval has not been given shall be subject to all other provisions of this Ordinance and other Ordinances of the Township, as such Ordinance or other Ordinance may have been amended from time to time, and / or as said Ordinances may be in effect as of the date of abandonment or revocation of the PRD as aforesaid.

6. Upon the abandonment or revocation of a PRD, in whole or part as aforesaid, the Zoning Map shall be properly noted and / or corrected to reflect the result of such abandonment or revocation, and such event of abandonment or revocation shall be duly noted in the records of the Township of South Beaver by the Township Secretary.

## SECTION 5.6 - APPLICATION FOR FINAL APPROVAL

A. **Application for Final Approval (Final Development Plan):** Within the required time frame after and following the Preliminary Development Plan of a PRD achieving Tentative Approval, the applicant shall submit and file an Application for Final Approval with the Township

Secretary, together with payment of the required filing fee set by the Township Board of Supervisors per this Ordinance, not less than fifteen (15) days prior to the next regular meeting of the Planning Commission of South Beaver Township at which meeting of said Planning Commission the PRD shall be placed on the agenda.

1. At a minimum, fifteen (15) copies of a Final Development Plan shall accompany the Application for Final Approval as to the PRD or section or part of the PRD involved per the Tentative Approval process. The Final Development Plan shall consist of and include all detail plans, drawings, specifications, covenants, easements, performance documents and bonding thereof, and such other requirements as may be specified herein or by the South Beaver Township Subdivision and Land Development Ordinance, as well as including all items and / or conditions as set forth and enumerated in the official written communication granting the Tentative Approval of the PRD as set forth in this Ordinance, which at a minimum shall include:

    a. All data required for final plan as specified in the Township Subdivision and Land Development Ordinance.

    b. Accurately dimensioned locations of all proposed buildings, structures, parking areas and common open space.

    c. The number of families to be housed in each building or structure and intended method of ownership of each building or structure.

    d. With exception of a Mobile Home Park PRD, statement indicating those units or buildings, or parcels of land, which will be retained by the developer, his heirs or assigns for use as rental properties. The real estate of a Mobile Home Park PRD shall remain under single ownership by the developer, the developer's heirs, successors or assigns, with the mobile home lots being made available for leasing to the owner of a mobile home.

    e. A Landscape Development Plan.

    f. An Erosion and Sedimentation Control Plan.

    g. A Stormwater Management Plan.

2. Engineering Data and Specifications as applicable relative to profiles, cross sections and specifications for proposed highways, streets or road improvements, utility service systems, water distribution systems, stormwater systems, and / or sanitary sewer systems, together with required permits for entry upon / connection to any highway, street or road under the jurisdiction of the Commonwealth of Pennsylvania.

3. Supplementary data including a certified true and correct copy of any and all documents that state any and all covenants, grant of easements, or other restrictions to be imposed on the use of land, buildings and structures and provisions for the maintenance, ownership and operation of common facilities, including but not limited to open space,

stormwater management facilities, recreation facilities, streets, roads, sidewalks or trails.

4. Location and type of temporary construction or sales office and equipment parking areas.

5. Any additional information, data or items required by the Planning Commission or Board of Supervisors as specified in its written communication whereby and wherein said Board of Supervisors granted approval to the Application for Tentative Approval of the PRD.

6. A certification by the applicant, together with the certification by the surveyors, architects and / or engineers of the applicant, that the PRD as detailed and set forth within the Application for Final Approval is in full compliance to the terms, provisions and / or conditions of the PRD as granted Tentative Approval by the Board of Supervisors, or that variations from the proposed PRD as granted Tentative Approval exist, and what the details of each and every variation consists, with documentation evidencing such variation.

7. All required Guaranty and Performance Bond documents by which the applicant shall provide the required financial security to assure completion of all improvements. Such Guaranty and Performance Bond documents shall be of such format to be effective upon the occurrence of the Board of Supervisors granting Final Approval.

    a. If the Final Development Plan is determined to be in compliance with the written communication of the Board of Supervisors of South Beaver Township granting Tentative Approval, with or without conditions, and all requirements of this Ordinance and the South Beaver Township Subdivision and Land Development Ordinance, no public hearing shall be required, and the Board of Supervisors of South Beaver Township shall grant Final Approval of the PRD per said Final Development Plan within forty-five (45) days of the filing of the subject Application for Final Approval. The written communication stating the granting of Final Approval shall specify the time limit in which the applicant, e.g. the landowner, shall commence and complete all improvements, which time limit for completion may be shorter than, but not longer than five (5) years from the date of the granting of Final Approval.

    b. Variations in the Final Development Plan from the Preliminary Development Plan as granted Tentative Approval, if deemed minor by the Planning Commission and the Board of Supervisors and are found and determined by the Planning Commission and the Board of Supervisors to be required by engineering or other circumstances not foreseen at the time the Preliminary Development Plan was granted Tentative Approval, may at the sole discretion of the Board of Supervisors as recommended by the Planning Commission be authorized and approved as a part of the Final Plan Approval without an additional public hearing process, provided such variations:

i. Involve minor change in the location and site of buildings structures; and / or

ii. Involve minor change in development specifications as to the construction of general improvements to be included in the PRD such as the grade specifications of streets, roads, driveways, parking areas, sidewalks, utility lines, stormwater management facilities or other improvements and such variation is for the betterment of the environmental attributes of the land within, adjacent or otherwise to be affected by the development of the PRD and the safety of the general public.

iii. Do not involve any change or variation of gross and net density established by the tentatively approved Preliminary Plan.

8. If the Final Development Plan is determined not to be in compliance and / or contains variations not deemed minor from the PRD Preliminary Development Plan as granted Tentative Approval, with or without conditions, and meeting of all requirements of this Ordinance and the South Beaver Township Subdivision and Land Development Ordinance, the Board of Supervisors of South Beaver Township shall within forty-five (45) days from the filing of the Application for Final Approval refuse to grant Final Approval, and so advise the applicant, .e.g. the landowner, in writing of said refusal, setting forth the reason why the Final Development Plan is not in compliance and / or why one or more of the variations are not in the public interest. In the event of refusal of Final Approval, the applicant, e.g. the landowner, at any time within which it was required that an Application for Final Approval be submitted following Tentative Approval having been granted, or within thirty (30) additional days if the time for applying for Final Approval shall have already passed upon Final Approval as aforesaid being refused, may either:

a. Refile an Application for Final Approval with submission of the items, or submission of replacement items or data, to cure the basis of the items detailed by the Board of Supervisors for the refusal of its granting Final Approval as either/or not being in compliance and / or as being variations from the PRD Preliminary Development Plan as granted Tentative Approval; or

b. File a written request with the Secretary of the Township that the Board of Supervisors of South Beaver Township hold a public hearing on the Application for Final Approval as initially submitted for Final Approval.

9. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the applicant, and the hearing shall be conducted in the manner prescribed in this Ordinance and the Pennsylvania Municipalities Planning Code for public hearings on Applications for Tentative Approval.

10. Within thirty (30) days after the conclusion of the public hearing, the Board of Supervisors shall by official written communication either grant final approval to the

PRD Final Development Plan or deny such Final Approval. The grant or denial by the Board of Supervisors in situations arising per these provisions, shall be in the form and contain the findings required for an Application for Tentative Approval as set forth in this Ordinance. The grant of Final Approval by the Board of Supervisors in situations arising per these provisions shall specify the time limit in which the applicant, e.g. the landowner, shall commence and complete all improvements, which time limit for completion may be shorter than, but not longer than five (5) years from the date of the granting of Final Approval.

11. If the applicant, e.g. the landowner, shall fail to take either of the aforesaid alternate actions within said time permitted, the applicant shall be deemed to have abandoned the development plan, and the PRD as same had theretofore received Tentative Approval shall also be deemed abandoned and revoked. Thereupon, the abandonment or revocation of a PRD, in whole or part as aforesaid, shall result in the Zoning Map to be properly noted and / or corrected to reflect the result of such abandonment or revocation, and such event of abandonment or revocation shall be duly noted in the records of the Township of South Beaver by the Township Secretary.

B. **Status of Planned Non-Residential Development after Final Approval.** The Final Development Plan, or any part thereof, which has been given final approval shall be presented to the Board of Supervisors for signature of the Township's Chairman of the Board of Supervisors and Secretary, and shall be recorded forthwith by the developer in the office of the Recorder of Deeds of Beaver County before any development shall take place in accordance therewith. The developer shall provide proof of such required recording thereof within thirty days of such recording.

1. Upon the filing of record of the approved Final Development Plan in the office of the Recorder of Deeds of Beaver County, the zoning and subdivision regulations otherwise applicable to the land included in such approved plan shall cease to apply, and all development and use of the land within the approved Final Development Plan shall be in accordance with the PRD as granted final approval for development.

2. No development and / or building permits shall be issued for any grading, construction or other development activity within the PRD having achieved Final Approval until the applicant submits proof of recording of the Final Approved Development Plan in the office of the Recorder of Deeds of Beaver County unto the Township and the developer's financial security per the Guaranty and Performance Bonds are in place and in effect.

3. In the event a PRD that has achieved Final Approval status and the applicant, e.g. the landowner, shall elect to abandon said PRD and shall so notify the Township Secretary in writing of the decision to abandon same, or in the event the applicant, e.g. the landowner, shall fail to timely commence and carry out the development and improvements of the PRD per the time frame or time frames as detailed in the written communication of the Board of Supervisors in its granting of Final Approval, no development or further development shall take place on the subject property included in the Final Development Plan of the PRD until after the subject property is reclassified

by an amendment to this Zoning Ordnance in the manner prescribed by this Ordinance and the provisions of Article VI of the Pennsylvania Municipalities Planning Code as to the amendment of a zoning ordinance.

4. The abandonment by the landowner of the PRD that has achieved Final Approval Status, or the landowner's failure to commence the PRD development or its required improvements within the time frame required, shall constitute a revocation of the Final Approval of the PRD Development Plan.

5. Upon the abandonment or revocation of a PRD as aforesaid, in whole or part, all or that portion of the area included in the PRD Final Development Plan for which Final Approval had been given shall be subject to all other provisions of this Ordinance and other Ordinances of the Township, as such Ordinance or other Ordinance may have been amended from time to time, and / or as said Ordinances may be in effect as of the date of abandonment or revocation of the PRD as aforesaid, unless otherwise specified per the process required per the initial paragraph of this paragraph (3) and the provisions of subparagraph (e) of Section 711 of the Pennsylvania Municipalities Planning Code.

6. Upon the abandonment or revocation of a Final Approval of a PRD, in whole or part as aforesaid, the Zoning Map shall be properly noted as to such event and record thereof shall be duly noted in the records of the Township, pending enactment of an amendment of this Zoning Ordinance.

7. Enforcement of Maintenance and Operation of Common Open Spaces of a PRD Plan having achieved Final Approval, may be enforced by the Township pursuant to the provisions of subparagraphs (2), (3), (4), (5) and (6) of Section 705(f) of the Pennsylvania Municipalities Planning Code, which subparagraphs of Section 705(f) are here incorporated by reference. The word "municipality" in said Section 705(f) shall be construed and interpreted as making reference to and being the Township of South Beaver.

8. Enforcement and Modification of Provisions of a PRD Plan having achieved Final Approval, whether by residents of a PRD or by the Township, shall be in accordance with Section 706 of the Pennsylvania Municipalities Planning Code, which Section 706 is here incorporated by reference. The word "municipality" in said Section 706 shall be construed and interpreted as making reference to and being the Township of South Beaver.

## SECTION 5.7 - STANDARDS AND CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENTS

A. The permitted type of dwelling units or structures with a PRD shall consist of:

1. In a PRD other than a Mobile Home Park PRD, single-family detached dwellings, duplex dwellings, triplex dwellings or multiple-family dwellings, or any combination

thereof, constructed upon permanent foundations with concrete footers therefore placed below the frost line. In addition, within the common space area of such PRD, buildings or structures associated with and necessary for recreation facilities which are for the use of residents of the development are a permitted use, provided however such recreational facilities and uses shall only include hiking, walking or bicycle trails, tennis, paddle tennis, basketball or volleyball courts, putting greens, swimming pools and related facilities; and such additional recreational uses as deemed appropriate and approved by the Planning Commission.

2. In a Mobile Home Park PRD, mobile homes or modular/sectional homes placed upon support piers, with foundation as specified in this Article.

B. **Density:** Residential density shall not exceed the densities specified for the zoning district wherein a Planned Residential Development is a permitted conditional use, although such dwellings units may be clustered. The Board of Supervisors may require that a density level be more restrictive in any part of the proposed PRD where it determines that:

1. The average grade of any part of the land area, prior to development, is twenty-five (25) percent or greater; or

2. There is unsafe or inadequate vehicular access to the PRD Development; or

3. Traffic congestion of adjoining highways, streets or roads will be generated which is beyond the safe carrying capacity thereof as determined by accepted standards; Or

4. There is another unsafe condition created by any part of the developer's proposed density level.

C. Lot and Building or Structure Requirements, including provisions for vehicular parking:

1. Lot Size and minimum lot provisions:

a. In a PRD other than a Mobile Home Park PRD, except as specified below, area and bulk regulations shall conform with the requirements of the base zoning district:

i. The minimum lot size shall be six thousand (6,000) square feet.

ii. The maximum lot coverage shall be forty percent (40%).

iii. The minimum lot width shall be sixty (60) feet.

iv. No dwelling structure shall be placed or erected within forty (40) feet of the right-of-way of any street or exterior line of a PRD nor within twenty (20) feet of any other dwelling structure or ten (10) feet of any other lot line within any portion of the PRD development; and

2. Every dwelling unit shall have an off-street parking area as herein detailed of not less than two (2) parking spaces per dwelling unit, and access to a common street, road, parking area, court, walk or other area available for ingress and egress use.

3. There shall be a be a minimum of one (1) nine (9) foot by eighteen (18) foot off-street parking space, excluding garage and driveway for every dwelling units in the PRD for visitor parking, and be placed within one hundred (100) feet of each dwelling unit. Such visitor parking space areas shall be designed to minimize excessive numbers of vehicles in any one (1) area. Continuous rows of more than six (6) vehicles shall be interrupted with a landscaped island.

4. In a Mobile Home Park PRD, which shall comply with the provisions and conditions outlined in the South Beaver Township Subdivision and Land Development Ordinance, each mobile home park lot shall have a minimum gross area of six thousand (6,000) square feet, exclusive of any street or road area within the Mobile Home Park PRD. Provided further:

   a. Each mobile home lot shall be laid out and designed, and improved to provide adequate foundation, for the placement of a mobile home unit in such a position so that no dwelling structure can be placed or erected within twenty (20) feet of any other dwelling structure, accessory structure, lot line, street or road way line of any portion of the PRD development;

   b. Each mobile home lot foundation shall be constructed with piers or other manner of construction embedded to below the frost line so the mobile home stand shall not heave, shift or settle unevenly under the weight of the dwelling unit 'placed thereon, or due to frost or freezing conditions, vibration or other forces acting on the structure; and

   c. Each mobile home lot foundation shall have anchors or tie-downs', such as cast in-place concrete "dead men" anchors, placed at a minimum at least at each corner of the mobile home stand, and each such anchor device shall be able to sustain a minimum load of four thousand eight hundred (4,800) foot pounds of pressure or pull.

   d. Each mobile home lot shall be provided and have convenient access to off- street parking areas for the use of the park occupants and guests, with a minimum of two (2) parking spaces being provided for each mobile home lot, and access to a common street, road, parking area, court, walk or other area available for ingress and egress use. Parking space areas shall be designed to minimize excessive numbers of vehicles in any one (1) area. Continuous rows of more than six (6) vehicles shall be interrupted with a landscaped island.

D. **Buffer area:** There shall be a bufferyard or setback yard of at least fifty (50) feet to any existing public highway, street or road, and at least forty (40) feet along all other exterior perimeter boundary line of each PRD tract, within which no construction or disturbance of

existing vegetation shall be permitted except as specifically provided for per the process of the PRD attaining Tentative Approval. The perimeter of the PRD development shall be properly preserved with existing vegetation or landscaped in a manner approved by the Board of Supervisors.

E. **Location of Buildings or Structures:** The proposed location and arrangement of buildings or structures with a PRD shall be such that sunlight or air from the direction of adjacent buildings or structures are not obstructed relative to each other, to the extent that such arrangement of buildings and structures is possible.

F. **Common Space:**

1. Within a PRD other than a Mobile Home Park PRD, the following percentages of the total gross land area shall be devoted to specified use as indicated herein.

2. A minimum of thirty (30%) percent of the net site area, exclusive of road rights-of-way, easements and stormwater detention facilities, shall be set aside and preserved for common open space. Where significant or unique natural amenities exist on the site, the Board of Supervisors shall have the power and the authority to enforce their preservation as part of the required common open space as a condition in granting Tentative Approval to a PRD. These amenities may include, but are not limited to, natural features such as rock out croppings, virgin timber, groves of trees, ravines, ponds, stream beds and stream valleys.

   a. The combination of active and passive space must equal thirty (30%) percent of the gross land area. Common space may be of two (2) types:

      i. Improved (Active): Active land area of the site containing recreational structures and facilities, as long as the total impervious surfaces (paving, roofs, etc.) constitute no more than five (5%) percent of the improved common open space.

      ii. Unimproved (Passive): Passive land area of the site void of buildings, structures, parking areas, and street, road, alley and / or driveway right-of- ways or area, but may include stormwater runoff retention provisions.

3. A maximum of seventy (70%) percent of the net site area may be devoted to residential use, which shall include building coverage, parking areas, private yards and courts which abut and serve residences or groups of residences and other usable space.

4. **Protection of Common Space:** Common space between structures, including that space being used as common open space, recreational space, or other common space, shall be protected by adequate covenants running with the land or by conveyances or dedications. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan and schedule for permanent care and maintenance of such space, recreational area and communally owned facilities. No such instrument shall be acceptable until approved by the Board of Supervisors following review by the

Township Solicitor as to legal form and effect. In cases where South Beaver Township will not be accepting dedications of streets, roads alleys, recreation areas or common open space, the developer shall provide for an organization, or Homeowner's Association, for ownership and maintenance thereof.

5. **Common Space Maintenance:** In the event that the organization established to own and maintain common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all streets, roads, alleys, driveways and recreational facilities, in reasonable order and condition in accordance with the Final Development Plan, the Township of South Beaver may take remedial action to cause the common open space to be properly maintained, as provided by the Pennsylvania Municipalities Planning Code, as amended, or per any other applicable statute of the Commonwealth of Pennsylvania.

6. Within a Mobile Home Park PRD an area of at least twelve thousand (12,000) square feet, centrally located and accessible to the occupants of every mobile home lot shall be provided for common open space use for recreational activities of any mobile home park with ten (10) mobile home lots or less. In a mobile home park with more than ten (10) mobile home lots, an additional two hundred and fifty (250) square feet of such common space per each mobile home lot in excess of ten (10) shall be provided. At the sole discretion of the Board of Supervisors, upon and after the minimum square feet of common space being exceeded, such common space may be spread throughout the mobile home park, provided however, no separately approved common space may be comprised of less than six thousand (6,000) square feet.

G. Circulation Patterns for Vehicular and Pedestrian Users:

1. Vehicular access within the PRD shall be designed to permit smooth traffic flow with the minimum hazard to vehicular or pedestrian traffic at intersections.

2. A pedestrian circulation or walkway system shall be established where as recommended by the Planning Commission and required by the Board of Supervisors as a required condition and that system shall be reasonably segregated from vehicular traffic.

3. Streets and roads in a PRD shall be designed and built to Township specifications and in a PRD other than a Mobile Home Park PRD, may be either dedicated to public use or retained under private ownership. Any such dedication is not binding on the Township unless and until it is accepted by the enactment of an ordinance or resolution to that effect. Streets and roads within a Mobile Home Park PRD shall be retained under private ownership of the Mobile Home Park PRD owner.

4. Vehicular ingress and egress of a PRD shall be related to the local regional highway systems, and be designed and constructed to Township specifications with required sight distances, grade and stormwater drainage provisions. The developer must demonstrate to the satisfaction of the Board of Supervisors of South Beaver Township that traffic circulation problems will not be created and that the proposed road system

is adequate in terms of traffic volume capacity and construction type to accommodate the projected PRD generated traffic.

H. Water and Sewage Service to Residential Units:

1. Where the public water and sewage facilities are available and / or are capable of being extended to the development site, the developer shall connect the PRD to such facilities. Applicants shall present documentation with the Application for Tentative Approval, that the Authority operating the public water or sewage facilities is willing and has agreed to extend its facilities to the proposed PRD development.

2. In the absence of a public water and sewage facilities being available and / or capable of being extended to the development site:

3. Central water services shall be supplied to each dwelling or structure having running water, bathroom or restroom facilities to be erected in a PRD, unless special exemption therefrom is granted by the Board of Supervisors of South Beaver Township for individual private wells. owned and maintained by the individual owners of lots within the PRD, provided however, that such special exemption cannot be granted unless provision for the proposed water supply and sewage disposal adheres to all laws and regulations applicable for the health and safety of the forthcoming residential inhabitants of the PRD, the community generally, and public at large.

4. Central sewage services shall be supplied to each dwelling or structure having running water, bathroom or restroom facilities to be erected in a PRD, unless special exemption therefrom is granted by the Board of Supervisors of South Beaver Township for individual on-lot septic systems to be owned and maintained by the individual owners of lots within the PRD, provided however, that such special exemption cannot be granted unless provision for the proposed water supply and sewage disposal adheres to all laws and regulations applicable for the health and safety of the forthcoming residential inhabitants of the PRD, the community generally and public at large.

5. In the event public water and sewage facilities of an Authority are not available and / or are not capable of being extended to the development site, and the Board of Supervisors does not grant special exemption unto the applicant for individual private wells and on-lot septic systems to be owned and maintained by the individual owners of lots, the applicant except as to a Mobile Home Park PRD, shall submit with the Application for Tentative Approval data and documentation that the central water supply and central sewage facilities shall be operated and maintained by a bona-fide cooperative association or homeowners association of lot owners.
6. Water and sewage facilities for a PRD shall be subject to the standards and requirements, and the rules and regulations, of the Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor thereto, and no Final Approval shall be granted unto a PRD except upon documentation of such compliance be evidence by the applicant- developer in conjunction with submission of an Application for Final Approval.

I. Stormwater Management: The developer shall provide within a PRD a storm drainage system which shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water run-off within the PRD and shall be so constructed as to conform with applicable statutes, ordinances, and regulations of the Commonwealth of Pennsylvania and South Beaver Township and to conform to the requirements of the Township Subdivision and Land Development Ordinance.

## SECTION 5.8 - SURETY AND IMPROVEMENTS

A. The PRD developer shall arrange and provide an approved performance bond, irrevocable letter of credit, or such other acceptable security as determined by the Board of Supervisors following review by the Township Solicitor as being acceptable, to be furnished and filed with the Township Secretary. An escrow agreement and account approved by the Board of Supervisors as to form and content shall be required in the amount of one hundred ten (110%) percent of the estimated construction costs and engineering for each stage of development. All estimates of cost shall be approved by the Township Engineer. Such escrow amount shall accompany the request for final approval of the Final Development Plan to insure completion of all public and private site improvements, streets, roads, parking areas, sewers, utilities, recreation facilities, stormwater management facilities, landscaping, plantings and screening.

B. Before any grading or building permit may be issued in regard to the PRD, all agreements, contracts, deed restrictions, other instruments and financial security per the previous section shall be in a form approved by the Board of Supervisors.

## SECTION 5.9 - FEES AND COSTS

A. At the time of application for Tentative Approval and / or Final Approval of a PRD or a phase or section thereof, a fee established by the Board of Supervisors for review shall be payable to the Township of South Beaver.

B. The developer shall also place into escrow sufficient funds as determined at the time of Final Approval Application, to provide for necessary Township contracted services including, but not limited to, engineering, legal costs, advertising and stenographic services.

C. In addition, no building or structure shall be built until a building permit is issued therefore per the requirements and provisions of the South Beaver Township Zoning Ordinance. All applicable building permit fees per schedule of fees adopted by the Township of South Beaver from time to time shall apply and be paid.

## SECTION 5.10 - MODIFICATION PROCEDURES

Prior to tentative or final plan approval of the PRD, the Board of Supervisors may approve deviations from the requirements of this Ordinance; provided, however, the permitted use restrictions in this

Article are not subject to waiver under the provisions of this section. Requests for deviations from the requirements of this Ordinance shall be subject to the application and approval procedures, requirements, and standards for waivers as defined in the Township Subdivision and Land Development Ordinance.

# ARTICLE VI
# PLANNED NON-RESIDENTIAL DEVELOPMENT (PNRD)

## SECTION 6.1 - PLANNED NON-RESIDENTIAL DEVELOPMENT

A. **Purpose:** The purpose of the Planned Non-Residential Development (PNRD) regulations is to provide landowners and / or developers with an alternative development approval process that promotes flexibility in the mixture of land uses, lot design and building arrangement not afforded by conventional lot development and to permit a more varied, innovative and efficient development pattern without undue delay in the approval process. Further, the PNRD encourages the conservation of unique and environmentally sensitive resources and site features and enables the efficient and cost-effective provision of community facilities including sanitary sewer and water services, roadway improvements, and recreational areas. The PNRD regulations retain and protect open space areas within nonresidential developments and define a procedure to relate the type, design and layout of nonresidential development to the characteristics of a particular lot.

B. **Application:** A PNRD may be permitted in the I Industrial Zoning District and the RC Retail and Commercial Zoning District subject to the standards, restrictions, qualifications, criteria, requirements, conditions, regulations and application processing procedures as enumerated and set forth and required in and by this Article. A developer shall obtain required approvals for a PNRD by following the available three (3) step review process which shall consist of a Pre-Application Conference, an Application for Tentative Approval of a PNRD, and an Application for Final Approval of a PNRD.

## SECTION 6.2 - MINIMUM LAND AREA AND OWNERSHIP REQUIREMENTS

A. The minimum land area for a PNRD shall be ten (10) contiguous acres. Public easements or private roads shall not be construed as an interruption or division of a tract of land proposed for a PNRD.

B. The developer of a proposed PNRD shall provide evidence of full ownership interest in the land, which for purposes of this ordinance shall be either legal title or an executed binding sales agreement evidencing equitable title in the subject land. Any proposed PNRD shall be in single legal, as well as equitable, ownership coincident with approval of the Final Development Plan for same.

## SECTION 6.3 - ADMINISTRATION AND PROCEDURES

A. The PNRD provisions of this Ordinance shall be reviewed by the Planning Commission of South Beaver Township and applied and administered by the Board of Supervisors of South Beaver Township in accordance with the terms and provisions of this Article.

## SECTION 6.4 - PRE-APPLICATION CONFERENCE

A. **Pre-Application Conference:** Prior to the filing of an Application for Tentative Approval, a developer shall submit a set of seven (7) copies of the following data and plans to the Planning Commission by delivery of same to the Township Secretary not less than fifteen (15) days prior to the next scheduled regular meeting of the Planning Commission.

B. **General Information:** In either a single written statement or multiple written statements identifying and relating therein the following general information shall be submitted:

1. The site location and nature of the PNRD to be proposed, together with the number and nature of buildings to be included, and whether same shall be proposed to be developed in a single-phase development or multiple phases of development;

2. A summary statement of the manner in which the proposed PNRD shall be in accordance with the purposes of this Article as detailed herein, addressing sensitivity of the existing natural attributes of the tract of land;

3. Whether public water and / or sewage facilities are or will be made available to the proposed PNRD, or whether individual water wells and septic systems, and / or other type of water supply and sewage treatment facilities will be involved.

4. The type and manner of making available to the proposed PNRD other public utilities, such as but not limited to electric, natural gas, telephone, and / or cable TV lines; and

5. The type and nature of stormwater management facilities that will be required.

C. **Sketch Plan:** A sketch plan drawn at a scale of one (1) inch equals one hundred (100) feet or larger, with scale stated thereon, with North arrow, suitable to portray the proposed PNRD layout upon the tract of land involved, the general location of the natural amenities of the tract of land including but not limited to any significant stand of trees, rock out-crops, streams or wetlands, together with the PNRD's proposed location or locations of ingress and egress to existing public roads and / or streets, with said existing public roads and / or streets being identified thereon.

D. **Topography Map:** A topography map (U.S.G.S. or equivalent) marked with location and boundaries of the tract of land upon which the PNRD is being proposed to be developed.

E. The purpose of a Pre-Application Conference is solely to familiarize both the applicant and Township officials with the concepts that will be involved as to the proposed PNRD and

discussion of and general administrative planning for processing the application steps hereinafter set forth.

## SECTION 6.5 - APPLICATION FOR TENTATIVE APPROVAL

A. **Application for Tentative Approval (Preliminary Development Plan):** An Application for Tentative Approval of a Planned Non-Residential Development shall be filed by the applicant with the Secretary of the Township, together with payment of the required filing fee set by the Township Board of Supervisors by Resolution, not less than fifteen (15) days prior to the next regular meeting of the Planning Commission of South Beaver Township at which meeting of said Planning Commission the PNRD shall be placed on the agenda.

B. At a minimum, fifteen (15) copies of a Preliminary Development Plan shall accompany the Application for Tentative Approval and be in sufficient detail to provide the Planning Commission and Board of Supervisors with a major substantive review of the proposed PNRD, which Preliminary Development Plan shall accompany the Application for Tentative Approval. An Application for Tentative Approval should be submitted within one hundred twenty (120) days following close of the Pre-Application Conference procedure. The following documentation shall be submitted in as part of the Preliminary Development Plan in support of the Application:

1. Written Documents, consisting of at a minimum:

   a. A legal description of the total tract proposed for development, including a statement of present and proposed ownership, and whether the tract is subject to existing easements or will include the creation of easements for any purpose whatsoever.

   b. A statement of the planning objectives to be achieved by the PNRD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its intended compliance with the purposes of a PNRD as defined in this Article.

   c. Quantitative data for the following: total number and type of buildings or units, parcel size being allotted per building or unit, proposed lot coverage of buildings and structures, approximate gross and net densities, total amount of open space (including a separate figure for any common open space and usable open space), economic feasibility studies or market analyzes where reasonably necessary to substantiate the feasibility or need for single phase or multiple phase development.

   d. Statement of all restrictive covenants and conditions to be applicable to the lands within the PNRD and the method proposed for recording or otherwise making same legally applicable and enforceable to the PNRD.

e. A statement of the manner in which the applicant proposes to provide for ownership and maintenance of common open space or other common facilities including but not limited to water and sewage facilities to serve the PNRD.

2. **Location Map:** This map shall clearly show the location and area of the tract proposed for development with relation to all lands, buildings and structures within five hundred (500) feet of its boundaries, the location and distance to existing related highways, streets or roads and the names of owners of properties adjacent to the tract.

3. **Site Plan and Supporting Maps:** Unless required differently by the South Beaver Township Subdivision and Land Development Ordinance, a site plan and supporting maps shall be drafted at a scale no smaller than one-inch equals one hundred feet (1"=100'). In the event any major details of the proposed PNRD necessitate a scale of one-inch equals fifty feet (1"= 50'), the applicant shall include same within the Site Plan and Supporting Maps data. Site Plan and Supporting Maps shall be prepared in such manner to facilitate cross-reference from one to the other for ease of comprehension of same, and in such format as required by the South Beaver Township Subdivision and Land Development Ordinance. The site plan and maps shall contain the following minimum information:

a. The existing site conditions including contours at minimum intervals of five (5) feet, watercourses, flood plains, forest cover, soils, and natural features considered significant by the Planning Commission and Board of Supervisors.

b. Proposed lot lines and subdivision plan, if any. If a subdivision plan is included, such subdivision plan shall be prepared and submitted in a form that is in full compliance to the South Beaver Township Subdivision and Land Development Ordinance.

c. The location and size in acres or square feet of all areas to retained, conveyed or reserved as common open space.

d. The type of commercial buildings or units proposed to be included in the PNRD.

e. The accurately dimensional location of all existing and proposed buildings and structures.

f. The existing and proposed vehicular circulation system of collector and local streets or roads, including off-street parking areas, service areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development).

g. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system and indicating proposed treatment of points of conflict.

h. The existing and proposed utilities systems, including but not limited to sanitary sewers, storm sewers, water, electric, gas, cable TV and telephone lines.

4. Profiles, cross sections and specifications for proposed highway, street, road or parking area improvements, which data shall be prepared in accordance with the requirements of the South Beaver Township Subdivision and Land Development Ordinance.

5. Profiles, cross sections and specifications for stormwater management facilities, which data shall be prepared in accordance with the requirements of the South Beaver Township Subdivision and Land Development Ordinance.

6. Profiles and specifications for placement of proposed use water and sanitary sewage lines and / or facilities, if either or both of such services are to be provided by a public water or sewage system, or by a private community or facility system rather that individual wells and in-ground septic systems, which data shall be prepared in accordance with the requirements of the public entity that shall provide water or sewage service to the proposed PNRD, or otherwise so as to be in compliance with the rules and regulations applicable per the laws and regulations of the Commonwealth of Pennsylvania and / or the government of the United States of America.

7. A Landscape Development Plan, in accordance with the South Beaver Township Subdivision and Land Development Ordinance, which shall detail:

    a. All proposed grading to alter or affect the existing topography of the tract of land in any manner for any purpose;

    b. The proposed preservation or alteration/modification of the existing attributes of the tract of land, including but not limited to existing wooded and natural vegetation areas or other natural and scenic qualities of same, both within and about the proposed PNRD, including but not limited to active and passive open space to be included in the PNRD, and as to its perimeter;

    c. Any proposed planting of trees or other vegetation as to any disturbance of the exiting natural landscape features of the tract of land per the proposed PNRD development, or for the providing of screening and / or privacy as to the placement of the proposed residential units as to each other, to lands adjacent to the proposed PNRD, or any other development features of the proposed PNRD development; and

    d. Survey or engineering drawings or plans showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, roads, parking areas and walkways and to existing woodlands.

8. An Erosion and Sedimentation Control Plan specifically detailing and indicating all erosion and sedimentation control measures to be utilized on the proposed site during development. Such Erosion and Sedimentation Control Plan shall be prepared in accordance with the provisions and requirements of the South Beaver Township Subdivision and Land Development Ordinance.

9. **Projected Scheduling of Stages:** In the case of development plans which call for development over a period of years, a schedule showing such stages or phases of development of the PNRD and proposed time frame for development of each shall be provided. Such schedule shall be reviewed annually by the applicant with the Board of Supervisors on the anniversary of date of tentative approval having been granted unto the proposed PNRD. Such annual review shall be accomplished each year until the entire PNRD is granted final approved, or any uncompleted stages thereof are abandoned or terminated as a proposed PNRD development.

10. All necessary data and information relative to the form/method of posting of financial security to guarantee the applicant's performance for completion of improvements of the proposed PNRD, which will be provided and placed in effect upon the occurrence of Final Approval to a PNRD being granted.

11. All requirements of the Township Subdivision and Land Development Ordinance for application of a preliminary subdivision or land development plan shall be incorporated by reference herein.

C. Public Hearings and Tentative Approval, with or without Conditions, or Denial of Tentative Approval:

1. Within sixty (60) days following receipt of a completed Application for Tentative Approval of a PNRD, with required documentation, a public hearing pursuant to public notice on such Application shall be held by the Board of Supervisors of South Beaver Township, with such public hearing being advertised as notice for consideration of the Application for Tentative Approval of a PNRD. Said public hearing may be continued from time to time but shall be concluded no more than sixty (60) days after the date of the first public hearing.

2. The Board of Supervisors may offer mediation as an aid in the completing of proceedings authorized by this Article prior to final approval, which mediation if undertaken shall be conducted and participated within by appropriate parties in accordance with Section 908.1 of the Pennsylvania Municipalities Planning Code.

3. The Board of Supervisors of South Beaver Township within sixty (60) days following the conclusion of the public hearing shall by official written communication to the applicant, either:

   a. Grant tentative approval of the Preliminary Development as submitted;
   b. Grant tentative approval of the Preliminary Development Plan subject to specified conditions not included in the Preliminary Development Plan as submitted; or

   c. Deny tentative approval.

The original written communication required by this Section shall be filed by the Board of Supervisors of South Beaver Township with the Secretary of the Township, and said Secretary shall certify a copy thereof and mail same certified mail unto the applicant developer.

Failure to so act within such period of time by the Board of Supervisors of South Beaver Township shall be deemed to be a grant of tentative approval of the Preliminary Development Plan as submitted.

In the event, however, that tentative approval subject to specific conditions is granted subject to specified conditions, the applicant may within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors notify the South Beaver Township Board of Supervisors of the applicant's refusal to accept all such conditions, in which event tentative approval of the Application for Tentative Approval and its accompanying Preliminary Development Plan is deemed to be denied. In the event the applicant does not within said thirty (30) day period notify the Board of Supervisors of applicant's refusal to accept all said conditions, tentative approval of the Application for Tentative Approval and its accompanying Preliminary Development Plan, with all said conditions, shall stand as granted.

d. The grant or denial of tentative approval by official written communication by Board of Supervisors of South Beaver Township shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:

i. In those respects, in which the development is or is not consistent with the purposes of a PNRD set forth in this Article and the Comprehensive Plan for the development of land within the Township;

ii. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, lot coverage and use, and the reasons why such departures are or are not deemed to be in the public interest;

iii. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposed manner of the developer for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the density and type of residential development;

iv. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

v. The relationship, beneficial or adverse, of the proposed planned non-residential development to the neighborhood or general area of the Township in which it is proposed to be established;

vi. The determination or whether or not the proposed PNRD will afford a greater degree of protection of natural amenities of the tract of land, including but not limited to natural watercourses, topsoil, trees and other features of the natural environment, in a manner to prevent erosion, landslides, siltation and flooding, than if subject to being developed in accordance with the non-PNRD provisions of the Zoning Ordinance applicable, or the non-PNRD subdivision otherwise applicable to lands not being developed and subdivided as a PNRD; and

vii. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the tenants and occupants of the planned non-residential development in the integrity of the development plan. If the sequence of construction of various portions of the PNRD development is to occur in stages, then the common open space and / or recreational facilities shall be developed, or an adequate development commitment made thereto, in proportion to the number of buildings or units intended to be developed during any given stage of construction as approved. Furthermore, at no time during the construction of the PNRD development shall the number of constructed buildings or units per acre of developed land exceed the overall density per acre established by the approved Final Development Plan.

e. In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the applicant, e.g. the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a PNRD plan shall be not less than twelve (12) months.

D. Criteria for Tentative Approval: The Board of Supervisors of South Beaver Township may give tentative approval to an Application for Tentative Approval of a PNRD and its Preliminary Development Plan, with or without conditions, if and only if, it is found to meet the following criteria:

1. The proposed Preliminary Development Plan complies with all standards, restrictions, qualifications, criteria, requirements, conditions, regulations, and procedures of this Ordinance and the Comprehensive Plan of the Township, preserves the Community

Development Objectives of this Ordinance and said Comprehensive Plan and further complies with the South Beaver Township Subdivision and Land Development Ordinance and all other relevant County and Commonwealth laws and regulations.

2. Where the proposed Preliminary Development Plan provides standards varying from those in this Ordinance and the Township Subdivision and Land Development Ordinance otherwise applicable to the subject property, that such departure is determined and found to be in the public interest and promotes the conservation of the environment, health, safety and general welfare of the public.
3. The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of the Township and all applicable statutes of the Commonwealth, and the amount and extent of improvements of the remaining land are appropriate with respect to the purpose, use and type of the development proposed.

4. The physical design of the proposed Preliminary Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.

5. The total environment of the proposed Preliminary Development Plan, including lot layout and design, street configuration and preservation of natural amenities, is consistent with the neighborhood or area of the Township in which it is to be located.

6. The proposed Preliminary Development Plan will afford adequate protection of natural water courses, topsoil, trees, and other features of the natural environment and will prevent erosion, landslides, siltation and flooding.

7. In the case of a Preliminary Development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interest of the public and of the tenants and occupants of the PNRD in the integrity of the Final Development Plan.

8. The grant or denial of tentative approval shall include findings of fact relating to the proposed Preliminary Development as submitted for approval and reasons for such decisions shall be set forth with particularity, including but not limited to whether the proposed Preliminary Development Plan would or would not be in the public interest with respect to each of the above criteria.

E. **Status of Planned Non-Residential Development after Tentative Approval.** Upon and after the Board of Supervisors of South Beaver Township having timely issued its written communication granting Tentative Approval to a proposed PNRD, with or without conditions, or in the event such Tentative Approval results via default due to the failure of the Board of Supervisors of South Beaver Township to issue its written communication of Tentative Approval, with or without conditions, or denial of Tentative Approval, within sixty (60) days of the conclusion of the public hearing held as to the Application for Tentative Approval:

1. The Tentative Approval shall be deemed an amendment to the Zoning Map, to be effective only upon the PNRD achieving Final Approval. The area of the PNRD land

achieving Tentative Approval shall be noted on the Zoning Map, and marked as a PNRD with Tentative Approval.

2. The Tentative Approval status of a PNRD shall not entitle or qualify any plat or subdivision plan included within the Development Plan to be recorded, nor entitle or qualify the proposed PNRD to be an authorized development for which a building permit may be issued for any type of structure included in the proposed PNRD.

3. A PNRD development plan that has been granted Tentative Approval as submitted, or a PNRD development plan that has been granted Tentative Approval with conditions and which conditions have been accepted by the applicant, provided that the applicant has not defaulted generally nor violated any of the conditions of the Tentative Approval, shall not be modified or revoked, nor otherwise impaired by action of the Township pending an Application for Final Approval without the consent of the applicant- developer, provided that an Application for Final Approval for the PNRD or successive Applications for Final Approval for each proposed stage of development of the PNRD are timely filed per the time schedule required and set forth by the Board of Supervisors of South Beaver Township in its written communication detailing the Tentative Approval granted. Absent the said Board of Supervisors setting a time schedule in a written communication, the Application for Final Approval for a single stage development of a PNRD shall be submitted within three (3) months of the PNRD achieving Tentative Approval, and a PNRD that achieved Tentative Approval for development in stages, shall be required to have the initial Application for Final Approval for the first stage development within three (3) months of the PNRD achieving Tentative Approval, and the Application for Tentative Approval of each successive stage until all stages have achieved Final Approval, shall be submitted not later than twelve (12) months following the previous stage of development of the PNRD being granted Final Approval.

4. In the event a PNRD that has achieved Tentative Approval status and the applicant, e.g. the landowner, shall elect to abandon said PNRD and shall so notify the Township Secretary in writing of the decision to abandon same, or in the event the applicant, e.g. the landowner, shall fail to timely submit Application or Applications for Final Approval within the required period of time or times, as the case may be, the Tentative Approval shall be deemed to be revoked.

   a. Upon the abandonment or revocation of a PNRD, in whole or part as aforesaid, all or that portion of the area included in the PNRD development plan for which Final Approval has not been given shall be subject to all other provisions of this Ordinance and other Ordinances of the Township, as such Ordinance or other Ordinance may have been amended from time to time, and / or as said Ordinances may be in effect as of the date of abandonment or revocation of the PNRD as aforesaid.

   b. Upon the abandonment or revocation of a PNRD, in whole or part as aforesaid, the Zoning Map shall be properly noted and / or corrected to reflect the result of such abandonment or revocation, and such event of abandonment or

revocation shall be duly noted in the records of the Township of South Beaver by the Township Secretary.

## SECTION 6.6 - APPLICATON FOR FINAL APPROVAL

A. **Application for Final Approval (Final Development Plan):** Within the required time frame after and following the Preliminary Development Plan of a PNRD achieving Tentative Approval, the applicant shall submit and file an Application for Final Approval with the Township Secretary, together with payment of the required filing fee set by the Township Board of Supervisors per this Ordinance, not less than fifteen (15) days prior to the next regular meeting of the Planning Commission of South Beaver Township at which meeting of said Planning Commission the PNRD shall be placed on the agenda.

1. At a minimum, fifteen (15) copies of a Final Development Plan shall accompany the Application for Final Approval as to the PNRD or section or part of the PNRD involved per the Tentative Approval process. The Final Development Plan shall consist of and include all detail plans, drawings, specifications, covenants, easements, performance documents and bonding thereof, and such other requirements as may be specified herein or by the South Beaver Township Subdivision and Land Development Ordinance, as well as including all items and / or conditions as set forth and enumerated in the official written communication granting the Tentative Approval of the PNRD as set forth in this Ordinance, which at a minimum shall include:
   a. All data required for final plan as specified in the Township Subdivision and Land Development Ordinance.

   b. Accurately dimensioned locations of all proposed buildings, structures, parking areas and common open space.

   c. A statement indicating those units or buildings, or parcels of land, which will be retained by the developer, his heirs or assigns for use as rental properties.

   d. A Landscape Development Plan.

   e. An Erosion and Sedimentation Control Plan.

   f. A Stormwater Management Plan.

   g. Engineering Data and Specifications as applicable relative to profiles, cross sections and specifications for proposed highways, streets or road improvements, utility service systems, water distribution systems, storm water systems, and / or sanitary sewer systems, together with required permits for entry upon/connection to any highway, street or road under the jurisdiction of the Commonwealth of Pennsylvania.

   h. Supplementary data including a certified true and correct copy of any and all documents that state any and all covenants, grant of easements, or other

restrictions to be imposed on the use of land, buildings and structures and provisions for the maintenance, ownership and operation of common facilities, including but not limited to open space, stormwater management facilities, recreation facilities, streets, roads, sidewalks or trails.

i. Location and type of temporary construction or leasing office and equipment parking areas.

j. Any additional information, data or items required by the Planning Commission or Board of Supervisors as specified in its written communication whereby and wherein said Board of Supervisors granted approval to the Application for Tentative Approval of the PNRD.

k. A certification by the applicant, together with the certification by the surveyors, architects and / or engineers of the applicant, that the PNRD as detailed and set forth within the Application for Final Approval is in full compliance to the terms, provisions and / or conditions of the PNRD as granted Tentative Approval by the Board of Supervisors, or that variations from the proposed PNRD as granted Tentative Approval exist, and what the details of each and every variation consists, with documentation evidencing such variation.

l. All required Guaranty and Performance Bond documents by which the applicant shall provide the required financial security to assure completion of all improvements. Such Guaranty and Performance Bond documents shall be of such format to be effective upon the occurrence of the Board of Supervisors granting Final Approval.

2. If the Final Development Plan is determined to be in compliance with the written communication of the Board of Supervisors of South Beaver Township granting Tentative Approval, with or without conditions, and all requirements of this Ordinance and the South Beaver Township Subdivision and Land Development Ordinance, no public hearing shall be required, and the Board of Supervisors of South Beaver Township shall grant Final Approval of the PNRD per said Final Development Plan within forty-five (45) days of the filing of the subject Application for Final Approval. The written communication stating the granting of Final Approval shall specify the time limit in which the applicant, e.g. the landowner, shall commence and complete all improvements, which time limit for completion may be shorter than, but not longer than five (5) years from the date of the granting of Final Approval.

3. Variations in the Final Development Plan from the Preliminary Development Plan as granted Tentative Approval, if deemed minor by the Board of Supervisors and are found and determined by the Board of Supervisors to be required by engineering or other circumstances not foreseen at the time the Preliminary Development Plan was granted Tentative Approval, may at the sole discretion of the Board of Supervisors be authorized and approved as a part of the Final Plan Approval without an additional public hearing process, provided such variations:

a. Involve minor change in the location and site of buildings structures; and / or

b. Involve minor change in development specifications as to the construction of general improvements to be included in the PNRD such as the grade specifications of streets, roads, driveways, parking areas, sidewalks, utility lines, stormwater management facilities or other improvements and such variation is for the betterment of the environmental attributes of the land within, adjacent or otherwise to be affected by the development of the PNRD and the safety of the general public.

c. Do not involve any change or variation of gross and net density established by the tentatively approved Preliminary Plan.

4. If the Final Development Plan is determined not to be in compliance and / or contains variations not deemed minor from the PNRD Preliminary Development Plan as granted Tentative Approval, with or without conditions, and meeting of all requirements of this Ordinance and the South Beaver Township Subdivision and Land Development Ordinance, the Board of Supervisors of South Beaver Township shall within forty-five (45) days from the filing of the Application for Final Approval refuse to grant Final Approval, and so advise the applicant, .e.g. the landowner, in writing of said refusal, setting forth the reason why the Final Development Plan is not in compliance and / or why one or more of the variations are not in the public interest. In the event of refusal of Final Approval, the applicant, e.g. the landowner, at any time within which it was required that an Application for Final Approval be submitted following Tentative Approval having been granted, or within thirty (30) additional days if the time for applying for Final Approval shall have already passed upon Final Approval as aforesaid being refused, may either:

a. Refile an Application for Final Approval with submission of the items, or submission of replacement items or data, to cure the basis of the items detailed by the Board of Supervisors for the refusal of its granting Final Approval as either/or not being in compliance and / or as being variations from the PNRD Preliminary Development Plan as granted Tentative Approval; or

b. File a written request with the Secretary of the Township that the Board of Supervisors of South Beaver Township hold a public hearing on the Application for Final Approval as initially submitted for Final Approval.

5. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the applicant, and the hearing shall be conducted in the manner prescribed in this Ordinance and the Pennsylvania Municipalities Planning Code for public hearings on Applications for Tentative Approval.

6. Within thirty (30) days after the conclusion of the public hearing, the Board of Supervisors shall by official written communication either grant final approval to the PNRD Final Development Plan or deny such Final Approval. The grant or denial by the Board of Supervisors in situations arising per these provisions, shall be in the form

and contain the findings required for an Application for Tentative Approval as set forth in this Ordinance. The grant of Final Approval by the Board of Supervisors in situations arising per these provisions shall specify the time limit in which the applicant, e.g. the landowner, shall commence and complete all improvements, which time limit for completion may be shorter than, but not longer than five (5) years from the date of the granting of Final Approval.

7. If the applicant, e.g. the landowner, shall fail to take either of the aforesaid alternate actions within said time permitted, the applicant shall be deemed to have abandoned the development plan, and the PNRD as same had theretofore received Tentative Approval shall also be deemed abandoned and revoked. Thereupon, the abandonment or revocation of a PNRD, in whole or part as aforesaid, shall result in the Zoning Map to be properly noted and / or corrected to reflect the result of such abandonment or revocation, and such event of abandonment or revocation shall be duly noted in the records of the Township of South Beaver by the Township Secretary.

B. **Status of Planned Non-Residential Development after Final Approval.** The Final Development Plan, or any part thereof, which has been given final approval shall be presented to the Board of Supervisors for signature of the Township's Chairman of the Board of Supervisors and Secretary, and shall be recorded forthwith by the developer in the office of the Recorder of Deeds of Beaver County before any development shall take place in accordance therewith. The developer shall provide proof of such required recording thereof within thirty days of such recording.

1. Upon the filing of record of the approved Final Development Plan in the office of the Recorder of Deeds of Beaver County, the zoning and subdivision regulations otherwise applicable to the land included in such approved plan shall cease to apply, and all development and use of the land within the approved Final Development Plan shall be in accordance with the PNRD as granted final approval for development.

2. No development and / or building permits shall be issued for any grading, construction or other development activity within the PNRD having achieved Final Approval until the applicant submits proof of recording of the Final Approved Development Plan in the office of the Recorder of Deeds of Beaver County unto the Township and the developer's financial security per the Guaranty and Performance Bonds are in place and in effect.

3. In the event a PNRD that has achieved Final Approval status and the applicant-developer, e.g. the landowner, shall elect to abandon said PNRD and shall so notify the Township Secretary in writing of the decision to abandon same, or in the event the applicant, e.g. the landowner, shall fail to timely commence and carry out the development and improvements of the PNRD per the time frame or time frames as detailed in the written communication of the Board of Supervisors in its granting of Final Approval, no development or further development shall take place on the subject property included in the Final Development Plan of the PNRD until after the subject property is reclassified by an amendment to this Zoning Ordnance in the manner prescribed by this Ordinance.

a. The abandonment by the landowner of the PNRD that has achieved Final Approval Status, or the landowner's failure to commence the PNRD development or its required improvements within the time frame required, shall constitute a revocation of the Final Approval of the PNRD Development Plan. Upon the abandonment or revocation of a PNRD as aforesaid, in whole or part, all or that portion of the area included in the PNRD Final Development Plan for which Final Approval had been given shall be subject to all other provisions of this Ordinance and other Ordinances of the Township, as such Ordinance or other Ordinance may have been amended from time to time, and / or as said Ordinances may be in effect as of the date of abandonment or revocation of the PNRD as aforesaid, unless otherwise specified per the process required per the initial paragraph of this paragraph (3) and any applicable statutes set forth in the Pennsylvania Municipalities Planning Code.

b. Upon the abandonment or revocation of a Final Approval of a PNRD, in whole or part as aforesaid, the Zoning Map shall be properly noted as to such event and record thereof shall be duly noted in the records of the Township.

## SECTION 6.7 - STANDARDS AND CONDITIONS FOR PLANNED NON-RESIDENTIAL DEVELOPMENTS

A. The permitted type of buildings or structures with a PNRD shall consist of:

1. Permitted uses in a PNRD include Bank or Financial Institution, Business and Professional Office, Flex Space, Hotel/Motel, Light Manufacturing, Medical Clinic, Medical Office, Pilot Manufacturing, Research and Development, Low Turnover Restaurants, High Turnover Restaurants without a Drive-Through, Wholesale Warehousing/Distribution Centers, and any other uses as deemed appropriate by the Planning Commission of South Beaver Township.

B. Area and Bulk and Parking Regulations:

1. All buildings or structures within a PNRD shall be subject to the following setback requirements.

a. Front: 30 feet;

b. Side: 20 feet if adjoining non-residential uses and 50 feet if adjoining residential uses; and

c. Rear: 30 feet if adjoining non-residential uses and 50 feet if adjoining residential uses

2. All portions of the development plan pertaining to landscaping, signs, parking, and loading shall conform to the regulations outlined throughout this Ordinance.

3. No parking area shall be closer than 15 feet from a principal building nor shall any parking area encroach within the PNRD's common open space.

4. Off-street parking spaces shall be provided in accordance with this Ordinance.

5. All uses that require off-street loading facilities shall comply with the requirements for loading facilities as outlined in this Ordinance.

C. Vehicular and Pedestrian Access:

1. Principal vehicular access to the PNRD shall be at a minimum of two points along any roadways. Points of access shall be a minimum of 150 feet on center. Access points shall be designed to provide smooth traffic flow, controlled turning movements, and minimum hazard to vehicular and pedestrian traffic. Merging and turnout lanes and traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicate such needs. Streets and roadways within the PNRD shall be designed in such a manner as to discourage use of minor streets as through streets.

2. Walkways:

a. Sidewalks shall be located and constructed in accordance with an overall pedestrian pathway system. The system shall include a combination of sidewalks, pathways and trails that provide reasonable access to surrounding neighborhoods, recreation, shopping, or other destinations within and adjacent to the PNRD.

b. Sidewalks shall, at a minimum, be provided along the frontage of all lots in accordance with the requirements of the South Beaver Township Subdivision and Land Development Ordinance.

c. If, in addition, sidewalks or pathways are proposed within the common open space, such sidewalks and pathways shall form a logical, safe and convenient network of pedestrian facilities. These sidewalks and pathways shall be located so as to minimize conflict with streets and roadways and crosswalks. All sidewalks and pathways shall be constructed of an all-weather, durable hard surface approved by the Township Engineer.

d. The landowner and / or developer shall be responsible for maintenance of the sidewalks within the PNRD. A pedestrian system maintenance program and standards shall be submitted at the time of the application for tentative and final approval.

3. Streets and Roadways:

a. Upon dedication, if applicable, by the developer of the streets or roads to the Township, the Township agrees to maintain the streets and roads dedicated to the Township.

b. All streets in a PNRD, whether public or private, shall be constructed to the specifications of the South Beaver Township Subdivision and Land Development Ordinance for public streets.

4 Screening and Setbacks:

a. If topographic or other natural barriers are not sufficient to assure the privacy of the PNRD and abutting residential uses, the following requirements shall be imposed at all points where buildings, structures or parking areas are located within 100 feet of a PNRD's perimeter lot line.

i. Buildings and structures must be setback a minimum of 50 feet from the rear lot line and 25 feet from a side lot line.

ii. The perimeter of a PNRD shall be screened in accordance with the bufferyard requirements defined in this Ordinance. No fences or walls inconsistent with the Township ordinances in effect with regard to such structures shall be permitted.

b. The minimum building spacing shall be 30 feet and shall be designed to accommodate an emergency access drive that is a minimum of 12 feet wide. The emergency access drive should be constructed, at a minimum, as stabilized lawn or turf.

5. Buffer area: The bufferyard plantings shall be planted in accordance with the requirements as outlined in this Ordinance.

D. Location of Buildings or Structures: The proposed location and arrangement of buildings or structures with a PNRD shall be such that sunlight or air from the direction of adjacent buildings or structures are not obstructed relative to each other, to the extent that such arrangement of buildings and structures is possible.

E. Common Space:

1. Within a PNRD, the following percentages of the total gross land area shall be devoted to specified use as indicated herein.

a. A minimum of ten (10%) percent of the net site area, exclusive of road rights-of-way, easements and storm water detention facilities, shall be set aside and preserved for common open space. Where significant or unique natural amenities exist on the site, the Board of Supervisors shall have the power and the authority to enforce their preservation as part of the required common open

space as a condition in granting Tentative Approval to a PNRD. These amenities may include, but are not limited to, natural features such as rock out croppings, virgin timber, groves of trees, ravines, ponds, stream beds and stream valleys.

b. The common open space shall be dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the development area. Furthermore, common space between structures, including that space being used as common open space, recreational space, or other common space, shall be protected by adequate covenants running with the land or by conveyances or dedications. A PNRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan and schedule for permanent care and maintenance of such space, recreational area and communally owned facilities. No such instrument shall be acceptable until approved by the Board of Supervisors following review by the Township Solicitor as to legal form and effect. In cases where South Beaver Township will not be accepting dedications of streets, roads alleys, recreation areas or common open space, the developer shall provide for an organization, or business association, for ownership and maintenance thereof.

c. Common Space Maintenance: In the event that the organization established to own and maintain common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all streets, roads, alleys, driveways and recreational facilities, in reasonable order and condition in accordance with the Final Development Plan, the Township of South Beaver may take remedial action to cause the common open space to be properly maintained, as provided by the Pennsylvania Municipalities Planning Code, as amended, or per any other applicable statute of the Commonwealth of Pennsylvania.

F. Circulation Patterns for Vehicular and Pedestrian Users:

1. Vehicular access within the PNRD shall be designed to permit smooth traffic flow with the minimum hazard to vehicular or pedestrian traffic at intersections.

2. A pedestrian circulation or walkway system shall be established where required by the Board of Supervisors as a required condition and that system shall be reasonably segregated from vehicular traffic.

3. Streets and roads in a PNRD shall be designed and built to Township specifications and may be either dedicated to public use or retained under private ownership. Any such dedication is not binding on the Township unless and until it is accepted by the enactment of an ordinance or resolution to that effect.

4. Vehicular ingress and egress of a PNRD shall be related to the local regional highway systems, and be designed and constructed to Township specifications with required sight distances, grade and stormwater drainage provisions. The Developer must

demonstrate to the satisfaction of the Board of Supervisors of South Beaver Township that traffic circulation problems will not be created and that the proposed road system is adequate in terms of traffic volume capacity and construction type to accommodate the projected PNRD generated traffic.

G. Water and Sewage Service to Non-Residential Units:

1. Where the public water and sewage facilities are available and / or are capable of being extended to the development site, the developer shall connect the PNRD to such facilities. Applicants shall present documentation with the Application for Tentative Approval, that the Authority operating the public water or sewage facilities is willing and has agreed to extend its facilities to the proposed PNRD development.

2. In the absence of a public water and sewage facilities being available and / or capable of being extended to the development site:

   a. Central water services shall be supplied to each building or structure having running water, bathroom or restroom facilities to be erected in a PNRD, unless special exemption therefrom is granted by the Board of Supervisors of South Beaver Township for individual private wells owned and maintained by the individual owners of buildings or lots within the PNRD, provided however, that such special exemption cannot be granted unless provision for the proposed water supply and sewage disposal adheres to all laws and regulations applicable for the health and safety of the forthcoming inhabitants of the PNRD, the community generally, and public at large.

   b. Central sewage services shall be supplied to each building or structure having running water, bathroom or restroom facilities to be erected in a PNRD, unless special exemption therefrom is granted by the Board of Supervisors of South Beaver Township for individual on-lot septic systems to be owned and maintained by the individual owners of the buildings or lots within the PNRD, provided however, that such special exemption cannot be granted unless provision for the proposed water supply and sewage disposal adheres to all laws and regulations applicable for the health and safety of the forthcoming inhabitants of the PNRD, the community generally and public at large.

   c. In the event public water and sewage facilities of an Authority are not available and / or are not capable of being extended to the development site, and the Board of Supervisors does not grant special exemption unto the applicant or developer for individual private wells and on-lot septic systems to be owned and maintained by the individual owners of buildings or lots, the applicant or developer shall submit with the Application for Tentative Approval data and documentation that the central water supply and central sewage facilities shall be operated and maintained by a bona-fide cooperative association or business association of lot owners, if not by the developer.

d. Water and sewage facilities for a PNRD shall be subject to the standards and requirements, and the rules and regulations, of the Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor thereto, and no Final Approval shall be granted unto a PNRD except upon documentation of such compliance be evidence by the applicant or developer in conjunction with submission of an Application for Final Approval.

H. Stormwater Management: The developer shall provide within a PNRD a storm drainage system which shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water run-off within the PNRD and shall be so constructed as to conform with applicable statutes, ordinances, and regulations of the Commonwealth of Pennsylvania and South Beaver Township and to conform to the requirements of the Township Subdivision and Land Development Ordinance.

## SECTION 6.8 - SURETY AND IMPROVEMENTS

A. The PNRD developer shall arrange and provide an approved performance bond, irrevocable letter of credit, or such other acceptable security as determined by the Board of Supervisors following review by the Township Solicitor as being acceptable, to be furnished and filed with the Township Secretary. An escrow agreement and account approved by the Board of Supervisors as to form and content shall be required in the amount of one hundred ten (110%) percent of the estimated construction costs and engineering for each stage of development. All estimates of cost shall be approved by the Township Engineer. Such escrow amount shall accompany the request for final approval of the Final Development Plan to insure completion of all public and private site improvements, streets, roads, parking areas, sewers, utilities, recreation facilities, storm water management facilities, landscaping, plantings and screening.

B. Before any grading or building permit may be issued in regard to the PNRD, all agreements, contracts, deed restrictions, other instruments and financial security per the previous section shall be in a form approved by the Board of Supervisors.

## SECTION 6.9 - FEES AND COSTS

A. At the time of application for Tentative Approval and / or Final Approval of a PNRD or a phase or section thereof, a fee established by the Board of Supervisors for review shall be payable to the Township of South Beaver.

B. The developer shall also place into escrow sufficient funds as determined at the time of Final Approval Application, to provide for necessary Township contracted services including, but not limited to, engineering, legal costs, advertising and stenographic services.

C. In addition, no building or structure shall be built until a building permit is issued therefore per the requirements and provisions set forth in this Ordinance. All applicable building permit fees per schedule of fees adopted by the Township of South Beaver from time to time shall apply and be paid.

## SECTION 6.10 – MODIFICATION PROCEDURES

Prior to tentative or final plan approval of the PNRD, the Board of Supervisors may approve deviations from the requirements of this Ordinance; provided, however, the permitted use restrictions in this Article are not subject to waiver under the provisions of this section. Requests for deviations from the requirements of this Ordinance shall be subject to the application and approval procedures, requirements, and standards for waivers as defined in the Township Subdivision and Land Development Ordinance.

# ARTICLE VII

# PARKING AND LOADING

## SECTION 7.1 - OVERVIEW

A. In all zoning districts, every use which requires the receipt or distribution, by vehicle, of material or merchandise, shall provide off-street parking and loading berths in accordance with the requirements of the following Sections outlined in this Article.

B. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored or wait in a manner that blocks access to a public right-of-way.

C. Off street parking and loading shall be provided in accordance with the specifications in this Article in any district whenever any new use is established or existing use is enlarged.

## SECTION 7.2 - GENERAL REQUIREMENTS FOR OFF-STREET PARKING FACILITIES

A. Existing Parking: Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the type or extent of use is not changed, provided that any parking facilities now serving such structures or uses shall not in the future be reduced below such requirements.

B. Change in Requirements: Whenever there is an alteration of a structure or a change or extension of a use which increases an existing structure by fifty (50%) percent or more, the total additional parking required for the alteration, change or extension shall be provided in addition to an adequate number of new spaces in order that the minimum standard for spaces is met for the entire area.

C. Conflict with Other Uses: No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve, except that it may be used for a stormwater retention basin of a maximum depth of six (6) inches.

D. Continuing Character of Obligation: All required facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Article. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of parking spaces to serve the use intended or already in existence. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard, or an unreasonable impediment to traffic.

E. Joint Use: When more than one use exists on a lot, parking and loading requirements for each use shall be provided. However, the number of spaces required in a common parking facility may be reduced below this total by special exception if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility. In any case, a reciprocal parking, ingress and egress agreement must be entered into by the property owners involved, and said agreement recorded prior to the issuance of an occupancy permit for either use.

F. Surfacing of Parking Area: For parking areas of three (3) or more vehicles, excluding area landscaped and so maintained, including driveways shall meet the following standard:

1. Uses within the A-R, Agricultural- Residential Zoning District shall be graded, and if involving an area of two thousand five hundred (2,500) square feet or less, shall be at a minimum surfaced with limestone, slag or gravel or other suitable material resulting in a hard-dust-free surface.

2. Parking areas exceeding two thousand five hundred (2,500) square feet or located within Zoning Districts other than the A-R, Agricultural-Residential Zoning District because of need to address prevention of erosion or stormwater management, shall be surfaced with asphalt or concrete. Asphalt or concrete off-street parking spaces shall be marked so as to indicate their location. Use of material other than asphalt or concrete for parking areas shall require, upon determining proper development reasons therefore, specific approval by the Planning Commission and Board of Supervisors.

3. Failure to keep parking areas in satisfactory condition, i.e., free from holes, shall be considered a violation of this Ordinance.

F. The following table of parking requirements specifies the number of spaces required for various land use categories:

**TABLE 7-1**
**GENERAL REQUIREMENTS FOR OFF-STREET PARKING FACILITIES**

| | **Principal Use** | **Minimum Parking Requirements** |
|---|---|---|
| | **Residential** | |
| 1. | Apartment, Garden | 2 spaces per dwelling unit and 0.5 visitor spaces per dwelling unit within 300 feet of each dwelling unit |
| 2. | Apartment, High-Rise | 2 spaces per dwelling unit and 0.5 visitor spaces per dwelling unit within 300 feet of each dwelling unit |
| 3. | Mobile Home Park | 2 parking spaces per dwelling unit and supplemental 1 space per every 6 dwelling units |

| | Principal Use | Minimum Parking Requirements |
|---|---|---|
| 4. | Triplex/ Quadplex | 2 spaces per dwelling unit and 0.5 visitor spaces per dwelling unit within 300 feet of each dwelling unit |
| 5. | Single-Family Detached Dwelling | 2 spaces per dwelling unit |
| 6. | Townhouse | 2 spaces per dwelling unit and 0.5 visitor spaces per dwelling unit within 300 feet of each dwelling unit |
| 7. | Two-Family Dwelling | 2 spaces per dwelling unit |
| | **Non-Residential** | |
| 8. | Adult-Oriented Business | 1 space per every 100 feet of gross floor area |
| 9. | Agri-Tourism | 1 space per employee on peak shift and 1 space per every 500 square feet of retail gross floor area and 1 space per every 1,500 square feet of outdoor related activities |
| 10. | Air Bed and Breakfast | 1 space per bedroom, plus 1 additional space per owner listed on deed |
| 11. | Amusement Park | As determined by the Township Planning Commission |
| 12. | Animal Grooming Facility | 1 space per every 200 feet of gross floor area |
| 13. | Automotive Recycling Facility/ Junkyard | 1 space per employee on peak shift and 1 space per every 1,000 square feet of gross floor area |
| 14. | Automotive Repair Garage | 1 space for each 300 square feet of net floor area and 1 space per repair bay and 1 space per employee on peak shift |
| 15. | Automotive Sales and / or Service | 5 spaces per each employee on the largest shift |
| 16. | Automotive Service Station | 1 space per every 300 square feet of gross floor area or 2 space for each service bay (whichever is larger) and 1 space per employee on peak shift |
| 17. | Bakery | 1 space per every 150 square feet of gross floor area and 1 space per employee on peak shift on peak shift |
| 18. | Bank or Financial Institution | 1 space per every 300 square feet of gross floor area and 1 space per employee on peak shift |
| 19. | Bar/Nightclub | 1 space per 50 square feet of public or net floor area and 1 space per employee on peak shift |
| 20. | Bed & Breakfast | 1 space per guest room and 1 space per permanent resident |
| 21. | Brewery | 1 space per every 750 square feet of |

| | Principal Use | Minimum Parking Requirements |
|---|---|---|
| | | gross floor area or 1 space per employee on peak shift, whichever is greater and an additional 1 space per 50 square feet of tasting room floor area |
| 22. | Brew Pub | 1 space per 50 square feet of public or net floor area and 1 space per employee on peak shift |
| 23. | Business & Professional Office | 1 space per every 300 square feet of gross floor area |
| 24. | Car Wash | 3 stacking spaces per wash bay |
| 25. | Casino | 1 space per employee on peak shift and 1 space for each three seats or playing positions plus the number of spaces required for a restaurant or nightclub if those uses are included |
| 26. | Commercial Use Not Specifically Listed | 1 space for every 3 persons per maximum allowed capacity of the facility |
| 27. | Communication Antenna | Not Applicable |
| 28. | Communication Tower | 1 space per facility |
| 29. | Cemetery | 1 space per every 500 square feet of gross floor area of office/admin/chapel/viewing room/mausoleum and 1 space per employee on peak shift |
| 30. | Contractor's Supply Yard | 2 parking spaces plus 1 space per employee normally in attendance at the facility at any time |
| 31. | Convenience Store | 1 space per every 200 square feet of gross floor area |
| 32. | Data Center (Server Farm) | 1 space per employee on peak shift, plus 3 parking spaces for visiting technicians |
| 33. | Day Care Center | 1 space per staff member on peak shift and 1 space per every 5 students |
| 34. | Day Nursery School | 1 space per teacher, administrator, or maintenance employee and 1 space for every 5 students |
| 35. | Distillery | 1 space per employee on peak shift and 1 space per every 100 square feet of net floor area and space per 50 square feet of tasting room |
| 36. | Drug Store/Pharmacy | 1 space for every 200 square feet of gross floor area plus one space per employee |

| | Principal Use | Minimum Parking Requirements |
|---|---|---|
| 37. | Energy Generating Facility | 1 space per employee on peak shift, plus 3 parking spaces for visiting technicians |
| 38. | Essential Service Installations | 1 space per employee on peak shift |
| 39. | Event Venue | 1 per 75 square feet gross floor area |
| 40. | Farm or Agricultural Operation | 1 space per dwelling unit, 1 space per employee on peak shift, and 1 space for every 1,000 square feet of gross floor area of retail or public use |
| 41. | Farm, Communal or Cooperative | 1 space per plot |
| 42. | Flex Space | 1 space for every 300 square feet of gross floor area |
| 43. | Food & Grocery Store | 1 space per every 300 square feet of gross floor area |
| 44. | Forestry | Not applicable |
| 45. | Freight & Truck Terminal | 1 space for every 2 employees on peak shift |
| 46. | Freshwater Impoundment Ponds | 1 space per facility |
| 47. | Funeral Home | 1 space for every 3 seats in the first viewing room parlor and 10 space for each additional parlor |
| 48. | Greenhouse Horticulture for Commercial/Retail Sales | 1 space per employee on peak shift and 1 space per each 300 feet of gross area used as sales area |
| 49. | Group Care Facility | 1 space for each 2 full-time staff plus 1 space for every 5 residents |
| 50. | Group Residence | 1 space for every 4 residents and 1 space per employee on peak shift |
| 51. | Heavy Manufacturing | 1 space per every 750 square feet of gross floor area or 1 space per employee on peak shift, whichever is greater |
| 52. | Home Occupation other than No Impact Home-Based Business | 1 space in addition to what is already required for a dwelling unit |
| 53. | Horse Racing Facility | 1 space for every 4 seats in the grandstand facilities; 1 space for each two 200 square feet of any clubhouse, and 1 space per every employee, and 10 additional parking spaces |
| 54. | Hospital | 1 space for every 2 beds and 1 space per employee on peak shift |
| 55. | Hotel/Motel | 1 space per guest room and 1 space for every 2 employees |
| 56. | Indoor Recreational Facility | Bowling Alley: 5 spaces per alley; Courts: 1 space per employee on peak shift and 4 spaces per court; 1 space |

| | Principal Use | Minimum Parking Requirements |
|---|---|---|
| | | for every 50 square feet of water area |
| 57. | Kennel/Animal Rescue | 1 space per employee on peak shift and 1 space for every 8 animals in capacity |
| 58. | Landscaping Service Center, Retail | 1 space per every 300 square feet of net floor area (indoor) and 1 space per every 500 square feet of gross floor area (outdoor) and 1 space per employee on peak shift |
| 59. | Landscaping Service Center, Wholesale | 1 space per every 2 acres of production sales area |
| 60. | Life Care Facility | 1 space per employee on peak shift and 1 space per every 3 beds or residents |
| 61. | Light Manufacturing | 1 space per every 750 square feet of gross floor area or 1 space per employee on peak shift, whichever is greater |
| 62. | Massage Therapy Establishment | 1 space per table and 1 space per employee on peak shift |
| 63. | Medical Clinic | 4 spaces per doctor on duty and 1 space per employee on peak shift |
| 64. | Medical Office | 6 parking spaces per doctor and 1 additional space per employee on peak shift |
| 65. | Mineral/Resource Extraction | 1 space per employee on peak shift and additional parking as needed |
| 66. | Natural Gas Compressor Station | 1 space per employee on peak shift and 1 space per facility |
| 67. | Natural Gas Processing Plant | 1 space per employee on peak shift and one space per facility |
| 68. | No- Impact Home-Based Business | 1 space per dwelling unit |
| 69. | Nursing Home | 1 space per every 2 beds |
| 70. | Oil or Gas Development Well Site / Drilling Pad / Processing Pad | 1 space per employee on peak shift and one space per facility |
| 71. | Outdoor Recreation Facility | For courts, 1 space per employee on peak shift and 4 spaces per court; for pools, 1 space per every 50 square feet of water area; for soccer / baseball field or hockey rinks, 1 space per 2 persons on a regular team size |
| 72. | Personal Services | 1 space per every 200 square feet of net floor area and 1 space per every 2 employees on peak shift |
| 73. | Pilot Manufacturing | 1 space for every 750 square feet of gross floor area or 1 space per employee on peak shift, whichever is greater |

| | Principal Use | Minimum Parking Requirements |
|---|---|---|
| 74. | Place of Assembly | 1 space for every 75 square feet of net floor area; for a theater, one space for every 3 seats |
| 75. | Place of Worship | 1 space for every 3 seats or 80 linear inches of pew |
| 76. | Public and Non-Profit Park, Playground, or Athletic Field | As determined by the Township Planning Commission |
| 77. | Public Building | Township building: 1 space per every 200 square feet of gross floor area; Library: 1 space per 25 square feet of net floor area |
| 78. | Public Park | As determined by the Township Planning Commission |
| 79. | Recreational Camp | 1.5 spaces per camp site |
| 80. | Research & Development | 1 space for every 500 square feet of gross floor area |
| 81. | Restaurant, High Turnover with Drive-Thru | 1 space for every 50 square feet of net floor area and 1 space per employee on peak shift |
| 82. | Restaurant, High Turnover without Drive-Thru | 1 space for every 50 square feet of net floor area and 1 space per employee on peak shift |
| 83. | Restaurant, Low Turnover | 1 space for every 2 patrons during peak seating and 1 space per employee on peak shift |
| 84. | Retail Store (< 5,000 sq. ft.) | 1 space for every 200 square feet of gross floor area |
| 85. | Retail Store (5,000-20,000 sq. ft.) | 1 space for every 200 square feet of gross floor area |
| 86. | Retail Store (>20,000 sq. ft.) | 1 space for every 150 square feet of gross floor area |
| 87. | Riding Academy/Boarding of Horses | 1 space for every 4 stables and 1 space per employee on peak shift |
| 88. | Sanitary Landfill | 1 space per employee on peak shift |
| 89. | Sawmill | 1 space per employee on peak shift |
| 90. | School (Public or Private) | 1 space per employee on peak shift plus 1 space per 10 students of design capacity |
| 91. | Self-Storage Facility | 1 space for every 2 employees on peak shift and 1 space for every 10 storage spaces or units |
| 92. | Solar Energy Production Facility, Large | 1 space per service employee |
| 93. | Storage Yard | 1 space per every 200 square feet of gross floor area and 1 space per |

| | Principal Use | Minimum Parking Requirements |
|---|---|---|
| | | employee on peak shift |
| 94. | Use Not Specifically Listed | As determined by Township Planning Commission |
| 95. | Veterinary Clinic | 1 space per employee on peak shift and 2 spaces per exam room |
| 96. | Warehousing/Distribution Center | 3 spaces per for every 4 employees on the largest shift or 1 space per every 250 square feet of gross floor area, whichever is greater, plus 1 space for each company vehicle parked on the premises |
| 97. | Wind Energy Production Facility, Large | 1 space per service employee |
| 98. | Winery | 1 space per employee on peak shift and 1 space per every 100 square feet of retail gross floor area and 1 space per every 1,500 square feet of outdoor related activities |

## SECTION 7.3 - DESIGN STANDARDS

The design standards specified below shall be required for all off-street parking facilities with a capacity of three (3) or more vehicles built after the effective date of this Ordinance. Americans with Disabilities Act requirements shall dictate the number and design of accessible spaces.

A. The minimum dimensions of stalls and aisles shall be as follows:

1. Stall width shall be at least nine (9) feet for all required parking spaces.

2. Stall depth shall be at least twenty (20) feet with said dimensions measured on the angle for all angled parking spaces.

3. Minimum width of aisles providing access to stalls for one-way traffic only, varying with the angle of the parking, shall be:

**TABLE 7-2**

| Angle of Parking | Minimum Aisle Width |
|---|---|
| Parallel | 12 feet |
| 30° | 14 feet |
| 45° | 16 feet |
| 60° | 20 feet |
| 90° | 25 feet |

4. Minimum. width of aisles providing access to stalls for two-way traffic shall be twenty-five (25) feet.

B. Required parking spaces shall be located on the same lot as the principal use.

C. Parking Areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Parking areas shall be graded to a maximum slope of five (5%) percent.

D. The width of entrance and exit drives, to be surfaced same as the parking area unless specifically approved otherwise by the Board of Supervisors, shall be:

1. A minimum of twelve (12) feet for one-way use only.

2. A minimum of twenty-four (24) feet for two-way use.

3 A maximum of fifteen (15) feet at the street line for each lane of traffic, maximum of forty-eight (48) feet total width.

E. All drive lanes must be clearly delineated with curbs and / or line striping.

F. For the purpose of servicing any property held under single and separate ownership, entrance and exit drives crossing the street lot line shall be limited to two (2) along the frontage of any single street and their center lines shall be spaced at least eighty (80) feet apart. On corner properties, there shall be a space of a minimum of sixty (60) feet, measured at the curb line, between the center line of any entrance or exit drive and the street line of the street parallel to said access drive.

G. Except on corner lots, access drives shall be located at least 200 feet from the intersection of any two street right-of-way lines. Where a lot has frontage on more than one street, access shall be provided from the street with the lower traffic volume, if physically practical.

H. In no case shall parking areas be designed to require or to encourage cars to back into a public street in order to leave the lot, except for single-family residential uses.

I. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line.

J. Where an existing lot does not adjoin a public or private street, alley, or easement of access, an access drive shall be provided leading to the parking areas.

K. Lighting of parking areas may be required at the discretion of the Board of Supervisors of South Beaver Township. Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from any adjoining properties and away from any streets or highways. Lighting devices that produce greater than 0.5 foot-candles of direct or reflected glare at the property line of a lot or adjoining street right-of-way shall not be permitted. The spacing of lighting shall be determined based on a Township-approved photometric plan. The lighting system provided shall furnish an average minimum of 2 foot-candles during typical

hours of operation. If necessary, lighting intensity shall be reduced or minimized between defined hours. The maximum height of any lighting fixture shall be 35 feet. This allows for better distribution.

L. Access drives entering State roadways are subject to a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation (PennDOT). Access drives entering Township streets are subject to a Township-issued driveway permit. Access drives entering a County roadway shall be approved by Beaver County.

M. All parking spaces shall be clearly delineated by painted lines or markers. Delineated parking spaces shall be necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Accessible parking shall be appropriately marked.

N. All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent lots.

O. The maximum grade of any driveway within 12 feet of a street right-of-way shall be 6% and the maximum grade of any driveway at any location shall be 15%.

P. Any parking aisle that terminates in a dead end shall have a turnaround area with the minimum dimensions of 13 feet deep by 24 feet wide to aid in the maneuvering of vehicles.

## SECTION 7.4 - OFF-STREET LOADING AND LOADING BERTHS

Off-street loading requirements as specified below shall be provided on any lot on which a building exceeding six thousand (6,000) square feet of gross floor area for business or industry is hereafter erected.

A. Every retail establishment, storage warehouse, wholesale establishment, auditorium, funeral home, multi-family dwelling of twenty (20) units or more, office building, restaurant, or hotel exceeding six thousand (6,000) square feet gross floor area shall have at least one (1) off-street loading space. Where there is an aggregate gross floor area of thirty thousand (30,000) square feet or more arranged, intended or designed for such use, there shall be provided off-street truck loading or unloading berths in accordance with the following table:

| Square Feet of Aggregate Gross Floor Area Devoted to Each Use | Required Number of Loading Berths |
|---|---|
| 6,000 – 29,999 | 1 |
| 30,000 – 49,999 | 2 |
| For each additional 50,000 | 1 additional berth |

## SECTION 7.5 - DESIGN LAYOUT OF OFF-STREET LOADING FACILITIES

A. Off-street loading facilities shall be designed to conform to the following specifications:

1. Each required space shall be no less than fourteen (14) feet wide, fifty-five (55) feet long and fourteen (14) feet high, exclusive of drives and maneuvering space and located entirely on the lot being served.

2. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space. Loading berths shall be designed to provide sufficient turn around area so that vehicles are not required to back onto public streets. Loading berths shall be maintained free of obstruction.

3. All loading berths shall be located on the same lot with the principal use they are intended to serve.

4. A maximum of fifteen (15) feet at the street line for each lane of traffic, maximum of forty-eight (48) feet total width. A 50-foot maximum curb radius shall be permitted to allow for access at loading area entrances and exits.

5. All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the Township Engineer, to the extent necessary to prevent nuisance of dust, erosion or excessive water flow across public rights-of-way.

6. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard or an unreasonable impediment to traffic.

7. The exterior lighting requirements of this Ordinance shall be met when applicable.

8. Loading berths shall be screened by an 8-foot hedge, wall or fence with a minimum opacity of 80 percent on all sides that face a residential use or a use within a residential zoning district.

B. All required loading facilities shall be provided and maintained in accordance with the following requirements:

1. They shall be provided and maintained as long as the use exists which the facilities were designed to serve.

2 They shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this Article.

3. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the delivery and pick-up vehicles they are designed to serve.

## SECTION 7.6 - SCREENING AND LANDSCAPING FOR OFF-STREET PARKING AREAS

A. A planting strip at least 10 feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street or roadway. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained with ground cover, shrubbery, trees or other landscape or decorative materials across the entire frontage of the lot in order to prohibit vehicles access, except at approved ingress and egress points. Unless approved otherwise by the Board of Supervisors upon recommendation of the Planning Commission, the planting strip shall include, at a minimum, a single row of evergreen shrubs at a planting height of 3.5 feet. Shrubs shall be spaced such that a continuous hedge row exists after the third year after planting. Street trees shall be installed at a center to center spacing of 30 feet. Landscaping of appropriate mature heights shall not obstruct visibility for traffic entering or leaving the lot or traveling along the public street.

B. In parking areas containing more than 20 spaces, at least 10 percent of the interior parking area shall be landscaped with plantings including one (1) tree for every 10 parking spaces.

C. More square feet or 20 or more parking spaces, interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.

D. Interior landscape islands provided shall be a minimum 10 feet wide with a total area of at least 160 square feet.

E. At least one shade tree shall be provided in each interior landscape island. The remaining area of the required interior landscape islands and / or interior landscape area shall be landscaped with shrubs or perennials, either of which should not exceed 2 feet in height, or with turf grass.

F. All trees which are required to be planted as per the regulations of this section shall be a minimum of 2.5 inches in diameter at breast height (dbh) at the time of planting, measured along the trunk of the planted tree, which tree shall be planted in accordance with accepted conservation practices.

# ARTICLE VIII

# SUPPLEMENTAL REGULATIONS

## SECTION 8.1 - HEIGHT, OCCUPANCY, LOT AND YARD RESTRICTIONS

No building, structure or use shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families or persons, to occupy a greater percentage of lot area, or to have a narrower or smaller yard than is herein specified for the zoning district in which the building, structure or use is located.

The height limitations set forth in this Ordinance shall not apply to the following structures: place of worship steeples or spires, steeples, chimneys, elevator bulk heads and other mechanical equipment which are a part of a principal structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures, and other structures not intended for human habitation which do not exceed the height limitations set forth in this Ordinance by more than 15 feet.

## SECTION 8.2 - YARDS

No part of a yard or other open space around any building, structure or use required for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or open space similarly required for another building except when specifically authorized.

## SECTION 8.3 - PUBLIC AND PRIVATE UTILITY LINES

Utilities regulated by the Public Utility Commission (PUC) for the transportation, distribution and control of water, sewage, electricity, gas, oil, steam, telegraph, cable or telephone communication lines and their supporting members other than buildings, shall not be required to be located in a specific zoning district nor prohibited to be placed in any zoning district. Prior to installation of Public Utility Buildings, compliance must be achieved and approved in accordance with the provisions of the South Beaver Township Subdivision and Land Development Ordinance, as applicable.

## SECTION 8.4 - EXISTING LOTS OF RECORD NOT MEETING LOT AREA REQUIREMENTS

Nothing in the zoning district regulations shall be held to prohibit the erection of a single family dwelling in a zoning district, upon a lot whose size is inadequate to meet the lot area regulations set for the district, provided that such lot on the effective date of this Ordinance is held under separate ownership from the lots adjoining thereto, has the right of direct access to a public street, and its use complies with all other applicable zoning district regulations.

## SECTION 8.5 - PRINCIPAL USES

Except as otherwise provided herein, after the effective date of this Ordinance, all uses of property must be on a lot zoned for that particular use, unless specifically authorized by the terms of this Ordinance.

## SECTION 8.6 - MEDIATION

Mediation may be used at the discretion of the Zoning Hearing Board, the Board of Supervisors or the Planning Commission in order to supplement procedures authorized by this Ordinance.

## SECTION 8.7 - CLEAR SIGHT TRIANGLE

In order to prevent the creation of a traffic hazard by limiting visibility at a street intersection, no structure, building, earthen bank or vegetation exceeding three and one- half (3.5) feet in height above the finished paved area at the center of the roadway shall be allowed within the clear sight triangle.

## SECTION 8.8 - PUBLIC UTILITY FACILITIES

Public utility facilities as defined in this Ordinance and as reviewed and approved by the PUC, shall be permitted in all districts, subject to restrictions recommended by the Planning Commission and approved by the Board of Supervisors with respect to use, design, yard area, setback and height.

## SECTION 8.9 - COMMUNICATION TOWER / CELL SITES

The following regulations shall apply to communication antennas, except those operated by a federally licensed amateur radio status operator.

A. The applicant proposing a communication tower, or addition to communication tower whether the applicant's tower or the tower of another entity/company, is required to demonstrate using technological evidence that the antenna or antennae can and must be placed where same is proposed in order to satisfy its function within the grid system of an operating company's wireless communication grid system duly licensed to be operating by the Federal Communications Commission (FCC). At a minimum, the operating or proposed operating grid system for a twenty-five-mile air radius distance shall be included with such documentation as to the licensed wireless communication company or companies of which antenna or antennae are to be erected on the communication tower.

i) Communication towers constructed for the sole purpose of supporting communication antennae shall be constructed, and / or existing communication towers created for the sole purpose of supporting communication antennae, shall be constructed so as to be capable to be modified to sufficient strength to support multiple antennae, and shared use of the same among various Federal Communication Commission licensed entities or companies is required

ii) An applicant seeking shared use of an existing communication tower owned and / or operated by another person, company or entity, is conditioned upon the applicant being required to pay

if so demanded by the owner of such communication tower, a reasonable fee and proper costs of adapting existing tower structures to the proposed additional use, including but not limited to reasonable user fees and costs of an for reinforcing an existing tower structure or support, adding of "T" bars or other accessories for holding of antennae, for the preventing of RF or other signal interference between or among antennae mounted thereon, and / or any other changes reasonably required and necessary to accommodate shared use. The Board of Supervisors may require any fee dispute to be resolved by and between the parties if the Board of Supervisors deem that the owner/operator of the cell site/communication tower is using monopolistic tactics to charge excessive fees for co-use of a communication tower, shall be resolved by and between the owner/operator of the cell site/communication tower and the applicant by litigation or arbitration proceedings.

iii) Cell sites developed for communication tower or towers are generally prohibited from being located within two (2) air miles of each other. If an applicant is proposing to create a new cell site or build a new communication tower within a two (2) air mile radius of an existing communication tower, whether the communication tower is a structure created solely for the support of communication antennae or a part of an existing structure adapted to have communication antennae mounted thereon, the developer is required to demonstrate that it contacted the owners of any such communication tower and / or the owner of any other tall structures within the two (2) mile air radius of the site proposed, to arrange and ask for permission to install an antenna or antennae on such existing structure, and to modify same as necessary to accommodate additional antenna or antennae, but is precluded from doing so due to physical limitations of the existing tower structure and / or is or was denied for reasons other than economic ones so as to preclude use of said existing cell cite or structure. Placement of a new cell site for erection of a communication tower for the sole purpose of supporting communication antennae within a two (2) air mile radius of an existing communication tower erected for the sole purpose of supporting communication antennae, shall be permitted only as a conditional use, subject to any necessary or reasonable conditions imposed in conjunction with approval of same as a conditional use. The Township of South Beaver may deny an application to develop new cell site for construction of a new tower as a conditional use if the applicant fails to prove adding of the applicant's proposed antenna or antennae to an existing communication tower is physically, engineering and scientifically impossible, and if the applicant does not evidence having made a good faith effort to mount a proposed antenna or antennae on an existing structure whether or not such existing structure is a communication tower.

E. The applicant shall demonstrate that the proposed communication antennae is or are being mounted at the minimum height required to function satisfactorily. No antenna will be approved for installation/mounting that exceeds the minimum height required to function satisfactorily, and / or is in violation of the height limitation applicable to the existence of the Beaver County Airport. The maximum communication antennae height from ground surface is not to exceed two hundred (200) feet except by conditional use application and approval thereof as a conditional use, and may only be granted if the applicant can demonstrate that it is an absolute necessity to exceed this two hundred (200) foot height limitation for the operation of the Federal Communication Commission licensed wireless communication service antennae, as to which the antenna or antennae are, or are to be, a part of a wireless

service grid system operating or to be operated within the twenty-five (25) mile radius of the subject cell site.

F. A site development plan shall be required for all cell sites, whether for new construction or addition to existing structure, showing the antenna support structure proposed or existing location as well as any buildings, driveways and / or access, parking areas, fencing, landscaping plan, building setbacks relative to front, side and rear yard areas applicable within the Zoning District, along with contour lines of the cell site at two (2) foot intervals where the average slope is ten (10%) percent or less, and at five (5) foot intervals where the slope exceeds ten (10%) percent, together with all other requirements set forth in Article IV of the South Beaver Township Subdivision and Land Development Ordinance. Review, approval and / or disapproval of the site development plan shall be processed per this Ordinance and any and all other land development plan shall be processed per this Ordinance and any and all other land development Ordinances of the Township. Any other ordinances of South Beaver Township applicable to the proposed development, even if not involving per se as land development regulations, shall be adhered to by the applicant, including but not limited to the Driveway Permit Ordinance of the Township.

G. Fencing or other proper wall enclosure is required and shall be installed around a tower support structure, apparatus and other equipment to preclude access to same by the general public or to otherwise constitute an attractive climbing site by trespassers. The fence or wall enclosure shall have a minimum height of eight (8) feet and maximum height of twelve (12) feet. Any guy wires associated with or used in the support and providing stability to a communication tower shall be anchored within the enclosure area.

H. No cell site may be located within a distance that is equal to 100% of the vertical height of the communication tower and / or top of the communication antennae installed thereon as measured from the ground level to any existing residential structure. In the event the particular style or type of communication tower and apparatus thereof can permit ice sheeting thereon during inclement weather which ice sheeting may be blown or carried by winds per varying weather conditions, additional isolation distance is required to preclude harm or damage to structures or persons. In the event the parcel being proposed to be developed for a cell site is not sufficient size and / or configuration to maintain the aforesaid distance requirement from the lands outside the cell site's parcel of land, the developer of a cell site shall procure and produce the written consent and approval of the owners of all adjoining land, which written consent of the adjoining landowner shall contain a covenant that no residential structure shall be erected within the affected area of this distance requirement relative to the height of a communication tower/top of communication antenna to a residential structure.

I. To the extent permitted by law, the following maintenance requirements shall apply to all communications antennas.

1. Standard of Care: All Communications Antennas shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any Communications

Antennas shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

2. Wind: All Communications Antennas structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended).

3. Maintenance: To the extent permitted by law, the following maintenance requirements shall apply:

   a. The Communications Antenna shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

   b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

   c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

J. In addition to the provisions listed above, the following regulations shall apply to Communications Antennas located in the public rights-of-way:

1. Co-location: Communications Antennas in the ROW shall be co-located on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the Applicant, with the Township's approval, shall locate its Communications Antennas on existing poles or freestanding structures that do not already act as Wireless Support Structures.

2. Design Requirements:

   a. Communications Antenna installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

   b. Communications Antennas and Related Equipment shall be treated by the Communications Antenna owner or Applicant to match the Wireless Support Structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

1. Time, Place and Manner: The Township shall determine the time, place and manner of construction, maintenance, repair and / or removal of all Communications Antennas in the ROW based on public safety, traffic management, physical burden on the ROW,

and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

2. Equipment Location: Communications Antennas and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and / or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

3. Ground-mounted Related Equipment shall be located between the sidewalk and the curb. For reasons of safety and aesthetics, such equipment shall neither protrude onto the curb, nor obstruct the sidewalk.

4. Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

5. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

6. Any graffiti on any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner within thirty (30) days of notification by the Township.

7. Any proposed underground vault related to Communications Antennas shall be reviewed and approved by the Township.

K. The following regulations shall apply to all Communications Towers, excluding any Communications Tower that is owned and operated by a federally licensed amateur radio status operator.

1. Standard of Care. Any Communications Towers shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Communications Towers shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

2. Co-location and siting. An application for a new Communications Tower shall demonstrate that the proposed Communications Tower cannot be accommodated on an existing or approved structure or building, or land owned and maintained by South

Beaver Township. The Township Board of Supervisors may deny an application to construct a new Communications Tower if the Applicant has not made a good faith effort to mount the Communications Antenna on an existing structure. The Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter (¼) of a mile radius of the site proposed, sought permission to install a Communications Antenna on those structures, buildings, and towers and was denied for one of the following reasons:

a. The proposed antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

b. The proposed antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

d. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

L. Wind. Any Communications Tower structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222), as amended.

M. Maintenance. The following maintenance requirements shall apply:

1. Any Communications Tower shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

2. Such maintenance shall be performed to ensure the upkeep of the Communications Tower in order to promote the safety and security of the Township's residents, and utilize the best available technology for preventing failures and accidents.

N. Lighting. No Communications Tower shall be artificially lighted, except as required by law. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. Automatic lighting is prohibited and all lighting must be controlled manually by an on-site switch. The Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.

O. Noise. Communications Towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in

emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

P. Signs. All Communications Towers shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the Communications Tower shall be those required by the FCC, or any other federal or state agency.

Q. The following regulations shall apply to Communications Towers located in the Public Rights-ofWay.

R. Location and development standards.

1. Communications Towers in the ROW shall not exceed thirty-five (35) feet in height and are prohibited in areas in which utilities are located underground.

2. Communications Towers shall not be located in the front façade area of any structure.

3. Communications Towers shall be permitted along collector roads and arterial roads throughout the Township, regardless of the underlying zoning district.

S. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and / or removal of all Communications Towers in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

T. Equipment Location. Communications Towers and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and / or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

1. Ground-mounted Related Equipment shall be located between the sidewalk and the curb. For reasons of safety and aesthetics, such equipment shall neither protrude onto the curb, nor obstruct the sidewalk.

2. Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township Board of Supervisors.

3. Required electrical meter cabinets shall the screened to blend in with the surrounding area to the satisfaction of the Township Board of Supervisors.

4. Any graffiti on the tower or on any Related Equipment shall be removed at the sole expense of the owner.

5. Any underground vaults related to Communications Towers shall be reviewed and

approved by the Township Board of Supervisors.

U. Design regulations.

1. The Communications Tower shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the Township Board of Supervisors.

2. Communications Towers in the public ROW shall not exceed thirty-five (35) feet in height.
3. To the extent permissible under state and federal law, any height extensions to an existing Communications Tower shall require prior approval of the Township, and shall not increase the overall height of the Communications Towers to more than thirty-five (35) feet.

4. Any proposed Communications Towers shall be designed structurally, electrically, and in all respects to accommodate both the Applicant's Communications Antennas and comparable Communications Antennas the maximum amount of future users based on the size of the proposed Communications Tower.

V. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Communications Tower in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Communications Tower shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.

W. The developer making application for creation and operation of a cell site and / or communication tower shall provide certification of:

1. Being either an entity licensed by the Federal Communications Commission and any and all applicable regulatory agencies of the Federal government and / or of the Commonwealth of Pennsylvania to operate a wireless communication system, or has a contract and lease agreement for a minimum period of one (1) year with an entity so licensed by the Federal Communications Commission and any and all applicable regulatory agencies of the Federal government and / or of the Commonwealth of Pennsylvania to operate a wireless communication system.
2. The facility being proposed, initially or as an addition or expansion to an existing cell site, meets and shall comply with all present and future technical emission standards set by the Federal Communication Commission. In the event the owner of any communication tower is not licensed by the Federal Communications Commission, the company or entity desiring to place a communication antenna or antenna upon such communication tower owned by a non-licensed company, shall duly sign and execute

a certification to be included with the application, that all antennae placed and operated within the subject cell site, meets and shall comply with all present and future technical emission standards set by the Federal Communications Commission.

3. Each person that owns or operates a communications antenna or tower shall provide the Township with a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence covering the communications antenna.

X. The developer shall provide detailed information and documentation that the proposed antenna and / or support structure of the antenna, whether an existing structure or a new tower is and shall be in compliance with all regulations and requirements of the Federal Aviation Administration, the Bureau of Aviation of the Commonwealth of Pennsylvania, Building Code provisions if applicable, and / or any other applicable regulatory agency of the Federal government or the Commonwealth of Pennsylvania, including but not limited to the specific type of warning/artificial lighting of the antenna that is required to be installed and maintained so as to warn airplanes, etc., as to the location and height of the antenna and its supporting structure.

Y. Communication towers, communication antennae and all attributes of a cell sites shall at all times be protected and maintained in a safe condition, structurally and otherwise, by the Federal Communications Commission licensed entity or entities operating the communication antenna or antennae within the cell site. If a communication tower or cell site remains unused by a Federal Communications Commission licensed operator of a communication antenna wireless service for a period of twelve (12) consecutive months for the purpose of a wireless communication services operation, the owner of the land, and / or owner of the communication tower, and / or last licensed operator of same shall dismantle and remove the communication tower and all cell site appurtenances within ninety (90) days following the expiration of said twelve month period. If the owner of the land, the communication tower and / or communication antennae are not the same person, company or entity, provision as to this Section 4.10.9 shall be included in the contract, agreement and or leases as between parties, and copies of all signed contracts, agreements on file with South Beaver Township.

## SECTION 8.10 - TEMPORARY USES

Only the following uses are permitted temporarily for a period hereafter designated in compliance with the regulations in this Section:

1. Christmas tree sales in commercial Districts, where the property owner has given permission, for a period up to 4 weeks in one calendar year.

2. Sale of seasonal fruits or vegetables in the NC, V, and RC districts, or in the AR Agricultural Residential district when such fruits or vegetables have been produced on-site, during summer and fall harvest seasons.

3. Multi-family, multi-day yard, or garage sales on residential property in any Zoning District on a periodic basis of 1 to 2 days during the spring, summer, and fall months.

4. Promotional or religious events or activities in any Zoning District requiring temporary structures, public assembly or off-street parking, other than and except events occurring on church property, for up to 4 weeks in one calendar year. (A Zoning Permit is required.)

5. Carnivals, circuses, street fairs, car shows and sidewalk sales in the NC, V and RC districts where adequate off-street parking has been provided, for up to 4 weeks in one calendar year. (A Zoning Permit is required.)

6. Mobile amusements and / or lighting or musical equipment for promotion, advertisement, and grand openings in the NC, V or RC districts, for up to 4 weeks in one calendar year. (A Zoning Permit is required.)

7. Storage yards or temporary modular or mobile office or structure parked or placed in any Zoning District on or near a construction site during the period of construction including one week prior to and one week after the time of actual construction, or at a well pad site or other industrial/commercial development site, but not in excess of six months, and if sewage facilities are involved, compliance with the PA Sewage Facility Act and regulations must be addressed and proper permits per the requirements of any other Township Ordinances are required. (A Zoning Permit is required.) If such structure is to be in place longer than six months, same is not temporary and must in addition to being subject to requirement of Application for Zoning/Building Permit, must also comply with requirements of the PA Uniform Construction Code and all other applicable Township Ordinances.

8. Subject to review and approval of the Township Planning Commission and Board of Supervisors, temporary installation and use in any Zoning District of above ground or on-the-surface freshwater pipelines on and through easements or rights-of-way granted by owner(s) of the properties involved, provided minimum earth disturbance activities are involved, and such surface freshwater line is not to be in place in excess of six (6) months. (A Zoning Permit is required.)

9. Subject to review and approval of the Township Planning Commission and Board of Supervisors, temporary installation in any Zoning District of a freshwater Impoundment Pond associated with Mineral/Resource Extraction of oil and / or gas on lands which the owner has granted permission for construction thereof, and such Impoundment Pond is not to be in place in excess of twenty-four (24) months unless specific time extension is granted and approved by the Township Board of Supervisors. (A Zoning Permit is required.) If such freshwater pond is desired to be in existence and use for more than twenty-four (24) months, documentation must be provided by the developer of same of the necessity and reason for such longer period of existence/use, including possible multiple well pad sites being served by same and / or guarantee of reduction of freshwater hauling truck traffic within the Township, etc., to various well pad sites.

10. Portable sawmill relative to logging and timber harvesting, or otherwise in and for a commercial activity, not setup for operation and use for a period of four months, and not to be operated before 8:00 a.m. or later than 6:00 p.m. (A Zoning Permit is required.)

## SECTION 8.11 - FENCES AND WALLS

Fences and walls are hereby regulated as follows:

A. Fences and walls shall be permitted to a maximum height of six and one-half (6 1/2) feet as permitted accessory uses in conjunction with residential structures, or twelve (12) feet in conjunction with agricultural activities.

B. No fence or wall shall be erected within any existing vehicular right-of-way. No fence or wall shall be erected closer than one (1) foot of the side or rear property line, except that in case of a joint agreement between property owners, fences may be placed on property lines to denote their location, at the discretion of said property owners, and are not otherwise subject to yard setback requirements.

C. No solid fence may be erected beyond the building face of the structure in any required front yard in residential districts. Decorative fences including, but not limited to, split rail or picket fences shall not be held to this restriction in residential districts.

D. Fencing or walls in commercial districts or as to an industrial development in any Zoning District, shall be designed to prohibit access, screen stored material or discourage placement of structures.

E. No zoning/building permit shall be required for the erection of a wall or fence.

## SECTION 8.12 - ACCESSORY USES AND STRUCTURES

Where permitted accessory uses are permanently attached to the principal use, the required minimum yard dimensions and setbacks established for the principal use shall apply.

A. When a structure having one hundred forty-four (144) square feet or less of floor space, not in excess of twelve (12) feet in maximum height, having no permanent foundation or other permanent/stationary fixation to the land on a concrete or bituminous slab or otherwise being made immovable, whether as a single accessory structure to the principal structure or as the sole structure on a parcel or tract of land, same is to be erected or placed on a parcel or tract of land for the incidental storage of personal items and / or housing of pets and / or similar accessory uses incidental to residential use of land, or as the sole structure on a parcel of land, the required minimum yard dimensions and setbacks applicable for the permitted principal use or uses shall apply as to the erection/placement of such structure.

B. No Zoning/Building Permit shall be required for the erection/placement of the initial such structure or the replacement of same by another. The erection or placement of a second or

multiple structures of such type of structures having one hundred forty-four (144) square feet or less of floor space, not in excess of twelve (12) feet in maximum height, and having no permanent foundation or other permanent/stationary fixation to the land on a concrete or bituminous slab or otherwise, whether as accessory structures to the principal structure or as the sole type of structure to be placed on a parcel or tract of land, shall require a Zoning / Building Permit.

C. A single utility structure or shed having a ground floor only, with a floor area less than one thousand (1,000) square feet and that meets the meaning of the definition in the PA Uniform Construction Code Statute, Act No. 45 of 1999 as amended, of "Utility and miscellaneous use structures". Any such structure shall be eligible for a Building/Zoning Permit on an otherwise vacant parcel of land as a stand-alone structure and is solely restricted to storage of equipment, not to be inhabited temporarily or otherwise, and not to have an operational water supply or service, or have or be eligible for installation of any sewage facility.

D. Accessory structures with a permanent foundation and / or a floor area in excess of one hundred and forty-four (144) square feet, single story for the purpose of the storage of livestock, materials, equipment or vehicles incidental to the primary use, the required minimum yard dimensions and setbacks applicable for the permitted principal use or uses shall apply as to the placement of such structure and shall require a zoning / building permit.

## SECTION 8.13 - BUILDING LINE

The building line or setback from a property line where a building or structure may be located in any Zoning District shall be at the line of the building line set forth in the Zoning District as to the lot or parcel of land involved, unless:

A. Another specific building line is specified and required as to a particular use within a Zoning District per the provisions applicable to such Zoning District; or

B. The subject parcel or lot of land proposed to be developed has a building line set back requirement of greater distance per a private restriction covenant running with the land; or

C. A variance is granted per the provisions of this Ordinance to allow a lesser setback as to a building line, whether as to a front yard, rear yard or a side yard.

## SECTION 8.14 - PROTECTED PRIVATE AND PUBLIC WATER SUPPLY WELL

No activity or use shall wrongfully discharge or allow to escape hazardous waste, or otherwise involve an activity in violation of any environmental law or regulation, so as to cause harm to any protected private and / or public water supply well. Relative to any hazardous waste being used at any location, the owner, occupant or operator of said location shall provide the Township with copies of any required documents to be prepared by the user of hazardous substances, if applicable, per the provisions of the Federal Resource Conservation and Recovery Act as amended by the Federal Hazardous and Solid Waste amendments of 1984 or thereafter, and / or the Federal Superfund and Reauthorization Act (SARA), including but not limited to said latter Act's required Tier I, Tier II

and Tier III documents. If such Acts are not applicable, the owner, occupant or operation of said activity location is still required and shall provide the Township a complete list of any substance classified as hazardous by the Township Ordinances or any other regulatory body, Federal or of the Commonwealth of Pennsylvania

## SECTION 8.15 - KENNEL

A. A kennel may be established on a parcel containing two acres or more.

B. Exterior exercise yards for animals must be setback a minimum of 50 feet from the nearest property line.

## SECTION 8.16 - TIMBER HARVESTING / LOGGING

In order to conserve forested open spaces and the environmental and economic benefits they provide, it is the policy of the municipality of South Beaver Township to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations contained herein are intended to further this policy by: 1) promoting good forestry stewardship; 2) protecting the right of adjoining property owners; 3) minimizing the potential for adverse environmental impacts; and 4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry, and improving human health and welfare of the community.

A. To encourage maintenance and management of forested and wooded open spaces and promote the conduct of forestry as a sound and economically viable use of forested land throughout the municipality, forestry activities – including timber harvesting- shall by permitted as a use by right in all zoning districts. Sections A through I apply to all timber harvesting within the municipality where the value of the trees, logs, or other timber products removed exceeds $2,000. There provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

B. As used in this Section, the following terms shall have the following meanings given:

1. "Felling" means the act of cutting a standing tree so that it falls to the ground.

2. "Forestry" means the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development. (The definition of forestry is taken from 53 P.S. § 10107 of the Pennsylvania Municipalities Planning Code. Only forests and timberlands subject to residential or commercial development shall be regulated under the municipality's subdivision and development ordinance-SALDO).

3. "Landing" means a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

4. "Landowner" means an individual, partnership, company, firm, association, or corporation that is in actual control of forested land, whether such control is based on legal or equitable title or any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

5. "Litter" means discarded items not naturally occurring on the site, such as tires, oil cans, equipment parts, and other rubbish.

6. "Lop" means to cut tops and slash into smaller pieces to allow material to settle closer to the ground.

7. "Operator" means an individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including agents, subcontractors, and employees thereof.

8. "Pre-commercial timber stand improvement" means a forest practice, such as thinning or pruning, that results in better growth, structure, species composition, or health for the residual stand but does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small, or otherwise of limited marketability or value.

9. "Skidding" means dragging trees on the ground from the stump to the landing by any means.

10. "Slash" means woody debris left in the woods after logging, including logs, chunks, barks, branches, uprooted stumps, and broken or uprooted trees or shrubs.

11. "Stand" means any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

12. "Stream" means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.

13. "Timber harvesting," "tree harvesting," or "logging" means that part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

14. "Top" means the upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

15. "Wetland" means "areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do

support a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs or similar areas." (Source: Pennsylvania Code, Chapter 105 Regulations)

**C. Notification; preparation of a logging plan.**

1. **Notification of commencement or completion.** For all timber harvesting operations that are expected to exceed 1 acre, the landowner shall notify the municipality enforcement officer at least 14 business days before the operation commences and within 7 business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting and completion date of the operation.

2. **Logging plan.** Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified in this ordinance. No timber harvesting shall occur until the plan has been prepared and provided to the municipality. The provisions of the plan shall be followed throughout the operation. The plan shall be at the harvest site at all times during the operation and shall be provided to the code enforcement officer upon request.

3. **Responsibility for compliance.** The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

**D. Contents of the logging plan.**

1. **Minimum requirements.** At a minimum, the logging plan shall include the following:

   a. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;

   b. Design, construction, and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars;

   c. Design, construction, and maintenance of stream and wetlands crossings; and

   d. The general location of the proposed operation in relation to municipal and state highways, including access to those highways.

2. **Map.** Each logging plan shall include a sketch map or drawing containing the following information:

   a. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;

   b. Significant topographical features related to potential environmental problems;

c. Location of all earth disturbance activities, such as roads, landings, and water control measures and structures;

d. Location of all crossings of waters of the Commonwealth;

e. The general location of the proposed operation to municipal and state highways, including any access to those highways.

3. **Compliance with state law.** The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:

a. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102 promulgated pursuant to the Clean Streams Law (35 P.S. § 691.1 *et.seq.)*; and

b. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 *et.seq.*).

4. **Relationships of state laws, regulations, and permits to the logging plan.** Any permits required by state laws and regulations shall be attached to and become a part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in paragraphs (a) and (b) of this section, provided that all information required by these paragraphs is included or attached.

**E. Forest practices.** The following requirements shall apply to all timber harvesting operations in the municipality:

1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the municipality or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare;

2. No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to the adjoining residential property;

3. All tops or slash between 25 and 50 feet from a public or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of 4 feet above the ground;

4. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof; and

5. Litter resulting from a timber harvesting operation shall be removed from the site

before it is vacated by the operator.

**F. Responsibility to road maintenance and repair; road bonding.** Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49, and Title 67 of the Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to municipal roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. The operator may be required to furnish a bond to guarantee the repair of such damage.

**G. Permit required, notification, insurance and surety.**

1. When a property owner wishes to conduct or permit to be conducted a logging or timber-harvesting operation on his property, such owner shall obtain a logging permit from the Township. The fee schedule for logging and timber harvesting permits shall be as indicated in the current Township Fee Schedule.

2. A logging and timber harvesting permit shall not be required, and this section shall not apply to:

a. Work performed on clearing subdivision road and ROWs approved by the Board of Supervisors.

b. Individual lots affected by the logging operation of less than one acre in size, provided that the entire logging or timber-harvesting operation does not exceed a total of once acre.

3. The Township shall be notified in writing before any logging or timber-harvesting operation begins. At the time of notification, the Township shall determine if other Township permits or approvals are required. Should a logging and timber-harvesting permit be required, the Township shall be notified at the following times:

a. Fourteen (14) business days prior to starting the operation.

b. Seven (7) business days prior to terminating the operation.

4. Upon the issuance of a permit, the applicant shall submit a certificate of insurance evidencing the logging operator's workers' compensation insurance coverage with $1,000,000 E. L. each accident, $1,000.000 E. L. disease – each employee and $1,000,000 per occurrence, $2,000,000 general aggregate, and $2,000,000 products and completed operation aggregate.

**H. Submission requirements for permit application.** The logging and timber-harvesting application shall be filed with the Township and shall contain the following:

1. A project narrative/description containing the following information:

a. Purpose of the proposed operation including the total number of trees for harvesting and the types of trees to be harvested.

b. If the proposed timbering or logging activity is within ten (10) feet of any unmarked property line. The total land area involved in the proposed logging operation shall be shown on a survey plan prepared by a licensed PA surveyor.

## I. Enforcement.

1. **Code enforcement officer.** The code enforcement officer shall administer and enforce Sections 1 through 10 of this ordinance.

2. **Inspections.** The code enforcement officer may go upon the site of any timber harvesting operation before, during, or after active logging to: (1) review the logging plan or any other required documents for compliance with Sections 1 through 8; and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations. Note that active logging sites are inherently dangerous, even when tree felling is not occurring. No one should ever enter an active logging site without the proper personal protective equipment and/or without giving prior notification to the logging supervisor.

3. **Violation notice; suspensions.** Upon a finding that a timber harvesting operation is in violation of any provision of this ordinance, the code enforcement officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date of not less than 30 days by which corrective action must be taken. The code enforcement officer may order the immediate suspension of any operation upon finding that: (1) corrective action has not been taken by the date specified in the notice of violation; or (2) the operation is proceeding without a logging plan; or (3) the operation is causing immediate harm to the environment as confirmed by the local conservation district and the DEP. Suspension orders shall be in writing, issued to both the operator and the landowner, and remain in effect until, as determined by the code enforcement officer, the operation is brought into compliance with this ordnance or other applicable statutes or regulations of the logging plan. The landowner or the operator shall appeal an order or decision of a code enforcement officer within 30 days of issuance to the governing body of the municipality.

4. **Penalties.** Any landowner or operator who: (1) violates any provision of this ordinance; (2) refuses to allow the code enforcement officer access to a harvest site pursuant to paragraph (b) of this Section; or (3) fails to comply with a notice of violation or suspension order issued under paragraph (c) of this Section is guilty of a summary offense and upon conviction shall be subject to a fine of not less $100 plus costs. Each day the violation continues may constitute a separate offense. The enforcement of this ordinance by the municipality shall be by action brought before a district magistrate in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

## SECTION 8.17 - OIL AND GAS OPERATIONS AND DEVELOPMENT

A. Purpose. The purpose of this section is to provide for the health, safety and welfare of the residents of South Beaver Township, through zoning and floodplain management provisions, for the reasonable development of land for oil and gas operations while providing adequate health, safety and general welfare protections of the Township's residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the Township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative and that minimizes the potential impact on the residents of South Beaver Township.

B. The requirements for either a permitted use or conditional use, with the exception of Oil and Gas-Subsurface Activities and Facilities, under this section are as follows.

1. Before filing an appropriate application (e.g. zoning permit, conditional use, etc.), the applicant shall meet with representatives of South Beaver Township to discuss the (1) proposed use; (2) site location; (3) the time frame for development; (4) traffic routes; (5) the condition of Township roads as a part of said traffic route and the potential need for advance repairs or upgrades; (6) plans for potential excess maintenance of said traffic routes; and, (7) traffic safety.

2. Applicant shall submit five (5) copies of a signed and completed application with all applicable and required fees to the Township Zoning Officer.

3. The Application must include the following information:

a. A written narrative signed and dated by the applicant, describing the proposed use and outlining an approximate timeline for the proposed development;

b. A site plan, or a copy of the Applicant's Erosion and Sedimentation Control Plan if said plan has been prepared by a licensed professional (e.g. engineer, surveyor, geologist or landscape architect) who is registered in Pennsylvania and who has attended up-to-date training provided by DEP, Office of Oil and Gas Management on erosion and sediment control and post-construction stormwater management for oil and gas activities;

c. A road access plan showing both temporary and permanent access routes and identifying all ingress and egress points;

d. If any weight-restricted Township roads will be used by the Applicant for any oil and gas development or operations, the Applicant shall comply with any applicable road bonding requirements and provide proof of bonding of said roads. In lieu of road bonding, the Township and the Applicant may enter into a road maintenance agreement, a copy of which will be included

e. A copy of the Applicant's Preparedness, Prevention and Contingency Plan;

f. A copy of the Applicant's Erosion and Sedimentation Control Plan and Post-Construction Stormwater Management Plan;

g. A copy of any State permits, including the ESCGP 1 or 2, Well Permits, Highway Occupancy Permits and other permits already obtained at the time of the application submission. An applicant may submit an application without the necessary and approved state permits but final Township approval shall be contingent upon receipt of all required said State permits.

h. The applicant shall submit to the Township a true and correct copy of all permits issued by the Pennsylvania Department of Environmental Protection (PA DEP) and other State permitting agencies prior to beginning any work on an approved Oil and Gas Development site;

i. Written authorization from the property owner(s) who has legal or equitable title in and to the surface of the proposed development. A copy of the oil and gas, mineral or other subsurface lease agreement or similar document vesting legal or equitable title to the surface will constitute written authorization;

j. The name of an individual and emergency contact number that the Township or residents 24 hours a day for each day of the week to report emergencies;

k. When applicable, a copy of Applicant's FAA Form 7460-1 "Notice of Proposed Construction or Alteration" showing that there is no interference with air traffic; and

l. The number of trailers to be located on the site.

C. Recognizing that the specific location of equipment and facilities is an important integral part of oil and gas development, as a part of the planning process, the Applicant/Operator shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Township residents' enjoyment of their property.

D. Oil and gas- well site development shall only be permitted to be located on property that is a minimum of ten (10) acres or larger. Multiple properties may be combined to meet the ten (10) acre minimum.

E. Oil and Gas Operations shall meet the location restrictions established by the Commonwealth, its regulatory agencies and found in those Environmental Acts. Oil and Gas Operations shall additionally meet all applicable front, rear and side yard setbacks as provided for in this Ordinance.

F. Applicant/Operator shall take the necessary safeguards to ensure that the Township roads utilized shall remain free of dirt, mud, and debris resulting from development activities and / or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur.

G. Applicant/Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and / or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with development Applicant/Operator will provide flagmen or other alternative and approved safety mechanisms to ensure the safety of children at or near schools or school bus stops and include adequate sign and / or warning measures for truck traffic and vehicular traffic. Applicant/Operator will coordinate its efforts with school districts so as to minimize heavy truck traffic during the hours school buses are picking up or dropping off children.

H. The access driveway off the public road to the drill site shall be gated at the entrance to prevent illegal access to the drill site.

I. For any gas well where the planned surface location of the well will be within 1,000 feet of an inhabited structure, the Operator shall either install temporary safety fencing at least six (6) feet in height, around the established drilling pad or in lieu of fencing provide at least one (1) security guard 24/7 at all times when drilling or completions equipment is on the Well Site.

J. Before drilling, First Responders shall have on-site orientation and be provided with adequate awareness information. Upon request from the Township, Applicant/Operator will, prior to drilling of an oil or gas well, make available at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available at least annually during the period when the Applicant/Operator anticipates drilling activities in the Township.

K. Applicant/Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.

L. Except in an emergency, no bullhorns shall be used on-site as a means of communication on the drill site.

M. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the development of oil and gas, the Applicant/Operator shall take necessary steps, to the extent practicable, to direct site lighting downward and inward toward the drill site, wellhead, or other area being developed so as to minimize glare on public roads and adjacent buildings within five hundred (500) feet of the drill site, wellhead, or other area being developed.

N. Prior to initial construction activities in the Township, the Applicant/Operator shall attend a public meeting to present general information about the Applicant/Operator's Development plans in the Township and allow for questions and answers related to its operations. The Operator shall notify, in writing, by U.S. Mail, or personal service, owners of real estate within 3,000 feet of contemplated drilling within South Beaver Township, the date time and location of the meeting, and the approximate location of the proposed Well Site at least once, not more than 30 days and not less than seven (7) days in advance of the meeting. If requested by the Township, and if drilling activities continue for more than twelve (12) months, the Operator shall attend additional meetings and present information, but shall not be required to do so more often than annually, unless additional Well Sites not previously discussed at a public hearing are proposed.

O. Prior to the commencement of drilling activities, no construction activities involving the alteration to, or repair work on any access road or well site shall be performed during the hours of 9:00 p.m. to 7:00 a.m.

P. Operator shall not clear brush or trees by way of burning, and shall chip, grind or remove all stumps from properties it clears for development purposes.

Q. All Oil and Gas Operations must comply with the noise requirements outlined in this Ordinance. In the event that an Applicant/Operator is unable to meet the aforementioned requirements, the Applicant/Operator may either:

1. Utilize appropriate noise mitigation measures that may include sound barriers or such technology or devices that will allow the Applicant/Operator to meet said noise requirements; or

2. Obtain a release waiver of said noise requirements from the owners/renters of those properties who would be affected by noise conditions in excess of that allowed in this Ordinance.

R. The Applicant/Operator must submit a professionally prepared sound study or sound impact assessment identifying those parcels that would be subject to excess sound levels.

1. The Applicant/Operator must obtain release waivers from all adversely impacted property owners/renters as identified on the sound study or sound impact assessment. A copy of said release waiver shall be provided to the Township.

2. All release waivers shall be signed by the impacted property owner/renter and notarized.

3. Upon Applicant's/Operator's submittal of said (1) sound study or sound impact assessment and (2) release waivers from all impacted property owners/renters the Applicant/Operator shall be deemed to have met the requirements and intent of noise regulations located herein.

4. In the event that upon commencement of activity, sound from Oil and Gas Development and Operations exceeds the allowances in this Ordinance on the properties of those owners/renters who did not sign a release waver, Applicant/Operator will either obtain a release waiver from said individuals per the requirements of paragraph (b) above or be required to institute noise mitigation as referenced previously.

S. All work-over operations shall be restricted to the hours of 7:00 a.m. to 9:00 p.m., except in the event of an emergency, as reasonably determined by the Operation. "Work-over operations" shall mean the process of performing major maintenance or remedial treatments on an oil or gas well.

## SECTION 8.18 - FARM OR AGRICULTURAL OPERATION

Farm and agricultural activities or uses of land, including but not limited to tilling of the land, the raising of farm products, including but not limited to grains, vegetables, and fruits, excluding private gardens, the raising and keeping of dairy cows, cattle, horses, poultry, swine or other livestock, including the sale and processing of agricultural products or livestock raised or grown on the particular farm from which it is sold, in accordance with the following:

A. No building or structure used for shelter or enclosure of fowl, game, horses, farm livestock, or dogs shall be closer to any property line than fifty (50) feet.

B. The display for sale of products grown or raised by the owner, tenant or leases on a roadside stand shall only be permitted where:

   1. The place of sale of such products is within the confines of the property upon which they have been grown or raised.

   2. The place of sale of any such products shall include adequate off-street parking spaces outside of the roadway right-of-way.

C. Farm stands shall be set back 35 feet from the roadway right-of-way.

D. All livestock must be kept in a fenced enclosure and may not be permitted to roam onto adjacent properties.

## SECTION 8.19 - SINGLE-FAMILY DWELLING

One single-family dwelling shall be permitted per lot. The minimum ground floor living area (excluding garage and porch floor area) required for a single-family dwelling shall be 750 square feet.

## SECTION 8.20 - RIDING ACADEMY / BOARDING OF HORSES

Riding academies and the boarding of horses are permitted provided that no more than two (2) horses per acre may be boarded and the minimum lot or parcel of land size is five (5) contiguous acres.

## SECTION 8.21 – ZONING / BUILDING PERMIT REQUIREMENT

A Zoning/Building permit shall be required prior to the commencement of any activity or excavation for or the erection, construction or alteration of any structure or use of land proposed in relation to those uses enumerated in this Ordinance. A Construction Code Permit when applicable per the South Beaver Township Uniform Construction Code Ordinance (Ordinance No. 68, as amended) shall also be required for the erection, construction or alternation of any structure.

## SECTION 8.22 - AUTOMOTIVE RECYCLING FACILITY / JUNKYARD

A. All vehicles, parts of vehicles and other material stored outside shall be screened by an opaque fence or wall as per the provisions of this Article.

B A primary point of vehicular access shall be delineated and a highway occupancy permit or township roadway opening permit shall be acquired where applicable.

C. Such use shall also comply with all additional provisions and regulations adopted by South Beaver Township relating to junk yards.

**SECTION 8.23- KEEPING OF DOMESTIC FOWL**

The keeping of domesticated fowl for non-commercial or personal use shall be permitted by right as an accessory use in all zoning districts, subject to the issuance of a zoning compliance permit for all structures and adherence to the performance standards outlined in this ordinance.

A. Domestic Fowl must be kept in an enclosure at all times. No fowl shall be allowed to roam freely or be kept outdoors without the safety of an enclosure.

(1) All structures associated with the keeping of fowl, including henhouses, chicken coops, fences, and chicken runs, must comply with the accessory structure requirements of this ordinance, including but not limited to building height, square footage, and setbacks.

(2) Chicken runs, pens, henhouses, and chicken coops shall be set back from all adjacent dwellings not occupied by the applicant by a minimum of fifty feet (50) feet.

B. Odors from the chicken coop, run, or other associated structures shall not be perceptible at the property line

C. The minimum lot size for the keeping of domestic fowl shall be one quarter acre.

D. A maximum of ten (10) hens shall be permitted on the first quarter acre of land. For each additional quarter-acre of lot area beyond the first quarter acre, ten (10) additional hen may be permitted, up to a maximum of fifty (50) hens per lot on a residential use.

E. Roosters are prohibited on any residential lot that is less than 1 acre.

F. All associated structures, including chicken coops and runs, shall be maintained in a sanitary and safe condition at all times.

G. Animal waste shall be disposed of in accordance with Chapter 91 of the Pennsylvania Clean Streams Law

H. Dead animals shall be disposed of promptly, in accordance with applicable Township waste disposal regulations.

I. Any violation of the provisions of this ordinance shall be subject to enforcement under the Township's general zoning enforcement procedures

## SECTION 8.24- DATA CENTER (SERVER FARM)

A. Data Centers / Server Farms shall take access from an arterial or collector road and shall have secondary access suitable for emergency response purposes.

B. Highly trafficked sections of road shall be screened as determined by the Township.

C. A minimum eight (8) foot high fence with a self-latching gate, or security controlled gate shall be placed around the perimeter of the site. Fencing: shall not include barbed or razor wire and shall be subject to municipal fence standards.

D. The applicant shall have obtained all applicable Federal, State, County, and local permits and approvals for the proposed use.

E. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

F. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent lot line if adjacent to a residential use. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impact on adjoining properties.

G. Maximum Building Height to top of parapet shall not exceed 55' from the adjacent ground surface.

H. Design Standards:

   a. Principal building facades shall require fenestration, step-back(s), cantilever(s), projection(s), or architectural elements extending horizontally across at least 60 percent of the façade.

   b. Each building shall include an articulated main entrance. This entrance shall be differentiated from the rest of the building with a change in building material, pattern, texture, color, or architectural accent. It shall also either project or be recessed from the adjoining building plane.

   c. Elevations/renderings of all principal building facades visible from off-site shall be submitted with the conditional use application.

I. Dimensional Standards:

   a. Minimum Lot Size: Data centers shall have a minimum lot area of 50 acres.

   b. Maximum Height: Data centers and freestanding accessory uses may not exceed 55' feet in height. For data center principal buildings, the maximum height shall be inclusive of rooftop appurtenances and rooftop accessory uses.

   c. Minimum Setbacks: Data center principal buildings, accessory uses, and truck idling areas shall have a minimum setback from all property lines of 250 feet, with the

exceptions of utility lines, fiber optic lines, and security stations.

d. Data centers shall be a minimum of 1,000 feet from residential uses, residential districts, and/or other sensitive receptors.

e. Roof-mounted equipment shall be set back from the parapet at least as far as the equipment's height above the roof surface.

f. Maximum Building Coverage: 40% (or consistent with the zoning district).

g. Maximum Impervious Coverage: 50% (or consistent with the zoning district).

i. Projects shall be designed and constructed to meet the current USGBC LEED BD+C: Data Centers rating system, or equivalent design standard, as approved by the municipal engineer.

ii. The applicant for a data center shall provide an Energy Usage Plan with the application. The Energy Usage Plan shall provide or identify, at a minimum :

a. Annual electricity demand
b. Energy supply sources that will be utilized
c. Energy storage capacity (if applicable)
d. Proposed sources of back-up power
e. Documentation of efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, including those to: Reduce the need for new electric generation by incorporating the best available energy efficiency into the design of data center servers, cooling units, and the building structure.
    i. Cover 50-80% of all unused roof space with solar arrays to off-set a portion of the demand on the electric grid and reduce onsite emissions.
    ii. Explore battery storage as a backup energy source for 50-100% of total onsite back-up energy needs to reduce or eliminate the pollution associated with diesel backup generators.
    iii. Testing of generators may only occur between the times of 11:00 AM to 3:00 PM.
    iv. Support off-site renewable energy generation through a power purchase agreement or other arrangement that will result in new renewable energy generation within the region .
    v. Monitor and report energy efficiency and emissions data to the municipality on a regular basis.
f. If interconnecting to the energy grid, documentation of the energy utility interconnection approval process with answers to the following:
    i. Documentation that an application for the project has been filed with the electric utility provider, and the required fee has been paid.
    ii. Documentation that a transmission security agreement has been

received by the applicant.

iii. Documentation that the transmission security agreement has been signed by all necessary parties.

iv. The date that the electric utility provider provided for the proposed energization of the data center.

g. The Energy Usage Plan will be prepared and certified by a professional engineer. The plan shall be subject to review and comment by the municipality. The municipality shall have the right to require supplemental or amended plans based upon comments by the municipality prior to any zoning approval.

h. A proposed Data Center whose Energy Usage Plan shows power demand of over 50 megawatts (MW) and that proposes to connect to the power grid shall be required to procure a minimum of 30% of its power from renewable generation sources generated withing the region, which include solar, wind, hydroelectric power, geothermal, and waste heat from data center cooling processes. Electricity supply shall be procured through a power purchase agreement or similar mechanism as opposed to purchasing renewable energy credits (RECs) only.

i. The Pennsylvania Public Utilities Commission (PA-PUC) maintains control over Energy Use Requirements of Data Centers (*House Bill 1834, passed in March, 2026*) which ties cost responsibility to the scale of demand.

j. The 2026 **GRID Standards** require developers seeking Commonwealth incentives to demonstrate that their energy needs will not impose additional costs on other utility ratepayers. South Beaver Township hereby adopts the **2026 GRID Standards**, in their totality, as in effect, and legally binding in South Beaver Township.

k. Any Data Center must be in compliance with the PA-PUC's **50 MW/100 MW** large load threshold as the key benchmark for triggering the new tariff framework and cost responsibility rules. In so doing, any facility above these levels shall pay for its own grid impact(s) with clean energy and ratepayer protection requirements as specified in *PA-HB 1834*.

l. Summary Table

| Regulation Source | MW Threshold | Key Cost Responsibility |
|---|---|---|
| PUC Large Load Tariff (2026) | >59 MW individually or >100 MW aggregate | Pays for infrastructure costs, no cost-shifting to other customers |
| HB 1834 (2026) | Not fixed, but applies to large loads | Pays for grid upgrades, P\|M capacity and clean energy sourcing |

| | | |
|---|---|---|
| **GRID** Standards (2026) | Implied by large load definition | No additional costs to other ratepayers |

1. Power Lines and Co-location of Energy Generation Systems:

   a. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, fuel cells, or nuclear energy generating systems, shall be considered a second principal use, and as such, shall be subject to existing municipal, state, or federal ~~or~~ utility regulations. Such systems shall be considered a separate principal use and shall be approved according to all applicable state and federal regulations along with municipal zoning regulations applicable to such use. The applicant shall select, design, and locate the energy generation systems to limit noise, emissions, and visual impacts to adjacent and nearby uses as much as possible. Data center principal buildings shall be located between energy generation systems and residential districts or any other sensitive receptors.
   b. Electric Utility Substations on the same property as the Data Center they serve shall be located on the side or rear of a Data Center principal building so they are screened from public view and shall not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
   c. Data Center electric utility substations visible from an arterial road-way shall include a combination of year-round opaque landscaping and screening walls to minimize visual impact.
   d. Burying power lines serving the property is strongly required.
   e. Proposed substations on a parcel that abuts a zoning district boundary other than industrial, and/or a boundary with a property with a sensitive receptor shall be set back a minimum of 800 feet from the property line. If abutting both another industrial-zoned parcel and use, substations shall meet the requirements for accessory uses in the underlying zoning district.

2. Water Usage:

   a. No use on a data center site shall use private groundwater wells or direct withdrawals from surface watercourses as its source of water for cooling purposes.
   b. Data centers shall be designed to include a closed-loop water circulation system to cool data center processing equipment. An applicant may propose an alternative cooling system that can be demonstrated to use less water and energy than closed-loop systems to the satisfaction of the municipal engineer.
   c. The applicant shall submit certified documentation that the public authority has the capacity to supply the water needed.
   d. The water feasibility study shall include, at minimum, the following information:
      1. Calculations of the projected water needs, including seasonal fluctuations.
      2. A geologic map of the proposed project area within a radius of at least one mile from the site property boundary.
      3. The location of all existing and proposed wells within 1,000 feet of the site property boundary with a notation of the capacity of all high-yield wells.
      4. The location of all surface waters within 1,000 feet of the site property boundary and all known point sources of pollution.

5. A determination of the long-term safe yield of the water source.
6. Identification of how water will be recycled, treated, or released into surrounding water bodies.
7. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
    a. No approvals shall be granted until all required state and regional permits have been obtained.
    b. The applicant shall provide a drought response plan to demonstrate compliance with state, water supplier, and local drought declaration requirements.

3. Wastewater disposal analysis:
    a. Wastewater disposal must be conveyed and treated at a public treatment facility.
    b. The applicant shall submit an analysis of wastewater disposal needs to either a public sewer system, indicating the quantity of wastewater generation expected. Wastewater shall include sewage and water discharged as part of the data center's HVAC system.
    c. Any untreated wastewater generated is prohibited to be discharged to stormwater systems or surface waters.
    d. The applicant shall submit documentation certified by the public authority and the PADEP that the public authority can support the conveyance and treatment needed.

4. Noise Studies:

    a. PRE-CONSTRUCTION NOISE STUDY: The applicant shall submit a pre-construction noise study prepared by an acoustical engineer establishing baseline ambient noise and vibration levels and shall include different times of day. The noise study shall include a narrative describing anticipated operational impacts to sound levels and it shall include an octave band analysis. The noise study shall account for any proposed electrical substations, on-site power generation facilities, and other data center accessory uses that may generate noise.
    b. POST-CONSTRUCTION NOISE STUDIES: The applicant shall submit a noise study of existing operations quarterly to the South Beaver Township Board of Supervisors after the issuance of the first Certificate of Occupancy.
    c. Sound shall be measured at all property lines. The studies shall use full spectrum modeling to address low-frequency noise.
    d. If the pre-construction Noise Study establishes a baseline ambient noise level in excess of the maximum sound level permitted under this Chapter, the Post-Construction Study shall demonstrate that operations of the proposed use do not materially increase the baseline ambient noise level as measured at any property line. Any increase above the established baseline shall be deemed a violation unless specifically authorized as a condition of approval.

5. Noise mitigation measures may be required by the zoning officer when noise studies show that the use is generating noise approaching established limits.

6. Sound level.

    a. Sound levels at the property line shall not exceed 40 dB(A) and 50 dB(C) from 7:00pm

to 7:00 am, nor shall they exceed 55 dB(A) and 60 dB(C) from 7:00am to 7:00pm.

b. Where baseline ambient noise measured for the pre-construction noise study exceeds that of the maximum sound level above, sound levels at the property line shall not exceed the baseline ambient noise level (for dB(A) and dB(C) and dB(D)).

7. Emergency Response Plan

a. An emergency response plan shall be required as part of the application and shall be prepared by a qualified professional. The Emergency Response Plan shall:
   1. Evaluate the impacts, both positive and negative, of the proposed data center upon emergency services and fire protection.
   2. Be reviewed by and acceptable to the local fire department and emergency management services as part of the conditional use process.
   3. Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
   4. Ensure that all first responders receive adequate training specific to the installed system at the expense of the applicant.
   5. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the data center.

a. Each Data Center shall provide 24-hour emergency contact signage that is visible at the main entrance. Such signage shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.
b. The applicant shall coordinate with the municipal emergency management coordinator to ensure there is adequate radio coverage for emergency responders within all on-site buildings and facilities, based upon existing coverage levels of the municipal public safety radio communications system exterior to on-site buildings. The applicant shall install enhancement systems, as needed, to achieve compliance.
c. Data Centers and any Data Center Accessory use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with *National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems,* or similar standards and shall include fire suppression systems designed specifically for battery storage.
d. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

14. Electronic Waste

An Electronic Waste Plan shall be submitted with the zoning application outlining procedures for safe removal and recycling and/or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all Commonwealth and federal requirements, which will apply in cases when the equipment within the data center is updated or decommissioned. The Report shall be subject to review and comment by the South Beaver Township Board of Supervisors, or the Township Engineer. The South Beaver Township Board of Supervisors shall have the right to require supplemental or amended reports based upon

comments from the Township Engineer prior to any zoning approval.

15. Decommissioning

a. A Decommissioning Plan prepared by a qualified professional shall be submitted. The plan shall outline the procedures for safe shut-down, removal of equipment, disposal or recycling of materials, and site restoration.
b. The owner shall submit a notification of closure if operations are permanently ceased.
c. Decommissioning shall begin within 1 year of cessation of data center operations, or upon notice of abandonment by the operator, whichever occurs first. An extension of 1 year may be granted by the municipality if the property owner can demonstrate that they are actively marketing the site for a compatible replacement use. Decommissioning shall be completed within 18 months thereafter, unless extended by the municipality for good cause.
d. Standards for Decommissioning:
    i. All above-ground structures, equipment, and accessory facilities shall be removed and the site remediated to established state and federal standards.
    ii. Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.
    iii. Disturbed soils shall be stabilized and revegetated.
    iv. Any utility connections shall be safely disconnected and capped.
    v. The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.
    vi. The Data Center (hereinafter "Facility") Owner and Operator shall, at its expense, complete decommissioning of the Facility, within twelve (12) months after the end of the useful life of the Facility.
    vii. The Facility will be presumed to be at the end of its useful life if it's not used for a continuous period of twelve (12) months.
    viii. The Facility Owner or Operator shall report to the South Beaver Township Secretary within 48 hours any cessation or discontinuation of use.
    ix. If the Township becomes aware of the cessation or discontinuation of use of the Data Center Facility by observation or report from a third party without receiving notification from the Facility Owner or Operator. In that case, the Township may notify the Facility Owner or Operator of the report or observation in writing or by posting a notice on the premises that decommissioning must be completed within six (6) months of said notice.
    x. Decommissioning shall include removal of all hazardous materials and contents, including cabling, electrical components, and any other associated facilities. The Facility Owner or Operator shall certify that all hazardous materials and contents have been removed at the end of the twelve (12) or six (6) month period as stated above and as applicable.
e. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
f. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs").

g. Said estimates shall be submitted to the Planning Commission after the first year of operation and every fifth year thereafter.

h. The Facility Owner or Operator shall post and maintain Decommissioning Funds (Bond) in an amount equal to Net Decommissioning Costs +10%. The Decommissioning Funds shall be posted and maintained with a bonding company, Federal or Commonwealth chartered lending institution chosen by the Facility Owner, Operator, and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

i. Decommissioning Funds may be in the form of a performance bond, surety bond, or other form of financial assurance that are acceptable to the Township. These funds must be delivered before construction begins on the proposed project.

j. This bond will be maintained by the municipality. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed, then the landowner shall have six (6) months to complete decommissioning. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed, the municipality may take such measures as necessary to complete decommissioning.

k. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, the irrespective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

l. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

m. In the event of sale or transfer of the Facility, the acquiring agency shall adhere to the original monetary and operational decommissioning requirements set forth for the original developer.

# ARTICLE IX

# STANDARDS AND CRITERIA FOR CONDITIONAL USES

## SECTION 9.1 - OVERVIEW OF CONDITIONAL USES

Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular parcel of land. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by the Planning Commission. The proposed use shall be analyzed by comparing it to established development standards and design guidelines. This review shall determine whether the proposed use addresses the specific standards identified in this Ordinance and whether or not it should be permitted by weighing the public need for, and the benefit to be derived from the use, against the impact which it may cause.

## SECTION 9.2 - APPLICATION PROCESS AND REQUIREMENTS

The Township Board of Supervisors shall not evaluate a conditional use application unless and until the following are met:

A. A written application for conditional use approval is submitted to the Township Zoning Officer no less than 15 working days prior to the regular meeting of the Township Planning Commission. The application shall indicate the Section of this Article under which conditional use approval is sought and shall state the grounds upon which it is requested. The Township Zoning Officer shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Chapter which have not been met, shall be sent to the applicant.

1. The application shall include the following:

a. A development plan or site plan.

b. A written statement showing compliance with the general standards and criteria for all conditional uses and the specific applicable express standards and criteria cited in this Article for the proposed use.

c. A map showing and identifying all lots within 200 feet of the lot for which the conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Beaver County Assessment/ Tax Claim Office.

d. The application fee required as determined by the fee schedule adopted by the Township Board of Supervisors.

B. A written recommendation is received from the Township Planning Commission or 30 days has passed from the date of the Township Planning Commission meeting at which the application is first considered for approval.

C. The Board of Supervisors shall hold a public hearing, pursuant to the required public notice, within the time periods and procedures required by the PA Municipalities Planning Code. The public hearing shall commence within 60 days of the date of the filing of an administratively complete application.

D. In granting a conditional use, the Township Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in this Article, as it may deem necessary to implement the purposes of the PA Municipalities Planning Code and this Article and Ordinance.

## SECTION 9.3 - PROCEDURE FOR APPROVAL

A. The Township Board of Supervisors shall hear and decide requests for conditional uses within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this or any other ordinance contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

B. Where the Township Board of Supervisors fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in §908(1.2) of the Pennsylvania Municipalities Code, 53 P.S. §10908(1.2), within 60 days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case-in-chief, unless extended for good cause upon application to the Beaver County Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the governing body to meet or render a decision as hereinabove provided, the Township Board of Supervisors shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Township Board of Supervisors shall fail to provide such notice, the applicant may do so.

C. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

D. **Expiration of Conditional Use Approval.** Conditional use approval shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within 12 months of said approval, unless the Township Board of Supervisors, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be a 12- month extension.

E. **Expiration of Conditional Use Approval Granted Prior to the Effective Date of this Chapter.** Conditional use approval granted prior to the effective date of this Chapter shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within 12 months of the effective date of this Chapter or as specified in the approval, unless the Township Board of Supervisors, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be 1- to 12-month extension.

## SECTION 9.4 - GENERAL STANDARDS AND CRITERIA FOR CONDITIONAL USES

Before approving a conditional use application, the Board of Supervisors shall determine that the proposed use will not alter the established character and use of the neighborhood or zoning district in which it is located, and that it will not substantially impair the use or development of adjacent properties. The Board of Supervisors shall use the following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements in this Article for a specific type of use or development.

A. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Chapter, unless a variance to any provision has been granted by the Township Zoning Hearing Board, and with other applicable Township, County and Commonwealth and Federal ordinances, laws and regulations. The proposed use shall obtain applicable permits, licenses, and approvals from the Township, Beaver County, Pennsylvania and Federal agencies before final approval of the conditional use application shall be granted.

B. The proposed use is compatible with the surrounding land uses. It does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, illumination and glare, restrictions to natural light and air circulation or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties.

C. The proposed site for the conditional use is suitable in terms of topography and soil conditions and size, based on number of projected users and the frequency of use of the proposed use.

D. The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient off-street parking and loading.

E. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage and disposal.

F. The proposed use provides screening and / or buffer areas as required by this Ordinance.

G. The proposed use/development conforms to the scale, character and exterior appearance of existing structures and uses in the neighborhood in which it is located.

H. The proposed use is consistent with the South Beaver Township Comprehensive Plan.

I. The proposed use will not endanger the public health, safety, morals and general welfare of the community if located where proposed.

## SECTION 9.5 - STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for conditional uses listed herein, an application for any of the following uses which are listed in any zoning district as a conditional use shall comply with the following specific applicable standards and criteria.

A. **Adult-Oriented Business.**

An adult-oriented business shall be a permitted conditional use subject to the following minimum standards and criteria:

1. An adult-oriented business shall only be established and operated in the Industrial District.

2. Adult businesses shall not be located within 500 feet of any lot that is used for residential purposes.

3. Adult-oriented businesses shall not be located within 500 feet of the lot boundary of any existing school, day care center, hospital, group care facility, personal care boarding home, group home, public park or playground, community center, place of worship, public library or any establishment which is licensed to serve and / or sell alcoholic beverages.

4. No adult business shall be located within 2,000 feet of any other existing or proposed adult-oriented business.

5. No advertisements or stock in trade which depicts, describes or relates to specified sexual activities and / or specified anatomical areas shall be permitted to be viewed or viewable from the street, sidewalk or highway.

6. No sign which can be viewed by the general public from outside of any building or structure which depicts, describes or relates to specified sexual activities and / or specified anatomical areas shall be permitted.

**B. Air Bed and Breakfast.**

An air bed and breakfast shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The number of off-street parking and loading spaces shall be provided as defined by this Ordinance. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.

2. The overnight occupancy shall not exceed two (2) persons per bedroom, excluding children under twelve (12) years of age.

3. An individual overnight guest shall not occupy the air bed and breakfast for more than 30 consecutive nights and shall not be permitted to re-occupy the air bed and breakfast for a minimum of 7 consecutive nights.

4. In no case shall a short-term rental unit be rented more than once in a 24-hour period unless the unit has been vacated by the previous renter for a minimum of 24 hours prior to the next rental.

5. There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features required by building or fire codes can be added to protect public safety.

6. No exterior advertising shall be allowed.

7. A Quiet Time shall be observed daily from 10:00 p.m. to 6:00 a.m. During this period, noise levels exceeding 40 decibels at the property boundary are prohibited.

8. In the AR and R-1 zoning districts, short term renters shall not utilize the premises for holding special events or gatherings.

C. **Amusement Park.**

An amusement park shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Amusement Parks shall only be established and operated in the Agricultural Residential District.

2. The minimum lot size for an Amusement Park is 10 acres.

3. The site must have direct access to an arterial road as identified in this Ordinance.

4. Parking areas shall be screened on all sides by a wall, fence, or densely planted evergreen hedge not less than six (6) feet in height.

5. All parking areas and access ways shall be adequately lighted; provided, however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.

6. Any proposed Amusement Park developments are subject to land development approval, unless specifically exempted by the PA Municipalities Planning Code (MPC).

D. **Apartment, Garden.**

A garden apartment shall be a permitted conditional use subject to the following minimum standards and criteria:

1. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.

2. The means of a building's ingress and egress shall meet requirements as outlined in the Township's Building Code / the Township's Uniform Construction Code Ordinance, Ordinance No. 68.

3. A 25-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

4. The maximum number of units per building shall not exceed 24.

5. All dumpsters and / or waste collection areas shall be located at least 50 feet from nearest residential unit and shall be enclosed by solid masonry screen walls on a minimum of three sides.

6. Bufferyards between a garden apartment development and any other adjacent single-family residential lot shall be increased by 10 feet in addition to the Township's required bufferyard width, as outlined in this Ordinance. One and one-half times the required number of plants shall be provided for screening and buffering off-street parking and loading areas.

E. **Apartment, High-Rise.**

A high-rise apartment shall be a permitted conditional use subject to the following minimum standards and criteria:

1. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.

2. The means of a building's ingress and egress shall meet requirements as outlined in the Township's Building Code / the Township's Uniform Construction Code Ordinance, Ordinance No. 68.

3. A 12-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

4. All dumpsters and / or waste collection areas shall be located at least 50 feet from nearest residential unit and shall be enclosed by solid masonry screen walls on a minimum of three sides.

5. The primary vehicular entrance to a high-rise apartment development shall, at a minimum, have direct access to a collector road.

6. Bufferyards between a high-rise apartment development and any other adjacent residential lot shall be increased by 10 feet in addition to the Township's required bufferyard width, as outlined in this Ordinance. One and one-half times the required number of plants shall be provided for screening and buffering off-street parking and loading areas.

F. **Automotive Repair Garage.**

An automotive repair garage shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Such use shall not be located within 100 feet of any lot line adjoining residential use or zoning classification.

2. Bufferyard B, as defined by this Ordinance, shall be provided along all lot lines adjoining an existing residential use or residential zoning district.

3. There shall be no storage of parts or dismantled vehicles outside an enclosed building.

4. All repair work shall be performed within an enclosed building, which has adequate ventilation and fire protection provisions.

5. All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.

6. Vehicles or equipment awaiting repair shall be kept in an enclosed wall or building or in an outdoor area which is screened by an 8-foot high hedge or opaque fence within a minimum capacity of 80 percent.

7. The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health and safety.

G. **Automotive Service Station.**

An automotive service station shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Gasoline pumps shall be located at least 30 feet from the edge of the right-of-way of a public street.

2. All fuel, oil or similar substances shall be stored at least 25 feet from any property line.

3. All lighting shall be shielded and reflected away from adjacent lots, streets and roadways.

4. All minor repair work, vehicle washing, lubrication and installation of parts and accessories shall be performed within an enclosed building.

5. All automobile parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.

6. All vehicles awaiting repair shall be stored on site in approved parking spaces and, under no circumstances, shall said vehicles be stored on or obstruct access to a public right-of-way.

7. Bufferyard A, as defined in this Ordinance, shall be provided along all lot lines adjoining an existing residential use or residential zoning district.

H. **Bed and Breakfast.**

A bed and breakfast shall be a permitted conditional use subject to the following minimum standards and criteria:

1. No more than five bedrooms shall be available or used for lodging use in any building.
2. Not more than one ground sign shall be permitted on the lot.
3. Service meals shall be limited to breakfast only to overnight guests of the facility.

4. The number of off-street parking and loading spaces shall be provided as defined by this Ordinance. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.

5. The owner and / or manager of the facility shall reside therein.

6. An individual overnight guest shall not occupy the facility for more than 14 consecutive nights.

7. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 footcandle of illumination when measured from an adjacent lot line. As part of its

decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjacent properties.

8. The preferred means of vehicular access to the lot shall be from an arterial or collector roadway. As part of its decision, the Board of Supervisors may allow a bed and breakfast to be located on a local roadway, provided it will not have a negative impact on surrounding and adjacent properties.

9. Vehicular and / or pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.

10. A bed and breakfast facility in the R-1 and A-R Zoning Districts shall provide a Bufferyard C as defined in this Ordinance.

I. **Bufferyard Modifications.**

Modifications to a bufferyard shall be a permitted conditional use subject to the following minimum standards and criteria:

1. A minimum of 50 percent of each type of plant (tree, shrub and groundcover) required within the standard bufferyard for the development shall be planted within the modified bufferyard area.

J. **Cemetery.**

A cemetery shall be a permitted conditional use subject to the following minimum standards and criteria:

1. A minimum site of 10 acres shall be required.

2. A drainage plan shall be submitted with the application for the use to show the existing and proposed runoff characteristics.

3. A ground water study prepared by a hydrologist or registered professional engineer qualified to perform such studies shall be submitted with the application.

4. Plans for ingress and egress shall be referred to local police officials for comments regarding public safety.

5. All property lines adjoining residential uses shall be screened by Bufferyard A as defined in this ordinance.

6. All equipment shall be properly stored in an enclosed building when not in use.

7. No burial sites or structures shall be located within 100 feet from any adjoining property lines.

K. **Communication Tower.**

A communication tower shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Communication Towers as a conditional use shall comply with the standards and conditions outlined in the Supplemental Regulations of this Ordinance.

**L. Contractor Supply Yard.**

Such an area shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The Supply Yard shall be located only in the side or rear yards of the site.

    i. Screening shall meet the standard of the zoning district in which the Yard is located.

    ii. The Supply Yard shall meet all required setbacks of the zoning district.

2. All areas used for the storage and movement of vehicles, equipment and materials shall be improved by an appropriate all-weather paved surface such as compacted aggregate, asphaltic concrete, reinforced concrete, concrete pavers or such material that has been engineered to bear the weight of the materials or equipment stored there.

    i. Total surface area for such paved storage areas shall not exceed the total impervious surface area allowed for the zoning district.

3. Vehicles and equipment stored in the yard must be maintained in good working condition at all times.

M. **Convenience Store.**

A convenience store shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

2. A convenience store located within a Village District shall not exceed a total of 3,000 square feet in gross floor area.

3. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 0.1 footcandle, if located adjacent to a residential use.

N. **Data Center (Server Farm).**

Data Center (Server Farm) shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The applicant shall meet all requirements of Section 8.24 Data Center (Server Farm).

2. Highly trafficked sections of road shall be screened as determined by the Township.

2. A minimum eight-foot high fence with a self-latching gate shall be placed around the perimeter of the site.

3. The applicant shall have obtained all applicable Federal, State, County, and local permits and approvals for the proposed use.

4. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

5. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent lot line if adjacent to a residential use. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impact on adjoining properties.

6. Maximum Building Height to top of parapet shall not exceed 55' from the adjacent ground surface.

**O. Day Nursery School.**

A day nursery school shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The facility shall be licensed as such by the Commonwealth of Pennsylvania.

2. Ingress and egress to the site shall be designed to assure the safe dropping off and pick up children. All drop-off locations shall be designed so as to not interfere with the free flow of traffic on adjacent streets.

3. Outdoor play areas shall be provided and shall be secured by a fence, at least 4 feet in height, with a self-latching gate.

4. Exterior open space shall be provided, being usable and accessible only for the children at a minimum ratio of 65 square feet per child. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the zoning district in which the day-care center is proposed shall apply.

5. Depending on traffic and / or adjoining use of the premises, a fence with approved height and strength by the Township may be required along the lot's perimeter for the protection of those using the day nursery school.

6. Outdoor play areas that adjoin residential lots shall be screened by Bufferyard C as defined by this Ordinance.

7. The general safety of a day care center site shall be evaluated as it relates to the needs of small children.

P. **Distillery**

A distillery shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Minimum lot size required is five (5) acres.

2. Distillery operations shall be conducted in accordance with all applicable federal, state, county, and Township laws and regulations governing the production of crops and related operations.

3. A business established as a distillery shall have at least one point of ingress and egress to a public road right-of-way. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts to both pedestrians and vehicles.

4. Indoor and outdoor display areas associated with retail activity shall not exceed a total of 3,000 square feet in gross floor area. Display areas within parking lots and outdoor storage areas shall be included within the calculated gross floor area.

5. The minimum number of required parking spaces shall not be utilized for any display areas and/or outdoor storage areas.

6. To promote adequate vehicular safety and circulation, an entrance drive surfaced with asphalt, brick, concrete or stabilized aggregate shall be constructed between the nearest public road right-of-way and the retail area. The entrance drive shall be a minimum of 20 feet wide. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.

7. No more than one identification sign associated with advertising the distillery shall be permitted. The identification sign shall be a ground or a wall sign and shall have a maximum graphic area of 40 square feet.

8. The minimum distance between buildings shall be 30 feet.

9. The maximum length of any building shall be no more than 200 feet.

10. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive

materials, chemicals, liquids, gases or solids shall be permitted on the lot(s), with the exception of gasoline, diesel fuel and oil for the operation and maintenance of motorized vehicles and equipment.

11. A traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, may be required to be submitted where the proposed development could generate 50 trips in addition to the adjacent roadways' peak-hour volumes or the traffic movements produced by the development could have the potential to create adverse conditions on public road right-of-way. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Township if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

**Q. Energy Generation Facility**

Energy Generation Facilities shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Bufferyards shall be provided and maintained in all yards adjoining a residential use or residentially zoned property in accordance with Bufferyard A as defined in this Ordinance.

2. Highly trafficked sections of road shall be screened as determined by the Township.

3. A minimum eight-foot high fence with a self-latching gate shall be placed around the perimeter of the site

4. A clearly visible warning sign shall be placed at the base of all pad mounted transformers and substations and on the fence on the surrounding the site informing individuals of potential voltage hazards

5. The applicant shall have obtained all applicable Federal, State, County, and local permits and approvals for the proposed use.

6. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

7. No portion of the site shall contain or be used to display advertising, however the manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment.

8. All flammable and/or hazardous material must be contained in a container that meets standards to contain potential spills and fire.

9. All containment devices must be separated by a minimum of 10'.

10. No trees or other landscaping otherwise required by this ordinance may be removed for the installation or operation of a facility.

11. At a minimum, a twenty-five foot (25) wide access road must be provided from state or township roadway into the site.

12. Internal cartways shall be a minimum of sixteen (16) feet to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles.

13. Developer shall post a bond in the amount of 110% of the construction cost of the facility.

14. The Energy Generation Facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The use shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.

15. The owner shall then have twelve (12) months in which to dismantle and remove all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.

16. The Pennsylvania Public Utilities Commission (PA-PUC) maintains control over Energy Use Requirements of Data Centers (*House Bill 1834, passed in March, 2026*) which ties cost responsibility to the scale of demand.

17. The 2026 **GRID Standards** require developers seeking Commonwealth incentives to demonstrate that their energy needs will not impose additional costs on other utility ratepayers. South Beaver Township hereby adopts the **2026 GRID Standards**, in their totality, as in effect, and legally binding in South Beaver Township.

18. Noise Studies:

    a. PRE-CONSTRUCTION NOISE STUDY: The applicant shall submit a pre-construction noise study prepared by an acoustical engineer establishing baseline ambient noise and vibration levels and shall include different times of day. The noise study shall include a narrative describing anticipated operational impacts to sound levels and it shall include an octave band analysis. The noise study shall account for any proposed electrical substations, on-site power generation facilities, and other data center accessory uses that may generate noise.
    b. POST-CONSTRUCTION NOISE STUDIES: The applicant shall submit a noise

study of existing operations quarterly to the South Beaver Township Board of Supervisors after the issuance of the first Certificate of Occupancy.

c. Sound shall be measured at all property lines. The studies shall use full spectrum modeling to address low-frequency noise.
d. If the pre-construction Noise Study establishes a baseline ambient noise level in excess of the maximum sound level permitted under this Chapter, the Post-Construction Study shall demonstrate that operations of the proposed use do not materially increase the baseline ambient noise level as measured at any property line. Any increase above the established baseline shall be deemed a violation unless specifically authorized as a condition of approval.

19. Noise mitigation measures may be required by the zoning officer when noise studies show that the use is generating noise approaching established limits.

20. Sound level.

a. Sound levels at the property line shall not exceed 40 dB(A) and 50 dB(C) from 7:00pm to 7:00 am, nor shall they exceed 55 dB(A) and 60 dB(C) from 7:00am to 7:00pm.
b. Where baseline ambient noise measured for the pre-construction noise study exceeds that of the maximum sound level above, sound levels at the property line shall not exceed the baseline ambient noise level (for dB(A) and dB(C) and dB(D)).

21. Emergency Response Plan

a. An emergency response plan shall be required as part of the conditional use application and shall be prepared by a qualified professional. The Emergency Response Plan shall:
b. Evaluate the impacts, both positive and negative, of the proposed data center upon emergency services and fire protection.
c. Be reviewed by and acceptable to the local fire department and emergency management services as part of the conditional use process.
d. Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
e. Ensure that all first responders receive adequate training specific to the installed system at the expense of the applicant.
f. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional.
g. Each Facility shall provide 24-hour emergency contact signage that is visible at the main entrance. Such signage shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.
h. The applicant shall coordinate with the municipal emergency management coordinator to ensure there is adequate radio coverage for emergency responders within all on-site buildings and facilities, based upon existing coverage levels of the municipal public safety radio communications system exterior to on-site buildings. The applicant shall install enhancement systems,

as needed, to achieve compliance.

i. Energy Generation Facility Accessory use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with *National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems,* or similar standards and shall include fire suppression systems designed specifically for battery storage.

j. No Energy Generation Facility shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

16. Electronic Waste

An Electronic Waste Plan shall be submitted with the zoning application outlining procedures for safe removal and recycling and/or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products that meet all Commonwealth and federal requirements, which will apply in cases when the equipment within the data center is updated or decommissioned. The Report shall be subject to review and comment by the South Beaver Township Board of Supervisors, or the Township Engineer. The South Beaver Township Board of Supervisors shall have the right to require supplemental or amended reports based upon comments from the Township Engineer prior to any zoning approval.

17. Decommissioning

a. A Decommissioning Plan prepared by a qualified professional shall be submitted. The plan shall outline the procedures for safe shut-down, removal of equipment, disposal or recycling of materials, and site restoration.

b. The owner shall submit a notification of closure if operations are permanently ceased.

c. Decommissioning shall begin within 1 year of cessation of facility operations, or upon notice of abandonment by the operator, whichever occurs first. An extension of 1 year may be granted by the municipality if the property owner can demonstrate that they are actively marketing the site for a compatible replacement use. Decommissioning shall be completed within 18 months thereafter, unless extended by the municipality for good cause.

d. Standards for Decommissioning:

   i. All above-ground structures, equipment, and accessory facilities shall be removed and the site remediated to established state and federal standards.

   ii. Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.

   iii. Disturbed soils shall be stabilized and revegetated.

   iv. Any utility connections shall be safely disconnected and capped.

   v. The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.

vi. The Energy Generation Facility (hereinafter "Facility") Owner and Operator shall, at its expense, complete decommissioning of the Facility, within twelve (12) months after the end of the useful life of the Facility.

vii. The Facility will be presumed to be at the end of its useful life if it's not used for a continuous period of twelve (12) months.

viii. The Facility Owner or Operator shall report to the South Beaver Township Secretary within 48 hours any cessation or discontinuation of use.

ix. If the Township becomes aware of the cessation or discontinuation of use of the Data Center Facility by observation or report from a third party without receiving notification from the Facility Owner or Operator. In that case, the Township may notify the Facility Owner or Operator of the report or observation in writing or by posting a notice on the premises that decommissioning must be completed within six (6) months of said notice.

x. Decommissioning shall include removal of all hazardous materials and contents, including cabling, electrical components, and any other associated facilities. The Facility Owner or Operator shall certify that all hazardous materials and contents have been removed at the end of the twelve (12) or six (6) month period as stated above and as applicable.

e. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

f. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs").

g. Said estimates shall be submitted to the Planning Commission after the first year of operation and every fifth year thereafter.

h. The Facility Owner or Operator shall post and maintain Decommissioning Funds (Bond) in an amount equal to Net Decommissioning Costs +10%. The Decommissioning Funds shall be posted and maintained with a bonding company, Federal or Commonwealth chartered lending institution chosen by the Facility Owner, Operator, and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

i. Decommissioning Funds may be in the form of a performance bond, surety bond, or other form of financial assurance that are acceptable to the Township. These funds must be delivered before construction begins on the proposed project.

j. This bond will be maintained by the municipality. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed, then the landowner shall have six (6) months to complete decommissioning. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed, the municipality may take such measures as necessary to complete decommissioning.

k. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the

parties to the agreement, the irrespective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

l. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

m. In the event of sale or transfer of the Facility, the acquiring agency shall adhere to the original monetary and operational decommissioning requirements set forth for the original developer.

R. **Event Venue.**

An event venue shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Any facility located within 200 feet of a property line adjoining a residential use shall cease operations no later than 10 pm.

2. All off-street parking shall be located on the lot.

3. The vehicular and pedestrian circulation system shall be designed to minimize conflict between vehicular and pedestrian circulation.

4. Dining shall only be provided for guests, their invitees and attendees of special events or business meetings. The event center shall not operate as a food service establishment or restaurant.

5. Sale of alcoholic beverages to guests and their invitees for on-site consumption shall be in conformance with the regulations of the Commonwealth of Pennsylvania.

6. Indoor event venues shall be limited to the designated building occupancy.

7. No temporary overnight accommodations such as tents and/or camping units shall be allowed.

**S. Farm or Agricultural Operation.**

A farm or agricultural operation shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The minimum lot size shall be five (5) contiguous acres.

2. No building or structure used for shelter or enclosure of fowl, game, horses, farm livestock, or dogs shall be closer to any property line than fifty (50) feet.

3. The display for sale of products grown or raised by the owner, tenant or lease on a roadside stand shall only be permitted where the place of sale of such products is within the confines of the property upon which they have been grown or raised and the place of sale of any such products shall include adequate off-street parking spaces outside of the roadway right-of-way.

4. Farm stands shall be set back 35 feet from the roadway right-of-way.

5. Bufferyard B, as defined in this Ordinance, shall be provided around the perimeter of the property.

**T. Freshwater Impoundment Ponds.**

A freshwater impoundment pond shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Freshwater impoundment ponds shall be located at a distance of at least 300 feet away from any neighboring buildings whether residential or non-residential.

2. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

3. A security fence at least six (6) feet in height equipped with lockable gates shall be provided around the perimeter of the site.

**U. Group Care Facility.**

A group care facility shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The number of residents shall be based on the square footage provided within the facility. If the facility is less than 5,000 square feet, the number of residents shall not exceed 15 persons, excluding supervisory adults and the children of supervisory adults. If the facility is between 5,000-15,000 square feet, the number of residents shall not exceed 35 persons, excluding supervisory adults and the children of supervisory adults. If the facility is greater than 15,000 square feet, the number of residents permitted is 35 residents, plus an additional resident is permitted per each additional 500 square feet, excluding supervisory adults and the children of supervisory adults.

2. The applicant shall file a detailed statement of intent describing the proposed use of the dwelling or building. The statement shall provide detail on the number and nature of the anticipated residents or occupants.

3. The operator of the facility shall provide the Township with a floor plan, drawn to scale, clearly delineating all rooms or sleeping areas, all points of ingress and egress to the facility and the interior circulation plan indicating the flow of traffic on the site and primary point or points of vehicular access.

4. No group care facility shall be established within 1,000 feet of another group care facility.

5. A 12-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

6. Twenty-four-hour supervision shall be provided by staff qualified by the sponsoring agency.

7. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs. All open space areas shall be secured by a fence with a self-latching gate.

8. Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Township Zoning Officer in January of each year.

## V. Home Occupation.

A home occupation shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The home occupation shall be carried on solely within the principal building or accessory structures.

2. No more than 15 percent (15%) of the gross floor area of the principal dwelling and any accessory structures used shall be devoted to the conduct of the home occupation.

3. Articles not produced on the premises shall not be sold on the premises.

4. There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premise for delivery off the premises.

5. Exterior displays or signs other than those permitted in this Ordinance, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

6. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with any and all applicable performance standards as outlined in this Ordinance.

7. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the residences in the neighborhood.

8. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of a structure.

9. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.

10. The use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.

11. The use shall not cause a negative impact on lot values in the immediate neighborhood.

12. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be permitted to be parked on the premises.

13. The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:
    a. Beauty shops or barber shops containing more than two (2) chairs.
    b. Clinics, hospitals, or nursing homes.
    c. Kennels, veterinary offices, and clinics.
    d. Private instruction to more than three (3) students at a time.
    e. Restaurants or tea rooms.
    f. Tourist or boarding homes.
    g. Vehicle or equipment rental, repair or sale.
    h. Automotive repair garages, as defined in this Ordinance.

14. Day care homes shall meet all of the foregoing requirements for a home occupation as well as the following additional requirements:
    a. Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with a self-latching gate.
    b. A safe area shall be provided for the drop off and pick up of children who do not obstruct the free flow of traffic on any public street.
    c. Off-street parking shall be provided in accordance with the requirements of this Ordinance.

**W. Hospital.**

A hospital shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The minimum site area required for a hospital shall be five (5) acres.

2. The site shall be serviced by public water and public sanitary sewer systems.

3. All hospitals shall be properly licensed by the Commonwealth of Pennsylvania.

4. Water pressure and volume shall be adequate for fire protection.

5. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.

6. The plan illustrating parking and circulation shall be forwarded to the South Beaver Township Police Department for comments regarding traffic safety and emergency access.

7. All lot lines adjoining a residential lot or zoning district shall be screened by Bufferyard A as defined in this Ordinance. All other lot lines shall be screened by Bufferyard C as defined in this Ordinance.

8. The landowner and / or developer shall complete a traffic impact analysis to demonstrate that the Township's roadway network will maintain an acceptable level of service and roadway capacity based upon the proposed development's peak traffic volumes.

9. Safe vehicular access and areas for discharging and picking up patients shall be provided.

10. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

11. The vehicular and pedestrian circulation system shall be designed to minimize conflict between vehicular and pedestrian circulation.

12. A hospital's height shall not exceed 75 feet and, as applicable, shall not pose a hazard to the operations of the Beaver County Airport.

**X. Indoor Recreation Facility.**

An indoor recreation facility shall be a permitted conditional use subject to the following minimum standards and criteria:

1. All indoor recreation facilities shall be located along an arterial or collector road as defined by this Ordinance.

2. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 11 p.m. and shall be screened by Bufferyard A as defined in this Ordinance.

3. Grass, sod or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

4. All off-street parking shall be located on the lot.

5. The vehicular and pedestrian circulation system shall be designed to minimize conflict between vehicular and pedestrian circulation.

6. All parking lots used for indoor recreation facilities shall have a minimum of two points of ingress and egress.

7. All dumpsters, not incorporated into the principal building, shall be located in the rear yard setback and shall be screened with masonry or vegetation. All screens shall be a minimum of 8 feet high and shall have a minimum opacity of 80 percent.

8. All indoor recreation facilities shall have a maximum gross floor area of 40,000 square feet.

**Y. Life Care Facility.**

A life care facility shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Total acreage shall be a minimum of 1 acre.

2. A useable open space area of 100 square feet per bed shall be provided exclusive of the front yard setback, buffer strip and parking area.
3. The lot shall be served by frontage on a public street and serviced by public sanitary sewers and public water.

4. Sidewalk gradients shall be constructed at 5 percent maximum.

5. The facility shall be accessible for firefighting purposes and evacuation at all levels and on all sides, otherwise the facility shall not be more than two stories.

6. Safe vehicular access and areas for discharging and picking up guests shall be provided.

7. The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of surrounding land uses.

8. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 0.1 foot-candle if adjacent to a residential use.

9. The facility shall meet all State requirements for life care or nursing/convalescent care facilities in addition to those defined in this section.

10. The landowner and / or developer shall conduct a traffic analysis to show that adequate traffic controls are in place to minimize potential negative impacts.

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

12. Two-story buildings with second story dwelling units are permitted. A minimum of 50 percent of the second-story dwelling units shall have at-grade or elevator access.

13. A 12-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

14. The Township shall review all applications for life care facilities and approve or disapprove such applications and require such covenants or legal restrictions deemed necessary to insure the intent of the ordinance.

**Z. Massage Therapy Establishment.**

A massage therapy establishment shall be a permitted conditional use subject to the following minimum standards and criteria:

1. State or national certification from one of the following entities shall be required for all employees, excluding administrative staff: National Certification Board for Therapeutic Massage and Bodywork; American Massage Therapy Association; Association of Bodywork and Massage Practitioners; National Certification Commission for Acupuncture and Oriental Medicine; International Massage Association; or a Board of Supervisors approved equivalent. In addition, all employees, excluding administrative staff, must have at least 500 hours of professional training and provide a certificate or equivalent that proves the training hours that have been met.

2. Hours of operation shall be restricted to 8 a.m. to 8 p.m., prevailing time. As part of its decision, the Board of Supervisors may further regulate the hours of operation for the facility in order to prevent adverse impacts on adjoining properties.

3. The facility shall operate in compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Beaver County Health Department.

4. A massage therapy establishment shall obtain an initial license from the Township Secretary and must renew this license each year thereafter that the massage therapy establishment intends to continue operation as a massage therapy establishment in South Beaver Township.

5. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

6. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent lot line. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impact on adjoining properties.

7. To ensure public health and safety, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and / or the developer.

8. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, customers, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, customers, visitors, and guests.

**AA. Medical Office.**

A medical office shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent lot line if adjacent to a residential use. As part of its decision, the Board of Supervisors may further regulate outdoor lighting for the facility in order to prevent adverse impact on adjoining properties.

2. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.

3. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

4. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

5. A trip generation analysis is required to better determine traffic issues associated with the proposed development. As part of its decision, the Board of Supervisors may require a full traffic study depending on if the number of trips generated by the development exceeds 100 trips during peak hours.

6. To ensure public health and safety, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and / or the developer.

7. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, patients, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, patients, visitors, and guests.

**BB. Mineral Resource Extraction.**

Mineral resource extraction shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Restricted mineral removal shall be limited to mineral removal conducted entirely within the public rights of way of proposed streets in an approved subdivision plan or land development plan for which surety has been posted to guarantee the proper installation of public improvements or which is conducted prior to the preparation of foundations for structures to be constructed on approval lots within an approved plan. Restricted mineral removal shall be subject to all requirements of this Section, except that the approved development plan shall be submitted with the reclamation plan required by subparagraph (M) below.

2. In the AR and R1 Districts, the minimum site required for mineral removal shall be 10 acres.

3. The site shall be located at least 500 feet from any existing residential lot.

4. There shall be no removal of minerals or vegetative cover within 100 feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).

5. Mineral removal shall be prohibited in watersheds of rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a "wilderness trout stream," by the Pennsylvania Department of Environmental Protection as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.

6. No mineral removal shall be conducted within 300 feet of any public building, school, place of worship, community or institutional building, commercial building, public park, or private recreational area.

7. No mineral removal shall be conducted within 100 feet of the right-of- way line of any public road, except where access roads or haulage roads join the right-of-way line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with law.

8. No mineral removal shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.

9. No mineral removal shall be conducted within 100 feet of a cemetery.

10. No mineral removal shall be conducted within 500 feet of any occupied residential dwelling, unless the consent of the owner of the dwelling has been obtained in advance of the filing of the application for zoning approval.

11. The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:

    a. Lawful existing or permitted use of adjacent properties.
    b. The quality of adequacy of any public or private water supply source.
    c. Any flood-prone or landslide prone areas within the Township.

12. The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent buildings or structures or shall not substantially diminish underground water resources.

13. If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.

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

15. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local roads with the Township.

16. The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations in an amount determined by the Township for each mile of Township road or portion thereof proposed to be traversed for removing minerals from the site. The term of the bond shall begin on the date the zoning certificate is issued. The bond shall be returned to the operator upon completion of all operations, any backfilling and reconstruction of a damaged roadway due to excess weight in excess of the posted weight for the road. Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Township roads that have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township Specifications for Street Construction.

17. Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.

18. Deep mine openings and aboveground structures shall not be located within 500 feet of any existing dwelling. Ventilating structures shall be located so as to comply with the performance standards regarding noise, as outlined in this Ordinance, and to minimize noise impacts on adjoining property. Ventilating structures also shall comply with the requirements as outlined in this Ordinance.

19. The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State or Federal permits, including proof of insurability, before initiating any work and of maintaining the required permits throughout the duration of all operations. Any suspension or revocation of the required State of Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and / or enforcement of the penalty provisions of this Ordinance.

20. Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within 90 days of the date of approval of the application by the Board of Supervisors unless the applicant submits a written request for an extension to the Board of Supervisors prior to the expiration of the 90 days explaining the reason for the delay in initiating the work and the Board of Supervisors approves the request.

21. Once work is initiated under an approved application for a conditional use, zoning approval shall be valid for a period of 1 year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval must be submitted prior to the date of expiration of zoning approval and can be granted by the Township Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation. Upon

expiration or revocation of zoning approval for the conditional use, the applicant may reapply for approval of the conditional use.

22. During the mineral removal operation, the Township Engineer may inspect the site at the request of the Township to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.

**CC. Natural Gas Compressor Station.**

Natural gas compressor stations shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The minimum site area required for a natural gas compressor station shall be five (5) acres.

2. The site shall be located at least 1,000 feet from the nearest residential structure and 750 feet from the nearest non-residential structure and 200 feet from the nearest lot or property line.

3. All compressor stations must be enclosed by a building.

4. Noise generated by the site shall not exceed 60 db at the nearest property line.

5. A security fence at least six (6) feet in height equipped with lockable gates shall be provided around the perimeter of the site.

6. Warning signs shall be placed on the fencing surrounding the compressor station providing notice of the potential dangers and the contact information in case of an emergency.

7. Emergency responders shall be given means to access the compressor station in case of an emergency.

8. The natural surroundings shall be considered, and attempts made to preserve existing trees and other native vegetation.

9. The applicant must comply with all of the requirements set forth for the application procedures for oil and gas activities as outlined in this Ordinance.

**DD. Natural Gas Processing Plant.**

Natural gas processing plants shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The minimum site area required for a natural gas processing plant shall be five (5) acres.

2. The site shall be located at least 1,000 feet from the nearest residential structure and 750 feet from the nearest non-residential structure and 200 feet from the nearest lot or property line.

3. All processing plants must be enclosed by a building.

4. Noise generated by the site shall not exceed 60 db at the nearest property line.

5. A security fence at least six (6) feet in height equipped with lockable gates shall be provided around the perimeter of the site.

6. Warning signs shall be placed on the fencing surrounding the processing plant providing notice of the potential dangers and the contact information in case of an emergency.

7. Emergency responders shall be given means to access the processing plant in case of an emergency.
8. The natural surroundings shall be considered, and attempts made to preserve existing trees and other native vegetation.

9. The applicant must comply with all of the requirements set forth for the application procedures for oil and gas activities as outlined in this Ordinance.

**EE. Nursing Home.**

A nursing home shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The minimum site area required for a nursing home shall be one (1) acre.

2. The site shall be served by public water and public sewers.

3. All nursing homes shall be licensed by the Commonwealth of Pennsylvania.

4. Water pressure and volume shall be adequate for fire protection.

5. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. A twelve-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures. The parking and circulation plan shall be referred to the South Beaver Township

Volunteer Fire Company for comments regarding traffic safety and emergency access.

6. Nursing homes shall have a bed capacity of at least 20 beds but no more than 200 beds.

**FF.Oil and Gas Development-Well Site/Drilling Pad/Processing Pad.**

Oil and Gas Development-Well Site/Drilling Pad/Processing Pad Facilities shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The site shall be located at least 300 feet from the nearest occupied structure if owned by the same property owner. The site shall be located at least 500 feet from the nearest occupied structure if it is not owned by the same property owner.

2. A security fence at least six (6) feet in height equipped with lockable gates shall be provided around the perimeter of the site.

3. Oil and gas development shall be conducted in accordance with the Oil and Gas Act.

4. The applicant shall have obtained all applicable Federal, State, County, and local permits and approvals for the proposed use. In the event that such permits and approvals have not been issued at the time the conditional use approval is requested, the conditional use approval of the Township shall be expressly conditioned on the granting of all permits and approvals required by Federal State, County, and local laws, statutes, ordinance and regulations.

5. The applicant must comply with all of the requirements set forth for the application procedures for oil and gas activities as outlined in this Ordinance.

**GG. Outdoor Recreation Facility.**

An outdoor recreation facility shall be a permitted conditional use subject to the following minimum standards and criteria:

1. A minimum site of 1 acre shall be required.

2. All principal structures shall be located at least 40 feet from any property line.

3. The vehicular and pedestrian circulation system shall be designed to minimize conflict between vehicular and pedestrian circulation.
4. Any facility located within 200 feet of a property line adjoining a residential use or zoning classification shall cease operations no later than 12 midnight.

**HH. Place of Assembly.**

A place of assembly shall be a permitted conditional use subject to the following minimum standards and criteria:

1. A place of assembly's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

2. At a minimum, a trip generation analysis shall be required. Furthermore, a traffic impact study shall be required to be submitted whereas the proposed development which according to the Institute of Transportation Engineers (ITE) standards will generate 100 trips in addition to the adjacent roadway's peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Township if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

3. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer to ensure employee and visitor safety.

4. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.

5. The vehicular and pedestrian circulation system shall be designed to minimize conflict between vehicular and pedestrian circulation.

6. For parking demands greater than 300 automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

**II. Place of Worship.**

A place of worship shall be a permitted conditional use subject to the following minimum standards and criteria:

1. All buildings shall be set back at least 100 feet from the lot lines of residentially zoned properties and from the right-of-way of a public street.

2. A place of worship's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

3. At a minimum, a trip generation analysis shall be required. Furthermore, a traffic impact study shall be required to be submitted whereas the proposed development which according to the Institute of Transportation Engineers (ITE) standards will generate 100 trips in addition to the adjacent roadway's peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Township if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

4. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer to ensure employee and visitor safety.

5. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.

6. The vehicular and pedestrian circulation system shall be designed to minimize conflict between vehicular and pedestrian circulation.

7. For parking demands greater than 300 automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

**JJ. Recreational Camp.**

A recreational camp shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Any recreation camp proposed in the AR District shall be situated on a minimum of 25 acres.

2. Recreational camps may include designated sites for use by members or guests thereof for camping sites and the placement of moveable or immoveable structures thereon for sleeping and preparation and eating of meals provided however that no such structure may have running or pressurized water system or sewage facilities.

3. Recreational camps shall have centrally located restroom facilities with showers, wash basins/sinks, toilets/commodes, and urinals service by adequate sewage treatment system(s) per the Pennsylvania Sewage Facilities Act and shall be sufficient to accommodate as follows:

   a. One urinal for every 30 male persons.
   b. One toilet/commode for every 45 male persons.

c. One washbasin/sink for every 30 persons.
d. One shower stall for every 45 persons.
e. One toilet/commode for every 20 female persons.

4. In the event recreational camp sites are desired to be developed and have a sewage disposal connection to the central sewage treatment facility of the recreational camp, such sewage hook-up facilities must be in compliance with and maintained in accordance with all requirements of the Pennsylvania Department of Environmental Protection and be authorized by a Permit issued by said Department.

5. All such designated camping sites shall be located and labeled on a plan for a recreational camp.

6. No structure of such designated parcels, whether a moveable or immoveable structure, shall be a dwelling unit for permanent residency by any occupant or occupants but only as temporary quarters for use by a member or guest of the recreation camp while such member or guest is using the facilities.

7. Any proposed structure of an immoveable nature/non-temporary placement on such designated parcels of a recreation camp shall require a building / zoning permit with application therefore signed by the owner of the recreation camp and if applicable, member of the recreation camp proposing to erect same. Full and complete structural plans of the proposed structure must accompany such application, which plans shall include accurate and to-scale floor plan layout with dimensions, proposed use of all space therein, and the location and purpose of any interior built-in items, and the method of support/anchoring of the structure to the ground surface.

**KK. Retail Store (> 20,000 sq. ft.).**

A retail store greater than 20,000 square feet of space shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

2. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination on a lot, when adjacent to a residential use, shall be a maximum of 0.1 foot-candle. Lighting levels shall also be reduced by one-half their standard operating power, between the hours of 11 p.m. and 6 a.m.

3. The location and arrangement of parking on a lot shall be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on rights-of-way or residential activity in proximity to the lot is minimized The Township reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front principal building setback

or to designate other measures on the lot in order to maximize safety and / or minimize impacts to surrounding uses.

4. The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust or other disturbances.

**LL. Sanitary Landfill.**

A sanitary landfill shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The minimum site size required for a sanitary landfill is twenty (20) contiguous acres.

2. The required setback adjacent to any neighboring residential uses is 750 feet and 500 feet from any non-residential uses.

3. The owner or operator must obtain all necessary permits, approvals or certifications as required by the Pennsylvania Department of Environmental Protection and the US Environmental Protection Agency. Copies of all permits, approvals, certifications, etc. must be submitted to the Township.

**MM. Sawmill.**

A sawmill shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The minimum site area required is 10 acres.

2. Upon completion of sawmill and timbering activities and prior to closing down operations at the site, the site shall be cleaned up and returned to its original state and condition which existed prior to the commencement of sawmill activities.

3. A track machine, as opposed to a skid loader, is the preferred machine to use for sawmill related activities and operations.

**NN. School.**

A school shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Operations shall be regulated so that nuisances such as visual blight, glare and noise shall not be created.

2. The school shall be accredited by the Commonwealth of Pennsylvania.

3. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize vehicular and pedestrian safety.

4. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

5. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

6. Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to 0.1 foot-candle when measured at the lot line of an adjacent residential use. Lighting levels shall also be reduced by one-half their standard operating power, between the hours of 11 p.m. and 6 a.m.

7. At a minimum, a trip generation analysis shall be required. Furthermore, a traffic impact study shall be required to be submitted whereas the proposed development which according to the Institute of Transportation Engineers (ITE) standards will generate 100 trips in addition to the adjacent roadway's peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Township if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

**OO. Self-Service Storage Facility.**

Self-Service Storage Facilities shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The minimum lot area shall be five (5) acres.

2. Vehicular and pedestrian access to the proposed facility shall be designed and provided to maximize vehicular and pedestrian safety.

3. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

4. All one-way driveways shall have a minimum of one 10-foot parking lane, plus one 15-foot travel lane.

5. All two-way driveways shall provide a minimum of one 10-foot parking lane, plus two 12-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.

6. All interior driveways shall be paved with an impervious surface sufficient for the loads that the driveways are expected to bear.

7. Bufferyards shall be provided and maintained in all yards adjoining a residential use or residentially zoned property in accordance with Bufferyard A as defined in this Ordinance.

8. A minimum eight-foot high fence with a self-latching gate shall be placed on the interior side of each bufferyard. The fence shall be supplemented with screening material which creates a visual barrier that is at least 100 percent opaque.

9. The maximum building height shall be 20 feet.

10. The minimum separation between storage buildings shall be 20 feet.

11. The maximum length of any storage building shall be 200 feet.

12. The maximum size of any storage unit shall be 14 feet wide, 40 feet deep and one story and no more than 20 feet in height. If storage units are placed back to back, the maximum width of the building shall not exceed 40 feet.

13. The maximum lot coverage by all buildings shall be 40 percent.

14. Office space may be provided which shall not exceed 5 percent of the total floor area devoted to storage.

15. Any outdoor storage on the lot shall be screened by opaque fencing or hedging.

16. No business activity, other than the rental of storage units, shall be conducted on the premises.

17. No signs shall be placed on the buildings or on their rooftops.

18. One free-standing business identification sign shall be permitted which complies with the requirements as outlined in this Ordinance.

19. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.

20. Buildings shall be so situated and screened so that the access doors are not facing adjacent streets.

21. All lighting shall be shielded and reflected away from adjacent lots, streets and roadways.

22. The landowner and / or developer shall conduct a traffic analysis to show that adequate traffic controls are in place to minimize potential negative impacts.

23. No hazardous materials or substances shall be permitted to be stored in the storage buildings other than those permitted by the Township's applicable building and construction codes.

**PP. Solar Energy Production Facility, Large.**

Solar Energy Production Facilities shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Bufferyards shall be provided and maintained in all yards adjoining a residential use or residentially zoned property in accordance with Bufferyard A as defined in this Ordinance.

2. Highly trafficked sections of road shall be screened as determined by the Township.

3. A minimum eight-foot high fence with a self-latching gate shall be placed around the perimeter of the site

4. A clearly visible warning sign shall be placed at the base of all pad mounted transformers and substations and on the fence on the surrounding the site informing individuals of potential voltage hazards

5. The applicant shall have obtained all applicable Federal, State, County, and local permits and approvals for the proposed use.

6. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

7. No portion of the site shall contain or be used to display advertising, however the manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment.

8. All panels shall be placed such that concentrated solar radiation or glare does not project onto nearby structures, lots, or roadways.

9. Owner shall install bird deterrence measures such as physical barriers (eg. bird spikes or netting), visual deterrents (eg. reflective tape or predator decoys), and/or auditory deterrents (eg. sonic devices or distress calls), or a combination thereof, to discourage bird strikes and/or unwanted nesting.

10. Noise shall not exceed 50 dBA, as measured at the property line.

11. All flammable and/or hazardous material must be contained in a container that meets standards to contain potential spills and fire.

12. All containment devices must be separated by a minimum of 10'.

13. No trees or other landscaping otherwise required by this ordinance may be removed for the installation or operation of a Solar Energy Production Facility.

14. At a minimum, a twenty-five foot (25) wide access road must be provided from state or township roadway into the site.

15. Internal cartways shall be a minimum of sixteen (16) feet to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles.

16. Ground mounted systems shall not be artificially lighted except to the extent required for safety.

17. Developer shall post a bond in the amount of 110% of the construction cost of the facility.

18. The Solar Energy Production Facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The use shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.

19. The owner shall then have twelve (12) months in which to dismantle and remove all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.

**QQ. Bufferyard Modifications.**

Modifications to a bufferyard shall be a permitted conditional use subject to the following minimum standards and criteria:

1. A minimum of 50 percent of each type of plant (tree, shrub and groundcover) required within the standard bufferyard for the development shall be planted within the modified bufferyard area.

**RR. Underground Waste Injection Well.**

An underground waste injection well shall be a permitted conditional use subject to the following minimum standards and criteria:

1. The site shall be located at least 750 feet from the nearest occupied structure.

2. The site shall be secured by a fence or gate with a locking mechanism.

3. Oil and gas operations shall be conducted in accordance with the Oil and Gas Act.

4. The applicant shall have obtained all applicable Federal, State, County, and local permits and approvals for the proposed use. In the event that such permits and approvals have not been issued at the time the conditional use approval is requested, the conditional use approval of the Township shall be expressly conditioned on the granting of all permits and approvals required by Federal State, County, and local laws, statutes, ordinance and regulations.

5. The applicant must comply with all of the requirements set forth for the application procedures for oil and gas activities as outlined in this Ordinance.

**SS. Use Not Specifically Listed.**

A use not expressly listed as a permitted use, conditional use or special exception may be permitted as a conditional use upon the applicant's demonstration that the proposed use:

1. Impacts the environment and adjacent streets and properties equal to or less than any use specifically listed in the zoning district. In making such determination, the Township Board of Supervisors shall consider the following characteristics of the proposed use:

    a. The number of employees.
    b. The floor area of the building or gross area of the lot devoted to the proposed use.
    c. The type of products, materials, equipment and / or processes involved in the proposed use.
    d. The magnitude of walk-in trade.
    e. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards outlined in this Ordinance.

2. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.

3. Is in general conformity with the South Beaver Township Comprehensive Plan and harmony with the area in which it is proposed.

4. Complies with any applicable standards and criteria specified in this Part for the most nearly comparable conditional uses or use by special exception specifically listed in the zoning district in which it is proposed.

5. Is in compliance with all other standards of this Ordinance and all other Township ordinances.

**SS. Wind Energy Production Facility.**

Wind Energy Production Facilities shall be a permitted conditional use subject to the following minimum standards and criteria:

1. All wind turbines and associated equipment shall be setback from the property line at a distance calculated as 1.25 times the height of the turbine.

2. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

3. The site shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

4. A clearly visible warning sign shall be placed at the base of all pad mounted transformers and substations and on the fence on the surrounding the site informing individuals of potential voltage hazards.

5. All flammable and/or hazardous material must be contained in a container that meets standards to contain potential spills and fire.

6. Developer shall post a bond in the amount of 110% of the construction cost of the facility.

7. No portion of the site shall contain or be used to display advertising, however the manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment.

8. At a minimum, a twenty-five foot (25) wide access road must be provided from state or township roadway into the site.

9. Site lighting must comply with Federal Aviation Administration minimum requirements and, whenever possible, be at the lowest intensity allowed using red lights at night

10. The facility owner and operator shall make every reasonable effort to minimize shadow flicker on any occupied building on a nonparticipating landowner's property or on any adjacent right of way.

11. The owner of a wind energy system, MET tower, or wind farm system must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio,

telephone, or television systems.

12. Owner shall install bird deterrence measures such as physical barriers (eg. bird spikes or netting), visual deterrents (eg. reflective tape or predator decoys), and/or auditory deterrents (eg. sonic devices or distress calls), or a combination thereof, to discourage bird strikes and/or unwanted nesting.

13. Noise shall not exceed 50 dBA, as measured at the property line.

14. The Wind Energy Production Facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The use shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.

15. The owner shall then have twelve (12) months in which to dismantle and remove all wind turbines and related equipment including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property If the owner fails to dismantle and/or remove wind energy production equipment within the established timeframes, the municipality may complete the decommissioning at the owner's expense.

**TT. Winery**

A winery shall be a permitted conditional use subject to the following minimum standards and criteria:

1. Minimum lot size required is ten (10) acres.

2. Winery operations shall be conducted in accordance with all applicable federal, state, county, and Township laws and regulations governing the production of crops and related operations.

3. A business established as a winery shall have at least one point of ingress and egress to a public road right-of-way. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts to both pedestrians and vehicles.

4. Indoor and outdoor display areas associated with retail activity shall not exceed a total of 3,000 square feet in gross floor area. Display areas within parking lots and outdoor storage areas shall be included within the calculated gross floor area.

5. The minimum number of required parking spaces shall not be utilized for any display areas and/or outdoor storage areas.

6. To promote adequate vehicular safety and circulation, an entrance drive surfaced with bituminous brick, concrete or stabilized aggregate shall be constructed between the nearest public road right-of-way and the retail area. The entrance drive

shall be a minimum of 20 feet wide. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.

7. No more than one identification sign associated with advertising the winery shall be permitted. The identification sign shall be a ground or a wall sign and shall have a maximum graphic area of 40 square feet.

8. The minimum distance between buildings shall be 30 feet.

9. The maximum length of any building shall be no more than 200 feet.

10. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted on the lot(s), with the exception of gasoline, diesel fuel and oil for the operation and maintenance of motorized vehicles and equipment.

11. A traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, may be required to be submitted where the proposed development could generate 100 trips in addition to the adjacent roadways' peak-hour volumes or the traffic movements produced by the development could have the potential to create adverse conditions on public road right-of-way. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Township if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

# ARTICLE X

# PERFORMANCE STANDARDS

## SECTION 10.1 - GENERAL PERFORMANCE STANDARDS

Compliance: All uses in all districts shall be subject to the following standards of operations set forth in this Article.

## SECTION 10.2 - ENVIRONMENTAL PERFORMANCE STANDARDS

The developer/landowner shall determine the presence of environmental or natural features on any site proposed for land development and shall meet the following standards for environmental protection. Site alterations, grading, regrading, filling or clearing of vegetation prior to approval of the plans for development shall be accomplished in accordance with the requirements of the South Beaver Township Subdivision and Land Development Ordinance.

A. Flood Plains: All such lands shall remain as permanent open space, except that roads may cross the flood plain where design approval is obtained from the Pennsylvania Department of Environmental Protection.

B. Steep Slopes: In areas of steep slopes, i.e. those above fifteen (15%) percent, the following standards shall apply:

C. 15-25%: No more than forty (40%) percent of such areas shall be developed and / or regraded or stripped of vegetation.

D. 25% or more: No more than twenty (20%) percent of such areas shall be developed and / or regraded or stripped of vegetation.

E. Forest: No more than fifty (50%) percent of any forest may be cleared or developed except that where an entire tract consists of forests, a variance may be granted in the event that the Zoning Hearing Board determines a hardship. The remaining fifty (50%) percent shall be preserved as permanent open space.

F. Ponds, Watercourses or Wetlands: These areas shall be left as permanent open space. No development, filling, piping or diverting shall be permitted except for required roads, except upon the approval of the Pennsylvania Department of Environmental Protection.

G. Stormwater Drainage and Management:

1. Stormwater drainage and management plans shall be developed for each subdivision or land development plan at both the preliminary and final plan submittal. Local or county stormwater management regulations in effect at the time of submittal shall be applied and the developer shall be held to the higher standards. All stormwater plans shall be prepared and implemented in accordance with the requirements of the South Beaver Township Subdivision and Land Development Ordinance.

H. Design criteria:

1. Stormwater drainage: Culverts, pipes and other water carrying structures shall be designed to carry the peak discharge from the ten (10) year post development storm, unless stricter standard is established by applicable Township ordinance or other regulation, with a rainfall intensity as established by PennDOT Rainfall Intensity-Duration-Frequency curves. The rational equation shall be used in determining the runoff volumes.

2. The plan submissions shall include preliminary and final calculations indicating velocities and volumes of flow, structure gradients and discharge pipe sizes.

I. Stormwater management: Stormwater management plans shall be in compliance with the South Beaver Township Subdivision and Land Development Ordinance and the Township Engineer's guidelines adopted by Resolution.

J. Sedimentation damage and control erosion, in accordance with the Clean Streams Law P.L. 1987, Chapter 102, and Soil Erosion and Sedimentation Control Manual, Pennsylvania Department of Environmental Protection, current edition. In addition, all developments of one (1) acre or more shall submit a soil erosion and sediment plan, for approval to the appropriate review agency, as part of the preliminary and final land development plans. All required permits for discharge of stormwater shall be obtained prior to the commencement of grading activities.

## SECTION 10.3 - BUFFERYARDS

Bufferyards shall be required in conjunction with the development of any lot as defined by the following section and accompanying table.

A. Vegetation within Bufferyards:

The minimum spacing and quantity of vegetation planted within a bufferyard shall be prescribed in this Article and as illustrated in the Appendix.

1. Any existing trees located within the required bufferyard that are a minimum of 6 inches in diameter at breast height (dbh) in accordance with the American Nursery Association standards shall count as required trees within the bufferyard. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified by accepted landscape conservation practices.

2. All trees required to be planted within the bufferyard shall be a minimum of 2.5 inches in diameter at breast height (dbh) in accordance with American Nursery Association standards and shall be planted in accordance with accepted landscape conservation practices. All required trees shall be a minimum of 6 feet in height at the time of planting as measured from the ground adjacent to the planted tree to the top of the tree.

3. It shall be the responsibility of the landowner and / or developer to assure the continued growth of all required landscaping and / or to replace the same in the event of freezing, drought, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.

B. Specific Bufferyard Requirements:

**TABLE 10-1**
**BUFFERYARD REQUIREMENTS**

| **Development Proposed** | **Required Bufferyard** | | |
|---|---|---|---|
| | **A** | **B** | **C** |
| **Multi-Family Use** | | | |
| Adjoining a residential use | | X | |
| Adjoining a commercial use | | X | |
| Adjoining an industrial use | X | | |
| **Any Use in the Retail and Commercial or Neighborhood Commercial Districts** | | | |
| Adjoining a residential use | X | | |
| Adjoining a commercial use | | | X |
| Adjoining an industrial use | | X | |
| **Any Non-Residential Use in the Village District** | | | |
| Adjoining a residential use | X | | |
| Adjoining a commercial or industrial use | | X | |
| **Any Use in the Industrial District** | | | |
| Adjoining a residential use | X | | |
| Adjoining a commercial use | | X | |

| | | | |
|---|---|---|---|
| Adjoining an industrial use | | | X |
| **Any Use in a Residential District Other than a Single-Family Dwelling, Two-Family Dwelling, or Open Space** | | | |
| Adjoining a residential use | X | | |
| Adjoining a commercial or industrial use | | X | |
| **Any Use Along Primary Roadways (Rt. 51 and Rt. 251)** | | | X |

**Bufferyard A**:

A. Bufferyard A shall be 35 feet wide extending back in depth from the lot line and shall contain two rows of planting. Each row shall consist of a mixture of 30 percent deciduous and 70 percent evergreen trees and a maximum spacing of 15 feet apart, measured from the vertical centerline of adjacent trees.

B. In addition to the above-noted required tree spacing, a row of lower level evergreen shrubs or hedges shall be planted or earth mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of vehicles. These lower level shrubs, hedges or mounds shall be a minimum of 4 feet in height. The length of an individual mound shall not be greater than 30 percent of the lot line to which the mound is adjacent. A variety of heights within and between mounds are recommended.

**Bufferyard B:**

1. Bufferyard B shall be 25 feet wide extending back in depth from the lot line and shall contain a single row of planting which shall be comprised of a mixture of 30 percent deciduous and 70 percent evergreen trees. These trees shall be spaced 15 feet apart as measured from the center of the trees.

2. In addition to the above-noted required tree spacing, a row of lower level evergreen shrubs or hedges shall be planted, or earth mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of vehicles. These lower level shrubs, hedges or mounds shall be a minimum of 4 feet in height. The length of an individual mound shall not be greater than 30 percent of the lot line to which the mound is adjacent. A variety of mound heights are recommended.

**Bufferyard C:**

A. Bufferyard C shall be 10 feet wide extending back in depth from the lot line and shall contain a row of planting which shall be comprised of a mixture of 30 percent deciduous and 70 percent evergreen trees. These trees shall be spaced 15 feet apart as measured from the center of the trees.

B. In addition to the above-noted required tree spacing, a row of lower level evergreen shrubs or hedges shall be planted, or earth mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of vehicles. These lower level shrubs, hedges or mounds shall be a minimum of 4 feet in height. The length of an individual mound shall not be greater than 30 percent of the lot line to which the mound is adjacent. A variety of mound heights are recommended.

C. Other Bufferyard Requirements:

1. No buildings, structures, or uses, including, but not limited to, accessory structures, parking spaces, and lighting devices, may be located in a bufferyard except that driveways and access drives may be located in a bufferyard as permitted by this Chapter and / or the Township's Subdivision and Land Development Ordinance.

2. When the width of a required bufferyard conflicts with the minimum yard requirements of this Part, the greater distance shall apply. The landowner and / or developer shall adhere to the bufferyard planting requirement regardless of what the yard requirement is.

3. In instances where an existing building or structure houses the principal use of the lot, and is located within any required bufferyard, a bufferyard of not less than the minimum distance from the existing structure to the lot line shall be required. This reduced bufferyard width shall apply only to the yard area upon which the existing structure encroaches. If the existing building or structure is located within the required bufferyard on one side of the building or structure, the required bufferyard as determined by the Bufferyards Table of this Chapter shall apply on all other yard areas. All planting requirements shall be adhered to regardless of the bufferyard width.

4. Stormwater management facilities and structures may be maintained within a bufferyard, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirement

5. Deviations by Conditional Use: Deviations to the bufferyard requirements of this section shall be permitted as a conditional use in accordance with the following requirement:

6. A minimum of 50% of each type of plant (tree, shrub, and / or groundcover) required within the standard bufferyard for the development shall be planted within the modified bufferyard.

## SECTION 10.4 - LANDSCAPING

A. General Requirements:

1. Landscaping required in bufferyards cannot be substituted for any required landscaping as outlined in this Ordinance.

2. A landscape plan, with appropriate details, shall be prepared and submitted in conjunction with a development plan at the time of an application for tentative approval and a final application of any planned residential development, subdivision, and / or land development. The landscape plan shall include, and illustrate to scale, the location and name of each tree, shrub and / or groundcover as it relates to proposed topography for the following:

   a. All required bufferyards with proposed plantings.
   b. All required planting independent of any bufferyard requirements.
   c. Any planting in excess of the requirements of this Article.
   d. Any existing trees or vegetation which will be preserved.
   e. Any existing trees or vegetation which will be removed.

3. At least one deciduous tree must be planted for each 750 square feet of gross lot area occupied by the building footprint in conjunction with any nonresidential development. A landowner and / or developer shall be permitted to apply the trees that are calculated as part of this requirement to those defined as part of any off-street parking areas of this Ordinance. However, the landowner shall not be permitted to apply trees that are calculated as part of this requirement to those defined as part of any bufferyard requirements.

4. At least one deciduous tree must be planted for each dwelling unit. On newly created single-family detached residential lots, the minimum of one deciduous street tree shall be planted in the front yard no closer than 15 feet from the front lot line.

5. All trees which are required to be planted as per the regulations of this Section shall be a minimum of 2.5 inches in diameter at breast height (dbh) at the time of planting, measured along the trunk of the planted tree, which tree shall be planted in accordance with accepted conservation practices.

6. All yard areas not utilized for parking areas, street roadways, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a November 1st through May 1st time period. In such case, the required tree planting shall occur within two (2) weeks of April 1st and sodding or seeding shall occur within two (2) weeks of May 1st.

7. All freestanding signs shall be landscaped in accordance with the signage regulations of this Ordinance.

## SECTION 10.5 - ODOR

Those standards for the control of odorous emissions established by the Pennsylvania Department of Environmental Protection shall be applied in all zoning districts. Where an odor is deemed offensive by a duly authorized Township representative, he shall refer the matter to the appropriate state, county or local agency. Where the subject land is registered under the provisions of the Agricultural Security Law, those standards shall apply.

## SECTION 10.6 - STORAGE AND WASTE DISPOSAL

In addition to compliance with Ordinance No. 45 of South Beaver Township which sets standards for the regulating and licensing of junk dealers, junkyards, and / or recyclable material collection centers, etc., the following shall apply:

A. No highly flammable, explosive or toxic liquids, solids or gases shall be stored, except as certified by the designated Fire Marshall having jurisdiction and / or as may be permitted by the Pennsylvania Department of Environmental Protection or other agency of the Commonwealth of Pennsylvania.

B. All commercial, industrial or manufacturing outdoor storage facilities for fuel, raw materials, products or equipment, shall be enclosed by an approved safety fence.

C. No materials or wastes shall be deposited upon a lot in such form or manner that such materials or wastes may be transported off the lot by natural causes or forces; nor shall any substance which can contaminate wells, watercourses, or potable water supplies otherwise render such wells, watercourses, or potable water supplies undesirable as sources of water

supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses, or potable water supplies.

D. Any materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

E. The storage, collection and disposal of garbage or refuse shall be so conducted and arranged so as to create no health hazards or air pollution and shall comply with the Pennsylvania Department of Environmental Protection and Township regulations for property maintenance, elimination of health hazards and public or private nuisances.

F. All non-conforming storage and waste disposal uses must be brought into conformity with this Article within three (3) years of the adoption of this Ordinance.

## SECTION 10.7 - SMOKE

No emission at any point from any chimney or otherwise of visible smoke in excess of that permitted by the air pollution control regulations of Beaver County and the Pennsylvania Department of Environmental Protection shall be permitted.

## SECTION 10.8 - DUST, FUMES, VAPORS, AND GASES

The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited as per the air pollution control regulations of Beaver County, the Pennsylvania Department of Environmental Protection or other applicable Commonwealth or Federal agency.

## SECTION 10.9 - GLARE

No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines or onto any public road. Manufacturer's catalog cut sheets shall be provided and sharp cut off type luminaries shall be used when warranted.

## SECTION 10.10 - VIBRATIONS

No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments with the exception of vibration produced as a result of temporary construction activity.

**SECTION 10.11 - DISCHARGE**

No discharge at any point into any private sewage disposal system or stream or into the ground, of any materials in such a way or in such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or the accumulation of solid wastes conducive to the breeding of rodents or insects is permitted as per Pennsylvania Department of Environmental Protection regulations for solid waste disposal

**SECTION 10.12 - HEAT, COLD, DAMPNESS OR MOVEMENT OF AIR**

No activities producing heat, cold, dampness or movement of air are permitted which shall produce any material effect on the temperature, motion or humidity of the atmosphere at the lot line or beyond.

**SECTION 10.13 - NOISE**

No use, which by the nature of its use, operation or activity produces noise of objectionable character or volume, will be permitted. Sound levels which are determined to be objectionable because of volume, frequency or beat, shall be regulated in the following manner.

A. Sound levels shall be measured with a sound level meter or sound level meter with associated octave band analyzer that conforms to standards or specifications published by the American National Standards Institute. Implosive-type noise shall be subject to the performance standards hereinafter prescribed, provided that such noise shall be capable of being accurately measured with such equipment. Noise capable of being measured, for the purpose of this Section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of not more than plus or minus two (2) decibels (+ or- 2 dB). Noise incapable of being measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

B. A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level "sound" louder or soft to the human ear depending on the frequency of the sound wave in cycles-per-second (i.e., whether the pitch of the sound is high or low, an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect of different pitches on the human ear, shall be used on any sound level meter taking measurements required by this Section. Accordingly, all

measurements are expressed in db(A) to reflect the use of this A-weighted filter.

C. The maximum permitted noise levels transmitted across the boundary line of adjacent properties shall be:

**TABLE 10-2**
**MAXIMUM NOISE LEVELS**

| | **7 a.m. to 7 p.m.** | **7 p.m. to 7 a.m.*** |
|---|---|---|
| Adjacent Use Type | | |
| Industrial | 65 | 50 |
| Commercial | 60 | 50 |
| Residential/Agricultural | 55 | 40 |

*Monday – Saturday; Saturday 7 p.m. – Monday 7 a.m.

A. Noise resulting from alarm, sirens, emergency work, normal lawn and landscaping care, traffic and agricultural use shall be exempt from the requirements of this Section. Noise resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this Section.

B. No noise from recordings, loudspeakers or public address systems shall be permitted which interferes with the reasonable enjoyment of adjacent residential properties.

C. Testing and maintenance of exterior noise generating equipment must occur between the hours of 7:00 a.m. and 7:00 p.m.

## SECTION 10.14 - ELECTRICAL DISTURBANCE OF RADIOACTIVITY

No activities which emit dangerous radioactivity at any point are permitted and no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.

## SECTION 10.15 - MAINTENANCE OF YARDS, AND ADJACENT UNDEVELOPED PROPERTY

The owner or lessee of the property, whether occupied or vacant located within or adjacent to any developed area shall maintain such premises so that:

A. Weeds shall be cut prior to their growing to such height as they will go to seed.

B. All portions of the property shall be kept free of junk, debris, disabled motor vehicles, and dangerous, objectionable or noxious matter.

## SECTION 10.16 - VEHICLE AND EQUIPMENT MAINTENANCE

In industrial and commercial areas, all vehicles and movable equipment maintenance and repair done on the property must be performed within an enclosed building.

## SECTION 10.17 - PERMITS

A Zoning / Building permit shall be required prior to the commencement of any activity or excavation for, or the erection, construction or alteration of any structure or use of land proposed in relation to those uses enumerated in this Article. A Construction Code Permit when applicable per the South Beaver Township Construction Code Ordinance shall also be required for the erection, construction or alternation of any structure.

# ARTICLE XI

# SIGN REGULATIONS

## SECTION 11.1 - PURPOSE

A. To preserve and protect the public safety, comfort and welfare of users of streets and sidewalks in South Beaver Township by regulating signs of all types.

B. To enhance community appearance, reduce visual clutter and blight, promote recreational value of public travel, and encourage the economic development of South Beaver Township.

C. To limit the size, number and location of signs which may obstruct the vision of motorists, create distractions, and increase traffic accidents, to provide aid in traffic control and traffic safety.

D. To acknowledge the appropriate display of signs as necessary to public service and to the conduct of competitive commerce.

## SECTION 11.2 - GENERAL SIGN REGULATIONS

Sign permit requirements and application:

A. Except as provided herein, it is unlawful for any person to erect, construct, enlarge, alter, move, or convert any sign in South Beaver Township or cause the same to be done, without first obtaining a sign permit for each sign from the Township Zoning Officer.

B. Applications for a sign permit shall be made in writing to the Township Zoning Officer, and shall be accompanied by such information as may be required to assure compliance with these regulations and all other appropriate ordinances and regulations of South Beaver Township.

C. Sign permits shall be issued for the life of the sign, or any shorter period as stated on the approved permit application by the Township Zoning Officer upon finding that the sign violates any provision of this Article or that the permittee made false representations in securing the permit.

D. No person shall erect, construct, or maintain any sign upon any property, structure or building without the prior written consent of the owner or person entitled to possession of the property, structure or building, or his

authorized representative. The written consent must accompany the sign permit application.

E. Every sign permit issued shall become null and void if installation is not commenced within one hundred eighty (180) days from the date issuance of such permit.

F. **Exemptions:** The-following signs shall be exempt from the permit requirements of this Article, except as they may interfere with traffic safety or in any other way become a public safety hazard.

1. Signs or decorations displayed for recognized holidays.

2. Memorial plaques or historic markers or other similar signs which are engraved or a permanent component of a building, monument, tombstone or other similar structure, and not exceeding four (4) square feet in area.

3. Public signs, including signage used for the promotion of public uses and buildings as well as welcome signage and other wayfinding signage throughout South Beaver Township.

4. Street number signs indicating the address of a building or structure, and not exceeding one (1) square foot in area.

5. Temporary signs, subject to the limitations herein and provided that no temporary sign encroaches into any public right-of-way or obstructs the view of motorists in any required clear sight triangle; and

6. No temporary sign is erected more than thirty (30) days before or remains in place more than seven (7) days after the advertised event.

7. "No trespassing" signs, warning signs (such as "Beware of Dog"), notification signs for emergency personnel, provided that the sign does not exceed two (2) square feet in sign surface area.

8. Sandwich Board signs, provided that they are removed at the close of each business day and that they do not obstruct sidewalks or vehicular traffic.

G. **Sign Height:** The height of a sign shall be measured from the ground elevation nearest to the sign to the highest elevation of the sign. Signs shall not exceed the height limit established for structures in the applicable zoning district, or the lowest point of the roof line of an existing principal building within one hundred (100) feet of the sign, whichever is lower.

H. **Sign Placement:** Signs shall be subject to the placement requirements set forth herein, but in no event shall any sign be placed in a position that will obstruct the view of motorists or cause any other danger to motorists or pedestrians within a public right-of-way or on adjoining lots. Nor shall any sign be placed within the clear sight triangle required to be maintained at all street intersections as well as driveway and access way entrances onto public streets. All signs shall be set back within the buildable area of the site, except as noted herein.

I. **Maintenance:** All signs must be constructed of durable material and be kept in good repair at all times. All parts and supports shall be painted or maintained as necessary to prevent rusting, rotting, illegibility, or other deterioration. All· broken or missing parts shall be promptly replaced. All seams between panels or other components of the sign shall be maintained in a sealed condition. Any sign found to be in an unsafe condition upon inspection by the Zoning Officer shall be declared to be a public nuisance and an enforcement notice shall be issued to the owner to repair or remove the sign within a reasonable time period. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.

J. **Prohibited Signs:** Unless specifically accepted in this Section, the following signs shall be prohibited in all zoning districts:

1. Attention-getting devices such as flags, pennants, and banners, except on a temporary basis in connection with the opening of a business or special event subject to the temporary sign regulations in Section 15.2.2 E and the Table in Section 15.3 of this Article.

2. Flashing or blinking signs, except official traffic signs and time, temperature and date signs, where authorized.

3. Portable or wheeled signs, with the exception of Sandwich Board signs, which are permitted to advertise a business during its normal operating hours but must be removed when the business closes for the day.

4. Signs affixed to trees, utility poles, fences, or equipment.

   a. Roof signs.

   b. Pole signs.

5. Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed to be a traffic-control sign.

6. Any sign that the Zoning Officer determines to be unsafe or insecure or that is erected in violation of the provisions of this Ordinance.

7. Any sign that obstructs free ingress to or egress from a fire escape, door, window or other required exit way.

**SECTION 11.3 -** SIGNS PERMITTED BASED ON THE TYPE OF USES

The signs listed in the following Table as set forth herein shall be permitted in individual zoning districts based on the use of the property, subject to the requirements listed in the Table and within this Article.

**TABLE 11-1**
**SIGNAGE REQUIREMENTS**

| TYPE OF SIGN | RESIDENTIAL | COMMERCIAL | INDUSTRIAL |
|---|---|---|---|
| **BILLBOARD** | See Section 11.4 of this Article | | |
| Permitted | No | No | See Section 11.4 |
| Maximum Number | | | See Section 11.4 |
| Maximum Surface Area | | | 600 ft. |
| Maximum Height | | | 20 ft. |
| Maximum Length | | | 30 ft. |
| **CHANGEABLE COPY SIGN** | See Section 11.11 of this Article | | |
| Permitted as a Conditional Use | No | Yes | Yes |
| FREE-STANDING SIGN | See Section 11.5 of this Article | | |
| Permitted | Yes | Yes | Yes |
| Maximum Number | 1 per lot or parcel | | |
| Maximum Surface Area | 24 sq. ft. | 72 sq. ft. | 72 sq. ft. |
| Maximum Height | 4 ft. | 8 ft. | 8 ft. |
| Maximum Length | 6 ft. | 10 ft. | 10 ft. |
| Min. Setback from Property Line | 5 ft. | 5ft. | 5 ft. |
| ILLUMINATED SIGN | See Section 11.6 of this Article | | |
| External Permitted | No | Yes | Yes |
| Internal Permitted | No | Yes | Yes |
| ARCADE/PROJECTING SIGN | See Section 11.7 of this Article | | |

| TYPE OF SIGN | RESIDENTIAL | COMMERCIAL | INDUSTRIAL |
|---|---|---|---|
| Permitted | No | Yes | No |
| Maximum Surface Area | | 6 ft. | |
| Min. Clearance above ground or sidewalk | | 9 ft | |
| Max. Height of Sign Surface | | 3 ft | |
| Maximum Number | | 1 per establishment | |
| Min. Spacing Between Signs | | 20 ft | |
| Setback | | Bldg. setback minus 4 ft. | |
| TEMPORARY SIGNS | See Section 11.2.G.4 and 11.2.G.5 of this Article | | |
| Permitted | Yes | Yes | Yes |
| Maximum Number | 2 per lot | 1 per establishment | 2 per lot |
| Maximum Surface Area | 6 sq. ft. | 16 sq. ft. | 16 sq. ft. |
| Maximum Height | 4 ft. | 4 ft. | 4 ft. |
| Illuminated | No | No | No |
| WALL SIGN | See Section 11.8 of this Article | | |
| Permitted | Yes | Yes | Yes |
| Maximum Number | 2 per lot or establishment provided same not on same wall, or additional number relative to commercial or manufacturing are permissible if in compliance and conformance to the provisions herein. | | |
| Maximum Surface Area | See 11.8.F of this Article | See 11.8.G of this Article | |
| Maximum Height | See 11.8.F of this Article | See 11.8.G of this Article | |
| WINDOW SIGN | See Section 11.9 of this Article | | |
| Permitted | No | Yes | Yes |
| Maximum Surface Area | See Section 11.9.B of this Article | | |

A. Additional wall signs per lot or establishment situated in commercial and industrial areas upon the existence of the following circumstances:

B. If the building and / or structure, including multiple buildings or structures are occupied by one business for profit or a non-profit entity establishment, such entity may have a maximum of four (4) wall signs per building and / or structure, provided not more than one wall sign of said entity is placed on one wall or side of each such building and / or structure.

C. For the purpose of this subsection, structure shall not include a pole, tower or other facility for which the sole purpose of same, or reasonable sole purpose of same, is to support a sign of any type or nature.

## SECTION 11.4 - ADDITIONAL STANDARDS FOR BILLBOARDS OR OUTDOOR SIGNS

In addition to the regulations in Table in 11-1, all new billboards or outdoor advertising structures shall comply with the following limitations and requirements:

A. Billboards or other outdoor advertising structures may be allowed within industrial districts only, except they shall be prohibited within the following portions of such districts:

1. Within six hundred sixty (660) feet of an interstate, primary or federal-aid highway, per the PA Outdoor Advertising Control Act of 1971.

2. On any property occupied by, or located immediately adjacent to, a public or private school, playground, recreation center or community center.

3. Within fifty (50) feet of the top-of-bank of any river or any bridge spanning a river.

4. No billboard or advertising structure may be placed within one thousand (1,000) feet of any other billboard or advertising structure located within South Beaver Township, or, within one thousand (1,000) feet of any residential district. If a billboard faces a residential district, the minimum distance shall be increased to two thousand (2,000) feet. Public signs, owned and maintained by a governmental entity, shall not be counted nor shall measurements be made from them for purposes of determining spacing requirements. The distance between sign structures shall be measured along the pavement between points directly opposite the signs along the same side of the roadway.

B. Lighting of signs shall be subject to the general standards for illuminated signs in
Section 15.6 below.

C. Billboard Maintenance: A billboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material. In addition, every 10 years, the owner of the billboard structure shall have a structural inspection made of the billboard by a registered engineer and shall provide to the Township a certificate from the engineer certifying that the billboard is structurally sound.

D. The Township reserves the right to perform annual inspections of billboards to determine compliance with this Article and Ordinance.

I. Billboards found to be in violation of this Article shall be brought into compliance or removed within 30 days upon proper notification by the Township.

## SECTION 11.5 - ADDITIONAL STANDARDS FOR FREE-STANDING SIGNS

In addition to the regulations in Table 11.1, all free-standing signs, except for temporary signs, shall comply with the following limitations and requirements:

A. A free-standing sign shall have no more than two (2) sign faces;

B. For each visible sign face, the landowner and / or developer shall provide landscaping equivalent to 1 square foot for each square foot of sign area. Landscaping shall consist of a combination of deciduous and evergreen ornamental grasses, groundcover, and / or small shrubs. Turf grass shall not be considered an acceptable form of landscaping for free-standing signs.

C. Free-standing ground signs shall be permitted in all districts and pole signs shall be prohibited in all districts.

## SECTION 11.6 - ADDITIONAL STANDARDS FOR ILLUMINATED SIGNS

In addition to the regulations in Table 11.1, all internally or indirectly illuminated signs shall meet the following standards:

A. Limits on Degree of Internal Illumination: Any sign located adjacent to a dwelling unit or lot zoned for residential use shall be located, shielded and screened to prevent direct light or glare onto a dwelling unit or residential lot.

B. **External illumination:** Whenever external illumination is used for a sign, the source of light shall be located, shielded, screened and directed in such manner that the light source is not visible.

C. **Hours of Illumination:** No sign shall be illuminated between the hours of 9:00 p.m. and 6:00 a.m., unless the establishment displaying the sign is open for business during those hours.

D. Electronic variable message signs, meaning an electrically activated sign whose message content, either in whole or in part, may be changed by

means of electronic programming, provided that the informational content shall be alphabetical and numerical only and the message shall not change at a frequency of more than twelve (12) times per hour, except for time and temperature signs.

## SECTION 11.7 - ADDITIONAL STANDARDS FOR ARCADE OR PROJECTING SIGNS

In addition to the regulations in Table 11.1, all arcade and projecting signs shall comply with the following limitations and requirements:

A. Suspended or projecting signs shall be permitted only at shopping centers;

B. The sign shall be located in front of the establishment it serves and shall be of similar size, color and design as other suspended signs;

C. The gross sign surface area of each sign shall not exceed 2 square feet, i.e. 6 inches by 4 feet; and

D. There shall be no more than one (1) such sign per establishment fronting on the marquee, overhang, or other building feature from which the sign is suspended.

E. The bottom edge of the arcade sign shall be located at least 8.5 feet above finished grade level.

## SECTION 11.8 - ADDITIONAL STANDARDS FOR WALL SIGNS

A. In addition to the regulations in Table 11.1, all wall signs shall comply with the following limitations and requirements:

B. The sign shall not protrude more than twelve (12") inches from the wall or façade on which it is attached.

C. The sign shall be attached to the wall so that the face of the sign is substantially parallel to the wall.

D. Wall signs shall not exceed the width of the front of the building on which it is located.

E. In commercial and industrial districts, the maximum sign area shall not exceed 2 square feet for each lineal foot of width of the front wall of the building occupied by the business, or in the case of multi-occupant

buildings, each tenant or owner may have a sign area not to exceed its proportionate share of the total allowable sign area for the building.

F. In residential districts, multi-family apartment buildings and authorized nonresidential buildings may have wall signs that shall not exceed two (2) feet in height or twelve (12) square feet in total area.

G. In commercial and industrial districts, wall signs shall be placed no higher than the height of the building and, if the sign projects further than three (3) inches from the wall, no lower than ten (10) feet above the ground level.

H. In residential districts, wall signs shall be placed no higher than four (4) feet above the adjacent ground level, shall project no more than three (3) inches from the wall, and shall not obscure or cover any window, door or architectural feature.

I. In no case shall a wall sign exceed the height of a building allowed in the zoning district.

## SECTION 11.9 - ADDITIONAL STANDARDS FOR WINDOW SIGNS

A. In addition to the regulations in Table 11.1, all window signs shall comply with the following limitation and requirement:

B. The total area of all window signs on display at any one time, including temporary window promotional signs, shall not exceed thirty-three (33%) percent of the total area of the window in which they are located. A series of windows which are separated by frames less than six (6) inches in width shall be considered as a single window for the purposes of this calculation.

## SECTION 11.10 - SPECIAL STANDARDS FOR SHOPPING CENTERS AND OTHER MULTI-OCCUPANT LAND USES

A. No sign permit shall be issued for a shopping center or other multi-occupant land use, or for any individual establishment or occupant therein, unless a uniform sign plan has been submitted and approved for the entire development.

B. The Zoning Officer shall approve the uniform sign plan only upon finding that:

1. The sizes of signs and the materials used in the signs shall be consistent throughout the development, or shall establish a hierarchy

of different types of signs, with the size and materials of the signs in each category being consistent for all signs in that category;

2. The design of and materials used for the structural elements of the signs shall be consistent with the design of and material used for the buildings or buildings which the signs serve; and

3. The signs shall conform to all other requirements of this Article.

## SECTION 11.11 - SPECIAL STANDARDS FOR CHANGEABLE COPY SIGNS

Changeable copy signs shall be allowed as conditional uses in all districts.

A. In residential districts, changeable copy may be used on authorized free-standing or wall signs for permitted nonresidential uses only. Signs utilizing changeable copy shall comply with sign size and illumination regulations for residential districts.

B. In commercial and industrial districts, changeable copy may be used on authorized free-standing or wall signs. Signs containing changeable copy shall comply with sign size and illumination regulations for commercial and industrial districts, except that an electronic display sign may be used to show date, time, and temperature information only.

C. In addition to other signs permitted under this Article, gasoline service stations may erect changeable copy signs advertising the prices of gasoline or other fuels, provided that:

1. Such signs are permanently mounted either to the fuel pumps or to the supports of a canopy covering the fuel pumps;

2. Such signs shall not be erected higher than twelve (12) feet above the ground;

3. There shall be no more than four (4) sign faces per pump island;

4. The combined surface area of all such signs at each pump island does not exceed twenty-four (24) square feet; and

5. The sign may be non-illuminated or internally illuminated.

6. Messages on the sign shall not change at a frequency of more than 12 times per hour, except for time and temperature signs.

## SECTION 11.12 – NON-CONFORMING SIGNS

Any non-conforming sign may be continued only as provided in this Section.

A. Non-conforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign. However, non-conforming signs which are damaged or destroyed to an extent of more than 50 percent of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Article.

B. Non-conforming signs may not be enlarged added to or replaced by another non-conforming sign, use or structure, except that the interchange of poster panels shall be permitted.

C. Non-conforming sign shall be erected on the same premises as an existing non-conforming sign until the non-conforming sign has been removed or changed to a conforming sign. However, for multi-occupant land uses, the fact that one particular establishment therein has a non-conforming sign will not prohibit a different establishment therein from erecting a conforming sign on the same premises.

D. A non-conforming sign shall be made to conform with the requirements of this Article whenever there is a change in the use or occupancy of the building which the sign serves, or whenever the building or structure which the sign serves is externally expanded or remodeled.

E. Whenever the use of a non-conforming sign, or the use which the sign serves, has been discontinued for a period of six (6) consecutive months, or whenever it is evident that there is a clear intent on the part of the owner to abandon the use of a non-conforming sign, or the use which the sign serves, then the sign thereafter shall be made to conform with the provisions of this Article.

F. If a non-conforming sign is damaged or destroyed by any means to the extent of fifty (50%) percent or more of its replacement value at the time of the damage or destruction (based on prevailing costs), then the sign thereafter shall be restored to conform to the provisions of this Article. However, if the damage or destruction is less than fifty (50%) percent of the replacement value, then the sign may thereafter be restored to its original condition, so long as restoration or repair of the sign is completed within six (6) months after the date of damage or destruction. The repaired or reconstructed sign shall be made to conform to the South Beaver Township Building Code and all applicable ordinances in effect at the time of the repair or reconstruction.

G. Any sign erected following the effective date of this Ordinance that was not previously approved by South Beaver Township and that does not conform to these regulations (illegal signs) shall be immediately removed at the expense of the owner, upon notice from a duly authorized agent of the Township.

# ARTICLE XII

# NON-CONFORMING USES AND STRUCTURES

## SECTION 12.1 - NON-CONFORMING USE OF LAND OR STRUCTURES

Where a lawful use or structure exists at the effective date of adoption or amendment of this Ordinance that could not be a use or a structure built under the terms of this Ordinance by reason of restrictions on use, area, lot coverage, heights, yards or other characteristics of the use or the structure or its location on the lot, such use or structure may continue so long as it remains otherwise lawful, subject to the following:

A. No such use or structure may be enlarged or altered in a way which will increase its nonconformity use except as herein provided.

B. In the event any building is destroyed by an act of God or any other cause not within the control of the owner, the owner may rebuild the destroyed building or one designated for the same use and may use the building for such use regardless of whether the provisions of this Ordinance may otherwise prohibit the construction of such a building or prohibit such a use in a district in which the land is located, provided however that the rebuilding of such structure shall commence not more than two (2) years from the date of the event which caused the loss of the original structure and provided further that the use of said rebuilt structure shall commence within one (1) year from the completion of said building as provided for herein.

C. Should any structure be moved for any reason from one location to another, it shall thereafter conform to the regulations for the zoning district in which it is relocated.

## SECTION 12.2 - NON-CONFORMING USES

If a lawful use of a structure and / or use of a parcel of land, in part or as a whole, in combination or singularly, exists on the effective date of adoption or amendment to this Ordinance that would not be allowed in the district under the terms of this Ordinance or Ordinance Amendment, the lawful use may be continued so long as it remains otherwise lawful, subject to the following:

A. No existing use and / or structure devoted to a use not permitted by this Ordinance in the district in which it is located, shall be enlarged, extended vertically or horizontally or moved except in changing the use, including but not limited to the use of the structure, to a use permitted in the district

in which it is located, except as otherwise provided for herein or except as may be accomplished or provided for in subsection 16.2.5 hereof and / or under the Variance procedure and / or Special Exception procedures as set forth herein.

B. Any non-conforming use within a building may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance but no such use shall be extended to occupy any land outside such building.

C. Any structure or structure and land in combination, or land singularly, in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure and parcel is located and the non-conforming use may not thereafter be resumed.

D. When a non-conforming use of a structure or structure and premises in combination, or non-conforming use of land singularly, is discontinued or abandoned, for any reason, for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, the structure or structure and premises in combination, or if only a use of the land itself for a non-conforming use, such non-conforming use shall cease and said parcel of land and / or structure or structures thereon shall not thereafter be used except in conformance with the regulations of the district in which it is located.

E. A non-conforming use structure or a non-conforming use of land may be extended or expanded provided:

1. The extension or expansion of a structure becomes an attached part of the main structure of the existing non-conforming use and does not utilize additional or adjoining land area other than the original parcel.

2. The extension or expansion of either a structure or use of the land does not encroach upon the lot area requirements, violate building line or. other setback requirements, or other development criteria of this Ordinance except by Variance granted, which Variance granting must be founded upon specific findings of fact by the Zoning Hearing Board detailing that such variance is in accordance with subparagraphs (1) through (5) of Section 910.2 (a) of the Pennsylvania Municipalities Planning Code, the provisions and requirements of which are set forth in Sections 17.10.1 through 17.10.5 of this Ordinance.

3. The extension or expansion does not result in expanding the non-conforming use area of the structure and / or of the land use area by more than fifty (50%) percent of the original ground coverage area of the non-conforming use at the time of adoption of the ordinance that results in the use being classified as a non-conforming use, nor increases the size of a non-conforming use structure by more than fifty (50) percent of the size of the structure at the time of adoption of the ordinance that results in the use being classified as a non-conforming use.

4. With exception of Agricultural Non-conforming Uses, any extension or expansion of a non-conforming use structure or other non-conforming use of a parcel of land may only be accomplished per the Special Exception provisions of this Ordinance, i.e., only upon and after approval by the Zoning Hearing Board. Agricultural Non-conforming Use structures or Agricultural Non-conforming Use of land may be extended or expanded upon the Zoning Officer determining compliance with this Section of this Ordinance and issuance of a permit therefor.

## SECTION 12.3 - SINGLE-FAMILY RESIDENTIAL USES IN NON-RESIDENTIAL ZONING DISTRICTS

Single-Family Dwellings located in non-residential zoning districts shall be subject to all applicable area and bulk regulations of the R-1 Zoning District and are exempt from the requirements to apply for approval from the South Beaver Township Zoning Hearing Board for permission to expand a non-conforming use if building an addition or constructing a deck, porch, or other accessory structure.

## SECTION 12.4 - REGISTRATION

All non-conforming uses existing at the time of the effective date of this Ordinance may be registered by the Zoning Officer. Certificates of occupancy shall be issued to all non-conforming uses by the Zoning Officer. Any person, partnership, corporation or legal entity with an ownership interest in a non-conforming lot, structure, use or combination of non-conforming characteristics, shall verify registration of such non-conforming use with the Zoning Officer, providing verification of such non-conformity and all related data as to the type and nature of the non-conforming use activity and / or structures.

# ARTICLE XIII

# REZONING AND ORDINANCE AMENDMENTS

## SECTION 13.1 - PROCEDURE AMENDMENTS

The South Beaver Township Board of Supervisors may, from time to time, on their own motion or by petition, amend, supplement, change, modify, or repeal by Ordinance, the boundaries of zoning districts, regulations or restrictions established by this Ordinance or provisions contained herein.

Any proposed amendment, supplement, change, modification, or repeal shall be submitted to the Beaver County Planning Commission thirty (30) days prior to the date of the scheduled hearing and to the Township Planning Commission for its recommendations and report. If the Township Planning Commission makes no report within thirty (30) days of receipt, it shall be deemed to have made a report approving the proposed amendment, supplement, change, modification, or repeal. Upon the filing of the recommendations and report by the Township Planning Commission and the receipt of comments from the Beaver County Planning Commission with respect to any proposed amendment, supplement, change, modification, or repeal within the 30-day review period, the Township Board of Supervisors shall proceed to hold a public hearing in relation thereto pursuant to public notice.

If, after any public hearing held by the Board of Supervisors upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it or additional changes or amendments that were not previously discussed or advertised, the Township Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

## SECTION 13.2 - MEDIATION

Mediation may be used where both parties agree to be bound by the written findings and solution to the proceeding, which is subject to review by the Zoning Hearing Board as outlined in Article XIV of this Ordinance or subject to review by the Planning Commission and Board of Supervisors relative to Article V as to PRD developments.

## SECTION 13.3 - PROCEDURE FOR LANDOWNER CURATIVE AMENDMENT

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Map;

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features;

D. The impact of the proposed use site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

## SECTION 13.4 - PROCEDURE FOR MUNICIPAL CURATIVE AMENDMENT

If South Beaver Township determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

A. The Township shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Township Board of Supervisors shall:

1. By resolution make specific findings setting forth the invalidity which may include:

   a. References to specific uses which are not permitted or not permitted in sufficient quantity;

   b. Reference to a class of use or uses requiring revision; or

   c. Reference to the entire Ordinance which requires revisions.

B. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.

C. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors of South Beaver Township shall enact a curative amendment to validate or reaffirm the validity of its Zoning Ordinance pursuant to the provisions required by Section 609 of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended, in order to cure the declared invalidity of the Zoning Ordinance.

D. Upon the initiation of the procedures, as set forth herein in this Ordinance, the Township Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under the provisions set forth in this Ordinance nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required herein. . Upon completion of the procedures as set forth in this Article, no rights to a cure pursuant to the provisions of Section 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment to this Section.

E. South Beaver Township, having utilized the procedures as set forth herein may not again utilize said procedure for a thirty-six (36) month period following the date of enactment of a curative amendment, or affirmation of the validity of its Zoning Ordinance, pursuant to this Article; provided, however, if after the date of the declaration and proposal, there is a substantially new duty or obligation imposed upon South Beaver Township by virtue of a change in statue or by virtue of a Pennsylvania Appellate Court decision, South Beaver Township may utilize the provisions of this Article to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

## SECTION 13.5 - PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF ORDINANCES

Proposed zoning ordinance text or map amendments shall not be enacted unless notice of proposed enactment is given, including the time and place of the meeting at which passage will be considered, a reference to the availability of the text for review, without charge, or a copy thereof for the cost of said copy. A summary of the proposed ordinance or amendment shall appear in a newspaper of general

circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included, a copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published. In addition, an attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

## SECTION 13.6 - READVERTISEMENT

In the event that substantive revisions or amendments are made in the proposed ordinance text or map amendments, before voting upon enactment, a brief summary of said revisions shall be advertised in a newspaper of general circulation in the municipality, at least ten (10) days prior to final enactment.

## SECTION 13.7 - COPY TO COUNTY PLANNING AGENCY

Following enactment of a zoning amendment or revision to the zoning map, a copy of said amendment shall be forwarded to the Beaver County Planning Commission within thirty (30) days of enactment.

# ARTICLE XIV

# ZONING HEARING BOARD

## SECTION 14.1 - GENERAL

In accordance with the law, the Township Board of Supervisors shall appoint and organize a Township Zoning Hearing Board, which said Township Zoning Hearing Board may adopt rules to govern its procedure. The Township Zoning Hearing Board shall hold meetings, keep minutes, and pursuant to public notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing within 45 days after the hearing or the continued hearing, in accordance with the requirements of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10901.

## SECTION 14.2 - MEMBERSHIP

A. **Membership.** The membership of the Township Zoning Hearing Board shall consist of three residents of the Township appointed by the Township Board of Supervisors. Their terms of office shall be 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Township Board of Supervisors when vacancies 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.

B. **Removal of Members.** Any Board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Township Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

## SECTION 14.3 - ALTERNATE MEMBERS

A. **Appointment of Alternate Members.** The Township Board of Supervisors may appoint by Resolution at least one, but not more than three, residents of the Township to serve as alternate members of the Township Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions as set forth in this Article, an alternate shall be entitled to participate in all proceedings and discussions of the Township Zoning Hearing Board to the same and full extent as provided by law for Board members, including specifically the

right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Township Planning Commission and as the Township Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Township Zoning Hearing Board unless designated as a voting alternate member pursuant to subsection 17.3.2 of this Chapter.

B. **Participation by Alternate Members.** If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Township Zoning Hearing Board shall designate as many alternate members of the Township Zoning Hearing Board to sit on the Township Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Township Zoning Hearing Board shall continue to serve on the Township Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Township Board has made a final determination of the matter or case. Designation of an alternate pursuant to this paragraph shall be made on a case by case basis in rotation according to declining seniority among all alternates.

## SECTION 14.4 - REMOVAL OF MEMBERS

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

## SECTION 14.5 - ORGANIZATION OF BOARD

A. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 908 of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968 as amended.

B. If by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the

Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all the alternates.

C. The Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The ·Board shall keep full public records of its business, which records shall be the property of South Beaver Township, and shall submit a report of its activities to the Township Board of Supervisors as requested by the Township Board of Supervisors.

## SECTION 14.6 - JURISDICTION

The Zoning Hearing Board, in accordance to Section 909.1 of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Township Board of Supervisors.

B. Challenges to the validity of a land use ordinance that amends this initial zoning ordinance, which challenge raises procedural questions or asserts alleged defects in the process of enactment or adoption, and which challenges are and shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance, i.e. not an amending ordinance, the appeal raising procedural questions shall be taken directly to Court.

C. Appeals from the determination of the Zoning Officer, including but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.

D. Appeals from the determination of the Township Engineer or Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance and / or such provisions within a land use ordinance, pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended.

F. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance and / or such provisions within a land use ordinance, pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.

H. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended.

I. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications per Article V or Article VII of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended.

## SECTION 14.7 - BOARD'S FUNCTIONS - VARIANCES

The Board, upon appeal, shall have the power to authorize variances from the requirements of this Chapter, and to attach such conditions to the variances as it deems necessary to assure compliance with the purposes of this Chapter. A variance may be granted if all of the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot area or shape, or exceptional topographical or other physical conditions peculiar to the particular lot and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the lot is located.

B. That because of such physical circumstances or conditions, there is no possibility that the lot can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is thereof necessary to enable the reasonable use of the lot.

C. That such unnecessary hardship has not been created by the appellant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or

permanently impair the appropriate use or development of the adjacent lot, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the lease modification possible of the regulation in issue.

F. In granting a variance, the Township Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and to protect the public health, safety and welfare.

## SECTION 14.8 - CONDUCT OF HEARINGS

A public hearing shall be held on any appeal filed under the provisions of this Article and Ordinance within 60 days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this Chapter. In addition to the public notice, at least 1 week prior to the hearing, the Township Zoning Hearing Board shall post at least one copy of the notice on the affected lot and shall mail a copy of the notice by regular mail to each adjoining landowner and / or developer, including those located across a street right-of-way. The Township Zoning Hearing Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101 et seq., regarding conduct of the public hearing and rendering a decision.

## SECTION 14.9 - FAILURE TO RENDER A DECISION

A. Where the Township Zoning Hearing Board fails to commence, conduct or complete the required hearing within 60 days after the request is filed, unless the applicant has agreed in writing or on the record to an extension of time, the decision shall be deemed to have been rendered in favor of the applicant.

B. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Township Zoning Hearing Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision. If the Township Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

## SECTION 14.10 - MEDIATION OPTION

A. Parties to proceedings authorized in this Part may utilize mediation as an aid in completing such proceedings. In proceedings before the Township Zoning Hearing Board, in no case shall the Township Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Part once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

1. Funding mediation.
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

3. Completing mediation, including time limits for such completion.

4. Suspending time limits other authorized in this Chapter or in the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101 et seq., provided there is written consent by the mediating parties, and by an applicant or Township decision-making body, if either is not a party to the mediation.

5. Identifying all parties and affording them the opportunity to participate.

6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Chapter.

C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

## SECTION 14.11 - FEES AND EXPENDITURES FOR SERVICES

A. Fees

1. The Township Board of Supervisors may prescribe reasonable fees with respect to hearings before the Township Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Township Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearings. The costs, however, shall not include legal expenses of the Township Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

2. Any filing fees paid by a party to appeal an enforcement notice to the Township Zoning Hearing Board shall be returned to the appealing party by the Township if the Township Zoning Hearing Board, or any court in subsequent appeal, rules in the appealing party's favor.

B. Stenographer's Appearance Fee and Transcripts

The appearance fee for a stenographer shall be shared equally by the applicant and the Township Zoning Hearing Board. The cost of the original transcript shall be paid by the Township Zoning Hearing Board if the transcript is ordered by the Township Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Township Zoning Hearing Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

C. Expenditures

Members of the Township Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by the Township Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Board of Supervisors. Within the limits of funds appropriated by the Township Board of Supervisors, the Township Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

## SECTION 14.12 - TIME LIMITATIONS

A. No person shall file any proceeding before the Township Zoning Hearing Board later than 30 days after a preliminary or final application for development has been approved by an appropriate Township Officer, agency or body, if such proceeding is designed to secure 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. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

B. The failure of anyone, other than the landowner and / or developer, to appeal from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10916.2, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

C. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued, except appeals of the Zoning Officer's issuance of an enforcement notice, which shall be filed within 10 days after receipt of the enforcement notice.

## SECTION 14.13 - STAY OF PROCEEDINGS

Upon filing of any proceeding, and during its pendency before the Township Zoning Hearing Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than ,by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or any other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceeding before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

## SECTION 14.14 - JURISDICTION AND VENUE ON APPEAL; TIME FOR APPEAL

All appeals from decisions rendered by the Township Zoning Hearing Board shall be taken to the Beaver County Court of Common Pleas and shall be filed within 30 days after the entry of the decision or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as required by Section 908(9) of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10908(9).

# ARTICLE XV

# ADMINISTRATION AND ENFORCEMENT

## SECTION 15.1 - ZONING OFFICER

A Zoning Officer shall be appointed by the Township Board of Supervisors. The Zoning Officer shall serve at the convenience and pleasure of the Township Board of Supervisors, shall not hold elective office and shall have a working knowledge of zoning and subdivision procedures.

## SECTION 15.2 - POWERS AND DUTIES OF THE ZONING OFFICER

The Zoning Officer shall administer this 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 the requirements of this Ordinance. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement within the scope of his or her responsibilities. Within this power, the Zoning Officer shall have duties as follows:

A. The Zoning Officer shall receive applications for and issue zoning and sign permits, certificates of use and occupancy, and stop-work orders in accordance with the provisions of this Ordinance. The Zoning Officer shall process and issue such other permits required by other ordinances of the Township as he or she may be authorized and empowered by the Township Board of Supervisors.

B. The Zoning Officer shall make all the required inspections or may, subject to the approval of the Township Board of Supervisors, engage such expert opinion as he or she may deem necessary to report upon unusual technical issues that may arise.

C. At least annually, the Zoning Officer shall submit to the Township Board of Supervisors a written report of all zoning and sign permits, certificates of use and occupancy issued, and notices and orders issued.

D. An official record shall be kept of all business and activities of the office of the Zoning Officer specified by provisions of this Zoning Ordinance and all such records shall be open to public inspection at the Municipal Building from 8:30 a.m. to 4:00 p.m. Monday through Friday, except holidays.

## SECTION 15.3 - BUILDING AND ZONING PERMITS

A. No building or structure shall be erected, added to, or structurally altered until a building/zoning permit therefore has been issued by the Zoning Officer. Where the property or structure is jointly owned, all owners of record must sign the application. Remodeling or structural improvements of existing buildings which do not alter the basic structure, create additional lot coverage or change the use of the lot or building are exempt from this specific requirement. Construction of buildings within a PRD that has received Final Approval status, shall be subject to issuance of a building permit therefore by the Zoning Officer. See also, the Supplemental Regulations in Article VIII of this Ordinance as to Fences and Walls and as to Accessory Uses and Structures involving structures of 144 square feet or less being exempt from this specific requirement.

B. There shall be submitted with each application for a building/zoning permit, two (2) copies of a layout or plot plan drawn to scale showing actual dimensions of the lot, the exact size and location on the lot of the building and accessory buildings, estimated costs of construction and such other information as may be necessary to determine and provide for the enforcement of this Ordinance and other ordinances of the Township.

C. One (1) copy of such layout or plot plan shall be returned when approved by the Zoning Officer together with such building/zoning permit and other permits placed under the control of the Zoning Officer, to the applicant.

D. The permit fees as to permits issuable by the Zoning Officer shall be in such sum as set by Resolution as adopted by the South Beaver Township Board of Supervisors from time to time.

E. A building/zoning permit shall expire if the development/use for which same is issued is not completed within three (3) years after the permit is issued.

F. A building/zoning permit may be transferred to a new property owner with and upon the transfer of the subject property as to which such building/zoning permit was issued, provided however, such transfer shall not be valid until the new property owner signs an acknowledgment of having received a copy of the application for such permit and any and all conditions, requirements or restrictions applicable to the issuance of such building/zoning permit and the transfer is approved by the Zoning Officer.

G. Building/Zoning Permits or Occupancy Permits are not to be issued until all other permits or approvals required to be issued are issued, or approval granted, per other Township Ordinances, and / or any required by any laws or regulations of the Commonwealth of Pennsylvania and its agencies, and

/ or required by any laws or regulations of the United States Government or its agencies. No Application for such Permits shall be complete unless all required documentation thereof has been submitted to the Zoning Officer.

## SECTION 15.4 - CERTIFICATION OF OCCUPANCY

A. After completion of a building or structure, or the development of land for a particular use, in part or in whole, for which a building/zoning permit has been issued and if inspection has determined that all requirements of all ordinances of the Township have been met, a certificate of occupancy shall be issued by the Zoning Officer stating that the building and / or proposed use thereof complies with the provisions of this Ordinance. NOTE: The certificate of occupancy provided for and required by this Section is not a certificate of occupancy to qualify for an exception per the provisions of Section 3(b)(9)(iii) of the Real Estate Seller Disclosure Act, being Act No. 84 of 1996, or any subsequent legislation that may be enacted to replace said Real Estate Seller Disclosure Act, and further is not a certificate that the structure is constructed in accordance with the requirements of any building code, nor that the structure is habitable or structurally safe for occupancy in any manner, but only that same is in compliance with the provisions of this Zoning Ordinance.

B. No non-conforming use shall be maintained, renewed, or changed without a certificate of occupancy having been secured from the Zoning Officer within one hundred eighty (180) days from the enactment of this Ordinance, as amended and restated.

C. A certificate of occupancy shall be applied for at the same time as the application for a building/zoning permit. Such certificate will be issued within ten (10) days after the erection or alteration and inspection, if the building and / or use are found to be in accordance with all ordinances of the Township.

D. The Zoning Officer shall maintain a record of all certificates and copies will be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

E. No building permit shall be issued until an application has been made for a certificate of occupancy.

F. Change of Occupancy and / or Use of a non-residential building: Every change in occupants or use of a non-residential building, other than a building used solely for agricultural purposes, necessitates a new determination by the Township that the building is in compliance with this Ordinance and all other applicable regulations. An Occupancy Permit is

therefore required for every change in occupants of such a non-residential building located in the Township. Application for such Permit shall be governed by this Section.

## SECTION 15.5 - SIGN PERMIT

No sign as listed in Article XI of this Ordinance shall be erected or altered prior to the issuance of a sign permit by the Zoning Officer.

## SECTION 15.6 - TEMPORARY USE PERMITS

A permit shall be required for those activities listed herein in the Supplemental Regulations in Article VIII of this Ordinance.

A. Application when required shall be made to the Zoning Officer a minimum of thirty (30) days prior to the proposed commencement date of the temporary use or activity, or placement of a temporary structure, accompanied by the required fee as set by the Board of Supervisors.

B. No parking associated with a temporary use shall take place in public rights-of- ways and traffic shall be directed on and off site, and if necessary shall be so directed off sites by the persons employed by or otherwise providing services to the applicant,

C. If deemed necessary by the Zoning Officer and / or Board of Supervisors, the applicant shall provide documentation of comprehensive liability insurance and / or workers' compensation insurance coverage in existence relative to the temporary use activity.

# ARTICLE XVI

# ENFORCEMENT REMEDIES

## SECTION 16.1 - CIVIL PENALTY

Any person, partnership or corporation who violates any provisions of this Zoning Ordinance shall, in addition to any other fine or penalty as provided by law, be subject to a civil penalty fine and the collection or payment of same in accordance to Section 617.2 and / or Section 712.2 of the Pennsylvania Municipalities Planning Code, as amended, and shall upon conviction thereof in a civil enforcement proceeding as therein provided, be sentenced to pay a judgment of not more than five hundred ($500.00) dollars plus all court costs including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall be commenced or be imposed or payable until the determination of a violation by the District Justice. If the defendant neither pays nor appeals in timely fashion, the judgment imposed, the Township of South Beaver may enforce the judgment pursuant to the rules of civil procedure. Each day that a violation is continued shall constitute as a single and separate offense. All fines collected for the violation of this Zoning Ordinance shall be paid to the Township Board of Supervisors and deposited into the Township's General Fund.

## SECTION 16.2 - CIVIL ENFORCEMENT REMEDIES

In accordance to Section 617 of the Pennsylvania Municipalities Planning Code, as amended, in case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of the provisions of this Ordinance, the Township Board of Supervisors, or, with the approval of the Township Board of Supervisors, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in. or about such premises, any act, conduct, business or use constituting a violation. Any costs incurred by the Township, including but not limited to litigation expenses, may be recouped from the violator that necessitates civil enforcement remedies.

## SECTION 16.3 - NOTICE OF VIOLATION

In accordance to Section 616.1 of the Pennsylvania Municipalities Planning Code, as amended, a notice of violation, to be sent to the owner of record of the parcel or lot of land on which the violation has occurred, and / or to any person who has filed a written request to receive enforcement notices regarding that parcel or lot of land privy to same, and / or to such other person requested in writing by the owner(s) of

record, for the purpose of · enforcement of the provisions of this Ordinance shall consist and include the following:

A. The name of the owner of record and any other person against whom the municipality intends to take action.

B. The location of the property in violation.

C. The specific violation describing requirements not met and the applicable provisions of the ordinance violated.

D. Dates for commencement of compliance activity and dates by which compliance must be achieved.

E. That the recipient of the violation notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth and described in this Ordinance.

F. That failure to comply within the time specified unless extended by appeal to the
Zoning Hearing Board, constitutes a violation with possible penalties resulting.

# ARTICLE XVII

# VALIDITY AND INTERPRETATION

## SECTION 17.1 - VALIDITY

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

## SECTION 17.2 - INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township of South Beaver. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations or ordinances, the provisions of this Ordinance shall control.

## SECTION 17.3 - REPEALER AND AMENDMENT OF PRIOR ORDINANCES

Upon this Ordinance No. ___becoming effective, previous versions of the Township Zoning Ordinance are repealed and replaced with this new Ordinance, as codified hereby and herein.

## SECTION 17.4 - SOUTH BEAVER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Nothing herein contained shall be interpreted to permit waiver of the restrictions or requirements of the South Beaver Township Subdivision and Land Development Ordinance, as now enacted or hereafter amended.

## SECTION 17.5 - FEES

Minimum fees are to be paid in advance for zoning permits, conditional uses, certificates of occupancy, special exceptions, variances, zoning changes or amendments, and shall beset by Resolution by the South Beaver Township Board of Supervisors from time to time. In the event additional fees are due relative to

application, processing of zoning permits, conditional uses, certificates of occupancy, special exceptions, variances, zoning changes or amendments, the balance due and payable shall be paid by the applicant at the time of, and prior to applicable permits being issued, or at such other payment schedule approved by the South Beaver Township Board of Supervisors.