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Beaver Borough Zoning Ordinance

Land Use Chart

Table 27-2

Dimensional Standards

Zoning Map

Part 1

Purpose, Title, Liability, Objective

§27-101. Title.

This Chapter shall be known and may be cited as the “Zoning Ordinance of Beaver Borough.”

(Ord. 778, 5/8/2012, §1)

§27-102. Purposes.

The regulations in this Chapter are intended:

- A. To promote, protect and facilitate any or all of the following: The public health, safety, morals, and the general welfare, coordinated and practical community development and proper density of population; emergency management preparedness and operations, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, provisions of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values of the environment.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic and a reasonable range of multi-family dwellings in various arrangements.
- D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

(Ord. 778, 5/8/2012, §1)

§27-103. Borough Liability.

The granting of a building/zoning permit or occupancy permit shall not constitute a representation or warranty of any kind by the Borough or any official or employee thereof as to the safety of any structure or use, or of the accuracy of any lot line or other boundary as may be shown in such permit, and shall create no liability or a cause of action against the Borough or any of its officials or employees for any damage that may result therefrom.

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(Ord. 778, 5/8/2012, §1)

§27-104. Community Development Objectives.

In addition to the purposes outlined above, the regulations in this Chapter are intended to promote achievement of the goals and objectives recognized and established in the most recent Comprehensive Plan adopted for Beaver Borough, September 27, 2001.

(Ord. 778, 5/8/2012, §1)

§27-105. Compliance.

No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or designed to be used, except in full compliance with all the provisions of this Chapter and after lawful issuance of all permits required by this Chapter.

(Ord. 778, 5/8/2012, §1)

§27-106. Zoning Map.

The accompanying map hereby adopted in this Chapter shall be known and may be cited as the "Zoning Map of Beaver Borough."

(Ord. 778, 5/8/2012, §1)

§27-107. Zoning Districts.

The Borough is divided into the districts stated in this Chapter as shown by the boundaries on the Official Zoning Map. The district designations are as follows:

R-1	Low Density Residential District
R-2	Medium-High Density Residential District
P	Public District
RC-1	Retail Core District
RC-2	Retail Core Support District
GCW	Gateway Commercial West District
SC	Service Commercial District
GCE	Gateway Commercial East District

HO	Historic Overlay District
FP	Floodplain District

(Ord. 778, 5/8/2012, §1)

§27-108. District Boundaries.

District boundaries shown within the lines of the streets, streams and transportation rights-of-way shall be deemed to follow the centerlines. The vacation of streets shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such fact that it clearly coincides with a property line, he shall refuse action and the Zoning Hearing Board shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Chapter.

(Ord. 778, 5/8/2012, §1)

§27-109. Changing the Official Zoning Map.

1. If, in accordance with the provisions of this Chapter and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by Borough Council.
2. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter or any State law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

(Ord. 778, 5/8/2012, §1)

§27-110. Official Zoning Map.

1. The Official Zoning Map, as designated by the Borough Council, shall be the final authority as to the current zoning status of land and water areas in the Borough, regardless of unofficial copies which may have been published from time to time.
2. The location and boundaries of said zones are hereby established as shown on the Zoning Map of Beaver Borough, previously dated September 13, 1988, and currently revised, which is attached hereto and is hereby made a part of this Chapter. Said map and all notations, references and designations shown thereon shall be, as such, a part of this Chapter as if the same were all fully described and set forth herein.

(Ord. 778, 5/8/2012, §1)

§27-111. Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Borough Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the Official Zoning Map or subsequent amendment thereto. The new Official Zoning Map shall be identified by required signatures of the Borough Council, attested by the Secretary of that body, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the previous current Ordinance of Beaver Borough, Beaver County, Pennsylvania."

(Ord. 778, 5/8/2012, §1)

§27-112. Exemptions.

The regulations in this Chapter shall not apply to any existing or new municipal facilities of Beaver Borough. To serve the public convenience or general welfare, municipal uses may be located anywhere within the Borough.

(Ord. 778, 5/8/2012, §1)

Part 2

Interpretation and Definitions

§27-201. Interpretation.

The provisions of this Chapter shall be interpreted according to the following principles:

- A. Words in the past or present tense shall include the future.
- B. Words in the plural number shall include the singular, and words in the singular number shall include the plural.
- C. Words in the masculine gender shall include the feminine and the neuter.
- D. The word “shall” is mandatory or imperative.
- E. The word “may” is permissive.
- F. Words used in this Chapter which are not specifically defined shall have their common or ordinary meanings, as shown by a standard dictionary.

(Ord. 778, 5/8/2012, §1)

§27-202. Meaning of Words.

Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning as stated below:

ACCESSORY BUILDING—a subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

ACCESSORY USE—a use which is subordinate to and customarily associated with the principal use of a lot or building and located on the same lot provided that it is not noxious or offensive to neighboring permitted uses by reason of appearance, emission of odor, dust, smoke, gas, vibration or noise and the spillover of lighting or lighting glare.

ADULT BOOKSTORE—any commercial establishment in which is offered for sale as a substantial or significant portion of its stock in trade video cassettes, movies, books, magazines or other periodicals or other media which are distinguished or characterized by their emphasis of nudity or sexual conduct or of activities which, if presented in live presentation, would constitute adult entertainment.

ADULT BUSINESS—an adult bookstore, commercial movie theater or movie house or other adult entertainment as defined herein. In the event that an activity or business which might be classified under a use category other than adult business

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is combined with and/or includes activities which constitute an adult bookstore, adult movie theater or movie house or adult entertainment as defined herein, then such activity or business shall constitute an adult business and shall be governed by those provisions of this Chapter applicable to adult business uses.

ADULT ENTERTAINMENT—a commercial establishment providing, either as a sole use or in connection with or in addition to other uses, entertainment consisting of the use of nudity or of live dancing, posing, displaying, acting or other live presentation or use of persons in a manner intended or likely to result in sexual arousal, excitation or titillation or the arousal of the prurient interest.

ADULT MOVIE THEATER OR MOVIE HOUSE—any commercial movie theater or other business which on a regular and continuing basis shows, presents or makes available for viewing on its premises films depicting explicit sexual conduct.

AGRICULTURAL OPERATION—an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

ALTERATION—as applied to a building or structure, that change or rearrangement in the structural part, in the exit facilities, or in the enlargement, whether by extending, as a side, or by increasing in height.

AMENDMENT—a change in use in any district which includes revisions to text of this Chapter and/or the official Zoning Map; and, the authority for any amendment lies solely with the Borough Council.

APARTMENT—one or more rooms with toilet and culinary accommodations used and intended for occupancy as a separate dwelling unit.

APPLICANT—a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT—every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building/zoning permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

AREA, BUILDING—the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

ART GALLERY—an establishment engaged in the sale, loan or display of art, books, paintings, sculpture, or other works of art.

BASEMENT—a story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5 feet or if used for business or dwelling purposes, other than a game or recreation room.

BED AND BREAKFAST—the offering of overnight accommodations for transient guests for compensation.

BILLBOARD—structure, building wall, or other outdoor surfaces used to display lettered, pictorial, sculptured, or other matter that directs attention to any product, announcement, commodity, or service offered or available elsewhere than on the premises.

BOARD—any body granted jurisdiction under a land use ordinance or under the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended, to render final adjudications.

BOARDING HOUSE—a building, where for compensation, provisions are made for lodging and meals for at least three but not more than 15 persons.

BOROUGH STRIP—the area of land lying between the edge of the road or street cartway and the edge of the road or street right-of-way.

BUFFERYARD—landscaped areas which may include fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another, so as to visually shield or block noise, lights or other nuisances.

BUILDING—any enclosed structure designed or intended for the support, shelter or protection of persons, animals, or property.

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

BUILDING LINE—a line located a fixed distance from the front, side or rear line of the lot and interpreted as being the nearest point that a building may be constructed to the lot line, as shown in Table 27-2 as minimum front, side or rear yards.

BUILDING ORIENTATION—for the purpose of applying dimensional standards, the face of a building with the primary entrance shall be considered the front (see §27-1416).

BUILDING/ZONING PERMIT—see “zoning permit.”

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BUSINESS OFFICE—a room area or series of areas, occupied by person or persons separate from surrounding areas, normally used in the operation of or in conjunction with a business or profession. Retail and wholesale sales, and inventories are not permitted under this definition.

CANOPY—an ornamental roof-like structure including canvas awnings.

CELLAR—a story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

CERTIFICATE OF OCCUPANCY—a statement, based on an inspection, signed by the Zoning Officer, following verification by the Building Code Enforcement Officer setting forth either that a building or structure complies with this Chapter, or that a building, structure or parcel of land may lawfully be employed for specified use or both.

COMMERCIAL—engaging in a business, enterprise or activity for profit.

COMMON OPEN SPACE—a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS TOWERS—any communication tower and its associated structures operated by any person, agency or corporation, not otherwise a public utility as defined herein, who or which furnished mobile domestic cellular radio telecommunications services or other communications services for public or private use.

COMPLETELY DRY SPACE—a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONDITIONAL USE—a use permitted in a particular zoning district pursuant to the provisions in Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10601 *et seq.*, as amended (see Part 15).

CONDOMINIUM—individual ownership of a unit in a multi-unit structure.

CONSISTENCY—an agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

CONSTRUCTION—the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile, modular or manufactured homes.

CONVERSION APARTMENT—a dwelling constructed by converting an existing building into apartments for more than one family without substantially altering the exterior of the building.

CORNER LOT—a lot or parcel of land abutting two or more street rights-of-way at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

DAY CARE—a premises, other than a child’s home, operated for a fee or similar remuneration, in which child day care is provided within a home atmosphere for six or fewer juveniles. All day care centers must meet the standards as described by the Pennsylvania Department of Public Welfare, Bureau of Program Development and Implementation, Day Care Division.

DECISION—final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended, to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the County and Judicial District wherein the municipality lies.

DETERMINATION—final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) The governing body.
- (2) The Zoning Hearing Board.
- (3) The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance [Chapter 22] or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER—any landowner, agent of such landowner, or tenant with the permission of such land-owner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT—any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile or manufactured homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land.

DEVELOPMENT PLAN—the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development,

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streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, shall mean the written and graphic materials referred to in this definition.

DRIVE-IN USE—an establishment, including drive-through uses, that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DWELLING, SINGLE-FAMILY—a building designed for or occupied exclusively as a residence for only one family.

DWELLING, TWO-FAMILY—a building designed for or occupied exclusively as a residence for two families only, with separate housekeeping and cooking facilities for each.

DWELLING, MULTIPLE-FAMILY—a building designed for or occupied exclusively as a residence for three or more families with separate housekeeping and cooking facilities for each. Multiple-family includes walk-up, elevator and high rise buildings.

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

ESSENTIAL SERVICES—the erection, construction, alteration or maintenance by public utilities, commissions, municipal departments or other governmental agencies of underground or overhead gas, electrical, telephone 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, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

ESSENTIALLY DRY SPACE—a space which will remain dry during flooding except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

EVENT FACILITY—a building, structure or site where events for entertainment hospitality including food and beverages are provided for pleasure of patrons or clients, either independent of or in conjunction with any other permitted uses. Such events shall include but are not limited to public meetings, seminars, festivals, concerts, fundraising affairs, arts and cultural displays, educational programming, weddings, or other organized family or organizational celebrations. [Ord. 788]

FAMILY—one or more persons who live together in a single housekeeping unit and maintain a common household, as distinguished from a group occupying a boarding house. A family may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption or up to five unrelated persons receiving

services such as health, social rehabilitative, general supervision or similar services, irrespective of whether or not they are provided by governmental agencies, their licensed or certified agents, responsible nonprofit social service agencies.

FENCE—an artificially constructed barrier of any material or combination of material erected to enclose, screen or separate areas, excluding barbed, electrified or razor wire fencing.

FINANCIAL INSTITUTION—a bank, savings and loan association, credit union, lending institution, mortgage office, or FDIC regulated business.

FLOODPLAIN DISTRICTS—those floodplain districts specifically designed in this Chapter as being inundated primarily by the 100-year flood. Included would be areas identified as Floodway District (FW), Flood Fringe District (FF), and General Floodplain District (GFP).

FLOODPROOFING—any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOR AREA—the sum of the gross horizontal exterior areas of the several floors of a building excluding cellars, attics, garages, open breezeways, open porches and terraces.

FOREST—land, a minimum of $\frac{1}{3}$ acre in area with 15 or more trees at least 12 inches in diameter at breast height (DBH).

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.

FRONTAGE—that area of a lot abutting on a street or road right-of-way; the front lot line or lot front.

FUNERAL HOME—a building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

GARAGE, PRIVATE—an accessory building or part of a principal building used only for the storage of private motor vehicles and/or other personal effects of the occupants of the principal structures.

GARAGE, REPAIR—a building or part thereof used for the repair of motor vehicles or similar equipment for remuneration.

GARDEN APARTMENT—a multiple family residential building, not exceeding three stories in height, in which units are arranged side to side, back to back or one above

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another, which may have either private external entrances or common hall access, and which may have private exterior yard area for each unit.

GROUP RESIDENTIAL FACILITY—an establishment that provides room and board in a family environment to persons who receive supervised care limited to health, social, rehabilitative or housing services. Such facilities may include child and adult services for individuals not in need of hospitalization or incarceration, but who because of age, convalescence, infirmity, disability or related circumstances require such care. Group residential facilities may be characterized as personal care facilities, nursing homes, or similarly described uses; however, the scope of all operations shall be of a limited nature.

HEIGHT—the vertical distance of a structure (see §27-1408).

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.

HOME OCCUPATION—an activity carried out for monetary gain conducted as an incidental and accessory use by the resident of a dwelling unit (see §27-1515).

IMPERVIOUS SURFACE—any hard-surfaced, man-made area that does not readily absorb or retain water in the soil mantle including, but not limited to, building roofs, swimming pools, parking and driveway areas, sidewalks and paved recreation areas.

LAND DEVELOPMENT—any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision or consolidation of land.
- (3) Development in accordance with §503(1.1) of the Pennsylvania Municipalities Planning Code, Act 247, 53 P.S. §10503(1.1), 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 he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LIVING UNIT—see “dwelling unit.”

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 not less than 12 feet wide, 45 feet in length and 14 feet in height.

LOT—a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT COVERAGE—a measure of intensity of land use which represents the portion of a lot covered by principal and accessory structures, as further defined; structure coverage is the total land area covered as measured around the perimeter of the exterior walls of all principal and accessory structures.

LOT DEPTH—the mean horizontal distance between the front and rear lot lines.

LOT OF RECORD—any lot which has been recorded in the office of the Recorder of Deeds of Beaver County prior to the adoption of this Chapter.

LOT WIDTH—the width of a lot measured at the front building line.

MANUFACTURED, MOBILE OR MODULAR HOME—a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles placed on a site for more than 180 days.

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 OFFICE—a room or suite of rooms used for the practice of a medical or health profession including, but not limited to, medical doctors, dentists, physical therapists, psychologists, chiropractors, and tattoo/branding.

MINERALS—any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

ZONING

MUNICIPAL ENGINEER—a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

MUSEUM—a building having public significance because of its architecture or past use, or serving as a repository for natural, scientific, literary or historical objects or works of art, arranged for public viewing, with or without an admission charge.

NONCONFORMING LOT—a lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE—a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE—a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NUDITY—the display of the human genitalia, pubic area or buttocks with less than a fully opaque covering or the display of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple.

OFF-STREET PARKING LOT—any area arranged, designed, used or intended for use of five or more motor vehicles.

ORNAMENTAL FENCE—a designed open or solid fence or wall that contributes to the identification and appearance of the principal use, does not act as a retaining structure and is made of material that is not typically utilized in security structures such as chain link.

OVERHANGING SIGN—a sign that overhangs or extends over a public street, public sidewalk or other similar area used by the public.

PERSON—an individual, partnership, corporation, association, estate, trust or other entity.

PRINCIPAL USE—the primary use or purpose of which a building, structure, and/or land and major portion thereof, is designed, arranged, or intended, or for which it may be occupied or maintained under this Chapter.

PUBLIC GROUNDS—includes:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- (3) Publicly owned or operated scenic and historic sites.

PUBLIC HEARING—a formal meeting held pursuant to public notice by the Borough Council taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended.

PUBLIC MEETING—a forum held pursuant to notice under 65 Pa.C.S., Ch. 7 (relating to open meetings).

PUBLIC NOTICE—notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

PUBLISHING—the manufacture of newspapers and related literary productions and distribution to wholesalers or retailers.

REGULATORY FLOOD ELEVATION—the 100-year flood elevation as defined by the Flood Insurance Study for Beaver Borough, Beaver County, Pennsylvania.

REPORT—any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESTAURANT—a commercial establishment where food and beverages are prepared, served primarily within the principal building and where food sales constitute more than 80% of the gross sales receipts.

RETAIL BUSINESS—shall include selling, soliciting or taking orders for any goods, wares, and merchandise of any kind from a fixed location within the Borough whether for the entire business year, or solely for any particular season of the year. It may contemplate the keeping of a stock in trade or of sales from catalogue. A retail business shall be required to have at least 75% of gross receipts derived from sale of goods, wares, and merchandise.

ZONING

- (1) General. Establishments engaged in selling commodities or goods in small quantities to ultimate customers or consumers.
- (2) Specialty. Retail operations that specialize in one type or line of merchandise.

SCALE OF DEVELOPMENT—the relationship of specific developments, adaptive reuse, change of use or consolidation of uses in terms of size, height, bulk (lot coverage), intensity and aesthetics, to its surroundings.

SCREEN PLANTING STRIP—a strip of land containing plantings designed to effectively provide a year round sound and visual barrier so as to shield one property or building from another.

SERVICES—establishments primarily engaged in providing assistance as opposed to products, further defined as follows:

BUSINESS SERVICES—establishments primarily engaged in rendering services on a fee or contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing incidental to the service offered, commercial research, development and testing.

CULTURAL AND RECREATION SERVICES—establishments including, but not limited to, libraries, museums and similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interests in one or more of the arts or sciences.

HEALTH SERVICES—health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

PERSONAL SERVICES—establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, (including, but not limited to, beauty and barbershops, dry cleaning and pressing, shoe repair, health clubs, health spas, clothing rental and domestic services.)

PROFESSIONAL SERVICES—offices of members of recognized professions maintained for the conduct of that profession. Any office or establishment providing specialized services. This includes accounting, auditing, architectural, educational, engineering, health, legal, medical, planning, scientific and related disciplines that involve skill, education or specialized knowledge which is predominantly mental or intellectual, rather than physical or manual.

SOCIAL SERVICES—establishments providing assistance and aid to those persons requiring counseling for psychological problems, employment, learning

disabilities and physical disabilities, and residential care such as child day care and nurseries.

TRANSPORTATION SERVICES—establishments furnishing services incidental to transportation, such as forwarding and packing services and the arranging of passenger or freight transportation.

SEXUAL CONDUCT—patently offensive acts, representations, descriptions or depiction of sexual intercourse, masturbation, sodomy, excretory functions or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breasts.

SIGN—a name, identifications, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays of merchandise or objects and material placed behind a store window are not signs or parts of signs.

ARCHITECTURAL STATUE—a free-standing figure, characterization, sculpture, etc., (of three-dimensional construction) used to attract attention to a place of business or to generate artistic interest.

AWNING SIGN—an exterior sign mounted on an awning.

BUILDING SIGN—an exterior sign mounted on a wall, awning, canopy, window or other portion of any building or painted thereon.

BULLETIN BOARDS—a free-standing exterior sign, not permanently attached to the ground that provides information about current day offerings within the business location ù lunch specials, merchandise specials, etc.

DECORATIVE FLAG—a sign made of flexible material (cloth, vinyl, etc.), mounted on a pole and/or attached to a building facade, which is not the official symbol of national, State, and local government and agencies, past and present. May contain a private business logo, and/or a few words such as "Welcome" or "Open."

FLAG—a sign made of flexible material, mounted on a pole attached to the face of a building, which is the official symbol of national, State, and local government agencies.

FREE-STANDING GROUND OR MONUMENT SIGN—an independently supported sign permanently affixed to a foundation that is not a free-standing pole sign and not connected to any building or structure.

FREE-STANDING POLE SIGN—a sign that is independently supported by one or more supports and not attached to any building or structure.

ZONING

HISTORIC SIGN—restoration/preservation of such signage that does not otherwise comply with the provisions of the ordinance must first be presented to and designated as historic by Borough Council who shall have the sole right to make such designation and to impose any requirements or restrictions on same.

PROJECTING SIGN—a sign mounted on the wall, window, face or other surface of a structure and departing angularly from the plane of such surface.

TEMPORARY SIGN—a sign made out of flexible material (cloth, vinyl, paper, etc.) mounted on poles, cords, wire or on the facade of a building used to announce a specific activity or event associated with the subject property. Includes “banner” type signage.

TIME/TEMPERATURE/WEATHER SIGN—any display that illustrates time, temperature or weather.

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.

SPECIAL EXCEPTION—a use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §§10601 *et seq.*, 10901 *et seq.*, as amended.

STORY—that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF—a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite interior walls are not more than 5 feet above the floor of such story.

STREET—includes street, avenue, boulevard, road, highway, freeway, parkway, lane, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STRUCTURE—any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION—the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land

for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SWIMMING POOL, PRIVATE—any reasonable permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than 1½ feet. Lakes are not included, provided that swimming was not the primary purpose for their construction.

TATTOO/BODY-PIERCING, BRANDING PARLOR—an establishment which provides external body modification, through the application of a tattoo, body-piercing, or branding. Body-piercing is the perforation of human tissue other than an ear for a non-medical purpose. Branding is a permanent mark made on human tissue by burning with a hot iron or other instrument and tattoo is an indelible mark made upon the skin by the insertion of a pigment or an indelible design made upon the skin by production of scars other than by branding.

TOWNHOUSE (also ROW HOUSE)—a multiple family dwelling structure, consisting of three to nine single-family units, that are attached side by side by unpaired party walls, whether or not individual dwelling units are situated on individually recorded lots.

USE—a specific purpose for which land or a building or other structure is designed, arranged or formed, or for which it is or may be maintained or occupied.

USE BY RIGHT—any use within a given zoning district that is specifically allowed as a matter of “right” and is so stipulated by the zoning regulations governing that district.

VARIANCE—relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §§10601 *et seq.*, 10901 *et seq.*, as amended.

YARD, FRONT—the open space extending across the entire width of the lot between the front setback line and the street right-of-way line.

YARD, REAR—the required open space extending from the rear setback line of the principal structure to the rear lot line (not necessarily a street right-of-way line) throughout the entire width of the lot.

YARD, SIDE—the required open space extending from the side yard setback line of the principal structure to the side lot line throughout the entire depth of the lot.

YARD SALE—the offering of goods for purchase by the general public, conducted from the yard, porch or garage of a dwelling. Such activity shall be considered an accessory use and not a home-based business.

ZONING

ZONING HEARING BOARD—the Board assigned the duties of hearing appeals, granting variances and granting uses by special exception as permitted in this Chapter.

ZONING OFFICER—the individual authorized by the Borough Council to be the administrator of the day to day application of the provisions of this Chapter.

ZONING PERMIT—a statement signed by the Zoning Officer required prior to the issuance of a building permit indicating that the application for permission to construct, alter or add is approved and in accordance with the requirements of the terms of this Chapter.

(Ord. 778, 5/8/2012, §1; as amended by Ord. 788, 4/9/2013, §1)

Part 3

District Regulations

The uses permitted in each district are listed below. Uses in each category shall be according to the definitions contained in Part 2 of this Chapter, or if not defined, according to the common meaning of the term. Uses not specifically listed or defined as included in these categories shall not be permitted.

§27-301. Zoning Districts.

The 10 zoning districts delineated on the map are:

R-1	Low Density Residential District
R-2	Medium-High Density Residential District
P	Public District
RC-1	Retail Core District
RC-2	Retail Core Support District
GCW	Gateway Commercial West District
SC	Service Commercial District
GCE	Gateway Commercial East District
HO	Historic Overlay District
FP	Floodplain District

(Ord. 778, 5/8/2012, §1)

§27-302. Application of District Regulations.

1. The regulations established by this Chapter within each district shall apply uniformly to each class or kind of structure or land.
2. No building, structure or land shall hereafter be used or occupied, and no building or structure, or part thereof shall hereafter be erected, constructed, moved, or structurally altered unless in conformity with all of the regulations specified in this Chapter for the district in which it is located, or unless a variance has been properly granted.
3. No building or other structure shall hereafter be erected or altered than herein required, or in any other manner contrary to the provisions of this Chapter:

ZONING

- A. To exceed the height.
 - B. To accommodate or house a greater number of families.
 - C. To occupy a greater percentage of lot area.
 - D. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
4. No part of a required yard or other open space, including an abutting private or public street or alley, except as may be specifically authorized.
 5. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.
 6. Railroad lines and public utility transmission lines and their supporting members, but not including aboveground buildings, shall not be required to be located on a lot, nor be held to reduce yard dimensions for other buildings on a lot.
 7. All territory which may hereafter be annexed to the Borough shall be placed in the R-1 Low Density Residential District until the Planning Commission has made a thorough study of the newly annexed area, reported its recommendations to the Borough Council, and Council has adopted a final zoning district classification. This study and report by the Planning Commission shall be made within 6 months of the time of annexation.
 8. From time to time on an as-needed basis, or at the request of Borough Council, the Planning Commission shall review the lists of permitted, accessory, conditional uses or uses by special exception for each zoning district, as well as the applicable bulk and dimensional requirements, and shall prepare for the review of Council a written statement of any proposed changes to enhance healthy growth and change in the Borough. The Planning Commission shall review the Zoning Map and shall, in writing, inform Council of any suggested revisions in zoning district boundary lines or land use classifications.

(Ord. 778, 5/8/2012, §1)

Part 4

R-1 Low Density Residential District

§27-401. Purpose.

The R-1 District is established to provide low density residential sites within Beaver Borough, to preserve the characteristics of neighborhood areas, to provide for the efficient extension of community services and facilities and to prevent the encroachment of land uses that are not compatible with permitted land use activities.

(Ord. 778, 5/8/2012, §1)

§27-402. Permitted Uses.

1. Principal permitted uses.
 - A. Single-family dwellings.
 - B. Municipal parks and municipal recreation.
 - C. Forestry.
2. Accessory uses.
 - A. Uses and buildings customarily incidental and appurtenant to principal permitted uses (see §27-1421).
 - B. Home-based business (no-impact) (see §27-1418).

(Ord. 778, 5/8/2012, §1)

§27-403. Conditional Uses.

The following conditional uses may be authorized pursuant to the standards and criteria set forth in Part 15:

- A. Home occupation (see §27-1514).

(Ord. 778, 5/8/2012, §1)

§27-404. Uses by Special Exception.

There are no uses by special exception in the R-1 District.

ZONING

(Ord. 778, 5/8/2012, §1)

§27-405. Dimensional Standards.

1. Minimum lot area—4,000 square feet (all permitted uses).
2. Minimum lot width—40 feet (all permitted uses).
3. Lot coverage. Main buildings shall not exceed 50% of the lot area. All structures combined, including principal and accessory buildings, shall not exceed 65% of the lot area.
4. Yards.
 - A. All permitted and conditional uses.
 - (1) Minimum front yard—15 feet.
 - (2) Minimum side yard—5 feet.
 - (3) Minimum rear yard—20 feet.
 - B. Accessory uses.
 - (1) Aggregate total of side yard—10 feet.
 - (2) Minimum side yard—3 feet.
 - (3) Minimum rear yard—3 feet.
5. Maximum building height—35 feet (all principal uses).
6. Maximum height of an accessory structure shall be 16 feet. The second floor area of an accessory structure shall not exceed 50% of the area of the exterior footprint of the accessory structure.
7. The footprint area of an accessory structure is not to exceed 15% of the lot area. The total aggregate side yard distances for an accessory structure are 10 feet with a minimum 3-foot side yard distance on one side or a minimum 5 feet from an adjoining building. The area of the exterior footprint of an accessory structure cannot exceed 80% of the area of the exterior footprint of the principle structure.

(Ord. 778, 5/8/2012, §1)

§27-406. Parking and Sign Requirements.

Parking and signage design and construction shall comply with standards specified in Part 16 of this Chapter.

(Ord. 778, 5/8/2012, §1)

Part 5

R-2 Medium-High Density Residential District

§27-501. Purpose.

The R-2 District is established to provide for the maintenance of established residential neighborhoods at moderate densities and to provide for the efficient extension of community services and facilities.

(Ord. 778, 5/8/2012, §1)

§27-502. Permitted Uses.

1. Principal permitted uses.
 - A. Single-family dwelling.
 - B. Two-family dwellings.
 - C. Multiple-family dwellings (three or more units) limited to three stories including townhouses and garden apartments.
 - D. Municipal parks and recreation.
 - E. Forestry.
2. Accessory uses.
 - A. Uses and buildings customarily incidental and appurtenant to principal permitted uses (see §27-1421).
 - B. Home-based business (no-impact) (see §27-1418).

(Ord. 778, 5/8/2012, §1)

§27-503. Conditional Uses.

The following conditional uses may be authorized pursuant to the standards and criteria set forth in Part 15:

- A. Group residential facility (see §27-1512).
- B. Day care services (see §27-1510).
- C. Bed and breakfast (see §27-1506).

ZONING

D. Home occupation (see §27-1514).

(Ord. 778, 5/8/2012, §1)

§27-504. Uses by Special Exception.

1. Conversion apartment (see §27-1518).
2. Churches (see §27-1517).

(Ord. 778, 5/8/2012, §1)

§27-505. Dimensional Standards.

1. Minimum lot area.
 - A. Permitted uses.
 - (1) Single-family—4,000 square feet.
 - (2) Two-family—6,000 square feet.
 - (3) Multiple-family—6,000 square feet or 1,500 square feet per unit, whichever is larger.
 - (4) Conditional uses—6,000 square feet.
 - B. Uses by special exception—16,000 square feet.
 - C. All other uses—8,000 square feet.
2. Minimum lot width.
 - A. Single-family dwelling—40 feet.
 - B. Multiple-family dwelling—60 feet.
 - C. Uses by special exception—80 feet.
3. Density (lot coverage). Principal use buildings shall not exceed 50% of the lot area. All structures combined, including all accessory buildings, shall not exceed 70% of the lot area.
4. Yards.
 - A. Minimum front yard.

- (1) Principal permitted use—15 feet.
 - (2) Conditional uses—15 feet.
 - (3) Uses by special exception—20 feet.
- B. Minimum side yard.
- (1) Permitted uses.
 - (a) Single-family, two-family—5 feet.
 - (b) Multiple-family—50% of structure height.
 - (c) Conditional uses—10 feet.
 - (d) Uses by special exception—20 feet.
- C. Minimum rear yard—20 feet (all principal, conditional and special exception uses).
- D. Accessory uses.
- (1) Side yards only.
 - (a) Aggregate total of side yard—10 feet.
 - (b) Minimum side or rear yard—3 feet.
 - (c) Minimum rear yard—3 feet.
5. Maximum building height—35 feet (all principal, conditional and special exception uses).
6. Maximum height of an accessory structure shall be 16 feet. The second floor of an accessory structure shall not exceed 50% of the area of the exterior footprint of the accessory structure.
7. The footprint area of an accessory structure is not to exceed 15% of the lot area. The total aggregate side yard dimensions for an accessory structure is 10 feet with a minimum 2 feet side yard distance on one side or a minimum 5 feet from an adjoining building. The area of the exterior footprint of an accessory structure cannot exceed 80% of the area of the exterior footprint of the principle structure.

(Ord. 778, 5/8/2012, §1)

§27-506. Parking and Sign Requirements.

ZONING

Parking and signage design and construction shall comply with standards specified in Part 16 of this Chapter.

(Ord. 778, 5/8/2012, §1)

Part 6

P Public District

§27-601. Purpose.

The P Public District is established to preserve and protect portions of the Borough's open space, historical and cultural resources and public recreation land, and to promote public use, enjoyment and enhance community quality of life.

(Ord. 778, 5/8/2012, §1; as amended by Ord. 788, 4/9/2013, §1)

§27-602. Permitted Uses.

1. Principal permitted uses.
 - A. Municipal parks and recreation.
 - B. Municipal facilities and services necessary to public health and welfare.
 - C. Museums, exhibition and cultural facilities.
 - D. Forestry.
2. Accessory uses.
 - A. Uses and buildings customarily incidental and appurtenant to principal permitted uses (see §27-1421).

(Ord. 778, 5/8/2012, §1)

§27-603. Conditional Uses.

The following conditional uses may be authorized pursuant to the standards and criteria set forth in Part 15:

- A. Communications towers (see §27-1508).
- B. Event facility uses (see §27-1509).

(Ord. 778, 5/8/2012, §1; as amended by Ord. 788, 4/9/2013, §1)

§27-604. Uses by Special Exception.

There are no uses by special exception in the P Public District.

ZONING

(Ord. 778, 5/8/2012, §1)

§27-605. Dimensional Standards.

1. Minimum lot area—no minimum specified.
2. Minimum lot width—no minimum specified.
3. Lot coverage—no maximum specified.
4. Yards.
 - A. Minimum front yard—no minimum specified.
 - B. Minimum side yard—no minimum specified.
 - C. Minimum rear yard—no minimum specified.
5. Maximum height of an accessory structure shall be 16 feet. The second floor of an accessory structure shall not exceed 50% of the area of the exterior footprint of the accessory structure.
6. The footprint area of an accessory structure is not to exceed 15% of the lot area. The total aggregate side yard dimensions for an accessory structure are 10 feet with a minimum 2-foot side yard distance on one side or a minimum 5 feet from an adjoining building. The area of the exterior footprint of an accessory structure cannot exceed 80% the area of the exterior footprint of the principle structure.
7. Maximum building height—35 feet (all principal permitted or conditional uses).

(Ord. 778, 5/8/2012, §1)

§27-606. Parking and Sign Requirements.

Parking and signage design and construction shall comply with standards specified in Part 16 of this Chapter.

(Ord. 778, 5/8/2012, §1)

Part 7

RC-1 Retail Core District

§27-701. Purpose.

The RC-1 Retail Core District is established to maintain a dominant commercial presence in an area which is centrally located and with access to an arterial roadway.

(Ord. 778, 5/8/2012, §1)

§27-702. Permitted Uses.

1. Principal permitted uses.
 - A. Retail business, general or specialty.
 - B. Restaurants, non-drive in.
 - C. Personal services.
 - D. Professional services (upper floors only).
 - E. Business services (upper floors only).
 - F. Financial institution (upper floors only).
 - G. Forestry.
2. Accessory uses.
 - A. Uses and buildings customarily incidental and appurtenant to principal permitted uses (see §27-1421).
 - B. Home-based business (see §27-1418).
 - C. Home occupations (see §27-1514).

(Ord. 778, 5/8/2012, §1)

§27-703. Conditional Uses.

The following conditional uses may be authorized pursuant to the standards and criteria set forth in Part 15:

- A. Dwelling units (upper floors only) in a mixed-use building (see §27-1513).

ZONING

- B. Cultural and recreation services (see §27-1519).
- C. Light manufacturing (see §27-1515).

(Ord. 778, 5/8/2012, §1)

§27-704. Uses by Special Exception.

There are no uses by special exception in the RC-1 Retail Core District.

(Ord. 778, 5/8/2012, §1)

§27-705. Dimensional Standards.

1. Minimum lot area—2,000 square feet (all permitted and conditional uses).
2. Minimum lot width—20 feet.
3. Lot coverage. There is no maximum lot coverage established in the RC-1 District.
4. Yards. Applicable to all principal permitted and conditional uses.
 - A. Front yard—zero feet. Construction shall extend to the property line.
 - B. Side yard—zero feet. Construction may extend to the property line.
 - C. Rear yard—25 feet.
5. Building height. Applicable to all principal permitted and conditional uses—35 feet maximum.
6. Maximum height of an accessory structure shall be 24 feet.
7. The footprint area of an accessory structure is not to exceed 15% of the lot area. The total aggregate side yard dimensions from an accessory structure are 10 feet with a minimum 2-foot side yard distance on one side or a minimum 5 feet from an adjoining building. The area of the exterior footprint of an accessory structure cannot exceed 80% the area of the exterior footprint of the principle structure.

(Ord. 778, 5/8/2012, §1)

§27-706. Parking and Sign Requirements.

Parking and signage design and construction shall comply with standards specified in Part 16 of this Chapter.

(Ord. 778, 5/8/2012, §1)

§27-707. Development Standards.

The following standards shall apply to all principal permitted uses and conditional uses:

- A. No use at street level shall exceed 4,050 square feet in gross floor area, which is hereby established as the “scale of development” in the RC-1 and RC-2 Districts.
 - (1) Such “scale of development” is derived from an analysis of the square footage of existing businesses in the RC-1 and RC-2 Districts.
 - (2) Such “scale of development” is established as 200% of the statistical average of the occupied gross first floor areas of all individual businesses in the RC-1 and RC-2 Districts.
- B. All uses shall comply with the provisions of this section at such time that a change of use, expansion of an existing use, consolidation of existing uses or the introduction of a new use is proposed.
- C. Existing uses, whether conforming or nonconforming, which exceed the dimensional standard herein established shall be exempt, except that no such use shall be expanded or consolidated with another use to increase the degree of nonconformity.
- D. Future conforming uses (of individual buildings existing at the time of the passage of this Chapter) which occupy space in excess of the herein established dimensional standards shall be exempt, except that no such use shall be expanded or consolidated with another use or in more than one building to increase the degree of nonconformity.

(Ord. 778, 5/8/2012, §1)

Part 8

RC-2 Retail Core Support District

§27-801. Purpose.

The RC-2 Retail Core Support District is established to maintain a “mixed-use” presence which is centrally located and with access to an arterial roadway, which in turn contributes to the economic vitality of the Borough.

(Ord. 778, 5/8/2012, §1)

§27-802. Permitted Uses.

1. Principal uses.
 - A. Offices–business, government, professional.
 - B. Professional services.
 - C. Business services.
 - D. Health services.
 - E. Personal services.
 - F. Social services.
 - G. Transportation services.
 - H. Dwelling units (upper floors only).
 - I. Multiple family dwellings. First floor dwelling units are permitted if the building contains three or more dwelling units.
 - J. Forestry.
2. Accessory uses and buildings.
 - A. Uses and buildings customarily incidental and appurtenant to principal permitted uses (see §27-1421).
 - B. Home-based business (see §27-1418).
 - C. Home occupations (see §27-1514).

(Ord. 778, 5/8/2012, §1)

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§27-803. Conditional Uses.

The following conditional uses may be authorized pursuant to the standards and criteria set forth in Part 15:

- A. Commercial and private parking facilities to serve uses in the RC- District (see §27-1507).

(Ord. 778, 5/8/2012, §1)

§27-804. Uses by Special Exception.

There are no uses by special exception in the RC-2 Retail Core Support District.

(Ord. 778, 5/8/2012, §1)

§27-805. Dimensional Standards.

1. Minimum lot area—2,000 square feet (all permitted and conditional uses).
2. Minimum lot width—20 feet.
3. Lot coverage. There is no maximum lot coverage established in the RC-2 District.
4. Yards. Applicable to all principal permitted and conditional uses.
 - A. Front yard—no minimum.
 - B. Side yard—no minimum.
 - C. Rear yard—15 feet required.
 - D. Accessory structure yards—5 feet to closest side and rear property lines, except as specified in subsection .7.
5. Building height. Applicable to all principal permitted and conditional uses—35 feet maximum.
6. Maximum height of an accessory structure shall be 16 feet. The second floor of an accessory structure shall not exceed 50% of the area of the exterior footprint of the accessory structure.
7. The footprint area of an accessory structure is not to exceed 15% of the lot area. The total aggregate side yard dimensions from an accessory structure are 10 feet with a minimum 2-foot side yard distance on one side or a minimum 5 feet from an adjoining

building. The area of the exterior footprint of an accessory structure cannot exceed 80% the area of the exterior footprint of the principle structure.

(Ord. 778, 5/8/2012, §1)

§27-806. Parking and Sign Requirements.

Parking and signage design and construction shall comply with standards specified in Part 16 of this Chapter.

(Ord. 778, 5/8/2012, §1)

§27-807. Development Standards.

The following standards shall apply to all permitted principal uses and conditional uses.

- A. No use at street level shall exceed 4,050 square feet in gross floor area, which is hereby established as the “scale of development” in the RC-1 and RC-2 District.
 - (1) Such “scale of development” is derived from an analysis of the square footage of existing businesses in the RC-1 and RC-2 Districts.
 - (2) Such “scale of development” is established as 200% of the statistical average of the occupied gross first floor areas of all individual businesses in the RC-1 and RC-2 Districts.
- B. All uses shall comply with the provisions of this subsection at such time that a change of use, expansion of an existing use, consolidation of existing uses or the introduction of a new use is proposed.
- C. Existing uses, whether conforming or nonconforming, which exceed the dimensional standard herein established shall be exempt, except that no such use shall be expanded or consolidated with another use to increase the degree of nonconformity.
- D. Future conforming uses (of individual buildings existing at the time of the passage of this Chapter) which occupy space in excess of the herein established dimensional standards shall be exempt, except that no such use shall be expanded or consolidated with another use or in more than one building to increase the degree of nonconforming.

(Ord. 778, 5/8/2012, §1)

Part 9

GCW Gateway Commercial West District

§27-901. Purpose.

The GCW Gateway Commercial West District is established as a supplement to the local commercial zoning pattern to accommodate a mix of businesses and a variety of services which, due to certain characteristics and location considerations, require specific siting requirements.

(Ord. 778, 5/8/2012, §1)

§27-902. Permitted Uses.

1. Principal uses.
 - A. Retail business, general or specialty.
 - B. Restaurant.
 - C. Amusement and recreation.
 - D. Financial institutions.
 - E. Services (as defined).
 - (1) Business services.
 - (2) Health services, including spas.
 - (3) Personal services, excluding body tattoo and piercing.
 - (4) Professional services.
 - (5) Social services.
 - (6) Transportation services.
 - F. Forestry.
 - G. Funeral homes.
2. Accessory uses.
 - A. Uses and buildings customarily incidental and appurtenant to principal permitted uses (see §27-1421).

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- B. Home-based business (see §27-1418).
- C. Home occupations (see §27-1514).

(Ord. 778, 5/8/2012, §1)

§27-903. Conditional Uses.

The following conditional uses may be authorized pursuant to the standards and criteria set forth in Part 15:

- A. Automobile sales and service (see §27-1504).
- B. Automobile service stations (see §27-1505).
- C. Drive-in restaurants (see §27-1511).
- D. Adult businesses (see §27-1503).

(Ord. 778, 5/8/2012, §1)

§27-904. Uses by Special Exception.

There are no uses by special exception in the GCW Gateway Commercial West District.

(Ord. 778, 5/8/2012, §1)

§27-905. Dimensional Standards.

- 1. Minimum lot area.
 - A. Permitted uses—4,000 square feet.
 - B. Conditional uses.
 - (1) Drive-in restaurant—4,000 square feet.
 - (2) All other conditional uses—8,000 square feet.
- 2. Minimum lot width.
 - A. Permitted uses—40 feet.
 - B. Conditional uses.
 - (1) Drive-in restaurant—60 feet.

- (2) All other conditional uses—60 feet.
3. Lot coverage. Not to exceed 60% of the lot area including principal and accessory structures.
4. Yards.
 - A. Minimum front yard—15 feet (all principal permitted and conditional uses).
 - B. Minimum side yard.
 - (1) Permitted uses—5 feet.
 - (2) Conditional uses—10 feet.
 - (a) Drive-in restaurant—5 feet from edge of paved access driveway to property line.
 - C. Minimum rear yard—20 feet (all principal permitted and conditional uses).
 - D. Accessory structures—5 feet to closest side and rear property lines except as otherwise specified in subsection .7.
5. Maximum building height—35 feet (all principal permitted and conditional).
6. Maximum height of an accessory structure shall be 16 feet. The second floor of an accessory structure shall not exceed 50% of the area of the exterior footprint of the accessory structure.
7. The footprint area of an accessory structure is not to exceed 15% of the lot area. The total aggregate side yard dimensions from an accessory structure are 10 feet with a minimum 2-foot side yard distance on one side or a minimum 5 feet from an adjoining building. The area of the exterior footprint of an accessory structure cannot exceed 80% the area of the exterior footprint of the principle structure.

(Ord. 778, 5/8/2012, §1)

§27-906. Parking and Sign Requirements.

Parking and signage design and construction shall comply with standards specified in Part 16 of this Chapter.

(Ord. 778, 5/8/2012, §1)

Part 10

SC Service Commercial District

§27-1001. Purpose.

The SC Service Commercial District is established to provide for mixed-use residential neighborhoods, concurrent with the establishment of nonresidential land use activities of a compatible and harmonious character, in sectors of the Borough that are in transition.

(Ord. 778, 5/8/2012, §1)

§27-1002. Permitted Uses.

1. Principal uses.

- A. Financial institutions.
- B. Offices—business, medical or government.
- C. Services (as defined).
 - (1) Business services.
 - (2) Health services, including spas.
 - (3) Personal services.
 - (4) Professional services.
 - (5) Social services.
 - (6) Transportation services.
- D. Multiple family dwellings, regardless of form of ownership.
- E. Forestry.

2. Accessory uses.

- A. Uses and buildings customarily incidental and appurtenant to principal permitted uses (see §27-1421).
- B. Home-based business (see §27-1418).
- C. Home occupations (see §27-1514).

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(Ord. 778, 5/8/2012, §1)

§27-1003. Conditional Uses.

The following conditional uses may be authorized pursuant to the standards and criteria set forth in Part 15:

- A. Group residential facility (see §27-1512).
- B. Bed and breakfast (see §27-1506).
- C. Conversion apartment (see §27-1518).

(Ord. 778, 5/8/2012, §1)

§27-1004. Uses by Special Exception.

- 1. Churches (see §27-1517).
- 2. Cultural and recreation services (see §27-1519).

(Ord. 778, 5/8/2012, §1)

§27-1005. Dimensional Standards.

- 1. Minimum lot area.
 - A. Permitted and conditional uses—4,000 square feet.
 - (1) Conversion apartments—6,000 square feet.
 - (2) Multiple family dwelling—minimum 6,000 square feet or 1,500 square feet per unit, whichever is larger.
 - B. Uses by special exception.
 - (1) Churches—16,000 square feet.
- 2. Minimum lot width.
 - A. Permitted and conditional uses—40 feet, except as otherwise specified.
 - (1) Conversion apartments—60 feet.
 - B. Uses by special exception—80 feet.

3. Lot coverage—not to exceed 65% of the lot area including principal and accessory structures.
4. Yards.
 - A. Minimum front yard—15 feet (all permitted and conditional uses).
 - (1) Uses by special exception—20 feet.
 - B. Minimum side yard—5 feet (all permitted and conditional uses).
 - (1) Uses by special exception.
 - (a) Churches—20 feet.
 - C. Minimum rear yard—20 feet (all permitted, conditional and special exception uses).
 - D. Accessory structures—5 feet to closest side and rear property lines or as specified in subsection .7.
5. Maximum building height—35 feet (all permitted, conditional and special exception uses).
6. Maximum height of an accessory structure shall be 16 feet. The second floor of an accessory structure shall not exceed 50% of the area of the exterior footprint of the accessory structure.
7. The footprint area of an accessory structure is not to exceed 15% of the lot area. The total aggregate side yard dimensions from an accessory structure are 10 feet with a minimum 2-foot side yard distance on one side or a minimum 5 feet from an adjoining building. The area of the exterior footprint of an accessory structure cannot exceed 80% the area of the exterior footprint of the principle structure.

(Ord. 778, 5/8/2012, §1)

§27-1006. Parking and Sign Requirements.

Parking and signage design and construction shall comply with standards specified in Part 16 of this Chapter.

(Ord. 778, 5/8/2012, §1)

Part 11

GCE Gateway Commercial East District

§27-1101. Purpose.

The GCE Gateway Commercial East District is established to provide for a mix of uses in perimeter neighborhoods and to promote the existing architectural character of the district.

(Ord. 778, 5/8/2012, §1)

§27-1102. Permitted Uses.

1. Principal uses.
 - A. Offices–business, medical or government.
 - B. Mixed-use buildings with permitted principal uses on the upper floors and services businesses listed herein on the first floor.
 - C. Services (as defined).
 - (1) Business services.
 - (2) Health services, including spas.
 - (3) Personal services.
 - (4) Professional services.
 - (5) Social services transportation services.
 - D. Museums and art galleries.
 - E. Conversion apartments.
 - F. Forestry.
 - G. Multiple family dwellings, regardless of form of ownership.
2. Accessory uses.
 - A. Uses and buildings customarily incidental and appurtenant to principal permitted uses (see §27-1421).
 - B. Home-based business (see §27-1418).

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- C. Home occupations (see §27-1514).

(Ord. 778, 5/8/2012, §1)

§27-1103. Conditional Uses.

The following conditional uses may be authorized pursuant to the standards and criteria set forth in Part 15:

- A. Group residential facility (see §27-1512).
- B. Bed and breakfast (see §27-1506).

(Ord. 778, 5/8/2012, §1)

§27-1104. Uses by Special Exception.

There are no uses by special exception in the GCE Gateway Commercial East District.

(Ord. 778, 5/8/2012, §1)

§27-1105. Dimensional Standards.

1. Minimum lot area.
 - A. Permitted and conditional uses—7,500 square feet.
2. Minimum lot width.
 - A. Permitted uses—50 feet.
 - B. Conditional uses—60 feet.
3. Lot coverage—not to exceed 65% of the lot area including principal and accessory structures.
4. Yards.
 - A. Minimum front yard—25 feet for permitted and conditional uses.
 - B. Minimum side yard—5 feet for permitted and conditional uses.
 - C. Minimum rear yard—30 feet (all principal uses).
 - D. Accessory structures—5 feet to closest side and rear property lines except as otherwise specified in subsection .7.

5. Maximum building height—35 feet (all principal uses).
6. Maximum height of an accessory structure shall be 16 feet. The second floor of an accessory structure shall not exceed 50% of the area of the exterior footprint of the accessory structure.
7. The footprint area of an accessory structure is not to exceed 15% of the lot area. The total aggregate side yard dimensions from an accessory structure are 10 feet will minimum 2-foot side yard distance on one side or a minimum 5 feet from an adjoining building. The area of the exterior footprint of an accessory structure cannot exceed 80% the area of the exterior footprint of the principle structure.

(Ord. 778, 5/8/2012, §1)

§27-1106. Parking and Sign Requirements.

Parking and signage design and construction shall comply with standards specified in Part 16 of this Chapter.

(Ord. 778, 5/8/2012, §1)

Part 12

HO Historic Overlay District

§27-1201. Purpose.

The HO Historic Overlay District is established to preserve and protect historic areas and structures within the Borough that have a distinctive appearance and which are an integral part of the rich architectural and historic heritage of the Borough. The Historic Overlay District shall be administered in conjunction with the variety of permitted, conditional and uses by special exception in the underlying zoning districts, as well as dimensional standards.

(Ord. 778, 5/8/2012, §1)

§27-1202. Location.

Recorded parcels located within the Historic Overlay District are identified on the Zoning and Overlay Districts Map attached hereto and referenced as a part of this Chapter.

(Ord. 778, 5/8/2012, §1)

§27-1203. Applicability.

Any construction, alteration, addition, expansion or demolition of any structure situated within the Historic Overlay District shall be subject to the procedures and requirements enumerated in Borough Ord. 773 of 2011 [Chapter 11, Part 1], as amended, as well as the standards and criteria of this Part. In addition, properties situated within the HO Historic Overlay District shall be subject to the provisions of Borough Ord. 737 [Chapter 4, Part 1] and Ord. 661 [Chapter 1, Part 6] in reference to the Historic Review Commission, and to regulations in effect at the time of the proposed construction, alteration, addition, expansion or demolition.

(Ord. 778, 5/8/2012, §1)

§27-1204. Permitted and Accessory Uses, Conditional Uses and Uses by Special Exception.

1. Permitted principal and accessory uses as listed in each of the underlying districts.
2. Conditional uses as listed in each of the underlying districts.
3. Uses by special exception as listed in each of the underlying districts.

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4. Bulk and dimensional requirements. Minimum and maximum dimensional standards as listed in each of the underlying district shall be applicable.

(Ord. 778, 5/8/2012, §1)

§27-1205. Parking and Sign Requirements.

Parking and signage design and construction shall comply with standards specified in Part 16 of this Chapter, as well as related standards in effect at the time of the proposed construction.

(Ord. 778, 5/8/2012, §1)

Part 13

FP Floodplain District

§27-1301. Purpose.

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditures of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- B. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
- C. Requiring all those uses, activities, and development that do occur in areas of special flood hazard to be protected and/or floodproofed against flooding and flood damage.
- D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

(Ord. 778, 5/8/2012, §1)

§27-1302. Applicability.

These provisions shall apply to all land within the jurisdiction of Beaver Borough located within the boundaries of the Floodway District, Flood Fringe District and General Floodplain District. This statement of applicability supplements and does not replace the application of the underlying district regulations.

(Ord. 778, 5/8/2012, §1)

§27-1303. Interpretation of District Boundaries.

Where interpretation is needed concerning the exact location of any boundary of the Floodway District, Flood Fringe District or General Floodplain District, the Zoning Hearing Board shall make the necessary determination in accordance with §27-108 of this Chapter. The person questioning or contesting the location of a district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

(Ord. 778, 5/8/2012, §1)

§27-1304. Compliance.

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Chapter.

(Ord. 778, 5/8/2012, §1)

§27-1305. Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the Floodplain Districts, or that land uses permitted within such districts, will be free from flooding or flood damage.
2. This Chapter shall not create liability on the part of Beaver Borough or any office or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(Ord. 778, 5/8/2012, §1)

§27-1306. Designation of Floodplain Districts.

1. The Floodway District is delineated for purposes of this Chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the 100-year flood more than 1 foot at any point. The areas included in this district are defined in the floodway data table contained in the Flood Insurance Study as prepared by the Federal Emergency Management Agency and shown on the accompanying Flood Insurance Rate Map. Where no floodway has been identified in the Flood Insurance Study, such information in any other available Federal, State or other acceptable source should be used.
2. The Flood Fringe District shall be that area of the 100-year floodplain not included in the Floodway District. The basis for the outermost boundary of this area shall be the 100-year flood elevations contained in the flood profiles provided in the Flood Insurance Study. Where elevation information is not provided in said study, such information provided in any other available Federal, State or other acceptable source should be used.
3. The General Floodplain District shall be that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by the Federal

Emergency Management Agency. For these areas, elevation and floodway information from other Federal, State or other acceptable source shall be used when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

(Ord. 778, 5/8/2012, §1)

§27-1307. Floodplain District Regulations.

1. All uses, activities, and development occurring within the Floodway District, Flood Fringe District and General Floodplain District shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes and ordinances of the Borough.
2. The Floodway District, Flood Fringe District and General Floodplain District shall serve as overlays to the existing underlying zoning district as shown on the Official Zoning Map, and as such the provisions for these districts shall serve as a supplement to the underlying zoning district regulations. Where any conflict exists between the provisions of these districts and those for any underlying zoning district, the more restrictive provisions shall apply.
3. Prior to the alteration or relocation of any watercourse within the Borough, a permit shall be obtained from the Bureau of Dam Safety, Obstructions and Stormwater Management. Notification by registered letter of the proposed alteration or relocation shall be given by the developer to all adjacent affected municipalities. Copies of such notification shall be forwarded to the Federal Insurance Administration, U.S. Department of Housing and Urban Development, the Pennsylvania Department of Community and Economic Development and the Borough Zoning Officer.
4. Under no circumstances shall any use, activity or development adversely affect the capacity of the channels of floodways of any watercourse, drainage ditch, or any other facility or system.
 - A. Floodway District (FW). In the Floodway District, no new development shall be permitted, including fences, with the exception of two-wire fences) except where the effect of such development on flood heights is fully offset by accompanying stream improvements.
 - (1) Permitted uses. In the Floodway District the following uses and activities are permitted provided that they are in compliance with this Chapter and the provisions of the underlying zoning district and are not prohibited by this Chapter or any other ordinance and provided that they do not require structures, fill or storage of materials and equipment:
 - (a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

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- (b) Public and private recreational uses and activities such as parks, day camps, picnic grounds, boat-launching and swimming areas, hiking, and horseback riding trail, wildlife and nature preserves, game farms, fish hatcheries and fishing areas.
 - (c) Residential yard areas, gardens, play areas and pervious parking areas.
 - (d) Industrial and commercial yard areas, gardens, play areas, and pervious parking and loading areas.
- (2) Uses permitted by special exception. The following uses and activities may be permitted by special exception provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinances:
- (a) Structures accessory to the uses and activities herein.
 - (b) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
 - (c) Water-related uses and activities such as marinas, docks, wharves and piers.
 - (d) Extraction of sand, gravel and other materials.
 - (e) Temporary uses such as circuses, carnivals and similar activities.
 - (f) Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, and provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
 - (g) Other similar uses and activities.
 - (h) All uses, activities and structural developments, shall be undertaken in strict compliance with the floodproofing provisions contained in this Chapter and in all other applicable Borough codes and ordinances.
- B. Flood Fringe District (FF). In the Flood Fringe District, the development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district provided that all such uses, activities and/or development shall be undertaken in strict compliance in this Chapter and all other applicable Borough codes and ordinances.

The Flood Insurance Study for Beaver Borough does not provide regulatory flood elevation for the General Floodplain District. A specific regulatory flood elevation shall be determined by using the elevation at the point on the General Floodplain District boundary which is nearest to the site in question. In the absence of such elevation Borough Council may authorize the Borough Engineer to relate a known and recorded Street Benchmark to the General Floodplain District Boundary and establish same as the regulatory flood elevations. Other sources of data which may be used include the following:

- (1) U.S. Corps of Engineers–Floodplain Information Reports.
- (2) U.S. Geological Survey–Floodprone Quadrangles.
- (3) Soil Conservation Service, U.S. Department of Agriculture–County Soil Surveys (alluvial soils).

(Ord. 778, 5/8/2012, §1)

§27-1308. Elevation, Floodproofing and Construction Standards Applicable Within Floodplain Districts.

1. Residential structures. Within any Floodplain District, the lowest floor, including basement, of all residential structures shall be constructed at or above the 100-year flood elevation.
2. Nonresidential structures.
 - A. Within any Floodplain District, the lowest floor, including basement, of all nonresidential structures shall be constructed at or above the 100-year flood elevation or such structures shall be designed and constructed so that the space enclosed shall remain either completely or essentially dry during any flood up to that height.
 - B. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least 1½ feet above the 100-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled “Floodproofing Regulations” published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a Registered Professional Engineer or Architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
3. Drainage facilities. Adequate storm drainage shall be provided for development within any Floodplain District. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure drainage at all points along streets, and provide positive drainage away from

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buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

4. Sanitary sewer facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment.
5. Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system, and be located and constructed to minimize or eliminate flood damages.
6. Utilities. All utilities such as gas lines, electrical and telephone systems being placed in floodprone areas shall be located and constructed to minimize the chance of impairment during a flood.
7. Anchoring. Within any Floodplain District all buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
8. Special provisions for mobile homes (see also §27-1406).
 - A. Mobile homes are not permitted in any Floodway District.
 - B. When permitted in any other Floodplain District, all mobile homes, and any additions thereto, shall be:
 - (1) Placed upon a permanent foundation.
 - (2) Elevated so that the lowest floor of the manufactured home is 1½ feet or more above the elevation of the 100-year flood.
 - (3) Anchored to resist flotation, collapse, or lateral movement.
9. Subfloor space. Within any identified Floodplain District, fully enclosed spaces below the lowest floor of any new or substantially improved structure shall be prohibited.

(Ord. 778, 5/8/2012, §1)

§27-1309. Criteria for Review of Applications for Uses by Special Exception.

In reviewing applications for uses by special exception within the Floodway District, Flood Fringe District and General Floodplain District, the Zoning Hearing Board shall consider all relevant provisions of this Chapter and the following:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on individuals.
- E. The importance of the services provided by the proposed use to the community.
- F. The requirements of the use for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the Borough Comprehensive Plan and floodplain management program.
- J. The safety of access to the property in times of flood of ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of this Chapter including potential increases in flood elevations.

(Ord. 778, 5/8/2012, §1)

§27-1310. Criteria for Review of Applications for Variances.

In reviewing application for variances within the Floodway District, Flood Fringe District and General Floodplain District, the Zoning Hearing Board shall consider all relevant provisions of this Chapter and the following:

- A. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.
- B. Variances shall not be given in the Floodway District that result in any increases in flood levels during the 100-year flood.

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- C. Variances shall only be given where the applicant shows that granting of a variance will not result in increased flood height, additional threats to public safety, or extraordinary public expense, nor cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- D. If any variance is given, written notification shall be given to the applicant indicating that:
 - (1) Increased insurance will result, possibly going as high as \$25 per \$100 worth of coverage.
 - (2) Construction occurring below the 100-year flood level increases risk to life and property.
- E. Records of all variance actions including their justification shall be maintained by the community as well as reported in its annual report to FIA.

(Ord. 778, 5/8/2012, §1)

§27-1311. Nonconforming Uses.

- 1. Nonconforming uses located within the Floodway District shall not be expanded or enlarged unless the effect of the expansion or enlargement on flood elevations is offset by accompanying stream improvements.
- 2. Any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use located within the Floodway District, Flood Fringe District or General Floodplain District to an extent of less than 50% of its market value shall be elevated and/or floodproofed to the greatest extent possible.
- 3. Any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use located within the Floodway District, Flood Fringe District, or General Floodplain District to an extent of 50% or more of its market value shall be in compliance with the provisions of this Chapter and other applicable codes and ordinances; and in accord with the elevating and/or floodproofing provisions of §27-1308 to the greatest extent possible.

(Ord. 778, 5/8/2012, §1)

§27-1312. Zoning District Delineations.

- 1. The delineation of municipal zoning district boundaries is recorded graphically on the "Zoning Map of Beaver Borough," which is legally incorporated as part of this Chapter. The original copy of said Zoning Map is on file in the office of the Borough Manager.

2. The Flood Fringe District and the General Floodplain Conservation District are identified on the Flood Boundary and Floodway Map which is a part of the Flood Insurance Study for Beaver Borough. Said map is considered a part of this Chapter by reference and is on file in the office of the Borough Manager.

(Ord. 778, 5/8/2012, §1)

§27-1313. Administration.

1. Permit required. A building/zoning permit shall be required for all construction and development in any Floodplain District. In addition to the application requirements of §27-1901 of this Chapter, the following additional information shall be included in an application for construction or development in any Floodplain District:
 - A. A site plan which details the existing and proposed contours and/or elevation of the ground.
 - B. The 100-year flood elevation, and the elevation of the lowest floor of any proposed structures.
 - C. If a proposed nonresidential structure is to be flood-proofed, certification from a registered professional engineer or architect that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.
 - D. If the proposed development is to be located within the Floodway District, a certification from a registered professional engineer that the development will not cause any increase in the 100-year flood levels within the community, or that any such increase will be fully offset by accompanying watercourse improvements.
2. Other permit issuance requirements. Prior to the issuance of any permit, the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, the Pennsylvania Water Obstructions Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, §404, 33 U.S.C. §1334. No permit shall be issued until this determination has been made.

(Ord. 778, 5/8/2012, §1)

Part 14

Supplemental Regulations

§27-1401. Nonconformities.

1. General.
 - A. Within the districts established by this Chapter, or amendments that may later be adopted, there exist:
 - (1) Lots.
 - (2) Structures.
 - (3) Uses of land and structures.
 - (4) Characteristics of use which were lawful before this Chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Chapter or future amendment.
 - B. It is the intent of this Chapter that any lawful use of a structure or land existing at the effective date of this Chapter may be continued although such use does not conform to the provisions of this Chapter. Such uses may be sold or otherwise transferred to other owners and continued as nonconforming uses.
2. No extension or expansion, change or restoration of a nonconforming use and structure in combination shall be permitted except as provided for in §27-1707.

(Ord. 778, 5/8/2012, §1)

§27-1402. Fences or Hedges.

Fences or walls and hedges or shrubbery shall conform to the following conditions:

- A. No fence, wall or other similar structure and no hedge, shrubbery or other similar vegetation shall exceed a height of 6 feet.
- B. On any lot, no fence, wall or other structure and no hedge, shrub or other vegetation shall obstruct or interfere with the visibility of vehicular traffic on the abutting streets or alleys, or with the visibility of vehicular traffic from a driveway on the owner's lot or any adjacent lot.
- C. To prevent the creation of a traffic hazard by impairing the view at a street intersection, a clear sight triangle shall be maintained. Such triangle shall consist of the centerlines of the intersecting streets or alleys and a line joining points on such centerlines 75 feet in each direction from their point of

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intersection. Within this triangular area, no fence, wall or other structure and no hedge, shrub or other vegetation shall exceed a height of 3½ feet above the surface of the intersection.

- D. No fence other than an ornamental fence, as defined, less than 30 inches in height, shall be erected in a required front yard.

(Ord. 778, 5/8/2012, §1)

§27-1403. Temporary Structures.

Temporary structures for office or for storage trailers, or dumpsters used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures or trailers shall be issued for a 6-month period and may be renewed upon reapplication to the Zoning Officer. Temporary occupancy of cellars or other foundation structures as dwellings before completion of the total structure shall not be permitted.

(Ord. 778, 5/8/2012, §1)

§27-1404. Essential Services.

Essential services, as defined in this Chapter, shall be permitted in all districts, subject to the restrictions approved by the Borough Council with respect to use, design, yard area, setback and height, and screen planting.

(Ord. 778, 5/8/2012, §1)

§27-1405. Storage.

1. No lot or premises shall be used as a garbage dump, junk yard or for other junk storage. No manure, rubbish or miscellaneous refuse may be stored in the open in any district where the same may be construed as a menace to the public health and safety.
2. No unregistered vehicle, trailer, mobile home, camping trailer, boat or boat trailer or other similar portable or mobile vehicles or equipment shall be stored in any district except when completely confined in a building, or a partially enclosed carport. No such storage shall be permitted within required yard setback areas.

(Ord. 778, 5/8/2012, §1)

§27-1406. Occupancy of Mobile Homes.

1. No mobile home, camping trailer or similar vehicle and/or recreation vehicle shall be occupied for residential purposes in any district except as provided for in Part 13, nor shall such mobile or portable vehicles or equipment be occupied for residential purposes after being placed on a permanent foundation.
2. The Borough Council and the Borough Planning Commission hereby make the following finding: that the Borough is substantially built-out, (94.6% was economically used in 1971 according to the Borough Comprehensive Plan, reconfirmed in the Borough's year 2001 Comprehensive Plan Update, and the same source indicates that 85% of the housing units were built prior to 1939), and the established architectural concept is to be perpetuated. In keeping with this finding, it is further found that mobile homes are architecturally incompatible and in stark conflict with the architectural themes of homes in Beaver Borough. Therefore, it is determined that the best interests of the Borough and the citizenry are served by not permitting mobile homes in the Borough except as provided for in Part 13.

(Ord. 778, 5/8/2012, §1)

§27-1407. Height Exceptions.

The height limitations of this Chapter shall not apply to flag poles, church spires, belfries, domes, chimneys, ventilation equipment, sky lights, water tanks, public utility facilities, bulkheads, antenna and other necessary mechanical and operational apparatus usually carried above the roof level, or similar projections not used for human habitation.

(Ord. 778, 5/8/2012, §1)

§27-1408. Height Measurement.

Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:

- A. In case of flat roof structures—highest point of coping.
- B. In case of mansard roof structures—deck line of roof.
- C. In case of gable or hipped roof—average height of roof.

(Ord. 778, 5/8/2012, §1)

§27-1409. Reduction of Lot.

No lot shall be reduced so that the yard area, lot width, building area or other requirements of this Chapter are violated.

(Ord. 778, 5/8/2012, §1)

§27-1410. Dwellings on Small Lots.

Notwithstanding the limitations imposed by any other provisions of this Chapter, the Zoning Hearing Board may permit erection of a single-family dwelling on any lot (in a district where permitted by this Chapter) separately owned, or under contract of sale, and containing at the time of the passage of this Chapter an area or width smaller than that required for a single-family dwelling.

(Ord. 778, 5/8/2012, §1)

§27-1411. Swimming Pools.

All swimming pools and impoundments of water 18 inches deep with a surface area of 72 square feet shall be properly fenced so as not to become a hazard to any person. All in-ground or above-ground pools shall be designed and constructed as per the applicable provisions of the Pennsylvania Uniform Construction Code [Chapter 4, Part 6]. The purpose of a protective structure (fence, wall, etc.) is to minimize accidents, and bodily injury to citizens, therefore fences or walls shall be at least 4 feet in height measured from the ground line at a point at the side of the wall or fence that is outside of the enclosure area of the pool. When approved by the Zoning Officer, a fence may be securely installed on top of a concrete, stone or brick wall and the total height of the wall and fence together shall not be less than 4½ feet (54 inches). No opening in the fence, wall or combination thereof shall be larger than 2 inches by 2 inches and all gates shall have self-catching latches.

(Ord. 778, 5/8/2012, §1)

§27-1412. Projections into Yard Areas.

1. All structures attached to the principal structure, whether open or closed, including porches, carports and attached garages above grade level, shall not project into any minimum front, side or rear yard.
2. Cornices, eaves and glitters, steps or stoops, balconies and bay windows may project into yard areas provided that the projection does not exceed 18 inches.
3. Detached accessory buildings and detached carports shall be subject to all yard regulations and must be located in the rear yard of the principal building at least 2 feet from any side and/or rear property lines. They shall not exceed 16 feet in height.
4. Existing porches that encroach into required yard areas may be enclosed and/or roofed provided that the enclosure and/or roof is within the vertical projection of the original porch foundation.

(Ord. 778, 5/8/2012, §1)

§27-1413. Schools.

Any school or public building and/or public property abandoned, sold, donated or otherwise transferred from school ownership and jurisdiction, shall thereafter be subject to all the regulations of the zoning district in which such is located.

(Ord. 778, 5/8/2012, §1)

§27-1414. Annexed Areas.

For zoning purposes, all areas annexed to the Borough after the official adoption of this Chapter shall be classified as R-1 Low Density Residential District until such time as is required to fully evaluate annexed areas and to amend classifications as deemed necessary.

(Ord. 778, 5/8/2012, §1)

§27-1415. Yard Sales.

In addition to other applicable Borough regulations, yard sales are subject to the following restrictions:

- A. The seller must be a bona fide resident of the premises at which the event is held or, if more than one seller is involved one must be a resident of the premises and all must be residents of Beaver Borough.
- B. The merchandise offered shall consist only of items of clothing or household goods belong to the seller(s).
- C. The merchandise offered shall not consist of goods purchased by the seller(s) for the purpose of resale.
- D. A yard sale shall not continue at a particular site for more than 2 consecutive days.
- E. No more than two yard sales may be conducted at one site in a calendar year.
- F. A permit issued by the Borough is required for each yard sale. The permit shall be issued promptly upon the filing of a completed application with the Borough.
- G. A maximum of three signs advertising or giving directions to the yard sale may be posted within the Borough. These signs are subject to all of the terms of §27-1602 of this Chapter.

(Ord. 778, 5/8/2012, §1)

§27-1416. Front of Building (Building Orientation).

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1. The front of every building intended or used for human occupancy (including, but not limited to, commercial, personal service, professional service and any and all governmental uses) shall face a public street.
2. To avoid an inharmonious or undesirable orientation of building fronts, the front of each main building shall face the same public street as the fronts of adjacent main buildings. On a corner lot, the front of the main building shall be oriented so as to be most compatible with adjacent buildings and uses.
3. For the purpose of this Part, the front of the building shall be considered that wall which faces the greatest street right-of-way width and which carries the highest volume of traffic in a 24-hour period.

(Ord. 778, 5/8/2012, §1)

§27-1417. Forestry.

1. Prior to commencing any logging or forest extraction activity, a site plan locating significant specimens or stands of timber, access drives to the lot or parcel, stream channels crossing said lot or parcel and the location of temporary structures, shall be submitted to the Planning Commission, or where applicable, to the Shade Tree Commission. The removal of three or fewer specimens shall be exempt from the requirements of this Section.
2. A public hearing shall be scheduled to consider the impacts of said activity on existing residentially zoned property in close proximity to the subject property.
3. A schedule of timber removal and a restabilization plan shall be submitted prior to the date of the scheduled public hearing and made available for review by Borough residents and officials.
4. All current State and Federal regulations controlling forest extraction and related activities shall be adhered to.

(Ord. 778, 5/8/2012, §1)

§27-1418. Home-Based Business (No Impact).

The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. No employees other than family members who reside in the dwelling may work from the dwelling.

- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
- E. 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.
- F. 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.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

(Ord. 778, 5/8/2012, §1)

§27-1419. Screening and Landscaping.

- 1. Bufferyards described.
 - A. No structure or uses shall be permitted in the bufferyard, other than active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the bufferyard and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required bufferyard include, but are not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices.
 - B. Openings for driveways shall be permitted to cross a required bufferyard. Plantings in the bufferyard shall be located so as to not obstruct vision for traffic entering and leaving the site and shall be subject to the clear sight triangle requirements of this Chapter.
 - C. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required bufferyard to screen the buildings, activities and parking areas from adjoining residential properties, the Borough Council, upon recommendation by the Planning Commission may determine that existing topography and/or vegetation constitutes all or part of the required bufferyard. If such a determination is made and the size of the bufferyard warrants it, the applicant may be required to record a conservation easement of the depth specified by the Borough

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Council to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved bufferyard.

- D. None of the plantings in the required bufferyard shall encroach across any property line. All plantings shall be located a minimum of 2½ feet from the property line which constitutes the exterior boundary of the bufferyard.
 - E. In the event that a public street right-of-way, dedicated and accepted by the Borough or any dedicated right-of-way recorded in a plan of subdivision, whether or not accepted by the Borough, separates the two dissimilar uses specified, the bufferyard shall not be required (except as otherwise specified), provided the width of the right-of-way equals or exceeds the width of the required bufferyard and one row of low level plantings or a landscaped earthen mound is provided on the property to screen headlights from view as described in this Section.
 - F. Bufferyard “A” shall contain two rows of plantings. Each row shall consist of a mixture of deciduous and evergreen trees which are a minimum of 60% evergreen, spaced within the row 10 feet apart, measured from the vertical centerlines of adjacent trees. The two rows shall be staggered which shall result in adjacent trees on two different rows being no more than 5 feet apart, measured from the vertical centerline of the trees. The depth of Bufferyard “A” shall be a minimum of 20 feet as measured from the property line.
 - G. Bufferyard “B” shall contain one row of plantings consisting of a mixture of deciduous and evergreen trees which are a minimum of 60% evergreen spaced within the row 10 feet apart, measured from the vertical centerline of the trees. The depth of Bufferyard “B” shall be a minimum of 15 feet as measured from the property line.
 - H. Bufferyard “C” shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature which are a minimum of 6 feet in height at the time of planting (7 feet at maturity). The depth of Bufferyard “C” shall be a minimum of 10 feet as measured from the property line. Bufferyard “C” shall be used in conjunction with all required service area screening.
 - I. Where 20 or more parking spaces face the required bufferyard, in addition to the required trees, the required plantings and/or earthen mounding specified in this Section, shall be provided.
2. Bufferyards required.
- A. Bufferyard “A” shall be required.
 - (1) Along all property lines where any development or redevelopment in the RC-1 and RC-2 Districts adjoins developed property in a residential district.

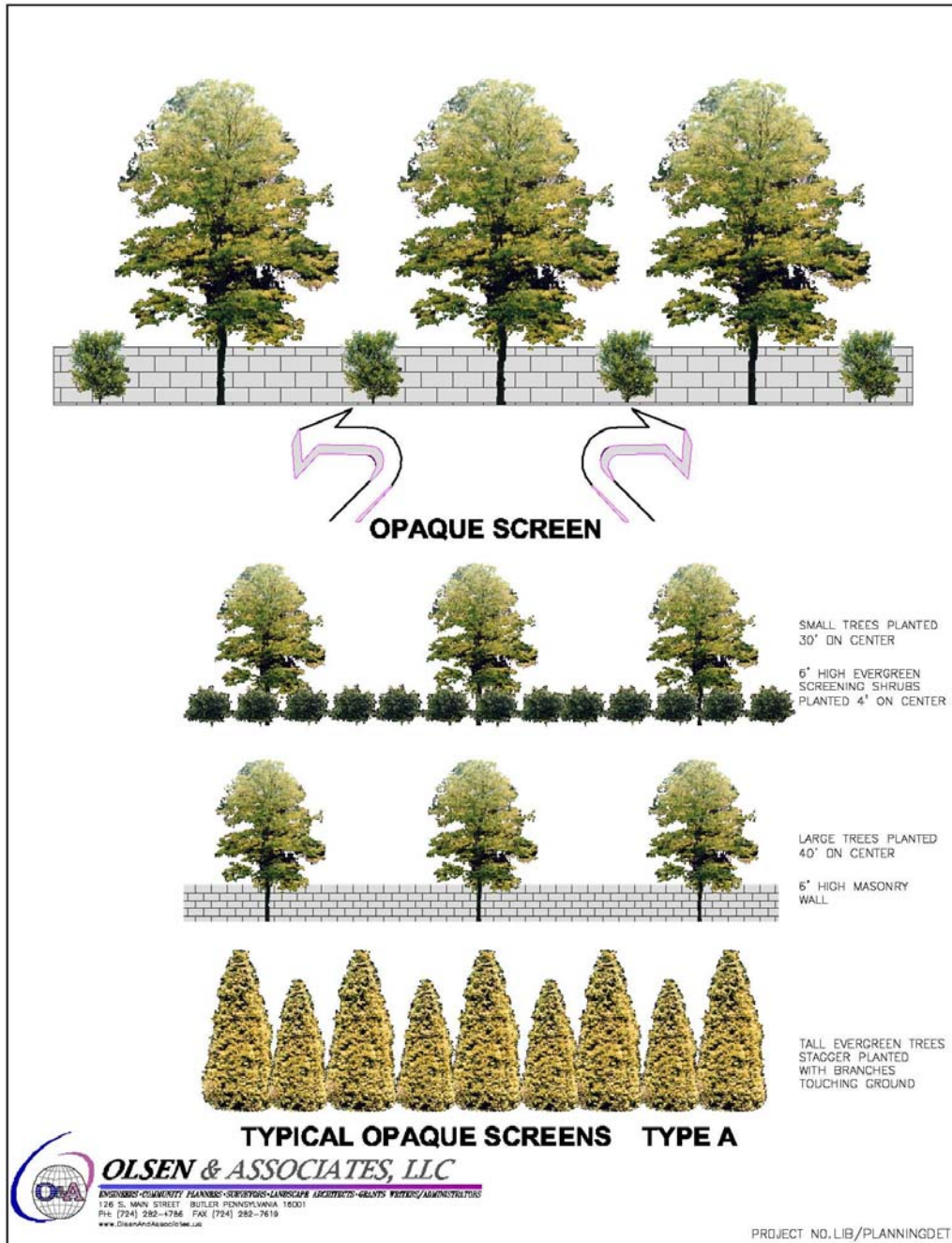
- (2) Where the express standards and criteria for a conditional use or use by special exception in Part 15 of this Chapter specify that Bufferyard “A” is required.
- (3) Along all property lines where a retirement community, planned residential development or any other residential development which contains townhouses or garden apartments adjoins property in any commercial district.
- (4) Along all property lines where development or redevelopment in any commercial district adjoins property in any residential district.

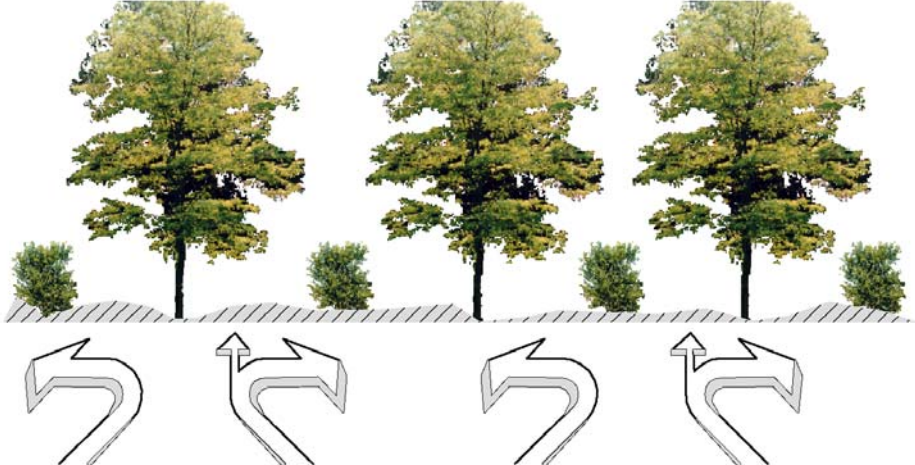
B. Bufferyard “B” shall be required.

- (1) Along all property lines where any development or redevelopment in a commercial (SC, GCW or GCE) district adjoins property in a residential district.
- (2) Where the express standards and criteria for a conditional use or use by special exception in Part 15 of this Chapter specify that Bufferyard “B” is required.

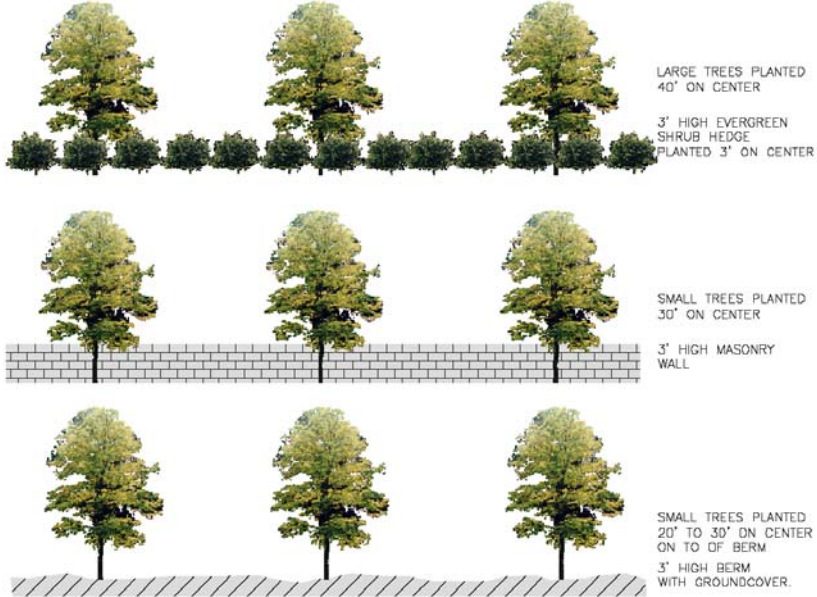
C. Bufferyard “C” shall be required.

- (1) Where the express standards and criteria for a conditional use or use by special exception in Part 15 of this Chapter specify that Bufferyard “C” is required.
- (2) In the event that the existing lot coverage by building and paving on a developed lot is such that providing the required Bufferyard “C” is not physically feasible, the Borough Council, upon recommendation of the Planning Commission, may authorize the use of a screening fence along the property line which is not less than 4 feet and no more than 6 feet in height in place of the required Bufferyard “C.” The screening fence shall not contain any gate, opening or other interruption, whether permanent or temporary.





SEMI-OPAQUE SCREEN



TYPICAL SEMI OPAQUE SCREENS TYPE B

LARGE TREES PLANTED
40' ON CENTER

3' HIGH EVERGREEN
SHRUB HEDGE
PLANTED 3' ON CENTER

SMALL TREES PLANTED
30' ON CENTER

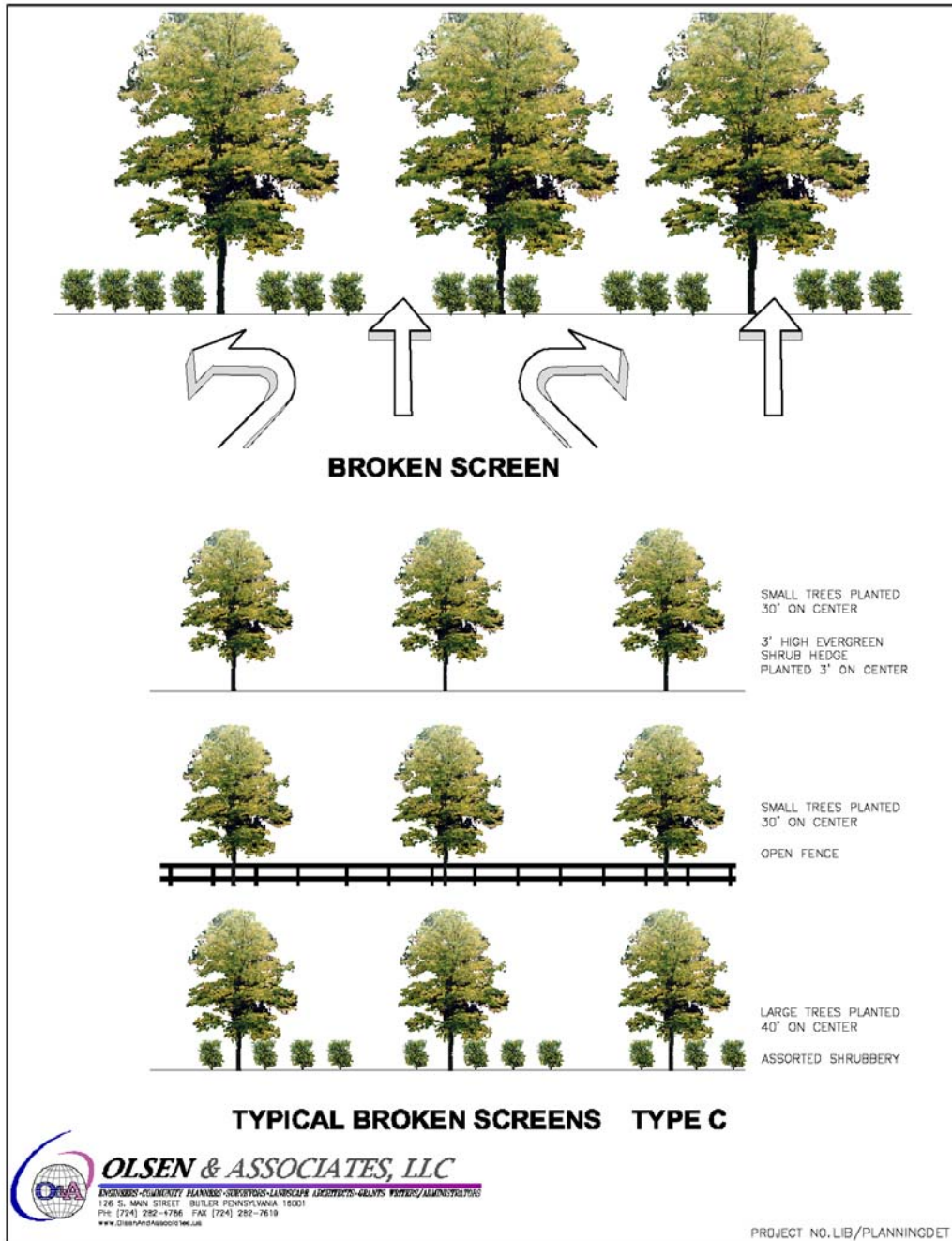
3' HIGH MASONRY
WALL

SMALL TREES PLANTED
20' TO 30' ON CENTER
ON TOP OF BERM

3' HIGH BERM
WITH GROUNDCOVER.

OLSEN & ASSOCIATES, LLC
ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS • SURVEYORS • ADMINISTRATORS
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PROJECT NO. LIB/PLANNINGDET



SCREENING REQUIREMENTS																										
		1				2	3				4							5			6		7			
1. Residential 2. Office, Business and Professional 3. Institutional, Social 4. Commercial 5. Manufacturing and Storage 6. Municipal and Public Utility Building and Services 7. Other Uses Developing Use Adjacent, Existing or Permitted		One- and Two-Family Residences.3	Multiple Family Residences	Group Care Facilities	Adult and Child Care Facilities	All Offices uses Including Medical and Banks	Schools (Pub and Priv) and Libraries	Churches and Associated Uses	Hospitals and Clinics	Fraternal Clubs, Lodges, Union Halls	Retail Sales and Personal Services	Auto Service, Repair and Sales	Equipment Rental Yard	Commercial Recreation and Parking Lots	Hotels and Motels	Funeral Home	Restaurants, Night Clubs and Theaters	Adult Entertainment	Uses Conducted Completely Indoors	Uses Conducted Substantially Outdoors	Scrap Materials, Salvage Yards	Completely Enclosed Within a Structure	Not Completely Enclosed Within a Structure	Veterinarian	Kennels	
1	One- and Two-Family Residences																									
	Multiple-Family Residences/Bed and Breakfast	A	C	B	B	A	A	B	A		B	A	A	B	B		A		C	A	A	C	A	A	A	
	Group Care Facilities	A	B	C	C	B	A	B	C	C	A	A	A	B	A		A		C	A	A	C	A	A	A	
	Adult and Child Care Facilities	B	C	A	C	A	B	C	A	C					B											
2	All Office Uses Including Medical and Banks	A	B	A	A		A	C	C	C																
3	Schools (Pub. and Priv.) and Libraries	B	B	A	C	A			A	C																
	Churches and Associated Uses	A	A	A	A				C																	
	Hospitals and Clinics	B	B	B	B	C	A				C															
	Fraternal Clubs, Lodges, Union Halls	A	A	A	A	B	A	A	A																	
4	Retail Sales and Personal Services	A	A	A	A	C	A	B	A																	
	Auto Service, Repair and Sales	A	A	A	A	A	A	A	A	A		A					B		A	A					C	C
	Equipment Rental Yard	A	A	A	A	A	A	A	A	A	A			B	A		A								C	C
	Commercial Recreation and Parking Lots	A	A	B	B		C		B																	
	Hotels and Motels	A	A	A	A	C	A		B																	
	Funeral Homes	B	B	B	C	C	B	C	C	C	B	C	C	B	B		B	A								
	Restaurants, Night Clubs and Theaters	A	A	A	A		B	C	A																	

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1. Residential 2. Office, Business and Professional 3. Institutional, Social 4. Commercial 5. Manufacturing and Storage 6. Municipal and Public Utility Building and Services 7. Other Uses Developing Use Adjacent, Existing or Permitted		1			2	3				4						5			6		7		
		One- and Two-Family Residences.3	Multiple Family Residences	Group Care Facilities	Adult- and Child Care Facilities	All Offices uses Including Medical and Banks Schools (Pub and Priv) and Libraries	Churches and Associated Uses	Hospitals and Clinics	Fraternal Clubs, Lodges, Union Halls	Retail Sales and Personal Services	Auto Service, Repair and Sales	Equipment Rental Yard	Commercial Recreation and Parking Lots	Hotels and Motels	Funeral Home	Restaurants, Night Clubs and Theaters	Adult Entertainment	Uses Conducted Completely Indoors	Uses Conducted Substantially Outdoors	Scrap Materials, Salvage Yards	Completely Enclosed Within a Structure	Not Completely Enclosed Within a Structure	Veterinarian
	Adult Entertainment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
5	Uses Conducted Completely Indoors	A	A	A	A	A	A	A	A	C	B				A		A						
	Uses Conducted Substantially Outdoors	A	A	A	A	A	A	A	A	A			C	A		A							
	Scrap Materials, Salvage Yards	A	A	A	A	A	A	A	A	A	A	A	A		A		A	A	A	A	A	A	A
6	Completely Enclosed Within a Structure	A	A	A	A	B	B				B			C		C							
	Not Completely Enclosed Within a Structure	A	A	A	A	A	A	B	A	B	A	C	C	B	A		A		C	C	C	C	C
7	Veterinarian Hospitals with Boarding	A	A	A	A	A	A	A	A	A	B			A		A							
	Kennels	A	A	A	A	A	A	A	A	A	A	B	A	A		A							

- D. Where 20 or more parking spaces face the bufferyard, in addition to the required trees, a row of low level evergreen shrubs or hedges shall be planted, or earthen 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 motor vehicles. These low level shrubs or hedges or mounds shall be installed so that a person facing a motor vehicle with the shrubs or hedges or mounds between him/her and the vehicle could observe the vehicle's low beam lights only as a result of the diffused or reflected light from the headlights and not because the direct beam from those lights was observable. The earthen mound shall be a minimum of 3 feet in height at its centerpoint with a minimum width at the base of 10 feet. Low level shrubs or hedges shall be a minimum of 3 feet at the time of planting.
3. Conflict between bufferyard and yard requirements. When the width of a required bufferyard is in conflict with the minimum yard requirements of Parts 4 through 12, the greater distance shall apply. The bufferyard planting requirement shall be adhered to regardless of what the yard requirement is.
 4. Existing structures in bufferyards. In instances where an existing structure is located within any required bufferyard, the bufferyard may be reduced, provided the bufferyard is not less than the minimum distance between the existing structure and the property line. This reduced bufferyard width shall apply only to the side of the structure which encroaches on the required bufferyard. When required by this Section, the full width of the bufferyard shall apply on all other sides of the existing structure.
 5. Existing trees in bufferyards. Where trees already exist within the required bufferyard, these trees shall remain undisturbed, except that diseased or dead material may be removed. Any existing tree within the required bufferyard shall count as a required tree if it is a minimum of 2 inches in diameter at a point 1 foot above the ground.
 6. Size of trees in required bufferyards. Any existing trees within the required bufferyard which are a minimum of 2 inches in diameter at a point 1 foot above the ground shall be preserved and shall count as a required tree within the bufferyard. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required bufferyard.
 7. All trees required to be planted within the bufferyard shall be a minimum of 2 inches in diameter at a point 1 foot above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.
 8. Responsibility for maintenance. It shall be the continuing responsibility of the landowner or lessee to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes. Failure to replace such landscaping shall be a violation of this Chapter and shall be subject to the enforcement provisions of Part 15 of this Chapter.

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9. Stormwater management facilities in buffer areas. When required by the Borough stormwater management regulations, stormwater management facilities and structures may be located within a bufferyard; however, the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements in the bufferyard.
9. Landscaping of open areas. All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses shall be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within 30 days after construction activities are completed, unless those activities are completed between November 1 through April 1 time period.
10. In such case, the required sodding or seeding must occur within 30 days of April 1.
11. Landscaping specifications. Landscaping shall be provided in accordance with the following specifications:
 - A. Planting required in bufferyards cannot be substituted for any required planting mandated in this Section.
 - B. Where bufferyards are required and in land developments where additional landscaping is required, a landscaping plan, with detailed drawings, shall be submitted with the application for approval of the land development and this landscaping plan shall contain and show the following information:
 - (1) All required bufferyards with proposed plantings (identifying each proposed tree, bush or shrub by type and size) drawn to scale and identifying the height and width of any proposed mounds.
 - (2) All required planting independent of any bufferyard requirements (identifying each tree, bush, shrub by type and size, the use of sod or seeding, etc.) drawn to scale.
 - (3) Any planting in excess of the requirements in this Section.
 - (4) Any existing trees or vegetation which are to be preserved, accurately identifying type, size and their relative location.
 - (5) Any existing trees or vegetation which will be removed, accurately identifying their type, size and relative location.
 - C. For nonresidential developments which have a building or buildings with a gross floor area of 10,000 square feet or more and/or which have parking areas containing more than 50 spaces, a landscaping plan shall be required which shows compliance with this Section, subject to approval by the Borough.
 - D. For residential land developments containing townhouses or garden apartments on lots which have a total area of 1 acre or more, at least one deciduous

tree shall be planted for each 10 multiple family dwelling units or portion thereof.

- E. All trees which are required to be planted as per the regulations of this Section shall be a minimum of 2 inches in diameter at a point 1 foot above the ground at the time of planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.
- F. Whenever an open parking area abuts a public street, a planting strip, at least 5 feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicles access, except at approved ingress and egress points.
- G. In all zoning districts, all areas not utilized for buildings, structures, screening, parking facilities, driveways or other paved areas shall be graded to conform to existing contours on adjacent properties and to contain stormwater runoff on the lot. These areas shall be seeded, sodded, or landscaped within 1 year following the completion of grading and/or construction activities. Continued maintenance of soil erosion and sedimentation control techniques as approved by the Borough Engineer or person authorized by Borough Council, shall be required until such planting can be accomplished.

(Ord. 778, 5/8/2012, §1)

§27-1420. Performance Standards.

- 1. Compliance. No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious, or cause offensive odor, smoke, dust, dirt, noise, vibration, glare, excessive traffic, attract vermin, rodents or harbor destructive insects, constitute a nuisance or be a detriment to the health, safety, moral or general welfare of the community or to any other person or property in the Borough. All uses in all districts shall be subject to the following standards of operation.
- 2. Environmental performance standards. The developer shall determine the presence of environmental or natural features on any site proposed for land development or redevelopment and shall meet the following standards for environmental protection. Site alterations, erosion and sedimentation control, regrading, filling, the clearing of vegetation or timbering and forestry activities without an appropriate and current permit prior to approval of the plans for development or redevelopment, shall be a violation of this Part.
 - A. Floodway delineation. One hundred year floodways shall be delineated as per the provisions of the current Borough ordinance. Within the floodway, the following uses and activities having a low flood damage potential and not obstructing flood flows shall be permitted, in addition to those uses listed, provided that they are in compliance with the provisions of the underlying

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district. Where an overlap occurs and are not prohibited by any other ordinance, and do not require structures, fill or storage of materials and equipment:

- (1) Agricultural uses.
 - (2) Public and private recreational uses and activities such as parks, picnic grounds, hiking and horseback riding trails, wildlife and nature preserves, hunting and fishing.
 - (3) Accessory residential uses such as yard areas, gardens and play areas.
- B. Floodplains. For the purpose of this Section, normally dry land area adjacent to stream channels, that is susceptible to being inundated by overbank stream flows. Development and redevelopment activities shall be regulated as per the provisions of Part 13, "FP Floodplain District."
- C. Steep slopes. In areas of steep slopes, i.e., those above 15%, the following standards shall apply, except as approved by the Borough Engineer or person authorized by Borough Council.
- (1) 16-24%. No more than 60% of such areas shall be developed and/or regraded or stripped of vegetation.
 - (2) 25% or more. Earth disturbance activities in these areas in preparation for development are restricted except as approved by the Borough Engineer or person authorized by Borough Council.
- D. Forest. No more than 50% of any forest as defined may be cleared or developed, unless trees are the primary crop being harvested.
- E. Ponds, watercourses or wetlands. No development, filling, piping or diverting shall be permitted except for required roads and utility line extensions, unless permitted by the appropriate State, county or regulatory agency.
- F. Stormwater drainage and management. All plans shall comply with the provisions of the Beaver Borough Subdivision and Land Development [Chapter 22], and all amendments thereto.
- G. Soil erosion and sedimentation. With any earth disturbance there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the Clean Streams Law, P.L. 1987, 35 P.S. §691.1 *et seq.*, 25 Pa.Code, Chapter 102, and the "Soil Erosion and Sedimentation Control Manual" of the Pennsylvania Department of Environmental Protection. In addition, a soil erosion and sediment control plan (ES & SC plan) shall be required as part of the application for any Borough permit where earth disturbance or excavation will occur. As a minimum where sediment can be transported away from the disturbed area, a silt fence or straw bale barrier shall be erected and maintained in working order until vegetation is fully

established as determined by the Pennsylvania Department of Environmental Protection, or erosion resistant ground cover has been installed. Additional sediment pollution control measures may be required where land development is more extensive than single-family construction.

3. Odor. Those standards for the control of odorous emissions established by the Pennsylvania Department of Environmental Protection (PADEP) shall be applied in all zoning districts. Where an odor is deemed offensive, a duly authorized Borough representative shall refer the matter to the Pennsylvania Department of Environmental Protection (PADEP) where it has jurisdiction relative to an established airshed.
4. Storage and waste disposal.
 - A. No highly flammable, explosive or toxic liquids, solids or gases shall be stored in bulk (over 500 gallons), above ground, except in an enclosed building and except new tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
 - B. All new permanent bulk outdoor storage facilities for fuel over 500 gallons, raw materials and products stored outdoors, 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 they 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, where applicable. A Pennsylvania Department of Environmental Protection approved plan for spill containment shall be submitted to the Borough for review by the Borough Engineer or person authorized by Borough Council, prior to the issuance of any required permit.
 - 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.
5. Air pollution. 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 the Commonwealth agency with jurisdiction, shall be permitted.
6. 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.

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7. Glare. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light or employ unshielded illumination sources beyond its lot lines or onto any public road. Spillover lighting from parking areas shall not exceed 2 foot-candles per square foot beyond the property line.
8. 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.
9. 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 manner or temperature as can contaminate any public or private water supply or otherwise cause the emission of dangerous, noxious or objectionable elements, or the accumulation of solid wastes conducive to the breeding of rodents or insects, is permitted.
10. 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.
11. Noise. No new use or change of use proposed in any district which by the nature of its use, operation or activity produces noise of objectionable character or volume as noted by a person at the property line of the parcel upon which the offending use is located, shall be permitted:
 - A. Residential uses.
 - (1) In excess of 60 dba for any period of time between the hours of 10 p.m. and 7 a.m.
 - (2) In excess of 80 dba for any period of time between the hours of 7:01 a.m. and 9:59 p.m.
 - (3) The use of hand-held maintenance equipment including, but not limited to, power mowers, or leaf blowers on a temporary basis, in residentially zoned districts shall be exempt from the standards in this Section.
 - B. Commercial uses. In excess of 90 dba for more than 2 hours during a 24-hour period, with the exception of hand-held maintenance equipment including, but not limited to, power mowers or pressure washers on a temporary basis.
12. Electrical disturbance or radioactivity. No activities which emit dangerous radioactivity or continuous cumulative low level radiation, 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.
13. Maintenance of yards, 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. All portions of the property shall be kept free of junk, debris, disabled or unregistered motor vehicles, unless confined in a building or partially enclosed carport, and dangerous, or noxious material.
 - B. All plantings, grass, shrubbery and trees shall be maintained in a healthy condition, and trimmed at appropriate intervals, as needed.
14. Vehicle and equipment maintenance.
- A. In commercially zoned areas, all vehicles and movable equipment repair done on the property shall be performed within an enclosed building, except that minor maintenance activities may be completed on the exterior of a lot where space has been provided for the temporary parking or storage of vehicles and movable equipment.
 - B. In residentially zoned areas, minor vehicle maintenance activities on vehicles owned by the occupant may be conducted in driveways, but in no case shall repairs be made on vehicles and movable equipment which would result in the storage of said vehicles or movable equipment on the exterior of the lot for more than 48 hours, unless said vehicles are stored in an enclosed building.
15. Bufferyards. Where screening or bufferyards are not specified but called for in this Chapter, they shall consist of a minimum 10-foot wide area with plantings of a mix of 50% evergreen and 50% deciduous trees, of a minimum 2 inches in diameter at a point 1 foot above the ground at the time of planting, planted in two staggered rows on 10-foot centers. All other bufferyards, where specified, shall be prepared and planted as per the provisions of §27-1419.

(Ord. 778, 5/8/2012, §1)

§27-1421. Accessory Uses.

General standards.

- A. No accessory structure accommodating a permitted accessory use shall exceed 16 feet in height at its highest point as measured from the finished floor elevation.
- B. No accessory structure shall be designed, constructed or used for human occupancy, regardless of the addition of culinary or toilet facilities or both.
- C. The second floor of an accessory structure shall not exceed 50% of the floor area of the first floor.
- D. Scale of accessory structures. No single accessory structure or combination of accessory structures on a lot in any zoning district shall exceed in lot coverage 50% of the area of the footprint for the permitted principal use, to a maximum of 600 square feet, but in no case shall the accessory use be accommodated in

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an accessory structure exceeding 900 square feet in gross floor area, with the exception of the following:

- (1) Inground or aboveground swimming pools.
 - (2) Unenclosed tennis or basketball courts.
- E. Accessory structures shall be situated a minimum of 5 feet from the principal structure at the closest point except as otherwise provided for.

(Ord. 778, 5/8/2012, §1)

§27-1422. Exterior Amenities.

The following criteria shall apply to all commercial uses in the RC-1 Retail Core District:

- A. Exterior merchandise display. An occupant of a building in an RC-1 District may display merchandise on the exterior of its business location subject to the following conditions:
 - (1) An application for such display has been submitted and approved as required herein.
 - (2) Merchandise may not be displayed on the exterior of a business location for more than 14 days during any calendar year.
- B. Merchandising shall not be conducted in an area greater than 36 inches from the facade of the subject business location. The application shall require a diagram evidencing the exact location of exterior merchandising, and shall demonstrate that this activity will not obstruct the normal flow of pedestrian traffic.
- C. Authorization for exterior merchandising shall be subject to any and all regulations and restrictions as may be imposed from time-to-time by Borough Council.
- D. Exterior merchandising is only permitted during the hours of operation of the subject business.
- E. Exterior table/chairs placement. "Food service" businesses located in the RC-1 District may place tables and chairs for the use of their patrons on the exterior of their business locations, subject to the following conditions:
 - (1) An application for such placement has been submitted and approved as required herein.
 - (2) All tables and chairs not immediately adjacent to the subject business' building must be removed every day at the time of business closing.

- (3) The application shall require a diagram evidencing the exact location of tables and chairs, and shall demonstrate that the placements will not obstruct the normal flow of pedestrian traffic.
- (4) Authorization for exterior table and chair placement shall be subject to any and all regulations and restrictions as may be imposed from time-to-time by Borough Council.
- (5) Authorization for same may be revoked if, in the sole opinion of Borough Council, the subject business is not maintaining reasonably clean conditions in the general areas surrounding an approved exterior seating area.

F. Awnings/canopies.

- (1) All awnings and canopies shall be constructed utilizing a canvas or canvas or canvas-like material. Wooden/hard surface overhanging structure shall be prohibited.
- (2) No awning, canopy or marquee shall be erected so that the lowest part is less than 7 feet above the sidewalk.
- (3) No awning, canopy, or overhanging structure shall be internally lit so as to show light through its outer material.
- (4) Any awning, canopy or overhanging structure that is not maintained in good condition, in the sole opinion of Borough Council, shall be removed. Any replacement of same must be brought into compliance with the then effective signage regulations.

(Ord. 778, 5/8/2012, §1)

Part 15

Conditional Uses and Uses by Special Exception

§27-1501. Purpose.

Any use which is permitted as a conditional use or a use by special exception in a district under the terms of this Chapter (other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the district), shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

(Ord. 778, 5/8/2012, §1)

§27-1502. Conditional Uses.

Where the Borough Council, in this Chapter, has stated conditional uses to be granted or denied by the Borough Council pursuant to express standards and criteria, and pursuant to recommendation by the Planning Commission, the Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

- A. Submission of application. The granting of a conditional use by the Borough Council shall be predicated upon the developer's submission of a written application demonstrating that the development or redevelopment for which the conditional use is sought:
 - (1) 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.
 - (2) Meets all other requirements of this Chapter in the zoning district where the use is proposed.
 - (3) Is in general conformity with the most recent Comprehensive Plan for Beaver Borough and in harmony with the area in which it is proposed.
 - (4) Is an appropriate use on the proposed site.
- B. The applicant/developer shall submit three copies of drawings to scale. The drawings shall indicate the boundaries of his property, location of adjacent streets, the location and height of proposed buildings on the property, proposed

grading and storm drainage, and location and number of proposed parking spaces and proposed curb cuts.

- C. Application for conditional use approval. An application for conditional use approval under the terms of this Chapter shall be filed with the Zoning Officer and shall:
- (1) Identify and describe the property and its location as to zoning district and present use.
 - (2) Reasonably describe the present improvements and any intended additions and changes to be made if the allowance of the conditional use is granted.
 - (3) Disclose the conditional use for which the application is being made and, by plan, map and description show how the property, as is or as it may be improved, meets or will meet the standards and criteria required in this Chapter for such conditional use and how it meets or may be altered or changed to meet the “dimensional requirements” for such a zoning district as set forth in Appendix A¹ attached to this Chapter.
- D. Action by the Planning Commission. Upon the filing of an application for a conditional use, the Borough Council shall submit each such conditional use application to the Planning Commission at least 30 days prior to Borough Council’s scheduled public hearing on such conditional use, to provide the Planning Commission an opportunity to submit recommendations. Such recommendations shall be in writing with copies transmitted to the applicant and to the Borough Council.
- E. The Borough Council shall commence a public hearing, pursuant to public notice, on a completed request, as determined by the Zoning Officer, for conditional use approval within 60 days from the date of receipt of the completed request, unless the applicant agrees in writing to a time extension. Each subsequent hearing shall be held within 45 days of the prior hearing unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearings may apply to the Court of Common Pleas for judicial relief. The hearing shall be completed no later than 100 days after the completion of the applicant’s case in chief, unless extended for good cause upon application to the Court of Common Pleas. The Borough Council may ask for additional information or continue the hearing, but shall render a written decision as indicated in this Section within 45 days of conclusion of the hearing.
- F. Action by Borough Council. The Borough Council shall, upon review of the Planning Commission’s report, determine whether or not the conditional use is to be granted. If Council grants the conditional use, they shall instruct the Zoning Officer to issue a building/zoning permit for its construction. If the

¹ Editors’ Note: Appendix A is on file in the Borough office.

Council denies the conditional use, the owner/developer may reapply for the same use no sooner than 1 year after the date of denial or denial of appeal to the Beaver County Court of Common Pleas if filed within 30 days after notice of the decision is issued.

(Ord. 778, 5/8/2012, §1)

§27-1503. Adult Businesses.

Conditional use in the GCW District.

- A. An adult business may be established only in the GCW Gateway Commercial West District.
- B. Persons or owners who intend to operate an adult business in Beaver Borough must obtain from the Borough a license to operate such an enterprise and must to the Borough Secretary an application investigation fee, established by Borough Council. Applicants for such licenses must furnish such information as is required on the license application form with completeness and accuracy. This form will be available at the office of the Borough Secretary.
- C. No adult businesses may be located within 500 feet of a property boundary line of a pre-existing school, hospital, day care center, nursing home, sanitarium, retirement or convalescent home, group home, personal care home, public park, playground or church.
- D. No adult business may be located within 500 feet of a property boundary line of another adult business.
- E. Alcoholic beverages are not permitted on the premises of an adult business.
- F. Any sign displayed by an adult business will, in addition to conforming to other applicable provisions of this Chapter, be limited to the name of the business and its hours of operation and will not bear any pictorial or graphic designs.

(Ord. 778, 5/8/2012, §1)

§27-1504. Automobile Sales and Service.

Conditional use in the GCW District.

- A. No storage, parking or display of vehicles shall be permitted within a required front or side yard area.
- B. All vehicle storage and sales lots shall be paved with a bituminous, concrete or similar hard surface material.

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- C. All storage of parts and materials and servicing of vehicles shall be done within an enclosed structure.

(Ord. 778, 5/8/2012, §1)

§27-1505. Automobile Service Station.

Conditional use in the GCW District.

- A. All storage of parts or materials shall be within an enclosed structure.
- B. Except for fuel dispensing, all production, servicing and processing shall take place within completely enclosed buildings.
- C. No more than three vehicles awaiting, or in process of being serviced or repaired, shall be stored except within an enclosed building.
- D. All storage, handling and disposal of fuel, oil and similar substances shall be carried out in accordance with legal and accepted safety requirements.
- E. Ingress and egress shall be designed so as not to create hazardous conditions or unnecessary congestion of traffic in the immediate area. A traffic circulation plan delineating all points of ingress and egress, required parking locations by individual spaces, on-site traffic circulation plan and vehicle stacking areas shall be included as part of the application for conditional use.

(Ord. 778, 5/8/2012, §1)

§27-1506. Bed and Breakfast.

Conditional use in the R-2, SC and GCE Districts.

- A. All rooms and related facilities provided for transient guests shall be normal integral components of the principal dwelling unit. The owner of the facility must reside therein.
- B. No facilities, such as cooking accommodations or similar amenities, other than those provided for the normal use of the principal dwelling unit, shall be provided for transient guests.
- C. No more than six guest sleeping rooms shall be available or utilized concurrently for transient guests in any facility.
- D. The size of each individual guest sleeping room utilized for transient guests shall be a minimum of 100 square feet.
- E. Maximum occupancy shall not exceed 12 guests.

- F. Service of meals shall be limited to breakfast only to overnight transient guests.
- G. Off-street parking spaces, as specified in Part 16 of this Chapter, shall be provided to the rear of the principal structure regardless of building orientation on a recorded lot and shall not be sited within any required front or side yard setback areas.
- H. Signs shall be limited as specified in Part 16 of this Chapter for the district.
- I. Only normal residential yard and structure lighting appropriate for residential purposes shall be permitted.
- J. As part of this conditional use application process, the Chief of the Borough Fire Department, or the designated agent thereof, shall inspect the premises to evaluate access, fire hazard potential, fire escape provisions, structural layout and adequacy of smoke and fire alarm devices. No certificate of occupancy shall be issued prior to an unqualified approval of such authority. The owner shall make the premises available for reinspection by Borough authorities at any reasonable time.
- K. Only members of the family in residence at the premises shall be engaged in the operation of the bed and breakfast establishment, which includes housekeeping and maintenance activities.
- L. Overnight guests shall not occupy the facility for more than three consecutive nights in a 30-day period.

(Ord. 778, 5/8/2012, §1)

§27-1507. Commercial and Private Parking Facilities.

Conditional use in the RC-2 District. Commercial and private parking facilities to serve RC-1 District uses.

- A. No parking area shall utilize ground level space on parcels which front on Third Street between Beaver Street and Insurance Street.
- B. No vehicular ingress or egress serving said parking area shall be permitted on Third Street between Beaver Street and Insurance Street.

(Ord. 778, 5/8/2012, §1)

§27-1508. Communications Towers.

Conditional use in the P District.

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- A. The communications company is required to demonstrate, using technological evidence, that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.
- B. If the communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a ¼ mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. A report with property owners' names and telephone numbers shall be submitted as verification. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communications companies, other communications towers (fire, police, etc.), and other tall structures. Beaver Borough may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
- C. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.
- D. Setbacks from base of antenna support structure. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:
 - (1) Thirty percent of antenna height.
 - (2) The minimum setback for principal structures in the zoning district.
 - (3) Forty feet.
- E. Fencing. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of 8 feet in height.
- F. Landscaping. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. Beaver Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.
 - (1) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen

screen shall be a minimum height of 6 feet at planting, and shall grow to a minimum of 15 feet at maturity.

- (2) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- G. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other communications companies, and local police, fire and ambulance companies.
- H. The communications company must demonstrate that it is licensed by the Federal Communications Commission.
- I. Antenna support structure under 200 feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulation. No antenna support structure may be artificially lighted except as provided for and required by the FAA.
- J. A land development plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access, and all other items required in the Beaver Borough Subdivision and Land Development Ordinance [Chapter 22]. The site plan shall not be required if the antenna is to be mounted on an existing structure.

(Ord. 778, 5/8/2012, §1)

§27-1509. Event Facility Uses.

Conditional use in the Public District.

- A. Such use shall conform with §27-1601, "Parking and Loading Standards."
- B. No event facility use shall involve any activity or operation that adversely affects surrounding residential uses through any of the following conditions:
 - (1) Adversely changes the external character or appearance of any structure.
 - (2) Involves outside storage.
- C. Signage shall conform with §27-1602.

(Ord. 778, 5/8/2012, §1; as amended by Ord. 788, 4/9/2013, §1)

§27-1510. Day Care Services.

Conditional use in the R-2 District.

- A. All activities shall be conducted in a privately-owned single-family residence on its own lot.
- B. Activities shall be limited to functions normally associated with the part time tending of children on a for hire or fee basis and shall not include overnight rooming and boarding.
- C. Activities shall be conducted within a home atmosphere that is void of any special facilities or appurtenances other than secure play areas and/or apparatus that are deemed to be normal single-family accessory uses within the immediate neighborhood. Safe off-street pick-up and drop-off areas shall be provided at the site.
- D. No more than six children shall be provided day care services at any given time.
- E. Nothing in these provisions shall apply to non-hire child care and child tending activities within the context of normal family and acquaintance situations.

(Ord. 778, 5/8/2012, §1)

§27-1511. Drive-in Restaurants.

Conditional use in the GCW District.

- A. Points of vehicular ingress and egress shall be limited to adjacent thoroughfares having business-zoned frontage only.
- B. The angle and siting of driveway intersections with adjacent thoroughfares shall be based upon safe traffic movements and shall be approved only following a positive report from the Borough Engineer.
- C. A fence or wall shall be erected along all abutting properties. Said fence or wall shall be protected from potential damage from vehicles by means of properly installed freeway type metal bumper guards or equal protective measures.
- D. Provisions shall be established and maintained on a continuing basis to control and eliminate litter on, and adjacent to, the site.

(Ord. 778, 5/8/2012, §1)

§27-1512. Group Residential Facility.

Conditional use in the R-2, SC and GCE Districts.

- A. Any services shall be provided in a family environment.
- B. The group residential facility shall not include business or professional offices (other than incidental offices), business activities, fraternal or social clubs, hospitals, clinics or other such activities.
- C. The number of residents in any single group residential facility shall be limited to no more than eight persons, including client residents, staff and family of staff. Clients shall be limited to no more than six ambulatory persons.
- D. Supervision shall be provided by responsible and appropriately qualified adults on duty, on the premises on a 24-hour-a-day basis. A minimum of one such adult shall be in residence at the facility and on duty at all times.
- E. Lot, yard, and all other dimensional requirements of the zoning district in which the facility is located shall be met. Each lot shall include a minimum 1,600 square feet of exterior open space which is maintained and suitable for passive and/or active recreational use.
- F. In addition to basic residential parking requirements, parking facilities shall be provided at the rate of one off-street space for every two resident clients.
- G. A group residential facility shall be located a minimum distance of 1,300 lineal feet radially from any other group residential facility.
- H. As part of the conditional use application process, the Chief of the Borough Fire Department, or the designated agent thereof, shall inspect the premises to evaluate access, fire hazard potential, fire escape provisions, structure layout and adequacy of smoke and fire alarm devices. No certificate of occupancy shall be issued prior to an unqualified approval of such authority.
- I. Sanitary facilities, consisting of a sink, water closet and tub or shower shall be provided at a ratio of one each for every four inhabitants of the facility.
- J. A dining area shall be provided which is of sufficient size to accommodate all clients and residents at a single seating.
- K. A minimum of 72 square feet of contiguous sleeping and personal area shall be provided for each client. Said area, for purposes of this requirement, shall be computed exclusive of areas used for sanitary facilities, hallways, aisles, stairwells, and other circulation areas, storage areas, dining areas, kitchen and food preparation areas, gamerooms and related recreation spaces, instruction areas and other common use space.
- L. A license or certification shall be obtained from the Commonwealth of Pennsylvania, Department of Labor and Industry, Department of Public Welfare, and any other State or County agency having jurisdiction, prior to the

issuance of a certificate of occupancy. In the event that an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Borough Council that the proposal for establishing such a facility satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surround properties.

(Ord. 778, 5/8/2012, §1)

§27-1513. Dwelling Units (Upper Floors Only) in a Mixed-Use Building.

Conditional use in the RC-1 District. Not exceeding a total structure height of 35 feet.

- A. All ground floor area shall be devoted to a permitted commercial use, or uses, in the RC-1 District.
- B. Outdoor areas, such as courtyards, passive recreation and other external use facilities, shall be screened for privacy from Third Street.

(Ord. 778, 5/8/2012, §1)

§27-1514. Home Occupation.

Conditional use in the R-1 and R-2 Districts, permitted accessory use GCW, SC, and GCE Districts.

- A. Home occupations shall be limited to home instruction and minor home business functions as described herein:
 - (1) Home instruction activities including, but not limited to, music lessons, personal fitness academic tutoring, art and associated craft instruction, and technical training. No more than three attendees may be given instruction concurrently.
 - (2) Minor home business activities shall be restricted to professional, technical, management, telephone contact or related business pursuits that involve only office related functions and practices that do not require on-site client visitation.
- B. Any home occupation that involves an activity or operation that is construed as capable of adversely, influencing surrounding residential uses through any of the following conditions shall be prohibited:
 - (1) Changes the external residential character or appearance of the dwelling structure.
 - (2) Is visible from surrounding properties or the adjacent street.

- (3) Generates traffic, parking or utility use in excess of normal levels in the neighborhood.
 - (4) Creates hazards to persons or property.
 - (5) Creates interference or a nuisance.
 - (6) Involves outside storage, display or operations.
 - (7) Utilizes more than 20% of the floor area of the dwelling in the conduct of the home occupation.
- C. Signs shall be limited to the provisions of Part 16 for the district in which the home occupation is located.
- D. Only members of the family residing on the premises shall be engaged in such occupation.

(Ord. 778, 5/8/2012, §1)

§27-1515. Light Manufacturing.

Conditional use in the RC-1 District. Related on-site manufacturing of products in conjunction with general retail sales, crafts, food products and similar predominant retail functions and services.

- A. A minimum of 75% of all products produced or manufactured on-site shall be sold at retail on-site.
- B. All nonretail operations shall be accommodated in the rear portions of the structure and separate from retail activities.
- A. All receiving, loading and handling of materials and products shall be conducted to the rear of the structure. No loading docks or vehicular activity associated with the manufacture of products shall be served or accessed from Third Street.

(Ord. 778, 5/8/2012, §1)

§27-1516. Uses by Special Exception.

Where the Borough Council, in this Chapter, has stated uses by special exception to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such use by special exception in accordance with such standards and criteria. In granting a use by special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this

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Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* A use by special exception shall not be granted by the Board unless and until:

- A. A written application for a use by special exception is submitted demonstrating that the development:
 - (1) Will not endanger the public health or safety if located where proposed and that the use will not generate nuisance conditions such as traffic congestion, noise, dust, glare or vibration.
 - (2) Will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
 - (3) Meets all requirements of this Chapter in the zoning district where the use is proposed.
 - (4) Is in general conformity with the Comprehensive Plan for Beaver Borough and in harmony with the area in which it is proposed.
- B. The developer shall submit drawings to the Board indicating the boundaries of the property, location of adjacent streets, the location and height of proposed buildings on the property with dimensions from property lines, access to the property and the location and number of proposed parking spaces.
- C. The public hearing shall be held in accordance with §27-1702.
- D. The Board, before it grants a use by special exception, shall make findings of fact and state its reasons for granting the use by special exception. The Board shall have the authority to require and approve specific plans, to increase the requirements set forth in this Chapter, but in no case shall the Board have the authority to decrease the requirements of this Chapter for any use in the district it proposes to locate. Any such decrease in the requirements of this Chapter shall only be granted upon the issuance of a variance.
- E. All conditions required by the Board shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of special exception.

(Ord. 778, 5/8/2012, §1)

§27-1517. Churches.

Use by special exception in the R-2 and SC Districts.

- A. All structures shall be a minimum of 20 feet from the closest property boundaries.

- B. All points of vehicular ingress and egress shall be subject to the approval of the Zoning Hearing Board which shall consider:
 - (1) Adequacy of sight line distances to assure safety of vehicles making turning movements.
 - (2) Local traffic patterns and provision for off-site traffic movements.
- C. No lighting, noise or other aspect of the proposed use shall produce a nuisance factor to adjacent residential properties.

(Ord. 778, 5/8/2012, §1)

§27-1518. Conversion Apartment.

Use by special exception in the R-2 District and conditional use in the SC Districts.

- A. Each dwelling unit shall contain a minimum of 600 square feet of gross floor area.
- B. Each dwelling unit shall contain not less than one private bedroom and one additional habitable room in addition to private sanitation and cooking facilities.
- C. The Chief of the Borough Fire Department, or designated agent thereof, shall inspect the premises to evaluate access, fire hazard potential, fire escape provisions, structural lay out and adequacy of smoke and fire alarm devices.
- D. A maximum of three dwelling units shall be permitted in any single structure.
- E. No outside stairways shall be constructed except to serve as fire escapes.
- F. One and a half off-street parking spaces shall be provided for each dwelling unit, plus not less than two spaces for visitor or common use parking (see §27-1601.5).

(Ord. 778, 5/8/2012, §1)

§27-1519. Cultural and Recreation Services.

Use by special exception in the SC District and conditional use in RC-1.

- A. A public restroom shall be provided on the premises.
- B. Ingress and egress to the public access area shall be ADA compliant.

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- C. Off-street parking requirements shall comply with the ratio described in §27-1601.5.B(4).

(Ord. 778, 5/8/2012, §1)

§27-1520. Business or Industrial Signs Facing a Residential District.

Use by special exception in nonresidential districts.

- A. The Zoning Hearing Board shall consider the size, characteristics and impact of the sign on abutting residentially zoned land.
- B. Such signs shall not be internally illuminated.

(Ord. 778, 5/8/2012, §1)

Part 16

Parking, Loading and Sign Requirements

§27-1601. Parking and Loading Requirements.

1. Procedure. An application for a zoning/building permit for a new or enlarged building, structure, or use, shall include therewith a plot plan, drawn to scale, and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with the requirements of this Part.
2. Extent of control. The off-street parking and loading requirements shall apply as follows:
 - A. All buildings and structures erected and all land uses initiated after the effective date of this Chapter shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof.
 - B. Following the effective date of this Chapter, a building or structure which undergoes any change in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required off-street parking or loading facilities, shall require the provision of parking and loading facilities equal or exceeding the off-street parking and loading requirements specified by this Chapter.
 - C. This Chapter recognizes the problems associated with requiring parking spaces as a precedent to establishing and/or remodeling a business enterprise. In RC-1 and RC-2 a parking plan must be submitted using these parking and loading requirements as guidelines. If it is demonstrated that the requirements can not be met due to the physical constraints of the property, then they may be waived by Council.
 - D. Accessory off-street parking and loading spaces in existence on the effective date of this Chapter may not be reduced in number unless already exceeding the requirements of this Part for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.
 - E. In order to increase the green space within the Borough and encourage alternative modes of travel, up to 20% of the required off-street parking spaces may be left unpaved and set aside for future use in all zones except RC-1 and RC-2. The perimeter of these spaces shall be landscaped and may be required to be paved and added to the property's off-street parking area by the property owner in the future at the discretion of Borough Council.
 - F. A maximum of 10% additional off-street parking spaces or fraction thereof, beyond the required number, may be provided at the discretion of the property owner. No off-street parking in addition to the 10% increase may be con-

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structed unless the additional spaces are designated as shared parking by a written agreement with an adjacent or proximate property owner or unless a parking study proves that the additional parking is required for the success of the business, based on the experience of similar developments in pedestrian friendly urban areas or unless the proposed additional parking will be for public use in the RC-1 or RC-2 Districts.

3. Accessory parking and loading. Accessory parking facilities provided elsewhere than on the same zoning lot with the principal use served in accordance with the requirements below, may be located in any zoning district except as follows:

- A. No parking facilities accessory to a business or manufacturing use shall be located in a residential district.
- B. No land shall be used for habitual commercial or industrial truck loading, storage or parking activities in any residential district except by amendment of this Chapter. Such activities are permitted in commercial and service districts only when normally attendant to the conduct of the commercial activity as established, and in no other case except by amendment of this Chapter.
- C. In all zoning districts covered by this Chapter, the loading and unloading of trucks and all other vehicles shall be conducted in such a manner that no part of said truck or vehicle, or the operations of the loading or unloading, shall extend onto the adjacent sidewalk, alley or roadway or in any other manner hinder or impede the use thereof. Exceptions to this requirement shall be made only in instances where physical development of facilities established prior to the effective date of this Chapter will not permit compliance.

4. Standards.

- A. Auto parking space description. A required off-street parking space shall be an area of not less than 162 square feet nor less than 9 feet wide by 18 feet long measured perpendicularly to the sides of the parking space, exclusive of access drives or aisles, ramps, columns, or work areas. Facilities shall be functionally designed to provide each parking space with unobstructed ingress and egress.
- B. Every building with access by the public shall provide handicap parking spaces consistent with the provisions of the Americans with Disabilities Act (ADA).
- C. Parking aisle widths. Required parking aisle widths shall be based on parking space configuration as follows:

Parking Angle	Aisle Width (ft.)	
	One-Way Operation	Two-Way Operation
90°	22'	24'
60°	16'	24'
45°	14'	24'

- D. Measurement of space. When determination of the number of required off-street parking spaces results in a fractional space, any fraction up to and including one-half may be disregarded, and fractions over one-half shall be interpreted as one parking space.
- E. Access. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed 25 feet in width for one way movement or 32 feet in width for two way movement.
- F. Overhang. Parking shall not be permitted in a manner which allows for overhanging of any portion of a vehicle on adjacent property or sidewalk.
- G. Signs. No signs shall be displayed in any parking area within any residential district, except such as may be necessary for the orderly use of the parking facilities or to comply with ADA requirements. All signs in other parking areas shall conform to §27-1602 of this Chapter.
- H. Required pavement. All parking areas in excess of four spaces shall be paved with either bituminous material or concrete and marked by durable markings in stripes a minimum of 4 inches wide and extending the length of the parking space.
- I. Location. No parking space or portion thereof shall be designed and constructed between the front setback line and the street right-of-way line in any district.
- J. Parking on paved driveway upon a private lot. In Districts R-1, R-2, RC-1, and SC, where there is an existing and legally authorized curb cut and a paved driveway leading to a garage or parking area at the rear or at the side of a private lot, it shall be lawful to park anywhere upon said paved driveway, whether in front of any structure upon said lot or otherwise.
- K. Parking in the rear of structures. It shall be lawful to park anywhere upon the area of a private lot lying between the rear line of such lot and the rear line of the structure erected thereon, regardless of the paving or improving of the parking area regardless of whether access thereto is from the rear or front of said lot. Provided, however, that if any part or all of such area lying between the rear of said lot and the rear line of the structure thereon is within the Borough strip, parking thereon shall be governed by the standards described in this Section.
- L. Permitted parking on the Borough strip. In Districts R-1, R-2, RC-1 and SC where there is an existing paved driveway from a curb cut to the front line of any structure or from a curb cut along the side or rear of a lot to a garage or parking area, it shall be lawful to park thereon without regard to whether such paved area is upon the Borough strip either in part or in whole.

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- M. Prohibited parking on the Borough strip. In all cases other than those set forth in this Section, it shall be unlawful to park upon any portion of the Borough strip.
- N. Surface treatment. All off-street parking areas in excess of four spaces, except those required for single-family dwellings, shall be improved with a compacted base and surfaced with bituminous material, concrete or similar permanent surfacing of adequate thickness to support the weight of fully loaded vehicles that customarily park or travel on it.
- O. Lighting. Any lighting used to illuminate an off-street parking area shall be of the sharp cut-off type and arranged to reflect the light away from adjoining properties.
- P. Stormwater management. Adequate stormwater drainage facilities shall be installed in order to insure that stormwater does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk would be detrimentally affected or inconvenienced.
- Q. Curb stops. Wherever a parking lot abuts the paved portion of a public street, sidewalk, or alley, a structurally sound wall or curb stop shall be installed.
- R. Buffer strip. A buffer strip of at least 5 feet, which may consist of screen planting or semi-opaque fencing that is erected of material compatible with that in use in the district, shall be provided on the perimeter of off-street parking lots that abut public rights-of-way or adjacent developed parcels.
- S. Accessible path. A continuous, marked, and ADA accessible pedestrian path shall be provided from the nearest sidewalk on each building frontage that abuts a public street to a public building entrance.
- T. Bicycle parking space description. The bicycle parking spaces shall consist of racks or other stationary objects approved by the Borough Council, to which bicycles can be locked by securing the frame and at least one wheel. Such a facility must be usable with both U-locks and cable locks.
 - (1) Bicycle parking facilities shall provide at least 2 feet of clearance on one side of each bicycle to permit users to lock bicycles to the facility. This space may be shared by adjacent bicycles.
 - (2) Except in parallel parking situations, each bicycle space shall open directly on an unobstructed maneuvering aisle at least 3 feet wide.
 - (3) Parking facilities shall support bicycles in a stable position.
 - (4) Bicycle parking shall be situated at least as conveniently as the most convenient auto parking area. Bicycle and auto parking areas shall be separated by a physical barrier of sufficient distance to protect parking bicycles.

5. Schedule of requirements.

- A. Floor area. The term ‘floor area’ as used herein shall mean the gross floor area of a building or structure used or intended to be used for residents, customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise.
- B. Schedule of requirements for off-street parking. Minimum off- street parking facilities for establishment, enlargement or change of use shall be provided in the various zoning districts as specified herewith.
 - (1) Residential use.
 - (a) Each single-family and duplex dwelling shall be provided with two off-street parking spaces per dwelling unit.
 - (b) Each townhouse, garden apartment and other multiple family structure shall be provided with a minimum of one and one-half off-street parking spaces per dwelling unit. Of the one and one-half parking spaces per dwelling unit, at least one-half parking spaces per dwelling unit, but not less than two spaces per structure, shall be provided as common-use spaces.
 - (c) Each conversion apartment shall be provided with a minimum of one and one-half off-street parking spaces per dwelling unit. This requirement shall be in addition to the two spaces provided for the primary residential use of the structure.
 - (d) Parking for subsidiary residential uses shall be provided as follows:
 - 1) Home occupation business—one additional off-street space.
 - 2) Group residential facility—one off-street space for every two resident clients.
 - 3) Bed and breakfast—one off-street space for each bedroom available for overnight.
 - (2) Churches and places of assembly. One off-street parking space for each four seats in the sanctuary of a church or other assembly area or auditorium.
 - (3) Medical offices. Physicians offices, dentists offices, and medical buildings—six spaces for every 1,000 square feet of gross floor area.
 - (4) Professional uses. Financial institutions, business offices, professional services, governmental offices—one space for every 225 square feet of gross floor area.

- (5) General retail and service uses.
 - (a) Retail stores, including food and confectionary, drugs, variety, office supplies, hardware, personal services and gift shops—two off-street parking spaces per unit, plus one space for every 300 square feet of gross floor area.
 - (b) Furniture and appliance stores, motor vehicle sales, clothing stores—two off-street parking spaces per unit plus one for every 500 square feet of gross floor area.
 - (c) Mortuaries and funeral homes shall provide parking at the rate of one off-street space for each 150 square feet of public use area, plus one space for each employee at maximum work levels or on the largest shift, whichever is larger, and one space for each vehicle utilized at the site for business purposes.
 - (d) Restaurants—one off-street parking space for every three seats available for patrons.
 - (e) Drive-in restaurants, refreshment stands and similar uses—one off-street space per 200 square feet of gross floor area, plus the requirements in subsection (d) above.
 - (6) Land uses not listed above will provide the number of spaces to accommodate the parking calculated using the latest addition of the Institute of Transportation Engineers, “Parking Generation” guide.
6. Shared Parking. Parking requirements can be reduced by up to 50% if the developer/property owner can reach a written agreement with an adjacent or approximate (within 250 feet of the nearest public building entrance) property owner of a compatible use. A compatible use would be defined as a use which is proven to have excess parking, greater than the requested parking reduction, during the peak parking demand hours of the subject development based on use characteristics. A continuous ADA accessible path must be provided from the shared parking lot to the nearest public building entrance. A plot plan which identifies said shared spaces, accompanied by a signed statement between property owners entering into such agreement shall be submitted to Beaver Borough Council for approval.
7. Remote parking. Parking can be provided off-site (on a separate lot) within 250 feet of the nearest public access building entrance generating the need for such parking. A written agreement will be required to ensure the maintenance of the remote parking lot until the required number of parking spaces per this Chapter is constructed on the subject lot. Remote parking includes constructing new public parking spaces in a municipal parking facility, leasing private parking spaces in a public or private parking facility, or acquiring a joint development agreement with another property owner for the provision and maintenance of additional parking spaces on their property. A continuous ADA accessible path must be provided from the shared parking lot to the nearest public building entrance.

8. Bicycle parking. One bicycle parking space per dwelling unit for residential units in multiple family developments or 5% of the required automobile parking spaces for all other uses, but not less than two bicycle spaces per business or use, shall be provided.

A. Landscaping.

(1) All new required parking lots, and all existing parking lots that must expand by 20 or more parking spaces based on an expansion of the use generating the need for such parking, after the effective date of this Chapter, shall comply with the Parking Lot Landscaping Standards set forth in §27-1419.2.

(2) Where a required parking area is located within 25 feet of an adjacent property containing a single-family dwelling, the edge of the lot shall be screened by landscaping, an evergreen hedge, earth mounding, a fence, or any combination equivalent to Bufferyard C, as defined in this Chapter.

9. Schedule of requirements for off-street loading.

A. In any district, except RC-1, in connection with a building, or building group or part thereof, that is to be occupied by commercial or other nonresidential uses that rely on delivery or distribution of materials or merchandise, there shall be provided and maintained on the same lot with such buildings, off-street loading berths in accordance with the following standards:

Uses	Floor Area—Total Square Feet	Min. Required Off-Street Loading Berths
Retail and Service	Under 3,500	0
Commercial	Over 3,500	1
Wholesale Commercial	Under 10,000	1
	Over 10,000	2

B. Off-street loading facilities shall be designed so that no vehicle when parked or when being loaded shall project onto any sidewalk, street or alley.

(Ord. 778, 5/8/2012, §1)

§27-1602. Sign Requirements.

Purpose. The sign regulations, controls and provisions set forth herein are made in accordance with an overall plan and program for public safety, economic and community development, and the general welfare of the Borough of Beaver. It shall be the purpose of these sign regulations to control and promote the erection of signs which preserve the architectural character and environmental context of the Borough; avoid the uncontrolled proliferation of signs; encourage and support business activity through reasonable

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standards for advertising signs; and avoid undue concentrations of signs which distract and endanger traffic safety.

- A. Application. Signs may be erected and maintained only when in compliance with the provisions contained herein and any and all other applicable ordinances and regulations of Beaver Borough, Pennsylvania, relating to the erection, alteration and maintenance of signs and similar devices. Application for a sign permit shall be made upon forms provided by the Zoning Officer and shall include the following information:
- (1) Name, address and phone number of applicant.
 - (2) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or located.
 - (3) Position of the sign or other advertising structure in relation to nearby buildings or structures.
 - (4) Two scaled blueprints or ink drawings, or computer-generated drawing of the design to include plan and specifications, materials, lighting, method of construction and attachment to the building or ground.
 - (5) Name of person, firm, corporation or association erecting the sign.
 - (6) Written consent of the owner of the building, structure or land to which the sign is to be located.
 - (7) Any electrical permit required and issued for said sign.
 - (8) Such other information as the Zoning Officer shall require to show full compliance with this and all other codes and ordinances of the Borough.
- B. Permit issuance.
- (1) The Zoning Officer shall issue a permit after examining the application and accompanying information and the premises upon which the sign is proposed to be located if it shall appear that the proposed sign is in compliance with all of the requirements of this Part and any other applicable ordinance.
 - (2) Such permit shall be valid for a period of 6 months and all work for which the permit has been issued shall be completed within that period of time. If work has not commenced or been completed within the 6-month period, the original permit shall be considered void and the applicant shall secure a new permit.
 - (3) The Zoning Officer shall act within 30 days of receipt of such application for a sign permit. Failure to approve or deny such application may be

appealed to the Borough Council which may grant approval of the application.

- (4) Every applicant, before being granted a permit, shall pay to the Borough a permit fee according to a schedule of fees which shall be set by resolution of Borough Council. Borough Council may amend the schedule of fees at any time thereafter by resolution. The Zoning Officer shall not issue any sign permit where the application does not comply with the provisions of this Part.
- (5) The Zoning Officer is hereby authorized to revoke any sign permit upon failure of the applicant to comply with any provision of this Part.

C. Exclusions and exemptions. The following shall not be subject to the provisions of this Part and shall not require a permit for erection unless otherwise so specified.

- (1) Signs of a duly constituted local, State or Federal governmental body, including traffic or similar safety and regulatory devices, legal notices, railway warning signals, memorial signs or tablets.
- (2) Small signs with a surface area not exceeding 2 square feet, displayed for the direction or convenience of the public which identify landmarks, parking areas, convenience facilities, meeting times and place of public, nonprofit, service or charitable organizations, placement of which shall be subject to approval of the Zoning Officer.
- (3) One temporary nonlighted sign on a construction site, not exceeding an area of 32 square feet on any single side of the sign, denoting the names of the developer, engineer, architect, contractor, marketing real estate agency, or funding agencies and/or related information regarding the development provided the following:
 - (a) Said temporary sign shall only be permitted in connection with commercial construction or renovation of a facility in excess of 5,000 square feet, or in connection with multiple family construction or renovation of a facility of 10 or more units.
 - (b) Said temporary sign shall be no more than two-sided.
 - (c) Said temporary sign must be removed within the sooner of 6-months or upon the first occupancy in the subject construction project.
- (4) One temporary nonlighted real estate property sign, plus a maximum of two "riders," pertaining to the sale or lease of property on which the sign is displayed, not exceeding a total area of 7 square feet on a single side (exclusive of frames, posts, chains, brackets, etc.) shall be exempt from permit requirements provided that:

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- (a) The maximum height of the top of the face of a free-standing sign shall be 5 feet, and the maximum height of the top of any frame, post, bracket, etc., shall be 6 feet. This height limitation shall not apply to temporary signage affixed to a building.
 - (b) Said temporary sign shall be no more than two sided).
 - (c) Said temporary sign must be removed within 3 days after the sale closing or lease of the subject property.
 - (d) Said temporary signage shall not be permitted for the purpose of marketing properties that lease or sell areas for storage purposes.
 - (e) Additionally, a real estate sign that advertises an open house, of no more than 6 square feet in area on a single side, shall be permitted as a temporary sign for no more than 24 hours.
- (5) Temporary signs advertising yard sales, street fairs or other temporary activities, or a temporary sign directing persons to the location of such activity. Such signs shall not exceed 9 square feet, and shall be erected no sooner than 14 days prior to the event and shall be removed within 24 hours of termination of the event. Signs shall be erected only where permission has been granted by the property owner. No sign shall be permitted in a public right-of-way. A permit shall be required for all temporary signs except as otherwise exempted, which shall incorporate the specific dates of display.
 - (6) Political campaign signs not exceeding 6 square feet. Such signs shall be erected no sooner than 30 days prior to the scheduled election, shall be removed within 7 days of the election and shall be erected only on sites where permission has been granted by the owner thereof. No sign shall be permitted in a public right-of-way.
 - (7) Decorative flags shall not require a sign permit.
 - (8) Historic signage. Restoration/preservation of such signage that does not otherwise comply with the provisions of this Chapter must first be presented to and designated as historic by Borough Council who shall have the sole right to make such designation and to impose any requirements or restrictions on same.
- D. General requirements. The following standards shall apply to signs in all zoning districts of the Borough:
- (1) No sign shall be located, designed or constructed in a manner to obstruct or interfere with any traffic control signal, sign or device, or intersection sight triangle.

- (2) No sign shall be permitted that is deemed to constitute a hazard of any kind, obscures light or air from a building, or prevents ingress or egress from any window or exit.
- (3) Signs may not be attached to utility poles or street trees, except for municipal purposes.
- (4) A sign shall be removed within 30 days whenever the circumstances that led to its erection no longer apply or if safety violations occur. Circumstances that dictate sign removal shall include, but not be limited to, the following:
 - (a) The creation of a safety hazard.
 - (b) Dilapidation, as determined by the Zoning Officer.
 - (c) Vacancy or termination of the subject business for more than 2 months.
 - (d) Legal transfer of ownership of a property that involves a change of name or business activity.
 - (e) The completion of an event, business transaction or other activity for which the sign was originally installed.
 - (f) Any illegality under the provisions of this Chapter or regulation of a duly constituted governmental authority.
- (5) Signs shall be subject to the following regulations:
 - (a) Signs or devices with flashing, moving or similar lighting or animation are prohibited in all zoning districts. This restriction also applies to any interior signage placed inside of a window or other such transparent surface.
 - (b) Illumination for signs shall be such that the light is concentrated upon such sign and there is not glare cast upon the street, the sidewalk or adjacent property.
 - (c) No electrical bulbs shall be exposed unless satisfactorily shielded from view by a globe or other visible barrier.
- (6) No sign may be mounted on the roof of a building.
- (7) No business or industrial sign shall be placed to face an abutting residential district except when authorized as a use by special exception (see §27-1521).

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- (8) The size of the sign shall refer to the entire area of the sign facing including any border, framing or decorative attachment. In the case of free-standing letters, it shall be the area contained between the highest and lowest points of any letters, and the extremity point of the first and last letters.
- (9) Where a sign has two faces, the area of both faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than 2 feet from one another, the area of the sign shall be taken as the area of one face. If the two back to back faces are of unequal area, the area of the larger face shall be taken as the area of the sign.
- (10) Window signs shall not obscure entire glass area and at no time shall exceed 40% of each window area, or a total of 50 square feet (whichever is less). Window signs include any form of advertisement or display related to the business operation, its goods, services or prices thereof within or offered by the subject use (not including actual displays and merchandise).
- (11) Sign area. Lot with multiple occupants.
 - (a) First floor occupants. Shall be in keeping with provisions of this Part.
 - (b) Upper floor occupants.
 - 1) Upper floor occupants shall be permitted to erect two sign types. Projecting and/or window signs.
 - 2) A projecting sign shall not exceed a total sign area of 18 square feet, where each sign face shall not exceed 9 square feet.
 - 3) Any existing signs may be maintained as nonconforming signs; however, if the sign, its face or any portion thereof is to be replaced, in whole or in part, such replacement shall be in total conformity with this Part.
 - 4) Every sign in existence at the of the passage of the original Zoning Ordinance became effective, which did not conform to the provisions herein, shall be considered legally nonconforming and the Borough encourages such signs to be removed, altered, or replaced so as to conform with this Part, after any change in use or change of occupancy of property upon which the sign is erected or upon replacement of the existing nonconforming sign.

E. Prohibited signs.

- (1) Roof signs.
 - (2) Signs which flash, rotate or have motorized moving parts and signs containing reflective elements.
 - (3) Moving, animated, flashing, revolving, inflatable or wind operated signs.
 - (4) Any sign advertising or identifying a business or organization which is defunct or not located on the premises.
 - (5) Signs which by reason of position, shape or color may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
 - (6) Signs which constitute a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.
 - (7) Backlit awnings or signs, and individually backlit lettering.
 - (8) Changeable letter signs either electronic or manual.
- F. Unsafe and unlawful signs. If the Zoning Officer finds that any sign or part thereof is unsafe, insecure, a menace to the public, not in good condition or repair, or has been constructed or located in violation of the provisions of this Part, he shall notify the owner thereof to comply with the provisions of this Part within the time specified from the date of receipt of such notice. If the owner fails to comply with such notice within the prescribed period, the Zoning Officer is hereby authorized to remove the illegal sign, or take whatever corrective action is necessary to bring it into compliance with this Part, and to collect the costs associated with such removal or corrective action from the owner, in the manner provided by law. The Zoning Officer shall refuse to issue any new sign permit to any applicant who refuses to pay any assessed costs.
- G. Sign removal. Any sign that no longer advertises an existing business conducted or product sold on the premises, shall be removed by the owner of the sign from the premises where it is located. The Zoning Officer, upon determining that all business operations have ceased, and noting that a sign exists, shall notify the owner of the premises in writing to remove the sign within 30 days after the date of such notice. Upon failure to comply with such notice within the prescribed period, the Zoning Officer is hereby authorized to remove the sign and to collect in the manner provided by law the costs associated with such removal, from the owner of the sign or of the property. The Zoning Officer shall refuse to issue any new sign permit to any applicant or owner who refuses to pay any assessed costs.
- H. Permitted signs.
- (1) P Public District. Signs shall be limited to those placed by the government unit having jurisdiction over the public site. No government units,

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other than Beaver Borough, shall be permitted to install signage unless first approved by Beaver Borough Council.

- (2) R-1 and R-2 Residential Districts.
 - (a) Decorative flag.
 - 1) Only one single decorative flag per property is permitted.
 - 2) There is no limit as to permitted days of display.
 - 3) Flags must be placed so as not to create a hazard to pedestrians.
 - 4) Decorative flags may not exceed 6 square feet in surface area.
 - (b) Flag.
 - 1) Only one single flag per property is permitted.
 - 2) There is no limit as to permitted days of display.
 - 3) No permit is required for flags.
 - (c) Only one of the following signs may be installed solely in connection with bed and breakfast businesses, group residential facilities, day care sites, churches, and Multiple family dwellings of four or more units.
 - 1) Building signs.
 - a) Only one building sign or placard is permitted.
 - b) Building signs may not exceed 4 square feet in area.
 - c) Signs cannot cover or obscure significant architectural features including, and not limited to, transom windows and cornices.
 - d) Signage may be directly illuminated from the front with shielded lighting.
 - e) Any lighted sign must be approved by Borough Council, at its sole discretion.
 - f) A permit is required for all building signs.
 - 2) Free-standing ground or monument sign.

- a) Only one free-standing ground or monument sign is permitted.
- b) Such signs shall not exceed 6 square feet in area.
- c) Signage may be directly illuminated from the front with shielded lighting.
- d) Any lighted sign must be approved by Borough Council, at its sole discretion.
- e) A permit is required for all free-standing ground or monument signs.

3) Projecting signs.

- a) Only one projecting sign is permitted.
- b) Such signs shall not exceed 3 square feet in area.
- c) Signage may be directly illuminated from the front with shielded lighting.
- d) Any lighted sign must be approved by Borough Council, at its sole discretion.
- d) A permit is required for all projecting signs.

(3) GCW Gateway Commercial West District.

(a) Building signs.

- 1) Only one building sign per business is permitted, and only if there is no projecting or free-standing ground or monument sign.
- 2) Building signs may not exceed 12 square feet in area.
- 3) Signs cannot cover or obscure significant architectural features including, but not limited to, transom windows and cornices.
- 4) Signage may be directly illuminated from the front with shielded lighting.
- 5) Any lighted sign must be approved by Borough Council, at its sole discretion.
- 6) A permit is required for all building signs.

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- (b) Decorative flag.
 - 1) Only one single decorative flag per property is permitted.
 - 2) There is no limit as to permitted days of display.
 - 3) Flags must be placed so as not to create a hazard to pedestrians.
 - 4) Decorative flags may not exceed 6 square feet in surface area.
- (c) Flag.
 - 1) Only one single flag per property is permitted.
 - 2) There is no limit as to permitted days of display.
 - 3) No permit is required for flags.
- (d) Free-standing ground or monument sign.
 - 1) Only one free-standing ground or monument sign is permitted, and only if there is not building or projected signage.
 - 2) Such signs shall not exceed 12 square feet in area.
 - 3) Signage may be directly illuminated from the front with shielded lighting.
 - 4) Any lighted sign must be approved by Borough Council, at its sole discretion.
 - 5) A permit is required for all free-standing ground or monument signs.
- (e) Temporary signs.
 - 1) Only one temporary sign per business is permitted at any time.
 - 2) A business may display temporary signage for a cumulative total of no more than 30 days during each calendar year.
 - 3) The surface area of a temporary sign cannot exceed a total of 9 square feet.
 - 4) A permit is required for all temporary signs which shall incorporate the specific dates of display.

(4) SC Service Commercial District.

(a) Architectural statues.

- 1) Only one single architectural statue per building is permitted.
- 2) No architectural statue may be backlit or internally lit in any manner.
- 3) The statue must be placed within 12 inches of the business and may not obstruct ordinary pedestrian traffic.
- 4) Architectural statues may only be displayed while the associated business is open.
- 5) There is no limit as to permitted days of display.
- 6) A permit is required for all architectural statues.

(b) Building signs.

- 1) Only one single building sign is permitted.
- 2) Building signs may not exceed 6 square feet in area.
- 3) Signs cannot cover or obscure significant architectural features including, but not limited to, transom windows and cornices.
- 4) Signage may be directly illuminated from the front with shielded lighting.
- 5) Any lighted sign must be approved by Borough Council, at its sole discretion.
- 6) A permit is required for all building signs.

(c) Decorative flag.

- 1) Only one single decorative flag per property is permitted.
- 2) There is no limit as to permitted days of display.
- 3) Flags must be placed so as not to create a hazard to pedestrians.
- 4) Decorative flags may not exceed 6 square feet in surface area.

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- (d) Flag.
 - 1) Only one single flag per property is permitted.
 - 2) There is no limit as to permitted days of display.
 - 3) No permit is required for flags.
- (e) Free-standing ground or monument sign.
 - 1) Only one free-standing ground or monument sign is permitted.
 - 2) Such signs shall not exceed 6 square feet in area.
 - 3) Signage may be directly illuminated from the front with shielded lighting.
 - 4) Any lighted sign must be approved by Borough Council, at its sole discretion.
 - 5) A permit is required for all free-standing ground or monument signs.
- (f) Temporary signs.
 - 1) Only one temporary sign per business is permitted at any time.
 - 2) A business may display temporary signage for a cumulative total of no more than 30 days during each calendar year.
 - 3) The surface area of a temporary sign cannot exceed a total of 9 square feet.
 - 4) A permit is required for all temporary signs which shall incorporate the specific dates of display.
- (5) GCE Gateway Commercial East District.
 - (a) Architectural statues.
 - 1) Only one single architectural statue per building is permitted.
 - 2) No architectural statue may be backlit or internally lit in any manner.

- 3) The statue must be placed within 30 inches of the business and may not obstruct ordinary pedestrian traffic.
 - 4) Architectural statues may only be displayed while the associated business is open.
 - 5) There is no limit as to permitted days of display.
 - 6) A permit is required for all architectural statues.
- (b) Building signs.
- 1) Only one building sign is permitted.
 - 2) Building signs may not exceed 8 square feet in area.
 - 3) Signs cannot cover or obscure significant architectural features including, but not limited to, transom windows and cornices.
 - 4) Signage may be directly illuminated from the front with shielded lighting.
 - 5) Any lighted sign must be approved by Borough Council, at its sole discretion.
 - 6) A permit is required for all building signs.
- (c) Decorative flag.
- 1) Only one single decorative flag per property is permitted.
 - 2) There is no limit as to permitted days of display.
 - 3) Flags must be placed so as not to create a hazard to pedestrians.
 - 4) Decorative flags may not exceed 6 square feet in surface area.
- (d) Flag.
- 1) Only one single flag per property is permitted.
 - 2) There is no limit as to permitted days of display.
 - 3) No permit is required for flags.
- (e) Free-standing ground or monument sign.

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- 1) Only one free-standing ground or monument sign is permitted.
 - 2) Such signs shall not exceed 12 square feet in area.
 - 3) Signage may be directly illuminated from the front with shielded lighting.
 - 4) Any lighted sign must be approved by Borough Council, at its sole discretion.
 - 5) A permit is required for all free-standing ground or monument signs.
- (f) Temporary signs.
- 1) Only one temporary sign per business is permitted at any time.
 - 2) A business may display temporary signage for a cumulative total of no more than 30 days during each calendar year.
 - 3) The surface area of a temporary sign cannot exceed a total of 9 square feet.
 - 4) A permit is required for all temporary signs which shall incorporate the specific dates of display.
- (6) RC-1 Retail Core District.
- (a) Architectural statues.
- 1) Only one single architectural statue per building is permitted.
 - 2) No architectural statue may be backlit or internally lit in any manner.
 - 3) The statue must be placed within 30 inches of the business and may not obstruct ordinary pedestrian traffic.
 - 4) Architectural statues may only be displayed while the associated business is open.
 - 5) There is no limit as to permitted days of display.
 - 6) A permit is required for all architectural statues.
- (b) Building signs.

- 1) Only one building sign is permitted per first floor business. Upper floor business may only have either one window or projecting sign.
 - 2) Flush-mounted signboards may extend the width of the business storefront, but cannot be more than 2½ feet in height. The total size of the sign cannot exceed 50 square feet.
 - 3) Signs cannot cover or obscure significant architectural features including, but not limited to, transom windows and cornices.
 - 4) Signs must be mounted above the storefront display window (and transom windows where present) and below the second story window sills or signboard cornice where present.
 - 5) Awnings may serve as building signs with contrasting letters 6 to 8 inches in height, painted or sewn onto the valance or drop flap. Only canvas awnings or canvas-like materials are permitted.
 - 6) No awning, canopy or marquee shall be erected so that the lowest part is less than 7 feet above the sidewalk.
 - 7) Signage may be directly illuminated from the front with shielded lighting.
 - 8) A permit is required for all building signs.
- (c) Bulletin boards.
- 1) Only one bulletin board per storefront is permitted.
 - 2) Bulletin boards cannot be illuminated.
 - 3) The surface area of a bulletin board cannot be more than 6 square feet per face (double sided and/or “A-frame” type bulletin boards are permitted), with changeable letters a maximum of 8 inches in height.
 - 4) Bulletin boards must be placed no greater than 30 inches from the face of the storefront, and cannot obstruct ordinary pedestrian traffic.
 - 5) Bulletin boards may only be displayed while the associated business is open.
 - 6) There is no limit as to permitted days of display.

- 7) A permit is required for all bulletin boards.
- (d) Decorative flag.
- 1) Only one single decorative flag per storefront is permitted.
 - 2) There is no limit as to permitted days of display.
 - 3) Flags must only be displayed while the associated business is open.
 - 4) Flags must be placed so as not to create a hazard to pedestrians.
 - 5) Decorative flags may not exceed 6 square feet in surface area.
 - 6) No permit is required for decorative flags.
- (e) Flag.
- 1) Only one single flag per storefront is permitted.
 - 2) There is no limit as to permitted days of display.
 - 3) Flags may only be displayed while the associated business is open.
 - 4) Flags must be placed so as not to create a hazard to pedestrians.
 - 5) No permit is required for flags.
- (f) Projecting sign.
- 1) Only one projecting sign is permitted per business, and can be in addition to a building sign.
 - 2) Projecting signs may not extend more than 30 inches from the building, and shall provide a minimum of 8 feet from the bottom of the sign to finished grade.
 - 3) Should glass be incorporated in the composition of a projecting sign, only safety glass is permitted.
 - 4) A permit is required for all projecting signs.
 - 5) Maximum sign face shall not exceed 6 square feet.

(g) Temporary signs.

- 1) Only one temporary sign per storefront is permitted at any time.
- 2) A business may display temporary signage for a cumulative total of no more than 30 days during each calendar year.
- 3) The surface area of a temporary sign cannot exceed a total of 9 square feet.
- 4) A permit is required for all temporary signs which incorporates the specific dates of display.

(7) RC-2–Retail Core District.

(a) Architectural statues.

- 1) Only one single architectural statue per building is permitted.
- 2) No architectural statue may be backlit or internally lit in any manner.
- 3) The statue must be placed within 30 inches of the business and may not obstruct ordinary pedestrian traffic.
- 4) Architectural statues may only be displayed while the associated business is open.
- 5) There is no limit as to permitted days of display.
- 6) A permit is required for all architectural statues.

(b) Building signs.

- 1) Only one building sign is permitted and only if there is no projecting or free-standing ground or monument sign age.
- 2) Building signs may not exceed 6 square feet in area.
- 3) Signs cannot cover or obscure significant architectural features including, but not limited to, transom windows and cornices.
- 4) Signage may be directly illuminated from the front with shielded lighting.

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- 5) Awnings may serve as building signs with contrasting letters 6 to 8 inches in height, painted or sewn onto the valance or drop flap. Only canvas awnings or canvas-like materials are permitted.
 - 6) No awning, canopy or marquee shall be erected so that the lowest part is less than 7 feet above the sidewalk.
 - 7) A permit is required for all building signs.
- (c) Bulletin boards.
- 1) Only one bulletin board per building is permitted.
 - 2) Bulletin boards cannot be illuminated.
 - 3) The surface area of a bulletin board cannot be more than 6 square feet per sign face (double sided and/or “A-frame” type bulletin boards are permitted), with changeable letters a maximum of 8 inches in height.
 - 4) Bulletin boards must be placed no greater than 30 inches from the face of the storefront, and cannot obstruct ordinary pedestrian traffic.
 - 5) Bulletin boards may only be displayed while the associated business is open.
 - 6) There is no limit as to permitted days of display.
 - 7) A permit is required for all bulletin boards.
- (d) Decorative flag.
- 1) Only one single decorative flag per building is permitted.
 - 2) There is no limit as to permitted days of display.
 - 3) Flags must only be displayed while the associated business is open.
 - 4) Flags must be placed so as not to create a hazard to pedestrians.
- (e) Flag.
- 1) Only one single flag per building is permitted.
 - 2) There is no limit as to permitted days of display.

- 3) Flags may only be displayed while the associated business is open.
 - 4) Flags must be placed so as not to create a hazard to pedestrians.
 - 5) No permit is required for flags.
- (f) Projecting sign.
- 1) Only one projecting sign is permitted per business, and only if there is no building or projecting signage.
 - 2) Projecting signs may not extend more than 30 inches from the building, and shall provide a minimum of 8 feet from the bottom of the sign to finished grade.
 - 3) Should glass be incorporated in the composition of a projecting sign, only safety glass is permitted.
 - 4) A permit is required for all projecting signs.
 - 5) Maximum sign face shall not exceed 6 square feet.
- (g) Temporary signs.
- 1) Only one temporary sign per building is permitted at any time.
 - 2) A business may display temporary signage for a cumulative total of no more than 30 days during each calendar year.
 - 3) The surface area of a temporary sign cannot exceed a total of 9 square feet.
 - 4) A permit is required for all temporary signs which incorporates the specific dates of display.
- (h) Free-standing ground or monument sign.
- 1) Only one free-standing ground or monument sign is permitted, and only if there is no building or projecting signage.
 - 2) Such signs shall not exceed 12 square feet in area.
 - 3) Signage may be directly illuminated from the front with shielded lighting.

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- 4) Any lighted sign must be approved by Borough Council, at its sole discretion.
- 5) A permit is required for all free-standing ground or monument signs.

(Ord. 778, 5/8/2012, §1)

Part 17

Zoning Hearing Board

The Zoning Hearing Board shall carry out the functions described in this Part under the procedures established for the operation of such a Zoning Hearing Board, hereafter called the "Board."

§27-1701. Operation.

1. Membership.
 - A. The membership of the Board shall consist of three persons, all residents of the Borough of Beaver who shall be appointed by the Borough Council and may succeed themselves.
 - B. Members of the Board shall not hold any other office in the Borough.
2. Term of office.
 - A. Members of the Board shall be appointed for 3-year staggered terms, with one appointment each year to refill a completed term.
 - B. Appointments to fill vacancies shall be made by the Borough Council for the unexpired portion of a term only.
3. Removal of members.
 - A. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Borough Council, taken after the Board member has received at least 15 days notice such vote will be taken.
 - B. The Board member thus accused may request, by written communication to the Borough no later than 7 days prior to the meeting of the Borough Council, at which the vote for removal is to be taken, for a hearing before Borough Council after which they may take a vote for removal of the Board member.
4. Organization of the Board.
 - A. The Board shall elect officers from among its membership to include a Chairman and Vice Chairman.
 - (1) The Board shall reorganize at its first meeting in each calendar year. Board members may succeed themselves in their positions.
 - (2) The Chairman shall call and chair all meetings of the Board. The Vice Chairman shall act in the absence of the Chairman.

- (3) The Board may appoint one of its members as a Hearing Officer to conduct a hearing on behalf of the Board and parties to such a hearing may waive further action by the Board if satisfied with the Hearing Officer's ruling.
- (4) The Board may make, alter or rescind rules and forms for its procedure consistent with this and other ordinances of the Borough of Beaver and the laws of the Commonwealth.
- (5) The Board, with the assistance of the Borough staff, shall keep full public records of its business and shall submit an annual report of its activities to the Borough Council as requested.

(Ord. 778, 5/8/2012, §1)

§27-1702. Hearings.

The Board shall conduct hearings and make decisions in accordance with the following:

- A. Public notice shall be placed in the classified section of a newspaper of general local circulation once in each of 2 consecutive weeks, the first notice appearing not more than 30 days or less than 7 days prior to the hearing. In addition, written notice of said hearing shall be forwarded to the Planning Commission, all property owners within 300 linear feet of the subject parcel, and other recognized parties, and shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing. Notices shall indicate the date, time, and place of the hearing and the particular nature of the matter to be considered, as well as the street address of the specific property involved.
- B. The parties to the hearing shall be the applicant, the municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall require all persons who wish to be considered parties to enter such request on an appearance form.
- C. The Chairman of the Board, or the Hearing Officer, shall conduct the hearing and shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and/or the production of relevant documents and papers, including witnesses and documents requested by the parties. The parties in a hearing shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence and cross examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply and irrelevant or redundant evidence may be excluded.
- D. The first hearing before the Board or Hearing Officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the

prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least 7 hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- E. The Board, or the Hearing Officer (if he/she is conducting the hearings), shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or the Hearing Officer, or shall be paid by the person appealing from the decision of the Board if such an 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. The Board, or the Hearing Officer, shall not communicate, directly or indirectly, with any party, and/or representatives of any party in connection with any issue relevant to the hearing, except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports or other materials, except advice from the Board legal counsel, unless all parties are afforded an opportunity to contest the material so noticed; and shall not inspect any site or its surroundings with any party and/or representative of any party after the start of hearings unless all parties are given an opportunity to be present.
- F. The Board, or Hearing Officer, shall render a written decision, or, when no decision is required, a written finding on the application within 45 days after the conclusions of the hearing before the Board or Hearing Officer. Decisions shall be based on findings of fact and conclusions based on them together with the reasons therefore. Conclusions based on any provisions of this Chapter or any other ordinance or regulation of the Borough shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts.
- G. When a hearing is conducted by a Hearing Officer, the parties shall agree in advance that his decision shall be binding, but subject to review by the Board without further presentation by the parties. The Board may concur in the Hearing Officer's decision, overturn it, or order a new hearing.
- H. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his

report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the Hearing Officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, 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 the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within 10 days from the last day it could have to render a decision in the same manner as provided in this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- I. A copy of the final decision, or the findings if no decision is required, shall be mailed to the applicant not later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

(Ord. 778, 5/8/2012, §1)

§27-1703. Stay of Proceedings.

1. Upon filing of any proceeding referred to in §913.3 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10913.3, as amended, and during its pendency before the 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 certified 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 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 proceedings before the Board.
2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The

right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. 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. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

(Ord. 778, 5/8/2012, §1)

§27-1704. Mediation Option.

1. Parties to proceedings authorized in this Part may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the 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.
2. 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. The Borough of Beaver assures that in each case, the mediating parties, assisted by the mediator as appropriate, will develop terms and conditions for:
 - A. Funding mediation.
 - (1) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - (2) Completing mediation, including time limits for such completion.
 - (3) Suspending time limits otherwise authorized in this Part, provided there is written consent by the mediating parties, and by an applicant or municipal decision making body, if either is not a party to the mediation.
 - (4) Identifying all parties and affording them the opportunity to participate.

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- (5) Subject to legal restraints, determining whether some, or all, of the mediation sessions shall be open or closed to the public.
 - (6) 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 the other Sections of this Part.
3. 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.

(Ord. 778, 5/8/2012, §1)

§27-1705. Jurisdiction.

1. The Zoning Hearing Board 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 those brought before the Borough Council pursuant to Part 18.
 - B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
 - 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 therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - D. Appeals from a determination by a municipal engineer, or the Zoning Officer, with reference to the administration of the Borough of Beaver's Floodplain Management Ordinance, as amended.
 - E. Applications for variance from the terms of the this Chapter and/or Floodplain Management Ordinance or such provisions within a land use ordinance, pursuant to this Section.
 - F. Applications for a use by special exception under this Chapter or Floodplain Ordinance.
 - G. Applications for the extension, expansion or change of a legally existing nonconforming use.
 - H. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with

reference to sedimentation, erosion control and stormwater management, insofar as the same is related to development not involving the subdivision and land development applications.

2. The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. Applications for conditional use under the express provisions of this Chapter pursuant to Part 15.
 - B. Applications for curative amendment to this Chapter pursuant to Part 18.
 - C. All petitions for amendments to any land use ordinance, pursuant to the procedures set forth in Part 18. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
 - D. Appeals from the determination of the Zoning Officer, or the municipal engineer, in the administration of any land use ordinance, or provisions thereof, with reference to sedimentation, erosion control and stormwater management, insofar as the same is related to application for land development under the Borough's Subdivision and Land Development Ordinance [Chapter 22]. Where such determination relates only to development not involving a land development application, the appeal from such determination of the Zoning Officer or the municipal engineer shall be to the Zoning Hearing Board pursuant to this Section.
3. Applicability of judicial remedies. Nothing contained in this Part shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

(Ord. 778, 5/8/2012, §1)

§27-1706. Functions of the Board.

1. Variances.
 - A. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. Variance from the terms of this Chapter shall not be granted by the Board unless a written application for a variance is submitted to the Borough office. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - (1) That there are unique physical circumstances or conditions including, but not limited to, irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar

to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

- (2) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That, such unnecessary hardship has not been created by the appellant.
 - (4) That, the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property or be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.
- C. Construction which has been approved by variance shall be completed within 2 years from the date of approval, or such variance shall become null and void.

(Ord. 778, 5/8/2012, §1)

§27-1707. Nonconforming Uses, Structures and Lots.

The provisions of this Section shall apply to buildings, structures, signs, lands, and uses which become nonconforming as the result of the application of this Chapter to them or from reclassification of the property under any subsequent amendments to this Chapter.

- A. Nonconforming lots of record.
- (1) Regardless of the size of a lot of record prior to the passage of this Chapter, such lot may be developed for any use permitted in the district in which the lot is located, provided that where setback, width, density, or other requirements make development impractical, the Zoning Hearing Board may permit development to occur after granting specific variances.
 - (2) If two or more abutting lots of record in one ownership occur prior to passage of this Chapter and if one or all of these lots are less than the requirements of lot width and area as established in this Chapter, the

total area of all of the lots shall be considered as undivided and no portion of the area of lots shall be used or sold unless such portion equals or exceeds the lot width and area requirements of this Chapter; nor shall any division of the parcel be made which leaves remaining any lot width or area less than the requirements of this Chapter.

B. Nonconforming uses of lands and structures.

- (1) Where a lawful use of a structure and/or its premises existed on the date of adoption or amendment of this Chapter, and becomes nonconforming as a result of adoption of this Chapter or its amendment, such structure and/or its premises may remain in the same use subject to the following condition:
 - (a) A nonconforming use may be enlarged, increased, or extended beyond the area and/or volume it occupied at the time of adoption of this Chapter provided that such increase does not exceed 30% of the area and/or volume the use occupied at the time of adoption of this Chapter. Any enlargement, increase, or extension of a nonconforming use beyond the limits set forth in this subsection shall be permitted only upon a finding by the Zoning Hearing Board that the enlargement or extension is necessary by the natural expansion and growth in trade of the nonconforming use.
 - (b) If a nonconforming use is discontinued for a period of at least 1 year for any reason, any use of the property thereafter shall be in conformance with the development regulations for the zoning district containing the property. Discontinuance of a nonconforming use and the intention of abandonment shall be indicated by the removal of stock-in-trade and/or permanent equipment or furniture needed to operate the use, in which case a notice of abandonment shall be issued by the Borough. If the use is reopened within the 1 year period, a certificate of occupancy shall be required. Appeal of receipt of a notice of abandonment shall be filed with the Zoning Hearing Board within 90 days of receipt and shall be heard as an appeal from the determination of the Zoning Officer.
 - (c) A nonconforming use which occupies all or a portion of a structure or premises may be extended within such structure or premises as they existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the district in which such structures or premises are located. No change of a nonconforming use shall entail structural alterations or any additions other than those required by law for the purpose of safety and health.

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- (d) The Zoning Hearing Board may impose such conditions as it deems necessary for the protection of adjacent property and the public health and safety.
 - (e) A nonconforming use may be changed to a second nonconforming use provided that an application for the second use is filed with the Zoning Hearing Board and the Board finds that the proposed use is more compatible, in terms of noise, lighting, traffic, environmental and other impacts, with the uses permitted in the zoning district than the preceding nonconforming use.
 - (f) A nonconforming use may be sold, but each succeeding owner of a nonconforming commercial or industrial use shall receive the approval of the Borough Council through the issuance of a certificate of occupancy, pursuant to §27-1901.2 of this Chapter, before commencing operation to assure that the use will be operated in the same manner as formerly or, if there are to be any changes in such use or scope of use, that such changes are in accordance with the conditions of this Section.
 - (g) Once a nonconforming use is changed to a conforming use it may not thereafter revert to nonconforming status. If a nonconforming use occupies a building and is discontinued, any nonconforming use of the property shall also cease. Nonconformity as to parking or loading does not render a use subject to the conditions of this Section.
 - (h) A use that is nonconforming as to parking or loading shall not be enlarged or changed to another use requiring more off-street parking or loading unless the additional required parking or loading are both provided.
 - (i) The Zoning Hearing Board may permit a nonconforming use to provide off-street parking or loading on a lot other than the lot on which the use is located.
 - (j) Upon receipt from the Borough of Beaver of a notice of abandonment, the property owner may submit such documentation as necessary to demonstrate non-abandonment.
- C. Nonconforming structures. Where a structure existed on a property at the effective date of this Chapter or any amendment to it and does not conform to the requirements of this Chapter regarding all applicable dimensional standards including, but not limited to, height, setbacks from street rights-of-way or lot boundary lines and lot coverage, such structures may remain on the property subject to the following provisions:
- (1) No structure shall be enlarged or altered to create a nonconformity or increase an existing nonconformity.

- (2) Replacement of a nonconforming structure shall be done subject to all applicable dimensional standards as stated in this Chapter for the zoning district containing the property, except that if the owner alleges a hardship he may petition the Zoning Hearing Board to grant approval of replacement on the foundation of the building to be replaced but in no case in a location more nonconforming than the original location.
 - (3) The maintaining or strengthening to a safe condition of any nonconforming structure shall not be interpreted as being prohibited by any provision of this Part.
- D. Reconstruction. Any nonconforming structure, damaged by fire, flood, explosion or other casualty may be reconstructed and used as before given the following conditions:
- (1) Such reconstruction is started within 12 months of the casualty.
 - (2) Such construction is completed within 12 months of commencement.
 - (3) The restored structure has no greater coverage and contains no greater cubic content than before such casualty or as otherwise permitted.
 - (4) Where a structure is made nonconforming for use and dimension, through a change in zoning classification, the following shall apply:
 - (a) Where a nonconforming commercial or industrial use is situated in a commercial or service zoning district, the nonconforming structure accommodating the use may be replaced following a casualty, with no restriction on the cost of replacement.
 - (b) Where a nonconforming residential use is situated in a residential zoning district, the nonconforming structure accommodating the use may be replaced following a casualty, with no restriction on the cost of replacement.
 - (c) For all other nonconforming structures or structures accommodating nonconforming uses, the cost of replacement shall not exceed 100% of the fair market value as determined by a certified real estate appraiser, at the time of the casualty. In the alternative, a market value as determined by the Beaver County Assessor's office, adjusted by the current common-level ratio, exclusive of land value, may be used.
 - (d) One 12-month construction extension may be granted by the Borough, upon written request showing reasonable cause for delay.
- E. Record of nonconforming uses.

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- (1) The Zoning Officer shall at the discretion of the Borough Council, identify and record all lots and uses of land and buildings in the Borough made nonconforming by adoption of this Chapter and previous versions of this Chapter.
- (2) The Zoning Officer shall keep the record current as amendments to this Chapter create new nonconforming uses, and as removal of buildings and uses eliminates nonconforming uses.
- (3) The record may be kept by map or written documentation.

(Ord. 778, 5/8/2012, §1)

§27-1708. Parties Appellant Before the Board and Time Limitations.

1. Parties appellant before the Board. Appeals from actions required by this Chapter may be filed with the Board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Requests for a variance under §27-1706 may be filed with the Board by any landowner or any tenant with the permission of such landowner.
2. Time limitations. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal 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. The failure of anyone other than the landowner to appeal from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map pursuant to the procedure to obtain a preliminary opinion (§27-1709.10) shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
3. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued, or as directed by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended.

(Ord. 778, 5/8/2012, §1)

§27-1709. Zoning Appeals to Court and Rehearings.

1. Zoning appeals to court. Zoning appeals shall include any appeals from the decisions of the Board.

- A. The court having jurisdiction shall be the Beaver County Court of Common Pleas.
 - B. Zoning appeals may be taken to court by any party before the Board or any officer or agency of the Borough of Beaver.
 - C. All zoning appeals shall be filed not later than 30 days after entry of the decision or of notice of the decision or report of the Board. In the case of a deemed decision appeals must be filed within 30 days of the date upon which notice of said decision is given.
 - D. All appeals shall follow the procedures set forth in this Section and Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10601 *et seq.*, as amended.
2. Rehearing. If any application for a variance, use by special exception or appeal from the Zoning Officer is denied by the Board, another application for the same request shall not be filed within a period of 1 year from the date of denial.
3. Validity of ordinance; substantive questions.
- A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit the challenge either:
 - (1) To the Zoning Hearing Board under this Section.
 - (2) To the Borough Council under §27-1806, together with a request for a curative amendment under Part 18.
 - (a) Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under this Section.
 - (b) The submission referred to in §§27-1802 and 27-1807 shall be governed by the following:
 - 1) In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on the challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment, under Part 18, his/her application to the Borough Council shall contain, in addition to the requirements of the written request thereof, the plans and explanatory materials describing the use or develop-

ment proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

- 2) If the submission is made by the landowner to the Borough Council under §27-1806, the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.
- 3) If the submission is made to the Borough Council, the municipal solicitor shall represent and advise it at the hearing or hearings referred to in §27-1802.
- 4) The Borough Council may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
- 5) Based upon the testimony presented at the hearing or hearings, the Borough Council or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by a governing body is found to have merit, the governing body shall proceed as provided in this Section. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommending amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 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 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, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
 - d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, 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.
 - e) The impact of the proposal on the preservation of agricultural and other land uses which are essential to public health, safety and welfare.
- 4. The Zoning Hearing Board or Borough Council, as the case may be, shall commence its hearing within 60 days after the request is filed, unless the landowner requests or consents to an extension of time.
- 5. The Borough Council or the Zoning Hearing Board, as the case may be, shall render its decision within 45 days after the conclusion of the last hearing.
- 6. If the Borough Council or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in this Section, a denial of the request is deemed to have occurred on the forty-sixth day after the close of the last hearing.
- 7. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
- 8. The challenge shall be deemed denied when:
 - A. The Zoning Hearing Board or governing body, as the case may be, fails to commence the hearing within the time limits set forth in §27-1702.
 - B. The governing body notifies the landowner that it will not adopt the curative amendment.
 - C. The governing body adopts another curative amendment which is unacceptable to the landowner.
 - D. The Zoning Hearing Board or governing body, as the case may be, fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.

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9. Where a curative amendment proposal is approved by the grant of a curative amendment application by the governing body pursuant to §27-1807, or a validity challenge is sustained by the Zoning Hearing Board pursuant to §27-1709 or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have 2 years from the date of such approval to file an application for preliminary approval pursuant the Subdivision and Land Development Ordinance [Chapter 22]. Within the 2-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely effects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of the Subdivision and Land Development Ordinance [Chapter 22] shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved, but does not require further application under any subdivision or land development ordinance, the developer shall have 1 year within which to file for a building/zoning permit. Within the 1 year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.
10. Procedure to obtain preliminary opinion. In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under this Section by the following procedure:
 - A. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinance and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary final approval or for the issuance of a building/zoning permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
 - (1) If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and time where the plans and other materials may be examined by the public. The favorable preliminary approval under this Section and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

(Ord. 778, 5/8/2012, §1)

Part 18

Amendments to the Ordinance

§27-1801. Applicability of Ordinance Amendments.

1. The regulations, restrictions and zoning district boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or repealed provided that no such action may be taken until after a public hearing upon such proposal.
2. When an application for either a use by special exception or a conditional use has been filed with either the Zoning Hearing Board or Borough Council, as relevant, and the subject matter of such application would ultimately constitute either a land development as defined in Part 2, or a subdivision as defined in Part 2 of this Chapter, no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by either the Zoning Hearing Board or the Borough Council, as relevant, applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of 6 months or longer or as may be approved by either the Zoning Hearing Board or the Borough Council following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before either the Zoning Hearing Board or the Borough Council, as relevant. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of §508(1) through (4) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508(1)–(4), and specifically to the time limitations of §508(4) which shall commence as of the date of filing such land development or subdivision plan.

(Ord. 778, 5/8/2012, §1)

§27-1802. Enactment of Zoning Ordinance Amendments.

1. For the preparation of amendments to zoning ordinances, the procedure set forth in §607 of the Pennsylvania Municipalities Planning Code, Act 247, 53 P.S. §10607, as amended, for the preparation of a proposed zoning ordinance shall be optional.
2. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.

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3. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. In addition, where a request for consideration of a rezoning application has been filed, all owners of property within 300 linear feet of all boundaries of the subject property or properties shall be notified by first class mail of the date of the first meeting or scheduled public hearing at which the application will be discussed. The applicant shall provide to the Borough staff a list containing the names of the aforementioned property owners.
4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
5. At least 30 days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the Beaver County Planning Commission for recommendations.
6. The Borough may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Borough and mediating parties shall meet the stipulations and follow the procedures set forth in §27-1704 of this Chapter.
7. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Beaver County Planning Commission and to persons directed by Borough Council.

(Ord. 778, 5/8/2012, §1)

§27-1803. Initiation.

An amendment, supplement, change or repeal of this Chapter may be initiated by:

- A. A resolution or request by the Borough Council.
- B. An official proposal by the Planning Commission.
- C. A petition presented to the Borough by a landowner, as defined herein.

(Ord. 778, 5/8/2012, §1)

§27-1804. Procedure.

1. Upon receipt of a petition for an amendment to this Chapter or its map, the Planning Commission shall review the proposal and submit recommendations, with specific

reasons in support of either adopting or rejecting the proposal to the Borough Council within 60 days of receipt of the petition.

2. The Planning Commission may hold a public hearing, pursuant to public notice, if it feels the proposal is of such a controversial nature or is so widespread in its jurisdiction that additional testimony should be gathered.
3. In the case of a petition to change a zoning district boundary, such petition shall be signed by the property owner proposing the amendment. The petition shall contain the legal description of the area proposed to be rezoned.
4. In the case of a petition to change the text of this Chapter, such petition shall bear the names of at least 10 property owners in the Borough, not more than one such owner representing any one property. The proposed text change shall be specifically stated in the petition. Petitions shall attest that the requirements of this subsection have been met.
 - A. If the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.
 - B. Owners of property within 300 linear feet of any boundary of a property or properties for which a change in the zoning district is being sought, shall be informed by first class mail at their addresses of record, by letter, sent at least 15 days prior to the hearing, indicating the date, time and place of the hearing.
5. The Borough Council shall review the Planning Commission recommendations and shall call a public hearing, pursuant to public notice, after which the Borough Council shall vote approval or disapproval of the proposed amendment within 90 days of the conclusion of the hearing.
6. When the Borough Council proposes an amendment, it shall allow the Planning Commission at least 30 days to review the proposal and submit recommendations before holding a public hearing.
7. Before holding a public hearing the Borough Council shall submit the proposed change to the Beaver County Department of Economic Development at least 30 days prior to the hearing for recommendation, stating the date of the scheduled hearing.
8. If a proposed amendment is revised before final approval to include property not previously affected or to further alter the text, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the change.
9. Appeal from a decision of the Borough Council on an amendment proposal shall lie to the Beaver County Court of Common Pleas.

(Ord. 778, 5/8/2012, §1)

§27-1805. Rehearing.

If a petition for amendment, supplement, change or repeal of this Chapter is denied by the Borough Council, another petition for a similar change shall not be filed within a period of 1 year from the date of denial, except upon the initiation of the Borough Council or with the recommendation of, or upon the initiation of, the Planning Commission based upon a change in circumstance which would warrant a rehearing.

(Ord. 778, 5/8/2012, §1)

§27-1806. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge, on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in this Section. The Borough Council shall commence a hearing thereon within 60 days of the request. The curative amendment and challenge shall be referred to the Planning Commission as provided in this Section and notice of the hearing thereon shall be given as provided in §610 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
2. The hearing shall be conducted in accordance with §27-1702 and all references therein to the Zoning Hearing Board shall, for purposes of this Section, be references to the Borough Council. If the Borough does not accept a landowners curative amendment brought in accordance with this Section and a court subsequently rules that the challenge has merit, the courts decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. If the Borough Council has determined that a validity challenge has merit, they may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 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, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
- D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, 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.
- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(Ord. 778, 5/8/2012, §1)

§27-1807. Procedure for Municipal Curative Amendments.

If the Borough determines that this Chapter, or any portion thereof, is substantially invalid, it shall take the following actions:

- A. The Borough shall declare by formal action, this Chapter, or portions thereof, substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal, the governing body of the municipality shall:
 - (1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:
 - (a) References to specific uses which are either not permitted, or not permitted in sufficient quantity.
 - (b) Reference to a class or use or uses which require revision.
 - (c) Reference to the entire ordinance which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
- B. Within 180 days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions required by §27-1807 in order to cure the declared invalidity of this Chapter.
- C. Upon the initiation of the procedures, as set forth in this Section, the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under §27-1806 nor shall the Zoning Hearing Board be required to give a report requested under §§27-1703 and 27-1709 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by subsection

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.A(1). Upon completion of the procedures as set forth in this Section, no rights to a cure pursuant to the provisions of §27-1804 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 pursuant to this Section.

- D. The Borough, having utilized the procedures as set forth in this Section may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Chapter, pursuant to this Section provided, however, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

(Ord. 778, 5/8/2012, §1)

Part 19

Administration and Enforcement

§27-1901. Permit Requirements.

1. Building/zoning permit.
 - A. A building/zoning permit demonstrating compliance with applicable Pennsylvania Uniform Construction Code standards, shall be obtained before any person may:
 - (1) Occupy or use vacant land.
 - (2) Erect, rebuild, move, enlarge or structurally alter a building or other structure.
 - (3) Change the use of land or a structure to a different use.
 - (4) Extend or change a nonconforming use.
 - B. A building/zoning permit is not required for normal maintenance activities, minor repairs, or remodeling or alterations which do not affect the basic structure of an existing building, or increase the lot area coverage, or change the use of the parcel or building.
 - C. Applications for a building/zoning permit shall be filed with the Zoning Officer, shall be in writing, and shall be accompanied by:
 - (1) Two copies of a site plan drawn to scale and showing the boundary lines and actual dimensions of the lot, the exact size and location of all existing buildings and other structures, the exact size and location of any proposed new buildings or other structures, the size and location of parking spaces, etc.
 - (2) Specification of the intended use of the lot or structure.
 - (3) A description of the proposed work, indicating the number of rooms, dwelling units, offices, etc.
 - (4) Identification of the record owner of the property and the actual owner, if different.
 - (5) Such other information as may be deemed necessary by the Zoning Officer.
 - D. Every building/zoning permit shall be applied for, issued and accepted upon the following conditions:

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- (1) The work actually done must conform strictly to the documents submitted with the application for the permit.
 - (2) If inspection of the work by the Zoning Officer reveals a deviation from the application documents, the Zoning Officer shall issue a “stop work” order to the permit holder.
 - (3) Upon receipt of a “stop work” order, the permit holder shall immediately cease all construction activity and correct the nonconforming work.
- E. After a building/zoning permit has been issued, the use and/or work authorized by such permit must be initiated within 6 months from date of issue, or the permit shall be void. All work must be completed and site restored within 18 months of the date of permit issuance. These limitations may be extended when delay is found by the Zoning Officer to be beyond control of the applicant.
- F. A building/zoning permit relating to work to be done shall be posted and displayed prominently on the premises by the applicant until all such work has been completed.
2. Occupancy permit.
- A. An occupancy permit shall be obtained before any person may:
- (1) Occupy or use vacant land.
 - (2) Occupy a newly constructed building.
 - (3) Occupy and use a building moved, enlarged or altered so as to require a building/zoning permit.
 - (4) Occupy land or a structure the previous use of which is being changed, except to another use of the same kind.
 - (5) Begin a new nonconforming use which is being changed from a previous nonconforming use.
- It is unlawful for a person to do any of the foregoing acts before an occupancy permit has been issued.
- B. An application for a building/zoning permit shall also constitute an application for an occupancy permit. When the subject land or structure is believed to be ready for use or occupancy, the applicant shall so notify the Zoning Officer and request an inspection. If the Zoning Officer is satisfied after inspection that the work done and the proposed use are in full conformity with the provisions of this Chapter, he shall issue an occupancy permit. However, if upon inspection the Zoning Officer determines that either the work done or the proposed use is not in full conformity with the provisions of this Chapter, he shall not then issue an occupancy permit, but shall instead inform the applicant of his

findings and the corrections necessary. When the Zoning Officer is fully satisfied, after corrective action and reinspection, that the work done and the proposed use do in fact comply with the provisions of this Chapter, he shall issue the occupancy permit within 30 days.

(Ord. 778, 5/8/2012, §1)

§27-1902. Zoning Officer.

1. Qualifications. To be eligible for appointment as the Zoning Officer of Beaver Borough, a person must meet the following qualifications:
 - A. United States citizenship.
 - B. At least 18 years of age.
 - C. Able to read, write and speak the English language.
 - D. Successful completion of a training course in municipal zoning or the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, or in the preceding 12-month period.
2. Duties. The Zoning Officer shall perform the following duties:
 - A. Receive, consider and either grant or deny applications for permits.
 - B. Make site visits and physical inspections and measurements to assure conformity of the work actually done with the plans submitted with the application for the building/zoning permit.
 - C. Prepare and maintain complete and accurate records of such inspections, including the date of and findings of each.
 - D. Attend public meetings and public hearings of the Planning Commission, when requested to do so.
 - E. Attend public hearings of the Zoning Hearing Board, whenever appropriate.
 - F. Attend public hearings and meetings of the Borough Council, when requested to do so.
 - G. Attend hearings held by the district justice in civil enforcement proceedings, when requested to do so by the Borough Solicitor.
 - H. Take such other actions as may be directed by this Chapter.
 - I. Take such other actions as may be necessary for the proper administration of this Chapter.

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3. Enforcement powers. The Zoning Officer is hereby authorized, when acting within the scope of his or her employment, to institute civil enforcement proceedings as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended, as a means of enforcing the provisions of this Chapter.

(Ord. 778, 5/8/2012, §1)

§27-1903. Fees.

1. The Borough Council shall establish, by motion or resolution, a schedule of fees for building/zoning permits, occupancy permits, applications for conditional use permits, applications for uses by special exception, applications for variances, and applications for any other action which may be authorized under this Chapter or the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended.
2. No permit shall be issued and no other requested action shall be taken until the prescribed fee therefore has been paid in full.

(Ord. 778, 5/8/2012, §1)

§27-1904. Notification of Violation.

Any apparent violation of this Chapter which is observed by the Zoning Officer, or any other Borough official, shall cause such official to initiate the following proceedings:

- A. The Zoning Officer shall notify, in writing, by certified mail, the person(s) responsible for such violation, indicating the nature of the violation and order the action necessary to correct it. The Zoning Officer shall order discontinuance of illegal use of land, building or structure; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of illegal work being done, or shall take any other action authorized by this Chapter to insure compliance with, or prevent violation of, its provisions.
- B. Notice of violation shall be given in writing, by certified mail and shall require abatement of the violation within a time period specified in the notice. Such time period will begin on the day of receipt of said notice. In cases of emergency involving the health, safety, and welfare of any person, or the public, immediate correction or abatement of the violation may be imposed.
- C. The notice of violation shall contain the following information:
 - (1) The name(s) of the owner of record and any other person against whom the Borough intends to take action.

- (2) The location of the property in violation.
- (3) The specific violation, with a description of the requirements which have not been met, citing in each instance, the applicable provisions of this Chapter.
- (4) The date before which the steps for compliance must be commenced, and the date before which such steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth in this Chapter.
- (6) Failure to comply with the notice in the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 778, 5/8/2012, §1)

§27-1905. Enforcement.

1. This Chapter shall be enforced by the Zoning Officer. No permit of any kind, as provided for in this Chapter, shall be granted by him/her for any purpose except in compliance with the provisions of this Chapter, or a decision of the Zoning Hearing Board or of the court.
2. Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully, the causes and basis thereof, shall be filed with the Zoning Officer. He/she shall record each complaint that is properly submitted, immediately investigate and take action thereon, as provided by this Chapter.

(Ord. 778, 5/8/2012, §1)

§27-1906. Penalties.

1. Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this Chapter shall upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays, nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this

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Chapter, to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys fees collected for the violation of this Chapter shall be paid over to the Borough.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine, pending a final adjudication of the violation and judgment.
3. Nothing contained in this Part shall be construed or interpreted to grant to any person or entity, other than the Borough, the right to commence any action for enforcement pursuant to this Chapter.

(Ord. 778, 5/8/2012, §1)

Table 27-1
Beaver Borough Zoning Ordinance
Land Use Chart

	R-1	R-2	P	RC-1	RC-2	GCW	SC	GCE
Adult businesses						C		
Amusement and recreation						P		
Automobile sales and service						C		
Automobile service station						C		
Bed and breakfast		C					C	C
Business services					P	P	P	P
Business services (upper floors only)				P				
Churches		SE					SE	
Commercial and private parking facilities to serve uses in the RC-District					C			
Communications towers			C					
Conversion apartment		SE						
Cultural and recreation services				C				
Day care services		C						
Dwelling units (upper floors only)					P			
Dwelling units (upper floors only) in a mixed-use building				C				
Event facility uses [Ord. 788]								
Financial institution (upper floors only)				P				
Financial institutions						P	P	

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	R-1	R-2	P	RC-1	RC-2	GCW	SC	GCE
Forestry	P	P	P	P	P	P	P	P
Funeral home						P		
Group residential facility		C					C	C
Health services					P		P	
Health services, including spas						P	P	P
Home-based business	A	A		A	A	A	A	A
Home occupation	C	C		A	A	A	A	A
Light manufacturing				C				
Mixed-use buildings with permitted principal uses on the upper floors and services businesses listed herein on the first floor.								P
Multiple-family dwellings, regardless of form of ownership							P	P
Multiple-family dwellings (three or more units) limited to three stories including townhouses and garden apartments.		P						
Multiple-family dwellings. First floor dwelling units are permitted if the building contains three or more dwelling units.					P			
Municipal facilities and services necessary to public health and welfare			P					
Municipal parks and recreation	P	P	P					
Museums and art galleries								P
Museums, exhibition and cultural facilities			P					
Offices (business, medical, professional or government)					P		P	P
Personal services				P	P	P	P	P
Professional services					P	P	P	P
Professional services (upper floors only)				P				
Restaurants						P		

(27, Table 27-1)

	R-1	R-2	P	RC-1	RC-2	GCW	SC	GCE
Restaurants, drive-in						C		
Restaurants, non-drive-in				P				
Retail business, general or specialty				P		P		
Services						P	P	P
Single-family dwellings	P	P						
Social services					P	P	P	P
Transportation services					P	P	P	P
Two-family dwellings		P						
Uses and buildings customarily incidental and appurtenant to principal permitted uses	A	A	A	A	A	A	A	A

P	Permitted Use
A	Accessory Use
C	Conditional Use
SE	Use by Special Exception

(Ord. 778, 5/8/2012, §1; as amended by Ord. 788, 4/9/2013, §1)

Table 27-2
Dimensional Standards

	R-1	R-2	P	RC-1	RC-2	GCW	SC	GCE
Minimum Lot Area	4,000 sf, all permitted uses	single-family–4,000 sf; two-family–6,000 sf; multi-family–6,000 sf or 1,500 sf per unit; conditional uses–6,000 sf; all other uses–8,000 sf	n/a	2,000 sf, all permitted and conditional uses	2,000 sf all permitted and conditional uses	permitted–4,000 sf; conditional: drive-in restaurant–4,000 sf; all other conditional–8,000 sf	permitted and conditional– 4,000 sf; conversion apartments– 6,000 sf; multi-family 6,000 sf or 1,500 sf per unit; uses by special exception– churches–16,000 sf	permitted and conditional– 7,500 sf
Minimum Lot Width	40' all permitted uses	single-family–40'; multi-family–60'; uses by special exception– 80'	n/a	20'	20'	permitted 40'; conditional: drive-in restaurant 60'; all other conditional–60'	permitted and conditional– 40' except as otherwise specified; conversion apartments– 60'; uses by special exception– 80'; churches–80'	permitted–50'; conditional–60'
Lot Coverage	50% main building; 65% combined	50% principal building; 70% combined	n/a	no maximum	no maximum	60%	65%	65%
Front	15' permitted and conditional uses	principal permitted use– 15'; conditional use–15'	n/a	0' shall extend to property line	no minimum	15' permitted and conditional	permitted and conditional– 15'; uses by special exception	permitted and conditional– 25'
Side	5' permitted and conditional uses	permitted uses: • single-family, two- family–5' • multi-family–50% of structure height conditional uses–10' uses by special exception–20'	n/a	0' may extend to property line	no minimum	Permitted–5'; conditional–10'; drive-in restaurant–5' from edge of paved access driveway	permitted and conditional– 5'; uses by special exception: churches–20'	permitted and conditional– 5'
Rear	20' permitted and conditional uses	minimum rear yard: 20' (all principal, conditional and special exception uses)	n/a	25'	15'	20' all permitted and conditional uses	20' all permitted, conditional and special exception uses	30'
Accessory	3' side; 10' aggregate; 3' rear	side yards only: • aggregate total of side yards–10' • minimum side or rear yards–3'	n/a	10' aggregate side; 2' minimum side; 5' adjacent to building	5' to closest side and rear property lines or 10' aggregate side; 2' minimum side; 5' adjacent to building	5' to closest side and rear property lines or 10' aggregate side; 2' minimum side; 5' adjacent to building	5' to closest side and rear property lines or 10' aggregate side; 2' minimum side; 5' adjacent to building	5' to closest side and rear property lines or 10' aggregate side; 2' minimum side; 5' adjacent to building
Building Height	35'	35'	35'	35'	35'	35'	35'	35'
Accessory Building Height	16'	16'	16'	24'	16'	16'	16'	16'

(Ord. 778, 5/8/2012, §1)

